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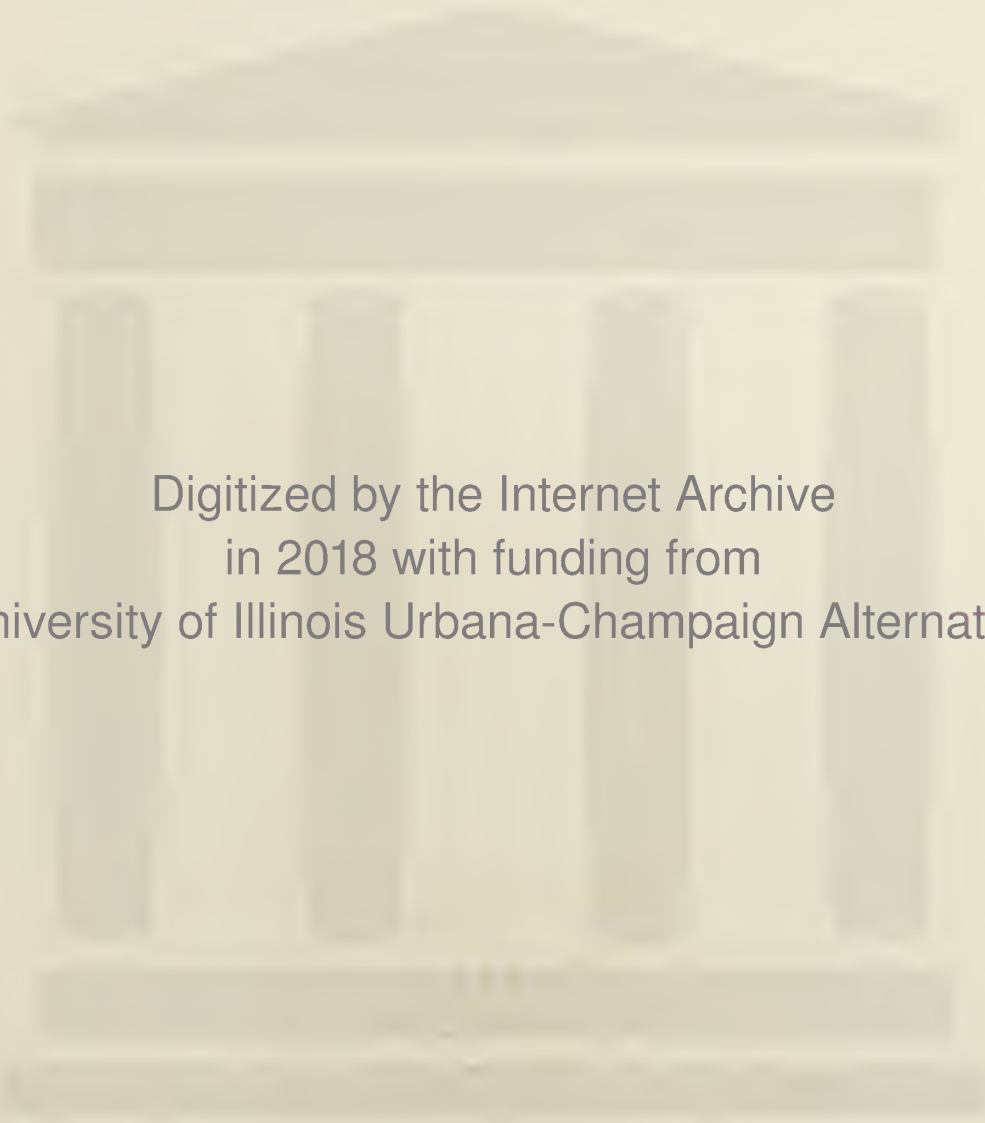
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# FEDERAL REGISTER

VOLUME 31 • NUMBER 212

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Pages 13931-13974

(Part II begins on page 13967)

Agencies in this issue—

Agricultural Research Service  
Agricultural Stabilization and  
Conservation Service  
Civil Aeronautics Board  
Civil Service Commission  
Commerce Department  
Comptroller of the Currency  
Consumer and Marketing Service  
Customs Bureau  
Federal Aviation Agency  
Federal Communications Commission  
Federal Maritime Commission  
Federal Power Commission  
Federal Register Administrative  
Committee  
Foreign Assets Control Office  
Forest Service  
Indian Affairs Bureau  
Interagency Textile Administrative  
Committee  
Interior Department  
International Commerce Bureau  
International Joint Commission—  
United States and Canada  
Interstate Commerce Commission  
Justice Department  
Land Management Bureau  
Maritime Administration  
National Mediation Board  
Patent Office  
Securities and Exchange Commission

Detailed list of Contents appears inside.



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[Revised as of January 1, 1966]

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### Chapter I—Administrative Committee of the Federal Register

#### CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current bound volumes and supplements of the Code of Federal Regulations. The rate for subscription service to all revised volumes and supplements issued as of January 1, 1966, is \$100 domestic, \$30 additional for foreign mailing. The subscription price for revised volumes and supplements issued as of January 1, 1967, will be at the same rate.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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(Supp. Jan. 1, 1966)-----	.60
General Index (Rev. Jan. 1, 1966)-----	1.00
List of Sections Affected, 1949-1963 (Compilation)-----	6.75

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

#### National Conference on the Problems of Mexican-American and Puerto Rican Communities

Section 213.3192 is added to show that all positions on the staff of the National Conference on the Problems of Mexican-American and Puerto Rican Communities are excepted under Schedule A until June 30, 1967. Effective on publication

in the FEDERAL REGISTER, § 213.3192 is added as set out below.

**§ 213.3192 National Conference on the Problems of Mexican-American and Puerto Rican Communities.**

(a) Until June 30, 1967, all positions on the Conference staff.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] MARY V. WENZEL,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 66-11883; Filed, Oct. 31, 1966; 8:50 a.m.]

## Title 7—AGRICULTURE

### Chapter I—Consumer and Marketing Service (Standards, Inspection, Marketing Practices), Department of Agriculture

#### PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING AND CERTIFICATION)

##### Subpart B—Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States

###### LINTERS FACTOR

The amendment of § 61.102(b) of the Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes within United States (7 CFR Part 61), hereinafter set forth, is hereby promulgated to be effective upon publication in the FEDERAL REGISTER, pursuant to authority contained in the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087; 7 U.S.C. 1621-1627.)

*Statement of consideration leading to revision of linters factor.* Both a quantity index and a quality index are used in determining the grade of cottonseed. The quantity index is a measure of the amount of oil, protein, and linters available from the seed. The table of premiums and discounts for total linters content of cottonseed contained in § 61.102(b) for determining the quantity index of cottonseed is being amended because of the change in the price relationship between linters and cottonseed oil, meal, and hulls.

The Department finds that it is impracticable, unnecessary, and contrary to the public interest to issue a notice of proposed rule making on this amendment or to postpone the effective date of the amendment until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that: (1) The marketing season for cottonseed for crushing purposes is underway and it is imperative that the revision be effective for grading purposes as soon as possible and (2) no hardship will be imposed on the industry by this amendment.

Paragraph (b) of § 61.102 is revised to read as follows:

#### § 61.102 Determination of quantity index.

(b) The premium or discount for total linters content of cottonseed to be used in paragraph (a) of this section will be according to the following table:

Total linters content of cottonseed (percent) <sup>1</sup>	Premium or discount (quantity index units) <sup>2</sup>
20.0 -----	+14.25
19.0 -----	+12.75
18.0 -----	+11.25
17.0 -----	+9.75
16.0 -----	+8.25
15.0 -----	+6.75
14.0 -----	+5.25
13.0 -----	+3.75
12.0 -----	+2.25
11.0 -----	+0.75
10.5 -----	0
10.0 -----	-0.75
9.0 -----	-2.25
8.0 -----	-4.75
7.0 -----	-7.25
6.0 -----	-9.75
5.0 -----	-12.25
4.0 -----	-14.75
3.0 -----	-17.75
2.0 -----	-20.75
1.0 -----	-23.75

<sup>1</sup> Total linters content to the nearest 0.1 percent will be used in calculating premiums and discounts.

<sup>2</sup> Premiums and discounts are calculated on the basis of the following formulas:

Percent linters on cottonseed	Premium or discount factor
10.6 and over -----	Premium = (percent linters minus 10.5) x 1.5.
10.5 -----	None.
10.4-9.0 -----	Discount = (10.5 minus percent linters) x 1.5.
8.9-4.0 -----	Discount = (9.0 minus percent linters) x 2.5 + 2.25.
3.9-0 -----	Discount = (4.0 minus percent linters) x 3.0 + 14.75.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

*Effective date.* This revision shall become effective upon publication in the FEDERAL REGISTER.

Dated: October 26, 1966.

G. R. GRANGE,  
Deputy Administrator,  
Marketing Services.

[F.R. Doc. 66-11816; Filed, Oct. 31, 1966; 8:45 a.m.]

### Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

#### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

##### PART 722—COTTON

##### Subpart—1967 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

###### STATE RESERVE AND COUNTY ALLOTMENT

Section 722.554 Is Issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7

U.S.C. 1231 et seq.). This section establishes the State reserve and its allocation among uses for the 1967 crop of extra long staple cotton. It also establishes the county allotment. Such determinations were made initially by the respective State committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (19 F.R. 74, 21 F.R. 1665, 25 F.R. 3925, 28 F.R. 4368).

Notice that the Secretary was preparing to establish State and county allotments was published in the FEDERAL REGISTER on July 2, 1966 (31 F.R. 9138), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

Since the allocations under this section require immediate action by the Agricultural Stabilization and Conservation State and county committees, it is essential that § 722.554 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and § 722.554 shall be effective upon filing this document with the Director, Office of the Federal Register.

#### § 722.554 State reserve and county allotment for the 1967 crop of extra long staple cotton.

(a) *State reserve.* The State reserve for each State shall be established and allocated among uses as shown in the following table for the 1967 crop of extra long staple cotton pursuant to § 722.508 of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton (31 F.R. 6247, as amended). It is hereby determined that no State reserve for trends, abnormal conditions, small farms or new farms is required. The allocation of State reserve for inequity and hardship cases to counties in New Mexico is required primarily to adjust allotments for certain farms in order that they may receive allotments that are equitable as compared with those for other farms.

State	Total State reserve	Allocations from State reserve for	
		Inequity and hardship cases	Set-aside for errors
Arizona -----	10	-----	10
California -----	-----	-----	-----
Florida -----	20	-----	20
Georgia -----	-----	-----	-----
New Mexico -----	150	140	10
Texas -----	-----	-----	-----
Puerto Rico -----	4	-----	4

(b) *County allotment.* The county allotment is established for the 1967 crop of extra long staple cotton in accordance with § 722.509 of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton (31 F.R. 6247, as amended). The following table sets forth the county al-



lotment and allocations from the State reserve:

ARIZONA

County	County allotment	Allocations from State reserve for inequity and hardship cases
	(1)	(2)
	<i>Acres</i>	<i>Acres</i>
Cochise.....	175	0
Gila.....	11	0
Graham.....	8,559	0
Maricopa.....	12,795	0
Pima.....	2,397	0
Pinal.....	6,327	0
Santa Cruz.....	19	0
Yuma.....	298	0
State.....	30,581	0

CALIFORNIA

Imperial.....	95	0
Riverside.....	377.0	0
State.....	472.0	0

FLORIDA

Alachua.....	36	0
Bradford.....	1	0
Hamilton.....	4	0
Jefferson.....	1	0
Lake.....	16	0
Madison.....	20	0
Marion.....	48	0
Putnam.....	1	0
Sumter.....	18	0
Suwannee.....	1	0
Union.....	32	0
State.....	178	0

GEORGIA

Berrien.....	78	0
Cook.....	20	0
State.....	98	0

NEW MEXICO

Ohaves.....	26	19
Dona Ana.....	13,682	63
Eddy.....	110	5
Hidalgo.....	12	9
Luna.....	77	31
Otero.....	28	3
Sierra.....	170	10
State.....	14,099	140

TEXAS

Brewster.....	10	0
Culberson.....	216	0
El Paso.....	17,416	0
Hudspeth.....	2,168	0
Loving.....	8	0
Pecos.....	457	0
Presidio.....	88	0
Reeves.....	4,358	0
Ward.....	125	0
State.....	24,846	0

PUERTO RICO

North.....	42	0
State.....	42	0

(Secs. 344, 347, 375, 63 Stat. 670, as amended, 675, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1347, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 27, 1966.

H. D. GODFREY,  
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11854; Filed, Oct. 31, 1966; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 863.18]

PART 863—SUGARCANE; FLORIDA

Fair and Reasonable Wage Rates

Pursuant to the provisions of section 301(c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in Belle Glade, Fla., on June 17, 1966, the following determination is hereby issued:

§ 863.18 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida.

(a) *Requirements.* A producer of sugarcane in Florida shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor, at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, whichever is higher but not less than the following, which shall become effective on November 14, 1966, and shall remain in effect until amended, superseded, or terminated:

(i) *For work performed on a time basis.*

	Rate per hour
(a) Tractor drivers and principal operators of mechanical harvesting or loading equipment.....	\$1.55
(b) All other workers including those employed to assist in the operation of mechanical harvesting and loading equipment, such as, harvester cutter blade operators.....	1.35

(ii) *Workers between 14 and 16 years of age and handicapped workers when employed on a time basis.* For workers between 14 and 16 years of age (the act does not permit the employment of such workers for more than 8 hours per day without deduction from Sugar Act payments to the producer) and for workers certified by the Florida State Employment Service to be handicapped because

of age or physical or mental deficiency or injury, and whose productive capacity is thereby impaired, the wage rate per hour shall be not less than 75 percent of the applicable hourly wage rate prescribed in subdivision (i) of this subparagraph.

(iii) *For work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker: *Provided,* That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of 2 weeks) shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate prescribed in subdivision (i) or (ii) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point or tractor shed located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the workers, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, the worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Workers not covered.* The requirements of this section are not applicable to persons who voluntarily perform work without pay in the production, cultivation, or harvesting of sugarcane on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged only in hauling sugarcane; members of a cooperative arrangement for exchange of labor; or to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.



(c) *Evidence of compliance.* Each producer subject to the provisions of this section shall keep and preserve, for a period of 2 years following the date on which his application for a Sugar Act payment is filed, such wage records as will fully demonstrate that each worker has been paid in full in accordance with the requirements of this section. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such Committee that the requirements of this section have been met.

(d) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

(e) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Agricultural Stabilization and Conservation Committee against the producer on whose farm the work was performed. Such claim must be filed within 2 years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the local County ASCS Office. Upon receipt of a wage claim the County Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Committee, 401 Southeast First Avenue, Gainesville, Fla. 32601, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780 of this title (29 F.R. 8200).

(f) *Failure to pay all wages in full.* Notwithstanding the provisions of this section requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a pro-

ducer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s), upon a determination by the County Committee (1) that the producer has made a full disclosure to the County Committee or its representative of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer; or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the County Committee makes the determination as heretofore provided in this paragraph, such Committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. Except as provided above in this paragraph, the entire Sugar Act payment with respect to a farm shall be withheld from the producer, if upon investigation the County Committee determines that all workers on the farm have not been paid in full the wages required to be paid for all work in the production, cultivation, or harvesting of sugarcane on the farm, until such time as evidence required by the County ASC Committee has been furnished to the Committee establishing that all workers employed on the farm have been paid in full the wages earned by them. If payment has been made to the producer prior to the County Committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the debt record for the total payment made until the County Committee determines that all workers on the farm have been paid in full: *Provided*, That if the County Committee determines that the producer did not pay all workers in full because of inadvertent error that was not discovered until after he signed the application for payment, the producer shall be placed on the debt record only for the total amount of the unpaid wages.

#### STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing, and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and byproducts, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

(c) *Wage determination.* This determination differs from the prior determination in that the minimum time wage rates are increased 10 cents per hour—to \$1.55 per hour for tractor drivers and operators of mechanical harvesting or loading equipment, and to \$1.35 per hour for all other workers. All other provisions of the determination are unchanged.

At the public hearing held in Belle Glade, Fla., on June 17, 1966, interested persons were afforded the opportunity to testify with respect to whether the wage rates established for Florida sugarcane fieldworkers in the wage determination which became effective December 1, 1965, continue to be fair and reasonable under existing circumstances, or whether such determination should be amended.

Testimony was offered by producer-processors, independent, and cooperative producers of sugarcane and representatives of workers. Representatives of producers generally recommended no increase in wage rates. One producer representative recommended that the minimum rate be reduced to \$1 per hour. Another producer witness recommended that three categories of workers be established: (a) Equipment operators at \$1.25 per hour; (b) hand cutters at \$1 per hour; and (c) scappers and common laborers at \$0.80 per hour. Producer witnesses based their recommendations on low raw sugar prices, increased production costs, and a general decline in individual worker efficiency. Labor representatives recommended wage minimums ranging from \$1.50 to \$2 per hour. Several of these representatives recommended a minimum harvest wage of \$2 per hour, stating that such a wage would more nearly provide the annual income needed to bring farm workers up from a state of poverty to a fair level of living. One worker representative stated that he would support higher prices for sugar if such is necessary in order for workers to receive a better wage rate.

Consideration has been given to the testimony presented at the public hearing, to the standards generally consid-



ered in wage determinations, to the returns, costs, and profits of producing sugarcane obtained by survey for a recent crop and recast in terms of conditions likely to prevail for the 1966-67 crop, and to other pertinent factors.

The labor force in Florida sugarcane fields is composed primarily of workers imported from the British West Indies. These workers are unskilled and are used primarily as hand cutters for sugarcane. Skilled and semiskilled workers reside on the farms or are recruited locally. Increases in the minimum determination rates for Florida in recent years have not attracted domestic workers who are willing to work in the unskilled cane cutting operations in the cane fields.

Most unskilled hand labor is performed on a piecework basis. Earnings of sugarcane cutters for the 1965-66 crop averaged about \$1.44 per hour as compared to \$1.35 per hour for the 1964-65 crop. Skilled and semiskilled workers, usually employed on an hourly basis, were paid at wage rates ranging from \$1.35 to \$2.25 per hour during 1965-66.

Although sugarcane production for some of the new independent producers, who for the most part are operating on land that is less productive and more susceptible to freeze damage, has not been profitable, sugarcane production remains profitable for the majority of producers. Prospects for continuing improvement in the yields of sugarcane and sugar indicate a favorable overall average profit position of producers.

It is estimated that the wage increase provided in this determination will increase labor costs for the 1966-67 crop by less than 4 percent. If producers continue to pay wage premiums as in the past the increase will provide full-time workers about \$200 more in annual income.

Although this determination is issued on a continuing basis and will be effective until amended or terminated, the Department will keep the wage situation under review and will conduct such investigations and hold such hearings as may be necessary.

Accordingly, I find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interpretations or applies sec. 301, 61 Stat. 929, as amended, 7 U.S.C. 1132)

The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping requirements will be subject to approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

**Effective date.** This determination shall become effective on November 14, 1966.

Signed at Washington, D.C., on October 26, 1966.

ORVILLE L. FREEMAN,  
*Secretary.*

[F.R. Doc. 66-11855; Filed, Oct. 31, 1966; 8:47 a.m.]

# Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

## PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

### Expenses, Rate of Assessment, and Carryover of Unexpended Funds

Notice was published in the October 12, 1966, issue of the FEDERAL REGISTER (31 F.R. 13174) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending July 31, 1967, and carryover of unexpended funds, under the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to the said amended marketing agreement and order), it is hereby found and determined that:

#### § 909.205 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* The expenses that are reasonable and necessary to be incurred by the Administrative Committee during the period August 1, 1966, through July 31, 1967, will amount to \$138,000.

(b) *Rate of assessment.* The rate of assessment for such period, payable by each handler in accordance with § 909.41, is hereby fixed at three cents (\$0.03) per carton, or equivalent quantity of grapefruit.

(c) *Operating reserve.* Unexpended assessment funds, in excess of expenses incurred during such period, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable grapefruit from the beginning of such year; and (2) the current fiscal period began on August 1, 1966, and the rate of assessment herein fixed will automatically apply to all assessable grapefruit beginning with such date.

Terms used in said amended marketing agreement and order, shall, when used herein, have the same meaning as

is given to the respective term in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 27, 1966.

PAUL A. NICHOLSON,  
*Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 66-11882; Filed, Oct. 31, 1966; 8:49 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

##### Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective August 18, 1964 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 21, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 10314), and October 11, 1966 (31 F.R. 13114), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein, as follows:

##### OUTSIDE METROPOLITAN AREA

###### ONE HOUR

Add: Coos Bay, Ore. (served from Portland, Ore.).

Add: North Bend, Ore. (served from Portland, Ore.).

###### FIVE HOURS

Add: Newport, Ore. (served from Portland, Ore.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on these instructions are impracticable,



unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561)

These revised administrative instructions shall be effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 26th day of October 1966.

G. H. WISE,  
Acting Director, Animal Health  
Division, Agricultural Re-  
search Service.

[F.R. Doc. 66-11853; Filed, Oct. 31, 1966;  
8:47 a.m.]

## Title 6—AGRICULTURAL CREDIT

### Chapter V—Consumer and Marketing Service, Department of Agriculture

#### SUBCHAPTER A—GENERAL REGULATIONS AND POLICIES

[Amdt. 1]

#### PART 503—DONATION OF FOOD COMMODITIES FOR USE IN UNITED STATES FOR SCHOOL LUNCH PRO- GRAMS, TRAINING STUDENTS IN HOME ECONOMICS, SUMMER CAMPS FOR CHILDREN, AND RE- LIEF PURPOSES, AND IN STATE CORRECTIONAL INSTITUTIONS FOR MINORS

##### Obligations of Distributing Agencies

The purpose of this amendment is to provide authority for disregarding small claims, and certain inventory shortages which occur while commodities are in the possession of the distributing, subdistributing or recipient agency. Authority for the administration of this part is in the Consumer and Marketing Service and its agencies. See 30 F.R. 2160.

Paragraphs (b) and (1) of § 503.6 are hereby amended to read as follows:

##### § 503.6 Obligations of distributing agencies.

(b) *Agreements.* Distributing agencies shall enter into agreements with subdistributing agencies, recipient agencies, warehousemen, carriers, or other persons to whom commodities are delivered under their distribution program. Agreements with subdistributing agencies and recipient agencies shall be in writing, except in those instances where subdistributing agencies are acting as agents for the distributing agencies. All agreements shall contain such terms and conditions as the distributing agency deems necessary to insure that (1) the distribution and use of commodities is in accordance with this part, (2) subdistributing agencies, recipient agencies, warehousemen, carriers, or other persons to whom commodities are delivered by

the distributing agency are responsible to the distributing agency for any improper distribution or use of commodities, and for any loss of or damage to commodities caused by their fault or negligence, (3) subdistributing agencies and recipient agencies have and preserve a right to assert claims against other persons to whom commodities are delivered for care, handling or distribution, and (4) subdistributing agencies and recipient agencies will take action to obtain restitution in connection with claims arising in their favor for improper distribution, use or loss of, or damage to, commodities. To the extent that bills of lading and warehouse receipts afford adequate protection, the distributing agency may consider such documents as appropriate agreements.

(1) *Improper distribution or loss of or damage to commodities.* If a distributing agency improperly distributes or uses any commodity, or causes loss of or damage to a commodity through its failure to provide proper storage, care, or handling, the distributing agency shall, at the Department's option, (1) replace the commodity in its distribution program in kind, or, in the case of section 6 commodities, where replacement in kind may not be practicable, with other similar foods, or (2) pay to the Department the value of the commodity as determined by the Department. Upon the happening of any event creating a claim in favor of a distributing agency against a subdistributing agency, recipient agency, warehouseman, carrier, or other person, for the improper distribution, use, or loss of, or damage to, a commodity, the distributing agency shall take action to obtain restitution. All amounts collected by such action shall, at the Department's option, be used in accordance with the provisions of subparagraph (1) or (2) of this paragraph, or, except for amounts collected on claims involving section 6 commodities, shall be expended for program purposes in accordance with the provisions of paragraph (j) of this section. Determinations by a distributing agency that a claim has or has not arisen in favor of the distributing agency against a subdistributing agency, recipient agency, warehouseman, carrier, or other person, shall, at the option of the Department, be approved by the Department prior to the distributing agency's taking action thereon. Where prior approval has not been given by the Department, a distributing agency's claim determinations shall be subject to review by the Department. In the case of an inventory shortage, when the loss of any one commodity does not exceed 1 percent of the total quantity of the commodity distributed or utilized from any single storage facility during the Federal fiscal year in which the loss occurred, or during the period for which an audit was conducted by representatives of the Department, or, if approved by C&MS, during the period for which an audit was conducted by the distributing agency, if the distributing agency finds that (1) the cause of the shortage cannot be estab-

lished, (ii) the lost commodities were held in noncommercial storage or other facilities owned or operated by the distributing agency, a subdistributing agency, or a recipient agency, and (iii) there is no indication that the loss was the result of negligence or continued inefficiency in operations, the distributing agency need not take any further claims action, but the factual basis for not taking further claims action shall be subject to review by the Department. Furthermore, distributing agencies shall not be required to file or pursue a claim for a loss which does not exceed an amount established by State law, regulations, or procedure as a minimum amount for which a claim will be made for State losses generally, but no such claim shall be disregarded where there is evidence of violation of Federal or State statutes. Distributing agencies which fail to pursue claims arising in their favor, or fail to provide for the right to assert such claims, or fail to require their subdistributing agencies and recipient agencies to provide for such rights, shall be responsible to the Department for replacing the commodity or paying the value thereof in accordance with the provisions of subparagraph (1) or (2) of this paragraph. Distributing agencies which pursue claims arising in their favor, but fail to obtain full restitution shall not be liable to the Department for any deficiency unless the Department determines that the distributing agency fraudulently or negligently failed to take reasonable action to obtain restitution. The Department may, at its option, require assignment to it of any claim arising from the distribution of commodities.

*Effective date.* This amendment shall be effective as of date of publication.

Dated: October 26 1966.

JOHN A. SCHNITTKER,  
Acting Secretary.

[F.R. Doc. 66-11856; Filed, Oct. 31, 1966;  
8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency [Airspace Docket No. 65-WA-35]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### PART 75—ESTABLISHMENT OF JET ROUTES

##### Federal Airways, Jet Routes and Control Areas; Alteration, Designation and Revocation

On July 9, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9423) stating that the Federal Aviation Agency was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would accomplish the following:



1. Designate Control 1487 southwest of Key West, Fla.
2. Revoke Control 1228.
3. Realign J-43 from Key West to St. Petersburg, Fla., and designate associated control area for the portion outside the United States.
4. Make editorial changes in the description of Control 1408.
5. Make editorial changes in the description of the Fort Myers, Fla., control area.
6. Make editorial changes in the description of V-51, 157, and 225.

As a matter of public information the Agency stated that the following non-regulatory actions also would be considered.

1. Revoke W-173.
2. Alter the lateral description of W-174 and W-465.
3. Establish an oceanic route from "India 2 Intersection" to Nassau, Bahamas via Key West and Marathon, Fla.
4. Disestablish Sierra oceanic route north of "I-S Intersection".

On August 23, 1966, a supplemental notice was published in the *FEDERAL REGISTER* (31 F.R. 11154) extending the time for which comments would be received from August 23, 1966, to September 2, 1966.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. No adverse comments were received regarding the rule making proposals. However, several comments were received objecting to that portion of the nonregulatory proposals which dealt with the enlargement of W-174. Because the nonregulatory and regulatory proposals are so closely related and in view of the fact that the objections appear to be valid, the Federal Aviation Agency, on September 27, 1966, published a supplemental notice in the *FEDERAL REGISTER* (31 F.R. 12646) stating that consideration was being given to a further alteration of W-174 that would relocate the northern boundary farther south between Key West and Marathon, Fla. This action would provide additional operating area south of the Florida Keys for aviation and other interests.

The State of Florida Aviation Division and the Air Transport Association of America offered no objection in response to the supplemental notice. The Monroe County Director of Airports and a representative of Island Flying Service, Key West, Fla., objected to the enlargement of W-174 as, in their opinion, it would restrict private flying and adversely affect the economy of Key West by discouraging transient pilots.

Warning Areas impose no restriction to the operation of aircraft. They are depicted on aeronautical charts to alert pilots to activities that might be a potential hazard to air navigation. The Department of Defense is conducting such activities off the coast of southern Florida. These activities are in the interest of national defense and are such that they cannot be confined within the present boundaries of W-174. The reduction of W-174 as proposed in the supplement-

tal notice reasonably satisfies the military requirements. With normal access routes from the north, northeast and east, together with the increased area south of Key West, available for public use, and the opening of a new route from Central/South America, the economy of Key West should suffer no adverse effects from the actions considered herein. Accordingly, the Agency is proceeding concurrently with the regulatory and nonregulatory actions. The latter will be processed separately.

Subsequent to publication of the notice, the designator "Control 1487" was assigned to another offshore control area. Accordingly, the designator "Control 1488" is assigned to the Key West offshore control area considered herein. In addition, the proposal to delete reference to W-173 in the description of V-51 will not be considered herein as it was processed in a previous airspace action (31 F.R. 7556).

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provision of Executive Order 10854.

In consideration of the foregoing, Part 71 and Part 75 of the Federal Aviation Regulations are amended effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

1. Section 71.123 (31 F.R. 1009, 7279, 7610, 10516) is amended as follows:

- a. In V-157 "The airspace within W-173 is excluded." is deleted.
- b. In V-225 all after "Vero Beach, Fla." is deleted and "The portion of V-225 E alternate outside the United States has no upper limit." is substituted therefor.

2. In § 71.161 (31 F.R. 2049) the following is added:

J-43 From Key West, Fla., to St. Petersburg, Fla.

3. In § 71.163 (31 F.R. 2050) the following changes are made:

- a. Control 1488 is added as follows:

**CONTROL 1488**

That airspace extending upward from 5,500 feet MSL to flight level 410 within 4 nautical miles each side of the Key West, Fla., VOR 244° radial and within 5 statute miles each side of the Key West radio beacon 245° bearing, including the additional airspace between lines diverging at 4.5° from the centerline at the VOR and 5° at the RBN, extending from the VOR/RBN to the Miami Oceanic Area boundary and latitude 24°00'00" N.

- b. Control 1228 is revoked.

- c. Control 1408 is amended to read as follows:

**CONTROL 1408**

The area SW of Miami, Fla., bounded on the E by longitude 80°25'00" W., on the S by a line 4 nautical miles N of and parallel to the Key West, Fla., VORTAC 086° radial, on the W by a line 4 nautical miles E of and parallel to the Key West VORTAC 013° and the Fort Myers, Fla., VORTAC 163° radials, on the N by the southern boundary of Control 1230, a line 4 nautical miles SW of and parallel to the Fort Myers 137° radial and a line 4 nautical miles S of and parallel to the

Biscayne Bay, Fla., VOR 262° radial, excluding the airspace within R-2916 and the airspace below 2,000 feet MSL outside the United States.

4. Section 71.165 (31 F.R. 2055) is amended as follows:

Fort Myers, Fla., Control Area Extension is amended to read as follows:

**FORT MYERS, FLA.**

That airspace bounded on the NE by a line 4 nautical miles SW of and parallel to the Fort Myers, Fla., VORTAC 331° radial, on the E by a line 4 nautical miles W of and parallel to the Fort Myers VORTAC 178° radial, on the S by the N boundary of Control 1230 and on the W by a line 4 nautical miles E of and parallel to the 169° bearing from latitude 27°53'18" N., longitude 82°29'29" W., excluding the portion below 2,000 feet MSL outside the United States.

5. Section 75.100 (31 F.R. 2346, 5287) is amended as follows: In J-43 all before "Tallahassee, Fla.;" is deleted and "From Key West, Fla., via INT of Key West 358° and St. Petersburg, Fla., 151° radials; St. Petersburg;" is substituted therefor.

(Sec. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510, E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C. on October 27, 1966.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 66-11884; Filed, Oct. 31, 1966; 8:50 a.m.]

[Reg. Docket No. 7700; Amdt. 99-6]

**PART 99—SECURITY CONTROL OF  
AIR TRAFFIC**

**Alteration of Alaskan Distant Early  
Warning Identification Zone**

The purpose of this amendment to Part 99 of the Federal Aviation Regulations is to alter the description of the western boundary of the Alaskan Distant Early Warning Identification Zone (DEWIZ), thereby reducing requirements for flight-progress reporting and estimating in that area.

Oceanic position reporting procedures in the Anchorage control area require aircraft to make position reports when passing each 5° or 10° of longitude extending east and west of the 180° meridian.

High performance flights are required to report only every 10° of longitude.

The western boundary of the Alaskan DEWIZ is presently located at 175° west longitude. Pilots of aircraft planning to penetrate this DEWIZ must file a flight plan containing the estimated point and time of penetration. For high speed aircraft, this is an extra estimate that is not needed for air traffic control (ATC) purposes.

Flight planning and air traffic control procedures are simplified and communications reduced where DEWIZ or ADIZ penetration points and reporting points coincide. Therefore this rule relocates the western boundary of the Alaskan DEWIZ from its present position at 175° west longitude to the 180° meridian.



Since this action involves airspace outside the United States, the Agency has consulted with the Secretary of State and the Secretary of Defense, in accordance with the provisions of Executive Order 10854.

Inasmuch as this amendment relates to defense requirements, I find it contrary to the public interest to comply with the notice and public procedure requirements of the Administrative Procedure Act.

In consideration of the foregoing, § 99.47 of Part 99 is amended, effective December 8, 1966, by striking out the words "50°00' N., 175°00' W.; 60°00' N., 175°00' W.; 61°45' N., 177°00' W.," and inserting the words "50°00' N., 180°00'; 60°00' N., 180°00'" in place thereof.

(Secs. 307, 1110, 1202, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510, 1522, E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 25, 1966.

WILLIAM F. MCKEE,  
Administrator.

[F.R. Doc. 66-11836; Filed, Oct. 31, 1966;  
8:45 a.m.]

## Chapter II—Civil Aeronautics Board

### SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-100]

## PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

### Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of October 1966.

This regulation effects miscellaneous changes in the Board's rules of practice. The changes are as follows:

A new subsection, § 302.18(a-2), provides that subsidized air carriers must include a full economic analysis of subsidy impact in motions to expedite hearing on applications for new or modified route authority.

A proviso to § 302.303(b) except petitions for equalization of service mail rates and for ad hoc adjustments permitted by a class subsidy rate order from the general rule that petitions to fix mail rates must challenge the final mail rate for the entire rate-making unit.

Page-size specifications for briefs before the Board and petitions for discretionary review have been deleted from § 302.31(c) and incorporated in § 302.3(b), which contains specifications generally applicable to all documents filed with the Board. Petitions for discretionary review may now be filed on paper as large as 8½ x 14 inches, rather than being limited to the smaller size for briefs before the Board, 8½ x 11 inches.

Procedures for discretionary review are clarified by transferring those provisions applicable to petitions for discretionary review from § 302.31 to § 302.28; and by expressly providing that requests for oral argument on such petitions will not be entertained, and that briefs shall be filed only where the Board orders further review proceedings and only upon the is-

sues specified in such order. The "Note" at the end of §§ 302.31 and 302.32 is thereby made unnecessary and is deleted.

Section 302.15 has been clarified by expressly stating that petitions for leave to intervene will be entertained only in hearing cases and that leave is not required to file responsive documents authorized by the rules in nonhearing matters, such as applications for exemptions under section 416(b) or for temporary suspension of service under section 401(j) of the Act. A clarifying "note" to this effect is also added to § 302.6.

Changes in other sections merely correct references to sections of the regulations that have been renumbered or remove ambiguities.

Since this regulation relates solely to agency practice and procedure, notice and public procedure hereon are not required, and the amendment may be made effective 30 days after publication in the FEDERAL REGISTER.

Accordingly, the Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302), effective December 1, 1966, as follows:

1. Amend the Table of Contents by revising the titles of §§ 302.15, 302.28, and 302.31 as follows:

- Sec.  
302.15 Formal intervention in hearing cases.  
302.28 Petitions for discretionary review of initial decisions; review proceedings.  
302.31 Briefs before the Board.

2. Amend § 302.3 by revising paragraphs (b) and (c) to read as follows:

§ 302.3 Filing of documents.

(b) *Formal specifications of documents.*—(1) *Typewritten documents.* All typewritten documents, except briefs before the Board, filed under this part shall be on strong, durable paper not larger than 8½ by 14 inches, except that tables, charts and other documents may be larger if folded to the size of the document to which they are physically attached. Typewritten briefs before the Board shall be on paper not larger than 8½ by 11 inches except that tables, charts, and maps physically attached to the brief may be on paper not larger than 8½ by 14 inches and folded to the size of the brief. Requirements as to contents and style of briefs are contained in § 302.31. Text shall be double-spaced, except for footnotes and long quotations which may be single-spaced. Type not smaller than elite shall be used. The left margin shall be at least 1½ inches; all other margins shall be at least 1 inch. If the document is bound, it shall be bound on the left side.

(2) *Printed documents.* Printed (typeset) documents that are limited as to number of pages under these rules shall be on paper not larger than 6½ inches by 9¼ inches, with all margins of at least 1 inch. The text, footnotes, and all physical attachments to any printed document shall be printed in clear and readable type, not smaller than 11 point, adequately leaded.

(3) *Reproduction of documents.* Papers may be reproduced by any duplicat-

ing process, provided all copies are clear and legible. Appropriate notes or other indications shall be used, so that the existence of any matters shown in color on the original will be accurately indicated on all copies.

(c) *Number of copies.* Unless otherwise specified, an executed original and nineteen (19) true copies of each document required or permitted to be filed under these rules shall be filed with the Docket Section. The copies need not be signed but the name of the person signing the document, as distinguished from the firm or organization he represents, shall also be typed or printed on all copies below the space provided for signature.

3. Amend § 302.6 by adding a "Note" at the end of paragraph (a) to read:

§ 302.6 Responsive documents.

(a) \* \* \*

NOTE: The Board does not grant formal intervention in nonhearing matters, such as applications for exemption or temporary suspension of service under section 416(b) or 401(j) of the Act, and any interested person may file documents authorized under this part without first obtaining leave.

4. Amend § 302.15 by revising the title and paragraph (a) to read as follows:

§ 302.15 Formal intervention in hearing cases.

(a) *Who may intervene.* Petitions for leave to intervene as a party will be entertained only in those cases that are to be decided upon an evidentiary record after notice and hearing. Any person who has a statutory right to be made a party to such proceeding shall be permitted to intervene. Any person whose intervention will be conducive to the ends of justice and will not unduly delay the conduct of such proceeding may be permitted to intervene. The Board does not grant formal intervention, as such, in nonhearing matters, and any interested person may file documents authorized under this part without first obtaining leave.

5. Amend § 302.18 by adding a new paragraph (a-2) to read as follows:

§ 302.18 Motions.

(a-2) *Motions to expedite route applications involving subsidy.* Motions for expedited hearing on applications for new or modified route authority by subsidized air carriers shall be accompanied by a preliminary analysis of the anticipated profit or subsidy obligation that would result from grant of the application, together with any service or public interest benefits to be derived. Forecasts of traffic, revenues, and costs shall indicate the service assumptions on which they are based.

6. Amend § 302.24(m) by adding item 43 at the end thereof, to read as follows:



§ 302.24 Hearings.

(m) *Official notice of facts contained in certain documents.* \* \* \*

43. Handbook of Airline Statistics from 1961, prepared by the Bureau of Accounts and Statistics, Civil Aeronautics Board.

7. Amend § 302.28 by revising the title and paragraphs (a), (b), and (d) (2) (i) to read as follows:

§ 302.28 *Petitions for discretionary review of initial decisions; review proceedings.*

(a) *Petitions for discretionary review.*  
(1) Review by the Board pursuant to this section is not a matter of right but of the sound discretion of the Board. Any party may file and serve a petition for discretionary review by the Board of an initial decision within 25 days after service thereof. Such petitions shall be accompanied by proof of service on all parties.

(2) Petitions for discretionary review shall be filed only upon one or more of the following grounds:

(i) A finding of a material fact is erroneous;

(ii) A necessary legal conclusion is without governing precedent or is a departure from or contrary to law, Board rules, or precedent;

(iii) A substantial and important question of law, policy or discretion is involved; or

(iv) A prejudicial procedural error has occurred.

(3) Each issue shall be separately numbered and plainly and concisely stated. Petitioners shall not restate the same point in repetitive discussions of an issue. Each issue shall be supported by detailed citations of the record when objections are based on the record, and by statutes, regulations or principal authorities relied upon. Any matters of fact or law not argued before the examiner, but which the petitioner proposes to argue on brief to the Board, shall be stated.

(4) Petitions for discretionary review shall be self-contained and shall not incorporate by reference any part of another document. Except by permission of the Board or the Chief Examiner, petitions shall not exceed 20 pages including appendices and other papers physically attached to the petition. Petitions of more than 10 pages shall contain a subject index with page references.

(5) Requests for oral argument on petitions for discretionary review will not be entertained by the Board.

(b) *Answer.* Within 15 days after service of a petition for discretionary review, any party may file and serve an answer of not more than 15 pages in support of or in opposition to the petition. If any party desires to answer more than one petition for discretionary review in the same proceeding, he shall do so in a single document of not more than 20 pages.

(d) *Review proceedings.* \* \* \*

(2) Where the Board desires further proceedings, the Board will issue an order for review which will:

(i) Specify the issues to which review will be limited. Such issues shall constitute one or more of the issues raised in a petition for discretionary review and/or matters which the Board desires to review on its own initiative. Only those issues specified in the order shall be argued on brief to the Board, pursuant to § 302.31, and considered by the Board.

8. Amend § 302.31 to read as follows:

§ 302.31 *Briefs before the Board.*

(a) *Time for filing.* Within such period after the date of service of any recommended decision of an examiner or tentative decision by the Board as may be fixed therein, any party may file a brief addressed to the Board, in support of his exceptions to such decision or in opposition to the exceptions filed by any other party. Briefs to the Board on initial decisions of examiners shall be filed only in those cases where the Board grants discretionary review and orders further proceedings, pursuant to § 302.28(d) (2), and only upon those issues specified in the order. Such briefs shall be filed within 30 days after date of the order granting discretionary review. In cases where, because of the limited number of parties and the nature of the issues, the filing of opening, answering and reply briefs will not unduly delay the proceeding and will assist in its proper disposition, the Board or the examiner (where the examiner's decision was not made under delegated authority) may direct that the parties file briefs at different times rather than at the same time.

(b) *Effect of failure to restate objections in briefs.* In determining the merits of an appeal, the Board will not consider the exceptions or the petition for discretionary review but will consider only the brief. Each objection contained in the exceptions or each issue specified in the Board's order exercising discretionary review must be restated and supported by a statement and adequate discussion of all matters relied upon, in a brief filed pursuant to and in compliance with the requirements of this section.

(c) *Formal specifications of briefs.*—

(1) *Contents.* Each brief shall discuss every point of law and fact which the party submitting it is entitled to raise pursuant to this part and any pertinent order of the Board, and which he desires the Board to consider. Support and justification for every such point shall include itemized references to the pages of the transcript of hearing, exhibit or other matter of record, and citations of the statutes, regulations or principal authorities relied upon. If a brief or any point discussed therein is not in substantial conformity with the requirement for such support and justification, no motion to strike or dismiss such document shall be made but the Board may disregard the points involved.

(2) *Incorporation by reference.* Briefs to the Board shall be completely

self-contained and shall not incorporate by reference any portion of any other brief or pleading: *Provided, however,* That in lieu of submitting a brief to the Board a party may adopt by reference specifically identified pages or the whole of his prior brief to the examiner. In such cases, the party may file with the Docket Section a letter exercising this privilege and serve all parties in the same manner as a brief to the Board.

(3) *Length and index.* Briefs shall comply with the formal specifications set forth in § 302.3(b). Except by permission or direction of the Board or the Chief Examiner, briefs shall not exceed 50 pages including those pages contained in any appendix, table, chart, or other document physically attached to the brief, except maps. In this case "map" means only those pictorial representations of routes, flight paths, mileage, and similar ancillary data that are superimposed on geographic drawings and contain only such text as is needed to explain the pictorial representation. Any brief that exceeds 10 pages shall contain a subject index of its contents, including page references.

9. Amend § 302.32 by deleting the "note" at the end of the section, and revising the section to read as follows:

§ 302.32 *Oral argument before the Board.*

(a) If any party desires to argue a case orally before the Board, he shall request leave to make such argument in his exceptions or brief. Such request shall be filed no later than the date when briefs before the Board are due in the proceeding. The Board will rule on such request, and if oral argument is to be allowed, all parties to the proceeding will be advised of the date and hour set for such argument and the amount of time allowed to each party. Requests for oral argument on petitions for discretionary review will not be entertained.

(b) Pamphlets, charts, and other written data may be presented to the Board at oral argument only in accordance with the following rules: All such material shall be limited to facts in the record of the case being argued. All such material shall be served on all parties to the proceeding and eight copies transmitted to the Docket Section of the Board at least five (5) calendar days in advance of the argument. As used herein "material" includes, but is not limited to, maps, charts included in briefs, and exhibits which are enlarged and used for demonstration purposes at the argument, but does not include the enlargements of such exhibits.

10. Amend § 302.303 by adding a proviso to the first sentence of paragraph (b) and the words "or certified" to the first sentence of paragraph (c), so that the paragraphs read as follows:

§ 302.303 *Institution of proceedings.*

(b) In any case where a carrier is operating under a final mail rate uniformly applicable to an entire rate-making unit as established by the Board, a petition



must clearly and unequivocally challenge the rate for such entire rate-making unit and not only a part of such unit: *Provided, however*, That this rule shall not apply (1) to petitions seeking equalization of service mail rates to a lower competitive level in order to participate in the carriage of mail between specific points or (2) to petitions by local service air carriers for ad hoc adjustments pursuant to provisions therefor in local service class subsidy rates. Unless a petition clearly and unequivocally requests review of the rate for the entire rate-making unit, it shall be dismissed. No amendment intended to cure the omission shall be given retroactive effect.

(c) All petitions, amended petitions, and documents relating thereto shall be served upon the Postmaster General by sending a copy to him by registered or certified mail, postpaid, prior to the filing thereof with the Board. Proof of service on the Postmaster General shall consist of a statement in the document that the person filing it has served a copy on the Postmaster General as required by this section. The petition need not be accompanied by any further proof of service, but, upon setting any petition down for public hearing, the Board will cause notice of such hearing to be given to such interested persons as it deems appropriate in the particular case.

11. Amend § 302.400 by correcting the citation of § 399.42 to § 399.18, as follows:

**§ 302.400 Applicability of this subpart.**

This subpart sets forth the special rules applicable to proceedings on applications for exemption orders pursuant to section 101(3) or section 416(b)(1) of the Act. It further provides for the granting of exemptions upon the Board's own initiative and for the granting of emergency exemptions. As far as is consistent with this subpart, the provisions of Subpart A of this part also apply to such proceedings. Proceedings for the issuance of exemptions by regulation shall remain subject to the provisions governing rule making. Additional requirements for applications for interim extension of fixed-term temporary route authorizations granted by exemption are set out in § 302.909. See also §§ 377.10(c) and 399.18 of this chapter.

12. Amend § 302.909 by correcting the citation of § 399.42 to § 399.18 in paragraph (a) as follows:

**§ 302.909 Renewal of fixed-term route authorizations granted by exemption.**

(a) *Form of application.* An application for certificate authority to replace a fixed-term route authorization granted by exemption, filed pursuant to § 399.18 of this chapter, shall in all respects comply with the requirements of this part and of Part 201 of the Economic Regulations, except that the applicant shall additionally submit therewith exhibits which, in its judgment, establish a prima facie case for the relief requested, including a summary of the results of operations under the exemption and a forecast for the year immediately following its expiration.

13. Amend § 302.915 by adding the word "exclusively" to the proviso at the end of paragraph (c) so that the paragraph reads:

**§ 302.915 Initiation of route proceedings by Board order.**

(c) *Pleadings in response to Board order instituting proceedings.* Any person having a substantial interest may respond to the Board's order instituting a proceeding by filing with the Board a written answer, or a motion pursuant to § 302.12 of this part, or both, within the period of time specified in said order. Such answer or motion shall set forth all objections and proposals which such persons may have with respect to the geographic scope of the proceeding or the scope of the issues, as respectively defined in such order. Such answer or motion shall be in lieu of petitions for reconsideration of said order under § 302.-37. Any such objection or proposal which is not set forth in such answer or motion shall be deemed to have been waived. Any person who fails to file a timely answer or motion in response to the Board's order shall also be deemed to have waived his right to have his own application consolidated or contemporaneously considered with those falling within the geographic scope of the proceeding or the scope of the issues therein, as respectively defined in said order: *Provided, however*, That where any further order of the Board adds to the geographic scope of a proceeding or the scope of the issues therein beyond that defined in the Board's order instituting such proceeding, failure to file an answer or motion addressed to the Board's first order shall not preclude the filing of a petition under § 302.37, or of a motion under § 302.12, addressed exclusively to the additional scope or issues.

(Sec. 204(a), Federal Aviation Act, 72 Stat. 743; 49 U.S.C. 1324, sec. 3(a), Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1002)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-11867; Filed, Oct. 31, 1966;  
8:48 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-237]

### PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

#### Special Tonnage Tax and Light Money; Republic of Singapore

OCTOBER 24, 1966.

The Secretary of State has advised the Secretary of the Treasury that the Department of State has obtained satisfactory proof from the Government of the Republic of Singapore that no discrimi-

nating duties of tonnage or imposts are imposed or levied in ports of the Republic of Singapore upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into the Republic of Singapore in such vessels from the United States or from any foreign country. The above assurances were received by the Department of State on August 29, 1966.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization given to me by Treasury Department Order No. 190, Rev. 4, December 15, 1965 (30 F.R. 15769), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of the Republic of Singapore, and the produce, manufactures, or merchandise imported into the United States in such vessels from the Republic of Singapore or from any other foreign country. This suspension and discontinuance shall take effect from August 29, 1966, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22, Customs Regulations, is amended by the insertion of "Singapore, Republic of" immediately after "Saudi Arabia" in the list of countries exempt from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(R.S. 161, as amended, 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 22, 46 U.S.C. 3, 121, 128, 141)

[SEAL] TRUE DAVIS,  
Assistant Secretary of the Treasury.

[F.R. Doc. 66-11859; Filed, Oct. 31, 1966;  
8:47 a.m.]

## Title 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS

### Chapter I—Patent Office, Department of Commerce

### PART 1—RULES OF PRACTICE IN PATENT CASES

#### Reply by Applicant to Office Action

Effective on the date of publication of this notice in the FEDERAL REGISTER, § 1.111(b) is amended to read as indicated below. This amendment provides that objections or requirements as to form not necessary to further consideration of the claims may be held in abeyance only until patentable subject matter in the application is indicated, rather



than until a claim is actually allowed, as was heretofore the case. Since the amendment is procedural only, and makes no substantive change, notice and public hearings are deemed unnecessary.

In § 1.111, paragraph (b) is amended by striking out "a claim is allowed" at the end of the parenthetical matter and inserting in lieu "allowable subject matter is indicated", so that the paragraph, as amended, reads as follows:

**§ 1.111 Reply by applicant.**

(b) In order to be entitled to reexamination or reconsideration, the applicant must make request therefor in writing, and he must distinctly and specifically point out the supposed errors in the examiner's action; the applicant must respond to every ground of objection and rejection in the prior office action (except that request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated), and the applicant's action must appear throughout to be a bona fide attempt to advance the case to final action. A general allegation that the claims define invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

(Sec. 1, 66 Stat. 793, 35 U.S.C. 6, 131, 132)

Dated: October 24, 1966.

EDWIN L. REYNOLDS,  
Acting Commissioner.

Approved:

J. HERBERT HOLLOMAN,  
Assistant Secretary for  
Science and Technology.

[F.R. Doc. 66-11834; Filed, Oct. 31, 1966;  
8:45 a.m.]

## Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets  
Control, Department of the Treasury

### PART 500—FOREIGN ASSETS CONTROL REGULATIONS

#### Importation of Jade Articles, Chinese Type

A determination has been made that jade band rings are jade articles of Chi-

nese type within the meaning of this term in § 500.204(a)(2)(ii). Accordingly, the following item is added to the Definitions and Interpretations in the Appendix to this section:

(28) Jade articles, Chinese type includes jade band rings.

[SEAL] MARGARET W. SCHWARTZ,  
Director,  
Office of Foreign Assets Control.

[F.R. Doc. 66-11860; Filed, Oct. 31, 1966;  
8:47 a.m.]

### PART 500—FOREIGN ASSETS CONTROL REGULATIONS

#### Authorized Trade Territory; Singapore

In view of the separation of Singapore from Malaysia, paragraph (a) of § 500.322 is being amended to add Singapore to the list of countries included in the term "authorized trade territory." As amended § 500.322 reads as follows:

§ 500.322 Authorized trade territory;  
member of the authorized trade territory.

(a) The term "authorized trade territory" shall include:

(1) North, South, and Central America, including the Caribbean region, except Cuba;

(2) Africa;

(3) Oceania, including Indonesia and the Philippines;

(4) Andorra, Austria, Belgium, Denmark, Ireland, the Federal Republic of Germany and the Western Sector of Berlin, Finland, France (including Monaco), Greece, Iceland, Italy, Liechtenstein, Luxembourg, the Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and Yugoslavia;

(5) Afghanistan, Bhutan, Burma, Cambodia, Ceylon, Hong Kong, India, Iran, Iraq, Israel, Japan, Jordan, Kuwait, Laos, Lebanon, Macao, Malaysia, Muscat and Oman, Nepal, Pakistan, Saudi Arabia, Singapore, South Korea, South Vietnam, Syrian Arab Republic, Taiwan, Thailand, and Yemen;

(6) Any colony, territory, possession, or protectorate of any country included within this paragraph; but the term shall not include the United States.

(b) The term "member of the authorized trade territory" shall mean any of the foreign countries or political sub-

divisions comprising the authorized trade territory.

[SEAL] MARGARET W. SCHWARTZ,  
Director,  
Office of Foreign Assets Control.

[F.R. Doc. 66-11861; Filed, Oct. 31, 1966;  
8:48 a.m.]

### PART 515—CUBAN ASSETS CONTROL REGULATIONS

#### Authorized Trade Territory; Singapore

In view of the separation of Singapore from Malaysia (formerly the Federation of Malaya), paragraph (a) of § 515.322 is being amended to add Singapore to the list of countries included in the term "authorized trade territory." As amended § 515.322 reads as follows:

§ 515.322 Authorized trade territory;  
member of the authorized trade territory.

(a) The term "authorized trade territory" shall include:

(1) North, South, and Central America, including the Caribbean region, except Cuba;

(2) Africa;

(3) Oceania, including Indonesia and the Philippines;

(4) Andorra, Austria, Belgium, Denmark, Ireland, the Federal Republic of Germany, and the Western Sector of Berlin, Finland, France (including Monaco), Greece, Iceland, Italy, Liechtenstein, Luxembourg, the Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, the United Kingdom and Yugoslavia;

(5) Afghanistan, Bhutan, Burma, Cambodia, Ceylon, Hong Kong, India, Iran, Iraq, Israel, Japan, Jordan, Kuwait, Laos, Lebanon, Macao, Malaysia, Muscat and Oman, Nepal, Pakistan, Saudi Arabia, Singapore, South Korea, South Viet-Nam, Syrian Arab Republic, Taiwan, Thailand, and Yemen;

(6) Any colony, territory, possession, or protectorate of any country included within this paragraph; but the term shall not include the United States.

(b) The term "member of the authorized trade territory" shall mean any of the foreign countries or political subdivisions comprising the authorized trade territory.

[SEAL] MARGARET W. SCHWARTZ,  
Director,  
Office of Foreign Assets Control.

[F.R. Doc. 66-11862; Filed, Oct. 31, 1966;  
8:48 a.m.]



# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### [ 25 CFR Part 221 ]

### WAPATO INDIAN IRRIGATION PROJECT, WASHINGTON

#### Operation and Maintenance Charges

*Basis and purpose.* Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Acts of August 1, 1914 (38 Stat. 583), March 7, 1928 (45 Stat. 210), and September 26, 1961 (75 Stat. 680), it is proposed to amend § 221.86 of Part 221 of Title 25 of the Code of Federal Regulations by adding a subsection as set forth below. The purpose of the amendment is to provide for an additional assessment of 20¢ (twenty cents) per acre per year for a period of 10 years, beginning with the calendar year 1967, to make available funds for replacement of a wooden pipeline serving the Wapato-Satus Unit.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Indian Affairs, Washington, D.C. 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 221.86 *Charges*, under the center head Wapato Indian Irrigation Project, Wash., is amended by the redesignation and revision of the existing paragraph and the addition of a new paragraph designated paragraph (b). The amended § 221.86 reads as follows:

#### § 221.86 Charges.

The operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Wash., are hereby fixed as follows:

(a) Pursuant to the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the basic operation and maintenance assessment rates for the calendar year 1964 and subsequent years until further notice are:

- |   |        |
|---|--------|
| (1) Minimum charges for all tracts in noncontiguous single ownership .....  | \$8.00 |
| (2) Flat rate upon all farm units or tracts for each assessable acre....  | 8.00   |
| (3) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre..... | .50    |

(b) Pursuant to the provisions of the act of September 26, 1961 (75 Stat. 680),

there shall be assessed and collected, beginning with the calendar year 1967 and until further notice but not to exceed a period of 10 years, an annual per acre charge of 20 cents to defray the cost of replacing a wooden pipeline.

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

OCTOBER 25, 1966.

[F.R. Doc. 66-11847; Filed, Oct. 31, 1966; 8:46 a.m.]

## NATIONAL MEDIATION BOARD

### [ 29 CFR Part 1207 ]

### ESTABLISHMENT OF SPECIAL ADJUSTMENT BOARDS

#### Notice of Proposed Rule Making

Notice is hereby given that pursuant to the Railway Labor Act, as amended (45 U.S.C. 151-163), it is proposed to add a new Part 1207 to Title 29, Chapter X, of the Code of Federal Regulations, to read as set forth below.

The proposed regulations define responsibilities and prescribe related procedures of the National Mediation Board under Public Law 89-456 (80 Stat. 208), which amended the Railway Labor Act to provide for establishment of special adjustment boards upon the request of either the representatives of employees or of carriers to resolve disputes otherwise referable to the National Railroad Adjustment Board.

If further hearings are deemed necessary, they shall be held within ten (10) days in the offices of the National Mediation Board.

By direction of the National Mediation Board.

THOMAS A. TRACY,  
*Executive Secretary.*

#### Sec.

- 1207.1 Establishment of special adjustment boards (PL Boards).
- 1207.2 Requests for Mediation Board action.
- 1207.3 Compensation of neutrals.
- 1207.4 Designation of PL Boards, filing of agreements, and disposition of records.

AUTHORITY: The provisions of this Part 1207 issued under the Railway Labor Act, as amended (45 U.S.C. 151-163).

#### § 1207.1 Establishment of special adjustment boards (PL Boards).

Public Law 89-456 (80 Stat. 208) governs procedures to be followed by carriers and representatives of employees in the establishment and functioning of special adjustment boards, hereinafter referred to as PL Boards. Public Law 89-456 requires action by the National Mediation Board in the following circumstances:

(a) *Designation of party member of PL Board.* Public Law 89-456 provides that within thirty (30) days from the date a written request is made by an employee representative upon a carrier, or by a carrier upon an employee representative, for the establishment of a PL Board, an agreement establishing such a Board shall be made. If, however, one party fails to designate a member of the Board, the party making the request may ask the Mediation Board to designate a member on behalf of the other party. Upon receipt of such request, the Mediation Board will notify the party which failed to designate a partisan member for the establishment of a PL Board of the receipt of the request. The Mediation Board will then designate a representative on behalf of the party upon whom the request was made. This representative will be an individual associated in interest with the party he is to represent. The designee, together with the member appointed by the party requesting the establishment of the PL Board, shall constitute the Board.

(b) *Appointment of a procedural neutral to determine matters concerning the establishment and/or jurisdiction of a PL Board.* (1) When the members of a PL Board constituted in accordance with paragraph (a) of this section, for the purpose of resolving questions concerning the establishment of the Board and/or its jurisdiction, are unable to resolve these matters, then and in that event, either party may ten (10) days thereafter request the Mediation Board to appoint a neutral member to determine these procedural issues.

(2) Upon receipt of this request, the Mediation Board will notify the other party to the PL Board. The Mediation Board will then designate a neutral member to sit with the PL Board and resolve the procedural issues in dispute. When the neutral has determined the procedural issues in dispute, he shall cease to be a member of the PL Board.

(c) *Appointment of neutral to sit with PL Boards and dispose of disputes.* (1) When the members of a PL Board constituted by agreement of the parties, or by the appointment of a party member by the Mediation Board, as described in paragraph (a) of this section, are unable within ten (10) days after their failure to agree upon an award to agree upon the selection of a neutral person, either member of the Board may request the Mediation Board to appoint such neutral person and upon receipt of such request, the Mediation Board shall promptly make such appointment.

(2) A request for the appointment of a neutral under paragraph (b) of this section or this paragraph (c) shall:

- (i) Show the authority for the request—Public Law 89-456, and
- (ii) Define and list the proposed specific issues or disputes to be heard.



### § 1207.2 Requests for Mediation Board action.

(a) Requests for the National Mediation Board to appoint neutrals or party representatives should be made on NMB Form 5.

(b) Those authorized to sign request on behalf of parties:

(1) The "representative of any craft or class of employees of a carrier," as referred to in Public Law 89-456, making request for Mediation Board action, shall be either the General Chairman, Grand Lodge Officer (or corresponding officer of equivalent rank), or the Chief Executive of the representative involved. A request signed by a General Chairman or Grand Lodge Officer (or corresponding officer of equivalent rank) shall bear the approval of the Chief Executive of the employee representative.

(2) The "carrier representative" making such a request for the Mediation Board's action shall be the highest carrier officer designated to handle matters arising under the Railway Labor Act.

(c) Docketing of PL Board agreements: The National Mediation Board will docket agreements establishing PL Board, which agreements meet the requirements of coverage as specified in Public Law 89-456. No neutral will be appointed under § 1207.1(c) until the

agreement establishing the PL Board has been docketed by the Mediation Board.

### § 1207.3 Compensation of neutrals.

(a) *Neutrals appointed by the National Mediation Board.* All neutral persons appointed by the National Mediation Board under the provisions of § 1207.1 (b) and (c) will be compensated by the Mediation Board in accordance with legislative authority. Certificates of appointment will be issued by the Mediation Board in each instance.

(b) *Neutrals selected by the parties.*

(1) In cases where the party members of a PL Board created under Public Law 89-456 mutually agree upon a neutral person to be a member of the Board, the party members will jointly so notify the Mediation Board, which Board will then issue a certificate of appointment to the neutral and arrange to compensate him as under paragraph (a) of this section.

(2) The same procedure will apply in cases where carrier and employee representatives are unable to agree upon the establishment and jurisdiction of a PL Board, and mutually agree upon a procedural neutral person to sit with them as a member and determine such issues.

### § 1207.4 Designation of PL Boards, filing of agreements, and disposition of records.

(a) *Designation of PL Boards.* All special adjustment boards created under

Public Law 89-456 will be designated PL Boards, and will be numbered serially, commencing with No. 1, in the order of their docketing by the National Mediation Board.

(b) *Filing of agreements.* The original agreement creating the PL Board under Public Law 89-456 shall be filed with the National Mediation Board at the time it is executed by the parties. A copy of such agreement shall be filed by the parties with the Administrative Officer of the National Railroad Adjustment Board, Chicago, Ill.

(c) *Disposition of records.* Since the provisions of section 2(a) of Public Law 89-456 apply also to the awards of PL Boards created under this Act, two copies of all awards made by the PL Boards, together with the record of proceedings upon which such awards are based, shall be forwarded by the neutrals who are members of such Boards, or by the parties in case of disposition of disputes by PL Boards without participation of neutrals, to the Administrative Officer of the National Railroad Adjustment Board, Chicago, Ill., for filing, safekeeping, and handling under the provisions of section 2(q), as may be required.

[F.R. Doc. 66-11831, Filed, Oct. 31, 1966; 8:45 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

Comptroller of the Currency

### CROCKER-ANGLO NATIONAL BANK AND CITIZENS NATIONAL BANK

#### Notice of Hearing

Notice is hereby given that the hearing in the subject merger case, previously noticed and published on Friday, October 14, 1966, in the *FEDERAL REGISTER*, Vol. 31, No. 200, page 13354, will take place in Room 284, U.S. Court of Appeals and Post Office Building, 7th and Mission Streets, San Francisco, Calif., on November 14, 1966, at 10 a.m.

For the Comptroller of the Currency,  
Treasury Department.

Dated: October 27, 1966.

[SEAL] JAMES J. SAXON,  
Comptroller of the Currency.

[F.R. Doc. 66-11911; Filed, Oct. 31, 1966;  
8:50 a.m.]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management  
AREA MANAGERS, NEW MEXICO

#### Redelegation of Authority

OCTOBER 21, 1966.

In accordance with Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492; 29 F.R. 10526), as amended, the Area Managers of the Alamogordo, Las Cruces, and Lordsburg Resource Areas of the Las Cruces District, N. Mex., are authorized to perform in their respective areas of responsibility, in accordance with existing policies and regulations of this Department and under the direct supervision of the district manager, the functions listed below, subject to the limitation set forth in Bureau Order No. 701, as amended (including redelegations made by the State Director in accordance with Part I, section 1.1(a), together with any limitations specified below).

(1) SEC. 3.3(d)—Trespass: Determine liability and accept damages for trespass on the public land and dispose of resources in trespass cases for not less than the appraised value thereof when the amount involved does not exceed \$500.

(2) SEC. 3.7(a): Licenses to graze or trail livestock.

(3) SEC. 3.7(a)(3): Permits or cooperative agreements to construct and/or maintain range improvements and determine the value of such improvements.

(4) SEC. 3.7(b): Grazing leases.

(5) SEC. 3.7(d): Soil and moisture conservation.

(6) SEC. 3.7(e): Controlled brush burning in accordance with plans and specifications approved by the State Director.

(7) SEC. 3.8(a): Dispose of or permit the free use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Manage-

ment under applicable portions of 43 CFR, Subpart 5400. This authority does not include the approval of any sale of forest products exceeding \$100 in value.

(8) SEC. 3.9(g): Material other than forest products not exceeding \$100 in value.

(9) SEC. 3.9(o)(1): Special land use permits for public lands within the area, under 43 CFR Subpart 2236.

The district manager may at any time temporarily reserve, restrict or withhold any portion of the above delegated authority through the use of Form 1213-1, District Office Authority and Responsibility Guides.

This redelegation will become effective upon publication in the *FEDERAL REGISTER*.

JAMES W. YOUNG,  
District Manager.

Approved: October 21, 1966.

W. J. ANDERSON,  
State Director.

[F.R. Doc. 66-11845; Filed, Oct. 31, 1966;  
8:46 a.m.]

### CHIEF, DIVISION OF ADMINISTRATION; LAS CRUCES DISTRICT, N. MEX.

#### Redelegation of Authority

In accordance with section 3.1 of Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492; 29 F.R. 10526), as amended, the Chief, Division of Administration of the Las Cruces District, N. Mex., is authorized to perform in accordance with existing policies and regulations of this Department and under the direct supervision of the district manager, the functions listed below, subject to the limitations set forth in Bureau Order No. 701, as amended.

(1) SEC. 3.2(c): Copies of records.

(2) SEC. 3.3(b): Contributions, donations, and refunds.

(3) SEC. 3.3(c): Repayments.

This order will become effective upon publication in the *FEDERAL REGISTER*.

JAMES W. YOUNG,  
District Manager.

Approved: October 21, 1966.

W. J. ANDERSON  
State Director.

[F.R. Doc. 66-11846; Filed, Oct. 31, 1966;  
8:46 a.m.]

#### Office of the Secretary

### SWINOMISH INDIAN RESERVATION, WASH.

#### Ordinance Legalizing Introduction, Sale or Possession of Intoxicants

Pursuant to the Act of August 15, 1953 (Public Law 277, 83d Congress, 1st session; 67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Swinomish Indian Reservation was duly enacted by the Swinomish Indian

Senate which has jurisdiction over the area of Indian country included in the ordinance:

An ordinance authorizing the introduction, sale, or possession of intoxicating beverages within the Swinomish Indian Reservation in conformity with the laws of the State of Washington and upon approval by the Swinomish Indian Senate.

Whereas, Public Law 277, 83rd Congress, approved August 15, 1953, provided that sections 1154, 1156, 3113, 3488, and 3618 of Title 18, United States Code, commonly referred to as Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country, provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs, and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the *FEDERAL REGISTER*; and

Whereas, the Swinomish Indian Senate, the governing body of the Swinomish Indian Tribal Community, which has jurisdiction over the Swinomish Indian Reservation, now believes that the introduction, sale or possession of intoxicating beverages upon and within the Swinomish Indian Reservation should be allowed, provided the same is in conformity with the laws of the State of Washington and only by such persons or corporations as are approved by the Swinomish Indian Senate; now, therefore,

Be it enacted by the Senate of the Swinomish Reservation that the introduction, sale, or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Swinomish Indian Tribal Community, provided that such introduction, sale, or possession is in conformity with the laws of the State of Washington and only by person, persons, or corporations as are approved by the Swinomish Indian Senate; and

Be it further enacted by the Senate of the Swinomish Reservation that any tribal laws, resolutions, or ordinances heretofore enacted which prohibit the sale, introduction, or possession of intoxicating beverages are hereby repealed; and

Be it further enacted by the Senate of the Swinomish Reservation that this ordinance shall become effective after it has been submitted to the Secretary of the Interior for his certification and published in the *FEDERAL REGISTER*.

Enacted by the Swinomish Indian Senate this 7th day of June 1966, pursuant to the provisions of Article VI, section 1(1) of the Constitution and By-Laws for the Swinomish Indians of the Swinomish Reservation.

HARRY R. ANDERSON,  
Assistant Secretary of the Interior.

OCTOBER 25, 1966.

[F.R. Doc. 66-11848; Filed, Oct. 31, 1966;  
8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

Agricultural Research Service

### VETERINARIANS IN CHARGE ET AL.

#### Delegation of Authority To Stop and Inspect Means of Conveyance and Persons and To Execute Warrants

Pursuant to the authority vested in the Director, Animal Health Division, Agricultural Research Service, U.S. De-



partment of Agriculture (30 F.R. 5799; 29 F.R. 16210, as amended, 30 F.R. 5801), authority to perform the following functions under section 5 of the Act of July 2, 1962 (Public Law 87-518; 21 U.S.C. 134d) is hereby delegated to the Veterinarians in Charge, Veterinary Livestock Inspectors, Livestock Inspectors, Port Veterinarians, Quarantine Enforcement Inspectors, Quarantine Livestock Inspectors, and Import Animal Byproduct Inspectors, employed by the Animal Health Division, during such periods as they bear cards issued by the Director of the Animal Health Division identifying them and showing that they have been designated for the purpose of exercising such authority:

(1) To stop and inspect, without a warrant, any person or means of conveyance, moving into the United States from a foreign country, to determine whether such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the U.S. Department of Agriculture for prevention of the introduction or dissemination of any communicable animal disease;

(2) To stop and inspect, without a warrant, any means of conveyance moving interstate upon probable cause to believe that such means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the U.S. Department of Agriculture for prevention of the introduction or dissemination of any communicable animal disease; and

(3) To execute warrants issued under section 5 of the Act for the entry upon premises and for inspections and seizures necessary under such laws and regulations.

Done at Washington, D.C., this 19th day of September 1966.

E. J. WILSON,  
Acting Director, Animal Health  
Division, Agricultural Re-  
search Service.

Approved:

R. J. ANDERSON,  
Deputy Administrator, Agricultural  
Research Service.

[F.R. Doc. 66-11880; Filed, Oct. 31, 1966;  
8:49 a.m.]

## Forest Service

### WASHAKIE WILDERNESS

#### Proposal and Hearing Announcement

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132) that a public hearing will be held beginning at 9 a.m. on Thursday, December 8, 1966, in Eagle's Hall, 404 East Fremont Street, Riverton, Wyo., on a proposal for a recommendation to be made to the President of the United States by the Secretary of Agriculture, that a recommendation be submitted to Congress that approximately 193,126 acres within and contiguous to the Stratified Primitive Area, Shoshone National

Forest, should be added to the National Wilderness Preservation System. The proposal further recommends that these lands be combined with the existing 483,-130-acre South Absaroka Wilderness, the whole to be identified as the Washakie Wilderness.

The proposed addition to the National Wilderness Preservation System is located within the Shoshone National Forest, in Fremont, Hot Springs, and Park Counties, State of Wyoming.

A brochure containing a map and information about the area under consideration may be obtained from the Forest Supervisor, Shoshone National Forest, 1731 Sheridan Avenue, Cody, Wyo. 82414, or the Regional Forester, Building 85, Denver Federal Center, Denver, Colo. 80225.

Individuals or organizations may express their views by appearing at this hearing, or they may submit written comments for inclusion in the official record to the Regional Forester at the above address by January 8, 1967.

A. W. GREELEY,  
Associate Chief, Forest Service.

OCTOBER 27, 1966.

[F.R. Doc. 66-11857; Filed, Oct. 31, 1966;  
8:47 a.m.]

## DEPARTMENT OF COMMERCE

### Bureau of International Commerce

[Case 361]

#### TETALON

#### Default Order Denying Export Privileges

In the matter of Ilmari Kokkonen, doing business as Tetalon, Hjulbrinken 13, Tammellund, Helsinki, Finland, Respondent; Case No. 361.

By charging letter dated May 25, 1966, the Director, Investigations Division, Office of Export Control, Bureau of International Commerce, charged the above respondent with violations of the Export Control Act of 1949 and the regulations thereunder. It was alleged, in substance, that the respondent ordered from a U.S. supplier 300 kilos of tantalum powder; that said supplier exported said commodity to respondent in Finland; and that without authorization respondent reexported the powder from Finland. It was further alleged that the respondent knew or had reason to know that the powder was of U.S.-origin and that U.S. law prohibited its exportation from Finland without authorization from the U.S. Government. It was charged that this conduct violated the U.S. Export Regulations.

The charging letter was duly served on respondent and he did not reply or file an answer and he was held to be in default. In accordance with the usual practice the case was referred to the Compliance Commissioner and he held an informal hearing at which evidence in support of the charges was presented.

The Compliance Commissioner has reported the findings of fact and findings that violations had occurred and he has

recommended that the respondent be denied export privileges for the duration of export controls.

After considering the record in the case and the recommendation of the Compliance Commissioner, I hereby make the following:

*Findings of fact.* 1. The respondent Ilmari Kokkonen is a resident of Helsinki, Finland, and does business under the firm name and style of Tetalon. He is engaged in trading in chemicals and metals.

2. On December 5, 1963, the respondent ordered from a U.S. supplier 300 kilos of tantalum powder. Before the exportation was made, the U.S. Government sought to ascertain the end use of the tantalum powder. Inquiry was made of respondent and he represented that the powder would be used in the fabrication of nozzles for use in textile mills in Finland.

3. Pursuant to respondent's order the U.S. supplier, on or about September 18, 1964, exported to respondent in Helsinki, Finland, 300 kilos of tantalum powder valued at approximately \$19,000.

4. On arrival of the goods in Helsinki, respondent, without authorization from the U.S. Government, directed that the tantalum powder be reexported to Vienna, Austria, and pursuant to said direction such reexportation was made.

5. The respondent knew that the tantalum powder had been exported from the United States and he also knew that its reexportation from Finland was contrary to the representations he had made as to the proposed end use of the commodity.

6. Before all of the facts regarding this transaction were ascertained by the Office of Export Control, written interrogatories were served on respondent pursuant to § 382.15 of the Export Regulations. The respondent failed to respond to said interrogatories or to show cause for such failure. Pursuant to said section, an order denying export privileges for an indefinite period was entered against the respondent on May 7, 1965 (30 F.R. 6661), and said order is still in full force and effect.

Based on the foregoing, I have concluded that the respondent violated § 381.6 of the U.S. Export Regulations in that, without obtaining authorization from the U.S. Department of Commerce, he knowingly reexported a commodity received from the United States contrary to prior representations made by him and contrary to the conditions under which the exportation from the United States was permitted.

Now after considering the record in the case and the recommendation of the Compliance Commissioner, and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law: *It is hereby ordered:*

1. This order supersedes the order denying export privileges for an indefinite period which was entered against the respondent on May 7, 1965 (30 F.R. 6661), but all of the prohibitions and restrictions in said order are continued in full force and effect.



II. So long as export controls are in effect the respondent is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction either in the United States or abroad shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

On application of the respondent consideration will be given to modifying the terms of this order if he furnishes responsive answers to the written interrogatories heretofore served on him, and also furnishes to the Office of Export Control such other information as it considers desirable and appropriate regarding his dealings in U.S.-origin commodities and technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents, employees, representatives, and partners, and to any person, firm, corporation, or other business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with said respondent or other person denied export privileges within the scope of this order, or whereby such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transship-

ment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: October 24, 1966.

RAUER H. MEYER,  
Director, Office of Export Control.

[F.R. Doc. 66-11863; Filed, Oct. 31, 1966;  
8:48 a.m.]

[Case 362]

### ROYAL ZENITH CORP. AND JEROME L. REINITZ

#### Consent Probation Order for Export Control Act Violations

In the matter of Royal Zenith Corp. and Jerome L. Reinitz, 180 Varick Street, New York, N.Y., 10014, Respondents; Case No. 362.

By charging letter dated June 28, 1966, the respondents were charged by the Director, Investigations Division, Office of Export Control, Bureau of International Commerce, with violations of the U.S. Export Control Act and regulations thereunder. The respondents were served with the charging letter and appeared in the proceedings. Pursuant to the provisions of § 382.10 of the Export Regulations, with agreement of the Director of the Investigations Division, the respondents submitted to the Compliance Commissioner a proposal for the issuance of a consent order substantially in the form hereinafter set forth. In said consent proposal the respondents, for the purpose of this compliance proceeding, admitted the charges set forth in the charging letter. They waived all right to an oral hearing before the Compliance Commissioner, and consented to the issuance of an order. They also waived all right of administrative appeal from, and judicial review of, such order.

The Compliance Commissioner has reviewed the facts in the case and the respondents' proposal. He has approved the proposal and has recommended that it be accepted.

Having considered the Compliance Commissioner's report and the consent proposal, I hereby make the following:

**Findings of fact.** 1. The respondent Royal Zenith Corp. is an importer and wholesaler of lithographic and other equipment and has a place of business in New York City. The respondent Jerome L. Reinitz is the president of the corporation and acted for the corporation in the transaction hereinafter set forth.

2. On May 14, 1965 the respondent Reinitz, acting on behalf of Royal Zenith Corp., attempted to export from the United States to Czechoslovakia in the guise of excess baggage a number of items of U.S.-origin lithographic equipment valued at approximately \$2,800.

3. The respondents knew or had reason to know when they attempted to export the said lithographic equipment from the United States to Czechoslovakia that to make such exportation the U.S. Export Regulations required that a validated export license be applied for and obtained from the Office of Export Control, Bu-

reau of International Commerce, U.S. Department of Commerce.

4. The respondents did not apply for or obtain the requisite validated export license from the Office of Export Control.

5. The attempted exportation of the aforesaid commodities in violation of the U.S. Export Regulations was discovered before exportation was made and the goods were seized by agents of the U.S. Bureau of Customs.

Based on the foregoing I have concluded that the respondents violated §§ 381.3(a) and 381.4 of the U.S. Export Regulations in that they attempted to export from the United States to Czechoslovakia certain lithographic equipment without first applying for and obtaining a validated export license which they knew or had reason to know was required by the Export Regulations.

On consideration of the record in the case, including factors which warrant acceptance of the consent proposal, I do hereby accept the consent proposal. *Accordingly, it is hereby ordered:*

I. For a period of 1 year from the effective date of this order the respondents Royal Zenith Corp. and Jerome L. Reinitz are placed on probation on condition that they do not knowingly violate the Export Control Act of 1949, as amended, or any regulations or order issued thereunder. While the respondents are on probation they shall be permitted all export privileges as though this order had not been entered. If the respondents do not violate the condition of probation, this order without further action shall terminate at the expiration of 1 year from its effective date.

II. In the event that it is found by the Director, Office of Export Control, or such other official as may at that time be exercising his duties, after full investigation, that the respondents have failed during the 1-year period of probation, to comply in any respect with the condition set forth in Part I hereof, such official may summarily and without notice to the respondents enter and publish an order against them which in substance shall provide as follows:

(a) Revoke all outstanding validated export licenses to which respondents are parties.

(b) For a period up to 2 years deny to the respondents and all persons and firms related to them, all privileges of participating directly or indirectly in any manner or capacity in any exportation of any commodity or technical data from the United States to any foreign destination including Canada. Without limitation of the generality of this provision, participation in any exportation is deemed to include and prohibit participation by the respondents or any related party, directly or indirectly, in any manner or capacity, (1) as a party or as a representative of a party to any validated export license application, or documents to be submitted therewith, (2) in the preparation or filing of any export license application or of any documents to be submitted therewith, (3) in the obtaining or using of any validated or general export license or other export control



documents, (4) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities or technical data, in whole or in part, exported or to be exported, from the United States, and (5) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

(c) No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefits therefrom or have any interest or participation therein, directly or indirectly: (1) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control documents relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondents or any related party denied export privileges; or (2) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

(d) The entry of an order under this part shall not limit the Bureau of International Commerce from taking other action based on the violation for which probation was revoked as said Bureau shall deem warranted.

This order shall become effective October 28, 1966.

Dated: October 24, 1966.

RAUER H. MEYER,  
Director, Office of Export Control.

[F.R. Doc. 66-11864; Filed, Oct. 31, 1966;  
8:48 a.m.]

[File 23(65)-48]

JOHN M. SOOKIAS

### Order Denying Export Privileges for an Indefinite Period

In the matter of John M. Sookias, 6 Upper Thames Street, London E.C. 4, England, and 25 Oakwood Avenue, Purley, Surrey, England, Respondent; File 23(65)-48.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying the above-named respondent all export privileges for an indefinite period because the said respondent failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15,

Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent, John M. Sookias, is in the business of importing and exporting; that he has a business address at the above location in London, England, and he has at times given his address as the above-mentioned location in Purley, Surrey, England; that the respondent has at times used the name of the Bengal Behar Construction Company Private Ltd., a firm located in Calcutta, India, for his own purposes without authorization from said firm; that the respondent purchased, and received in London, England, certain U.S.-origin textile machinery spare parts which had been exported by a supplier from the United States. The aforesaid Investigations Division is conducting an investigation into the disposition by said respondent of said commodities to ascertain whether said commodities have been reexported in violation of the U.S. Export Regulations. It is impracticable to subpoena the respondent, and relevant and material interrogatories and request to furnish certain specific documents relating to his disposition of said commodities were served on him pursuant to § 382.15 of the Export Regulations. Said respondent has failed to furnish answers to said interrogatories or to furnish the documents requested, as required by said section and has not shown good cause for such failure.

I find that an order denying export privileges to said respondent for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended. This order shall also apply to the respondent doing business as Bengal Behar Construction Company Private Limited, London or Purley, Surrey, England. The said company is not connected with and is not to be confused with the firm of the same name in Calcutta, India.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, his representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transac-

tion, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) In the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) In the obtaining or using of any validated or general export license or other export control document; (d) In the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) In the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents, employees, and partners, and to any person, firm, corporation, or business organization with which the respondent now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon him or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondent may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Com-



missioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner, at Washington, D.C., at the earliest convenient date.

This order shall become effective October 26, 1966.

Dated: October 24, 1966.

RAUER H. MEYER,  
*Director, Office of Export Control.*

[F.R. Doc. 66-11865; Filed, Oct. 31, 1966;  
8:48 a.m.]

### Maritime Administration

#### MARINE MIDLAND GRACE TRUST COMPANY OF NEW YORK

#### Notice of Approval of Applicant as Trustee

Notice is hereby given that the Marine Midland Grace Trust Co., a New York corporation, with offices at 120 Broadway, New York, N.Y., has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: October 25, 1966.

M. I. GOODMAN,  
*Chief, Office of Ship Operations.*

[F.R. Doc. 66-11858; Filed, Oct. 31, 1966;  
8:47 a.m.]

### Office of the Secretary

#### WILLIAM M. FIRSHING

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months:

A. Deletions: Tenneco Inc.  
B. Additions: Purex Corp., Migh Voltage Eng., Flintkote, Perfect Fit Ind., E. F. McDonald.

This statement is made as of October 6, 1966.

WILLIAM M. FIRSHING.

OCTOBER 14, 1966.

[F.R. Doc. 66-11832; Filed, Oct. 31, 1966;  
8:45 a.m.]

[Dept. Order 10-A]

### UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION

#### Delegation of Authority

The following order was issued by the Secretary of Commerce on October 20, 1966.

**SECTION 1. Purpose.** The purpose of this order is to delegate authority to the Under Secretary of Commerce for Transportation.

**SEC. 2. Delegation of Authority.** .01 Pursuant to the authority vested in the Secretary of Commerce by law, and subject to such policies and directives as the Secretary of Commerce may prescribe, the Under Secretary of Commerce for Transportation is hereby delegated authority to perform all the functions and exercise all the authorities of the Secretary under the National Traffic and Motor Vehicle Safety Act of 1966 (P.L. 89-563) and the Highway Safety Act of 1966 (P.L. 89-564), with the exception of the authority conferred to establish the National Motor Vehicle Safety Advisory Council and to appoint its members.

.02 The Under Secretary of Commerce for Transportation may redelegate any authority conferred on him by this order to any officer or employee of the Department, subject to such conditions in the exercise of such authority as the Under Secretary for Transportation may prescribe.

Effective date: October 20, 1966.

DAVID R. BALDWIN,  
*Assistant Secretary  
for Administration.*

[F.R. Doc. 66-11868; Filed, Oct. 31, 1966;  
8:48 a.m.]

## CIVIL AERONAUTICS BOARD

[Order No. E-24334]

### AIR TRANSPORT ASSOCIATION OF AMERICA AND INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Transportation of Unaccompanied Minors

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of October 1966.

An agreement adopted by the Air Traffic Conference of the Air Transport Association of America relating to the transportation of unaccompanied minors, Agreement CAB No. 11914-A176; an agreement adopted by the Traffic Conference of the International Air Transport Association relating to transportation of unaccompanied minors, Agreement CAB No. 19074-R11.

Pursuant to section 412(a) of the Federal Aviation Act of 1958, as amended, agreements have been filed with the Board by the Air Traffic Conference of the Air Transport Association of America (ATC), and the Traffic Conference of the International Air Transport Association (IATA). These agreements relate to the carriage of unaccompanied minors.

In the case of ATC, the agreement constitutes revisions to "Standard Interline Passenger Procedures" (SIPP) Resolution 120.25, governing the transportation of unaccompanied minors 8 through 11 years of age, which the Board has previously approved. Resolution 120.25

presently requires a confirmed itinerary for the child; certain information relative to the persons responsible for the child at city of origin and city of destination; handling instructions at point of transfer; and procedures to be followed in instances of schedule irregularity.

There are only two basic revisions to the present ATC Resolution. First, the word "child" wherever used has been changed to "minor". This change presents no problem. Secondly, the revised agreement has a new provision which provides that a form card entitled "Request for Airline Carriage of Unaccompanied Minor" may be used. The face of this form card provides spaces for helpful information relative to the minor and the persons escorting the minor to and from the airport. However, at the bottom of the card is the statement, "I accept the conditions of carriage set forth on the reverse side of this form." This is followed by a place for signature. The reverse side of the form card contains three provisions which are thereby accepted when the card is signed. Our difficulty lies only with the first provision.<sup>1</sup>

The language of the first provision states that the person signing the card agrees—

I. To indemnify and hold harmless the carrier(s), their personnel and agents for and against loss or damage sustained and cost and expense incurred by them in connection with the minor's travel or resulting therefrom and to release them from all liability other than set forth in their general conditions of carriage or tariffs.

The IATA agreement provides a recommended but not a required practice which is totally new but conforms in principle with the ATC agreement. The procedures recommended for IATA carrier use would apply to all unaccompanied minors under 12, and at the request of the parents to unaccompanied minors over 12. As to the latter there is a "Request for Airline Carriage of Unaccompanied Minor" form identical to the ATC form previously discussed. Another form is utilized in the case of minors under 12. The front of this card has spaces for information concerning the minor and escorts. The reverse side of the form, marked optional, contains a paragraph providing for indemnification to the carrier and a release of liability which is almost identical to the exculpatory clause previously quoted.

Under the proposed agreement the carrier could hold the signer responsible for whatever sums it might spend regardless of the reasonableness of such expenditures. More importantly the agreement could release the carrier from all liability without regard for its own negligence. We believe that these limitations go beyond what is reasonable and therefore must be disapproved as adverse to

<sup>1</sup> The second and third provisions (1) authorize the carrier to take whatever action may be necessary to insure the minor's safe custody and (2) require that the minor have the necessary documents for international travel.



the public interest. Accordingly, we will approve the instant agreements subject to the deletion of the exculpatory provisions from the form cards.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Agreement CAB No. 11914-A176 and Agreement CAB No. 19074-R11 to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

1. Agreement CAB No. 11914-A176 is approved provided that Provision 1. on the reverse side of the "Request for Airline Carriage of Unaccompanied Minor" form is deleted.

2. Agreement CAB No. 19074-R11 is approved provided that: (1) The entire third sentence on the reverse side of Attachment "A", beginning with the words "I furthermore declare \* \* \*" be deleted, and (2) Provision 1. on the reverse side of Attachment "B" be deleted.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-11866; Filed, Oct. 31, 1966;  
8:48 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[FCC 66-940]

### CATV REPORT FORM

#### Extension of Time for Filing

OCTOBER 28, 1966.

On September 30, 1966, the Commission issued its CATV Report Form (FCC Form 325) designed to identify the ownership and operational details of CATV systems. Copies of the form were mailed to known CATV systems with the instruction that the form was to be filed by November 1, 1966.

The Commission has been advised by a number of law firms representing CATV clients and by the National Community Television Association in behalf of its members that the initial 30-day period for the filing of the form is inadequate and that an additional period of time within which to respond is neces-

sary. The representatives of the systems have set forth several reasons which impel the requested extension of time.

The Commission is vitally interested in receiving full and complete information designed to be elicited by the CATV Report Form. Accordingly, and in compliance with the above request, the request for additional time in which to file this form is granted and the return will be due on December 1, 1966.

Adopted: October 27, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-11876; Filed, Oct. 31, 1966;  
8:49 a.m.]

[Docket No. 16525; FCC 66M-1452]

### JAMES L. HUTCHENS

#### Order Scheduling Hearing

In re application of James L. Hutchens, Central Point, Oreg., Docket No. 16525, File No. BP-16640; for construction permit.

Pursuant to agreement arrived at during prehearing conference in the above-styled proceeding held on this date: *It is ordered*, This 26th day of October, 1966, that the hearing in this proceeding will be held on January 9, 1967, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: October 27, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-11877; Filed, Oct. 31, 1966;  
8:49 a.m.]

[Docket Nos. 16676, 16677; FCC 66M-1443]

### ROYAL BROADCASTING CO., INC. (KHAI) AND RADIO KHAI, INC.

#### Order Continuing Hearing

In re applications of Royal Broadcasting Co., Inc. (KHAI), Honolulu, Hawaii, Docket No. 16676, File No. BR-4120; for renewal of license; Radio KHAI, Inc., Honolulu, Hawaii, Docket No. 16677, File No. BP-16294; for construction permit.

*It is ordered*, This 25th day of October 1966, that the hearing in the above-entitled proceeding shall be convened in San Francisco, Calif., on November 17, 1966, in lieu of November 15, 1966, as previously scheduled.

Released: October 26, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-11878; Filed, Oct. 31, 1966;  
8:49 a.m.]

<sup>1</sup> Commissioners Lee and Wadsworth absent.

[Docket No. 16864; FCC 66M-1450]

### ARTHUR POWELL WILLIAMS

#### Statement and Order After Prehearing Conference

In re application of Arthur Powell Williams, Docket No. 16864, File No. BR-1852; for renewal of license of Station KLAV, Las Vegas, Nev.

At today's prehearing conference, among other things it was directed that the hearing, now scheduled for November 28, 1966, be rescheduled for January 17, 1967, at 10 a.m., in Las Vegas, Nev. *So ordered*, This 26th day of October, 1966.

Released: October 27, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-11879; Filed, Oct. 31, 1966;  
8:49 a.m.]

## FEDERAL MARITIME COMMISSION

[Docket No. 66-57]

### DELI/PACIFIC RATE AGREEMENT

#### Shippers' Requests and Complaints; Order To Show Cause

Agreement 192, originally approved November 29, 1932, among the member lines of the Deli/Pacific Rate Agreement, covers the trade from ports on the East Coast of Sumatra between Langsa and Indragiri, both inclusive, to ports situated on the West Coast of North America.

Section 15 of the Shipping Act, 1916, reads in pertinent part as follows:

The Commission shall disapprove any such agreement, after notice and hearing, on a finding \* \* \* of failure or refusal to adopt and maintain reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints.

General Order 14 was adopted to implement the above-quoted statute and it provides, in pertinent part as follows:

#### § 527.3 Filing of procedures.

Within 60 days from the effective date of this part, each rate-making group operating under an approved section 15 agreement shall file with the Commission a statement outlining in complete detail its procedures for the disposition of shippers' requests and complaints.

#### § 527.4 Reports.

By January 31, April 30, July 31, and October 31 of each year, each conference and each other body with rate-fixing authority under an approved agreement shall file with the Commission a report covering all shippers' requests and complaints received during the preceding calendar quarter or pending at the beginning of such calendar quarter. The first such report shall be filed by October 31, 1965. All such reports shall include the following information for each request or complaint:

- (a) Date request or complaint was received.
- (b) Identity of the person or firm submitting the request or complaint.



(c) Nature of request or complaint, i.e., rate reduction, rate establishment, classification, overcharge, undercharge, measurement, etc.

(d) If final action was taken, date, and nature thereof.

(e) If final action was not taken, an identification of the request or complaint as "pending."

(f) If denied, the reason.

#### § 527.5 Resident representative.

Conference and other rate-making groups domiciled outside the United States shall designate a resident representative in the United States with whom shippers situated in the United States may lodge their requests and complaints. The resident representative shall maintain for a period of 2 years a complete record of requests and complaints filed with him by shippers and consignees situated in the United States and its territories. Conferences and other rate-making groups subject to this section may satisfy the reporting requirements of § 527.4 by reporting those requests and complaints filed with the resident agent appointed pursuant to the provisions of this section. Appointment of the resident representative shall be made by September 9, 1965.

#### § 527.6 Tariff provision.

Tariffs issued by or on behalf of conferences and other rate-making groups shall contain full instructions as to where and by what method shippers may file their requests and complaints, together with a sample of the rate request form, if one is used, or, in lieu thereof, a statement as to what supporting information is considered necessary for processing the request or complaint through conference channels. Appropriate tariff provision shall be accomplished within 90 days from the effective date of these rules.

This conference has been repeatedly requested to take the actions required under the above general order, and to date it has not made any effort to comply. (Copies of the requests for compliance are attached as Appendix B).<sup>1</sup>

The issues raised herein do not involve any disputed issues of fact which necessitate an evidentiary hearing but are such as to require a prompt determination by the Commission.

Now therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916,

*It is ordered*, That the Deli/Pacific Rate Agreement and the member lines thereof show cause why Agreement 192, as amended, should not be disapproved by the Commission pursuant to section 15 of the Shipping Act, 1916, because of the Conference's failure to comply with the requirements of section 15 of the Shipping Act, 1916, and the Conference's failure to comply with the Commission's General Order 14, issued June 8, 1965. This proceedings shall be limited to the submission of affidavits and memoranda and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than close of business November 21, 1966, replies thereto shall be filed by Hearing Counsel and interveners, if any, no later than close of business December 8, 1966. An original and 15 copies of affidavits of fact, memoranda of law, and replies to be filed with the Secretary, Federal Maritime Commission, Washington, D.C.

<sup>1</sup> Filed as part of the original document.

20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Oral argument will be heard at a date and time to be announced later.

*It is further ordered*, That the Deli/Pacific Rate Agreement and its member lines as indicated below, are hereby made respondents in this proceeding.

*It is further ordered*, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(L) (46 CFR 502.72) of the Commission's rules of practice and procedure no later than close of business November 7, 1966, with copy to Respondent Conference.

By the Commission.

[SEAL]

THOMAS LISI,  
Secretary.

#### APPENDIX "A"

M. S. Slamet, Secretary, Deli Pacific Rate Agreement, 2 Djalan Gudang, Post Office Box 134, Medan, Indonesia.

American Mail Line, Ltd., 601 California Street, San Francisco, Calif. 94108.

American President Lines, Ltd., 601 California Street, San Francisco, Calif. 94108.

Djakarta Lloyd, P.N., c/o General Steamship Corp., Ltd., 1 Bush Street, San Francisco, Calif. 94104.

Hoegh Lines—Joint Service, c/o Kerr Steamship Co., Inc., 350 California Street, San Francisco, Calif. 94104.

Isthmian Lines, Inc., c/o States Marine Isthmian Agency, Inc., 100 Bush Street, San Francisco, Calif. 94104.

Klaveness Line—Joint Service, c/o Overseas Shipping Co., 615 South Flower, Los Angeles, Calif. 90017.

[F.R. Doc. 66-11827; Filed, Oct. 31, 1966; 8:45 a.m.]

[Docket No. 66-56]

### JAVA/PACIFIC RATE AGREEMENT Shippers' Requests and Complaints; Order To Show Cause

Agreement 191, originally approved November 29, 1932, among the member lines of the Java/Pacific Rate Agreement, covers the trade from Indonesia exclusive of the ports situated on the East Coast of Sumatra between Langsa and Indragiri, both inclusive, to ports situated on the Pacific Coast of North America.

Section 15 of the Shipping Act, 1916, reads in pertinent part as follows:

The Commission shall disapprove any such agreement, after notice and hearing, on a finding . . . of failure or refusal to adopt and maintain reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints.

General Order 14 was adopted to implement the above-quoted statute and it provides, in pertinent part as follows:

#### § 527.3 Filing of procedures.

Within 60 days from the effective date of this part, each rate-making group operating under an approved section 15 agreement

shall file with the Commission a statement outlining in complete detail its procedures for the disposition of shippers' requests and complaints.

#### § 527.4 Reports.

By January 31, April 30, July 31, and October 31 of each year, each conference and each other body with rate-fixing authority under an approved agreement shall file with the Commission a report covering all shippers' requests and complaints received during the preceding calendar quarter or pending at the beginning of such calendar quarter. The first such report shall be filed by October 31, 1965. All such reports shall include the following information for each request or complaint:

(a) Date request or complaint was received.

(b) Identity of the person or firm submitting the request or complaint.

(c) Nature of request or complaint, i.e., rate reduction, rate establishment, classification, overcharge, undercharge, measurement, etc.

(d) If final action was taken, date and nature thereof.

(e) If final action was not taken, an identification of the request or complaint as "pending."

(f) If denied, the reason.

#### § 527.5 Resident Representative.

Conferences and other rate-making groups domiciled outside the United States shall designate a resident representative in the United States with whom shippers situated in the United States may lodge their requests and complaints. The resident representative shall maintain for a period of 2 years a complete record of requests and complaints filed with him by shippers and consignees situated in the United States and its territories. Conferences and other ratemaking groups subject to this section may satisfy the reporting requirements of § 527.4 by reporting those requests and complaints filed with the resident agent appointed pursuant to the provisions of this section. Appointment of the resident representative shall be made by September 9, 1965.

#### § 527.6 Tariff Provision.

Tariffs issued by or on behalf of conferences and other rate-making groups shall contain full instructions as to where and by what method shippers may file their requests and complaints, together with a sample of the rate request form, if one is used, or, in lieu thereof, a statement as to what supporting information is considered necessary for processing the request or complaint through conference channels. Appropriate tariff provision shall be accomplished within 90 days from the effective date of these rules.

This conference has been repeatedly requested to take the actions required under the above general order, and to date it has not made any effort to comply. (Copies of the requests for compliance are attached as Appendix B).<sup>1</sup>

The issues raised herein do not involve any disputed issues of fact which necessitate an evidentiary hearing but are such as to require a prompt determination by the Commission.

Now therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916,

*It is ordered*, That the Java/Pacific Rate Agreement and the member lines thereof show cause why Agreement 191, as amended, should not be disapproved by the Commission pursuant to section



15 of the Shipping Act 1916, because of the Conference's failure to comply with the requirements of section 15 of the Shipping Act, 1916, and the Conference's failure to comply with the Commission's General Order 14, issued June 8, 1965. This proceeding shall be limited to the submission of affidavits and memoranda and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than close of business November 21, 1966, replies thereto shall be filed by Hearing Counsel and interveners, if any, no later than close of business December 8, 1966. An original and 15 copies of affidavits of fact, memoranda of law, and replies to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Oral argument will be heard at a date and time to be announced later.

*It is further ordered*, That the Java/Pacific Rate Agreement and its member lines as indicated below, are hereby made respondents in this proceeding.

*It is further ordered*, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(L) (46 CFR 502.72) of the Commission's rules of practice and procedure no later than close of business November 7, 1966, with copy to Respondent Conference.

By the Commission.

[SEAL]

THOMAS LISI,  
Secretary.

#### APPENDIX "A"

Ong Tsing Boen, Secretary, Java Pacific Rate Agreement, Kali Besar Barut 50, Post Office Box 201, Djakarta Kota, Indonesia.

American Mail Line, Ltd., 601 California Street, San Francisco, Calif. 94108.

Isthmian Lines, Inc., c/o States Marine/Isthmian Agency Inc., 100 Bush Street, San Francisco, Calif. 94104.

Klaveness Lines Joint Service, c/o Overseas Shipping Co., 615 South Flower, Los Angeles, Calif. 90017.

Djakarta Lloyd, P.N., c/o General Steamship Corp., Ltd., 1 Bush Street, San Francisco, Calif. 94104.

[F.R. Doc. 66-11829; Filed, Oct. 31, 1966; 8:45 a.m.]

### GRACE LINE, INC., AND TRANSPORTE MARITIMO ORIENTAL C.A.

#### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW.,

Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Edward Walker, Manager, Rates and Conference Department, Grace Line, Inc., 2 Pine Street, San Francisco, Calif. 94111.

Agreement 9588, between Grace Line, Inc., and Transporte Maritimo Oriental C.A., proposes the establishment of a through billing service for the movement of general cargo from United States Pacific Coast ports to Venezuelan ports with transshipment at Puerto Cabello or La Guaira, Venezuela, in accordance with the terms and conditions set forth in the agreement.

Dated: October 26, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-11828; Filed, Oct. 31, 1966; 8:45 a.m.]

### LYKES BROS. STEAMSHIP CO. AND CHINA NAVIGATION CO., LTD.

#### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

A. E. Gilman, Lykes Bros. Steamship Co., New Orleans, La.

Agreement 9589 covers a through billing arrangement for the movement of cargo under through bills of lading from

Port Moresby, Rabul, Madang, and Lae, ports of call of the China Navigation Co., Ltd., in the territory of New Guinea to United States ports of call of Lykes line on the Gulf of Mexico with transshipment at Hong Kong, British Colony or Kobe or Yokohama, Japan in accordance with the terms and conditions stated therein.

Dated: October 26, 1966.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-11830; Filed, Oct. 31, 1966; 8:45 a.m.]

[Independent Ocean Freight Forwarder License 1020]

### PATRICK & GRAVES

#### Revocation of License

Whereas, L. H. Graves doing business as Patrick & Graves, 3611 Gulf Freeway, Post Office Box 578, Houston, Tex. 77001, has returned its Independent Ocean Freight Forwarder License No. 1020 to the Commission for cancellation:

*It is ordered*, That Independent Ocean Freight Forwarder License No. 1020, issued to L. H. Graves doing business as Patrick & Graves, on June 26, 1964, be and is hereby revoked, effective this date.

*It is further ordered*, That L. H. Graves doing business as Patrick & Graves henceforth cease operating as an independent ocean freight forwarder.

*It is further ordered*, That a copy of this order be published in the FEDERAL REGISTER and served on licensee.

By order of the Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-11871; Filed, Oct. 31, 1966; 8:49 a.m.]

[Independent Ocean Freight Forwarder License 1019]

### DIXIE FORWARDING CO., INC.

#### Revocation of License

Whereas, Dixie Forwarding Co., Inc., 3611 Gulf Freeway, Post Office Box 578, Houston, Tex. 77001, has returned its Independent Ocean Freight Forwarder License No. 1019 to the Commission for cancellation:

*It is ordered*, That Independent Ocean Freight Forwarder License No. 1019, issued to Dixie Forwarding Co., Inc., on June 26, 1964, be and is hereby revoked, effective this date.

*It is further ordered*, That Dixie Forwarding Co., Inc., henceforth cease operating as an independent ocean freight forwarder.

*It is further ordered*, That a copy of this order be published in the FEDERAL REGISTER and served on licensee.

By order of the Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-11872; Filed, Oct. 31, 1966; 8:49 a.m.]



[Independent Ocean Freight Forwarder  
License 845]

## MERCAL INTERNATIONAL, INC.

### Notice of Compliance With Order To Show Cause

Notice is hereby given that Mercal International, Inc., 13A East 40th Street, New York, N.Y. 10016, has complied with the Commission's order to show cause dated October 6, 1966, and published in the FEDERAL REGISTER (31 F.R. 13255), by filing an effective surety bond with the Commission.

JOHN F. GILSON,  
*Deputy Director,*  
*Bureau of Domestic Regulation.*

[F.R. Doc. 66-11873; Filed, Oct. 31, 1966;  
8:49 a.m.]

## AMERICAN PRESIDENT LINES, LTD., AND SEATRAN LINES, INC.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street, NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Harvey M. Flitter, Assistant Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J. 07020.

Agreement 959C covers a through billing arrangement for the movement of general cargo under through bills of lading from loading ports of the original carrier (Seatrain) in Puerto Rico to APL ports of call in South Viet Nam with transshipment at the Port of New York in accordance with the terms and conditions stated therein.

Dated: October 27, 1966.

THOMAS LISI,  
*Secretary.*

[F.R. Doc. 66-11874; Filed, Oct. 31, 1966;  
8:49 a.m.]

## INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

### COTTON TEXTILES PRODUCED OR MANUFACTURED IN BRAZIL

#### Entry or Withdrawal From Warehouse for Consumption

OCTOBER 27, 1966.

On October 26, 1966, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangements Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Brazil that it was renewing for an additional 12-month period beginning October 28, 1966, and extending through October 27, 1967, the restraint on imports to the United States of cotton textiles in Category 9, produced or manufactured in Brazil.

There is published below a letter of October 26, 1966, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, directing that amounts of cotton textiles in Category 9, produced or manufactured in Brazil, which may be entered or withdrawn from warehouse for consumption in the United States, for the 12-month period beginning October 28, 1966, and extending through October 27, 1967, be limited to a designated level.

STANLEY NEHMER,  
*Chairman, Interagency Textile  
Administrative Committee,  
and Deputy Assistant Secretary  
for Resources.*

THE SECRETARY OF COMMERCE  
PRESIDENT'S CABINET TEXTILE ADVISORY  
COMMITTEE

WASHINGTON, D.C. 20230.  
October 26, 1966.

COMMISSIONER OF CUSTOMS,  
*Department of the Treasury*  
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit effective October 28, 1966, and for the 12-month period extending through October 27, 1967, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles in Category 9, produced or manufactured in Brazil, in excess of a level of restraint for the period of 578,812 square yards.

In carrying out this directive, entries of cotton textiles in Category 9, produced or manufactured in Brazil, which have been exported to the United States from Brazil prior to October 28, 1966, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods for the period ending October 27, 1966. In the event that the level of restraint estab-

lished for the period ending October 27, 1966 has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

JOHN T. CONNOR,  
*Secretary of Commerce, and Chairman,  
President's Cabinet Textile  
Advisory Committee.*

[F.R. Doc. 66-11869; Filed, Oct. 31, 1966;  
8:48 a.m.]

## INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

### AIR POLLUTION IN BOUNDARY AREAS

#### Investigation

The International Joint Commission, pursuant to its rules of procedure, announces that by similar letters dated September 23, 1966, the Governments of Canada and the United States have referred to it the matter of air pollution in the vicinity of Detroit-Windsor and Port Huron-Sarnia and air pollution problems generally in other boundary areas.

Partial text of the Reference follows:

In view of the seriousness of the problem of air pollution in the vicinity of Port Huron-Sarnia and Detroit-Windsor, both Governments have agreed to refer this matter to the International Joint Commission, pursuant to Article IX of the Boundary Waters Treaty of 1909. The Commission is therefore requested to inquire into and report to the two Governments upon the following questions:

(1) Is the air over and in the vicinity of Port Huron-Sarnia and Detroit-Windsor being polluted on either side of the international boundary by quantities of air contaminants that are detrimental to the public health, safety, or general welfare of citizens or property on the other side of the international boundary?

(2) If the foregoing question or any part thereof is answered in the affirmative, what sources are contributing to this pollution and to what extent?

(3) (a) If the Commission should find that any sources on either side of the boundary in the vicinity of Port Huron-



Sarnia and Detroit-Windsor contribute to air pollution on the other side of the boundary to an extent detrimental to the public health, safety or general welfare of citizens or property, what preventive or remedial measures would be most practical from economic, sanitary and other points of view?

(b) The Commission should give an indication of the probable total cost of implementing the measures recommended.

In the light of the findings contained in the Commission's report of May 1960, the Commission, in conducting its investigations under this Reference is requested to give initial attention to the Detroit-Windsor area and, to submit its report and recommendations on this problem to the two governments as soon as possible.

The Commission is also requested to take note of air pollution problems in boundary areas other than those referred to in Question 1 which may come to its attention from any source. If at any time the Commission considers it appropriate to do so, the Commission is invited to draw such problems to the attention of both Governments.

Persons or agencies interested in the subject matter of this Reference are invited to inform the Commission of the nature of their interest. At an appropriate time, the Commission will hold public hearings at which there will be convenient opportunity for all interests to be heard.

Copies of the Reference from the Governments are available on request at the offices of the Commission.

WILLIAM A. BULLARD,  
Secretary, U.S. Section,  
International Joint Commission.

D. G. CHANCE,  
Secretary, Canadian Section,  
International Joint Commission.

OCTOBER 26, 1966.

[F.R. Doc. 66-11870; Filed, Oct. 31, 1966;  
8:48 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 1434]

### MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 26, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by

petitioners must be specified in their petitions with particularity.

No. MC-FC-69087. By order of October 19, 1966, the Transfer Board approved the transfer to Anthony F. Lisano, doing business as W. B. Howard Express Co., Boston, Mass., of the certificate in No. MC-41809 and the certificate of registration in No. MC-41809 (Sub-No. 2), issued June 3, 1941, and March 30, 1964, respectively, to Matthew N. Lisano and Anthony F. Lisano, a partnership, doing business as W. B. Howard Express Co., Boston, Mass., the former authorizing the transportation of general commodities, with usual exceptions, over irregular routes, between Boston, Mass., on the one hand, and, on the other, Brookline, Cambridge, Lynn, Malden, Medford, Somerville, and Watertown, Mass., and the latter evidencing a right of the holder to engage in transportation in interstate or foreign commerce within the limits of irregular route common carrier certificate No. 3437, dated March 22, 1950, issued by the Massachusetts Department of Public Utilities. J. Chester Webb, 397 Moody Street, Second Floor, Waltham, Mass. 02154, attorney for applicants.

No. MC-FC-69130. By order of October 19, 1966, the Transfer Board approved the transfer to Lewis Price, Des Moines, Iowa, of the operating rights in permit No. MC-80717, issued June 28, 1941, to H. G. Hypes, West Des Moines, Iowa, and authorizing the transportation of beer, ginger ale, empty beverage containers, and fancy groceries, over irregular routes, between Des Moines, Iowa, on the one hand, and, on the other, Minneapolis and Shakopee, Minn., Dubuque, Iowa, and Chicago, Ill. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306, representative for applicants.

No. MC-FC-69131. By order of October 19, 1966, the Transfer Board approved the transfer to A. F. Express Co., Inc., Stockton, Calif., of the certificate of registration in No. MC-120859 (Sub-No. 1), issued February 24, 1964, to Rose J. Antonini, Virgil J. Antonini (administrator), a partnership, for the estate of Louis E. Antonini, and Virgil J. Antonini, doing business as Antonini Fruit Express, Stockton, Calif., and evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate of public convenience and necessity in decision No. 61475, dated February 14, 1961, issued by the Public Utilities Commission of California. Frances X. Vieira, Harkins & Vieira, 22 North San Joaquin, Stockton, Calif. 95202, attorney for applicants.

No. MC-FC-69132. By order of October 19, 1966, the Transfer Board approved the transfer to Lawrence Tetz and Kenneth Tetz, a partnership, doing business as Tetz Oil Co., Ilwaco, Wash., of permit No. MC-110415 (Sub-No. 1), issued October 28, 1965, to William Tetz,

Lawrence Tetz, and Kenneth Tetz, a partnership, doing business as Tetz Oil Co., Ilwaco, Wash., and authorizing the transportation of petroleum products in bulk, in tank vehicles, over irregular routes, from Astoria, Oreg., to Ilwaco, Wash. Earle V. White, White & Stouthwell, 2130 Southwest Fifth Avenue, Portland, Oreg. 97201, attorney for applicants.

No. MC-FC-69134. By order of October 19, 1966, the Transfer Board approved the transfer to A. Pare & Son Movers, Inc., Dracut, Mass., of the operating rights in certificate No. MC-51083 issued October 17, 1950, to Aurele Pare, doing business as A. Pare-Mover, Dracut, Mass., authorizing the transportation of: Household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, over irregular routes, between Lowell, Mass., and points in Massachusetts within 15 miles of Lowell, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, Connecticut, New York, and New Jersey. John F. Curley, 33 Broad Street, Boston, Mass. 02109, attorney for applicants.

No. MC-FC-69150. By order of October 19, 1966, the Transfer Board approved the transfer to Tortorell Trucking, Inc., Ridgewood, N.Y., of permit No. MC-105968, issued August 13, 1964, to Samuel Tortorelli, doing business as Tortorell Trucking, 177 Woodward Avenue, Ridgewood, N.Y., and authorizing the transportation of: Iron and steel bars, plates, rods, sheets, and strips, which do not because of shape, size, or weight require specialized handling or the use of special equipment, over irregular routes, between New York, N.Y., on the one hand, and, on the other, Newark, N.J., and points in New Jersey within 25 miles of Newark.

No. MC-FC-69186. By order of October 25, 1966, the Transfer Board approved the transfer to Julius Perler, doing business as E. Perler & Son, Brooklyn, N.Y., of the operating rights in permit No. MC-108024, issued October 9, 1953, to Harry Perler and Julius Perler, doing business as E. Perler & Son, Brooklyn, N.Y., authorizing the transportation of: Tin cans, from New York, N.Y., to points in Connecticut, New Jersey, New York, and Pennsylvania within 100 miles of New York, N.Y.; and rejected shipments of tin cans, from the above-specified destination points to New York, N.Y. Scrap tin, from New York, N.Y., to Carteret, N.J., with no transportation for compensation on return except as otherwise authorized. William D. Traub, 10 East 40th Street, New York, N.Y. 10016, representative for applicants.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-11811; Filed, Oct. 28, 1966;  
8:47 a.m.]



## FEDERAL POWER COMMISSION

[Docket Nos. G-6210, etc.]

## BURK GAS CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates <sup>1</sup>

OCTOBER 20, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 10, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, statement of general policy and interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-6210 E 6-14-66	Burk Gas Corp. et al. (successor to Estate of M. G. Hansbro, Deceased), 800 Oil and Gas Bldg., Wichita Falls, Tex. 76301.	United Gas Pipe Line Co., Various Units, Bethany Field, Panola County, Tex.	<sup>1</sup> 10.8876	14.65
G-8552 E 9-14-66	Depeco, Inc. (Operator), et al. (successor to International Oil & Gas Corp. (Operator), et al.), 825 Petroleum Club Bldg., Denver, Colo. 80202.	United Gas Pipe Line Co., Emma Haynes Field, Gollad County, Tex.	13.1664	14.65
G-11720 E 9-14-66	do.	Texas Eastern Transmission Corp., Yoward Field, Bee County, Tex.	10.92096	14.65
G-14594 E 9-14-66	Depeco, Inc., et al. (successor to International Oil & Gas Corp.).	do.	10.92096	14.65
G-14833 E 9-14-66	Depeco, Inc. (Operator), et al. (successor to International Oil & Gas Corp. (Operator), et al.).	El Paso Natural Gas Co., Blanco Field, Rio Arriba County, N. Mex.	<sup>2</sup> 14.0 <sup>3</sup> 12.05	15.025 15.025
G-18067 E 9-14-66	Depeco, Inc., et al. (successor to International Oil & Gas Corp.).	El Paso Natural Gas Co., Aztec Field, San Juan County, N. Mex.	<sup>4</sup> 14.0	15.025
G-19187 E 9-14-66	do.	Northern Natural Gas Co., Blueberry Field, Lea County, N. Mex.	<sup>4</sup> 11.84295	14.65
C160-23 E 9-14-66	do	El Paso Natural Gas Co., Gallegos Gallup Field, San Juan County, N. Mex.	13.0	15.025
C161-516 C 10-5-66	Pan American Petroleum Corp. (Operator), et al., Post Office Box 591, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Putnam Field, Dewey County, Okla.	<sup>6</sup> 16.0	14.65
C162-851 E 9-14-66	Depeco, Inc. (Operator), et al. (successor to International Oil & Gas Corp. (Operator), et al.).	El Paso Natural Gas Co., Blanco Field, Rio Arriba County, N. Mex.	<sup>7</sup> 14.0 <sup>8</sup> 12.05	15.025 15.025
C164-836 D 9-6-66	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Syracuse Area, Hamilton County, Kans.	( <sup>9</sup> )	-----
C165-679 E 9-14-66	Depeco, Inc., et al. (successor to International Oil & Gas Corp.).	Natural Gas Pipeline Co. of America, Indian Basin Field, Eddy County, N. Mex.	16.608	14.65
C166-470 D 10-6-66	Sunray DX Oil Co. (Operator), et al., Post Office Box 2039, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore, Lathier, Pittsburg, and Haskell Counties, Okla.	15.0	14.65
C166-721 D 10-11-66	Coastal States Gas Producing Co., Post Office Box 521, Corpus Christi, Tex. 78403.	Lone Star Gas Co., Nellie District North Field, Stephens County, Okla.	( <sup>11</sup> )	-----
C166-1312 A 6-23-66	Pecos Growers Oil Co., 12 1605 National Bank of Tulsa Bldg., Tulsa, Okla. 74101.	El Paso Natural Gas Co., Fort Stockton Field, Pecos County, Tex.	16.5	14.65
C167-49 A 7-15-66	Humble Oil & Refining Co., 13 Post Office Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Wilshire (Devonian) Field, Upton County, Tex.	<sup>14</sup> 16.5	14.65
C167-248 A 8-25-66	Blackburn Gasoline Plant, Post Office Box 396, Minden, La.	Acreage in Bossier and Webster Parishes, Northern Louisiana. <sup>15</sup>	<sup>16</sup> 1.5 <sup>17</sup> 1.0	15.025
C167-312 (G-6210) B 9-6-66	Burk Gas Corp., et al. (successor to M. G. Hansbro, Deceased).	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	( <sup>19</sup> )	-----
C167-387 A 10-5-66	Jack E. Webber and Dorothea Webber, Route 1, Morgansville, W. Va. 26406.	Pennzoll Co., Grant District, Doddridge County, W. Va.	15.0	15.325
C167-388 B 10-3-66	Union Producing Co., Post Office Box 1407, Shreveport, La. 71102.	United Gas Pipe Line Co., Monroe Field, Union Parish, La.	Depleted	-----
C167-389 A 10-3-66	Tidewater Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Southern Union Gathering Co., San Juan Basin-Dakota Field, San Juan County, N. Mex.	14.05775	15.025
C167-391 (G-19600) F 10-5-66	Livingston Oil Co. (successor to New Era Royalties Co.), Post Office Box 1708, Tulsa, Okla. 74101.	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans.	16.0	14.4
C167-392 A 10-6-66	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Florida Gas Transmission Co., South Manchester Field, Calcasieu Parish, La.	20.0	15.025
C167-393 A 9-20-66	Taylor Properties, Inc., 1100 Oil and Gas Bldg., Wichita Falls, Tex. 76301.	Phillips Petroleum Co., West Pankhandle Field, Gray County, Tex.	8.0	14.65
C167-394 A 10-7-66	R. H. Worden, Post Office Box 57, Pikeville, Ky. 41501.	United Fuel Gas Co., Eastern Kentucky Field, Pike County, Ky.	17.0	15.325
C167-395 B 10-7-66	Pan American Petroleum Corp.	Consolidated Gas Supply Corp., Union District, Tyler County, W. Va.	Depleted	-----
C167-396 A 10-10-66	Humble Oil & Refining Co.	Valley Gas Transmission, Inc., East Scott and Hopper Field Area, Brooks County, Tex.	15.0	14.65
C167-397 A 10-10-66	Arnold Petroleum Co. (Operator), et al., 700 United Founders Tower, Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Moene-Laverne Field, Beaver County, Okla.	<sup>14</sup> 17.0	14.65
C167-398 A 10-10-66	Roger M. Wheeler, 41st St. and Sheridan Rd., Post Office Box 1520, Tulsa, Okla. 74101.	Northern Natural Gas Co., Southeast Farnsworth Field, Ochiltree County, Tex.	17.0	14.65
C167-399 F 10-3-66	James W. Harris (successor to Sun Oil Co.), 236 Bldg., 236 East Capitol St., Jackson, Miss. 39205.	Southern Natural Gas Co., Gwinville Field, Jefferson Davis County, Miss.	15.0256	15.025
C167-400 A 10-10-66	C. F. Raymond, 1700 Broadway, Denver, Colo. 80208.	Kansas-Nebraska Natural Gas Co., Inc., Bonanza Field, Logan County, Colo.	10.0	16.4
C167-401 A 10-10-66	Pan American Petroleum Corp.	Northern Natural Gas Co., Various Fields, Haskell County, Kans.	<sup>20</sup> 14.0 <sup>21</sup> 16.0	14.65
C167-402 A 10-10-66	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Cascade Natural Gas Corp., Winter Valley Field, Moffat County, Colo.	<sup>22</sup> 15.0	14.65

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendments to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

See footnotes at end of table.



Docket No. and Date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI67-448- A 10-10-66	Warren American Oil Co., 915 First National Bank Bldg., Tulsa, Okla. 74103.	Texas Gas Transmission Corp., Block 40 Field, Ship Shoal Area, Terrebonne Parish, La.	21.25	15.025
CI67-449- A 10-10-66	Anadarko Production Co., et al., Post Office Box 9317, Fort Worth, Tex. 76107.	Northern Natural Gas Co., Northwest Perryton Field, Ochiltree County, Tex.	17.0	14.65
CI67-450- A 10-10-66	W. J. Copplinger (Operator), et al., 1207 Union National Bldg., Wichita, Kans. 67202.	Northern Natural Gas Co., Eubank Field, Haskell County, Kans.	14.0	14.65
CI67-451- A 10-5-66	Ashworth Gas Co., c/o Clark Curry, agent, Post Office Box 23, Hamlin, W. Va. 25523.	United Fuel Gas Co., Curry District, Putnam County, W. Va.	16.0	15.325
CI67-452- B 10-10-66	Sunray D X Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	Texas Gas Transmission Corp., Carlton Area, Ouachita Parish, La.	Depleted	-----
CI67-453- A 10-10-66	Edwin G. Bradley, et al., 826 Union Center Bldg., Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	14 16.0	14.65
CI67-455- A 10-10-66	Burning Creek-Marrowbone Land Co., Box 1098, Williamson, W. Va. 25661.	United Fuel Gas Co., Kermit Field, Mingo County, W. Va.	16.0	15.325
CI67-456- A 10-10-66	Burning Springs Land Co., 522 Dixie Terminal Bldg., Cincinnati, Ohio 45202.	do	16.0	15.325
CI67-457- B 10-10-66	Michel T. Halbounty (Operator), et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Eagle Lake Field, Colorado County, Tex.	Depleted	-----
CI67-458- A 10-11-66	The Louisiana Land & Exploration Co., c/o H. H. Hillyer, Jr. and Marsden W. Miller, Jr., attorneys, 1122 Whitney Bldg., New Orleans, La. 70113.	Texas Gas Transmission Corp., Lake Pagle Field, Terrebonne Parish, La.	20.625	15.025
CI67-459- A 10-11-66	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, Tex. 77001.	Cities Service Gas Co., South Bishop Field, Ellis County, Okla.	17.0	14.65
CI67-460- A 10-11-66	Coastal States Gas Producing Co., Post Office Drawer 521, Corpus Christi, Tex. 78403.	Lone Star Gas Co., Nellie District North Field, Stephens County, Okla.	15.0	14.65

<sup>1</sup> Includes 0.1376 cent per Mcf tax reimbursement.

<sup>2</sup> Effective rate under FPC GRS No. 6. Rate in effect subject to refund in Docket No. RI64-634.

<sup>3</sup> Effective rate under FPC GRS No. 7.

<sup>4</sup> Rate in effect subject to refund in Docket No. RI64-538.

<sup>5</sup> Rate in effect subject to refund in Docket No. RI66-531.

<sup>6</sup> Includes 1.0 cent upward B.t.u. adjustment.

<sup>7</sup> Effective rate under FPC GRS No. 4. Rate in effect subject to refund in Docket No. RI64-634.

<sup>8</sup> Effective rate under FPC GRS No. 5.

<sup>9</sup> Leases have been nonproductive and have been released to land-owners with Buyer's approval.

<sup>10</sup> Amendment to certificate filed to add interest of coowners.

<sup>11</sup> Deletes a portion of the acreage included in initial certificate application through error of Petitioner.

<sup>12</sup> Applicant states its willingness to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.

<sup>13</sup> By letter filed Oct. 13, 1966, Applicant agreed to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.

<sup>14</sup> Subject to upward and downward B.t.u. adjustment.

<sup>15</sup> Applicant requests authorization to gather, compress and deliver gas to pipeline purchasers thereof. The various independent producers which will use Applicant's services have heretofore been authorized to sell natural gas to the pipeline purchasers.

<sup>16</sup> Gathering charge. Charge to be reduced to 0.0025 cent per Mcf after cost of gathering facilities has been recovered or 5 years has elapsed from date of initial delivery.

<sup>17</sup> Compression charge per stage.

<sup>18</sup> Abandons service insofar as it relates to acreage covered under Supp. 1 to FPC GRS No. 9. Other sales covered under Docket No. G-6210.

<sup>19</sup> Well ceased producing in 1957.

<sup>20</sup> Production from formations deeper than the base of the Wolfcamp series of the Permian System and above the top of the Morrowan series of the Pennsylvanian System.

<sup>21</sup> Production below the top of the Morrowan series of the Pennsylvanian System.

<sup>22</sup> Less 1.25 cents per Mcf facility charge.

[F.R. Doc. 66-11788; Filed, Oct. 31, 1966; 8:45 a.m.]

[Docket No. CP67-102]

## EL PASO NATURAL GAS CO.

### Notice of Application

OCTOBER 25, 1966.

Take notice that on October 19, 1966, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain transmission facilities with necessary appurtenances and authorizing the sale for resale in interstate commerce of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 17.93 miles of 8½-inch O.D.

pipeline looping a portion of its San Manuel-Hayden, Ariz., pipeline and to modify its existing measuring and regulating stations serving American Smelting & Refining Co. (AS&R) and Kennecott Copper Corp. (Kennecott) by adding one 6½-inch O.D. orifice-type meter run to each station. The application states that Applicant proposes to enter into Gas Sales Agreements with AS&R and Kennecott to increase the firm daily deliveries of natural gas by Applicant to such customers by 2,023 Mcf and 708.05 Mcf respectively. The above mentioned facilities are proposed to implement the increases of the direct deliveries near Hayden, Gila County, Ariz., to AS&R and Kennecott by Applicant when agreed upon.

Applicant is presently selling and delivering natural gas to Arizona Public Service Co. (Public Service) for resale and distribution in the community of

Ehrenberg, Yuma County, Ariz., through a mainline tap located on its 26-inch O.D. California mainline. Public Service proposes to expand its present distribution system to serve additional consumers situated in its Ehrenberg service area. The estimated annual and maximum daily natural gas requirements of Public Service during the third full year of proposed service are 12,553 Mcf and 231 Mcf respectively. To provide for more efficient control over the volumes of gas sold and delivered to public Service, Applicant proposes to convert the foregoing mainline tap to a measuring and regulating station.

Southwest Gas Corp. (Southwest Gas) proposes to initiate natural gas service to consumers situated in the community of Sacaton, and other areas, within the Gila River Indian Reservation, Pinal County, Ariz., and to construct transmission and distribution facilities necessary therefor. The estimated annual and maximum daily natural gas requirements of Southwest Gas to provide service in such area during the third full year thereof are 22,460 Mcf and 190 Mcf, respectively. To implement such service, Applicant proposes to construct and operate a measuring and regulating station adjacent to its 10¾-inch O.D. Phoenix pipeline located in Pinal County, Ariz.

The sale and delivery of natural gas by Applicant to Public Service and Southwest Gas will be made in accordance with and at rates contained in Applicant's Rate Schedules A-1 and B-1, FPC Gas Tariff, Original Volume No. 1.

The total estimated cost of Applicant's proposed facilities is \$469,854, inclusive of filing fees, which cost will be financed through the use of working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 21, 1966.

Take further notice, that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-11837; Filed, Oct. 31, 1966; 8:45 a.m.]



[Docket No. CP67-104]

**CITIES SERVICE GAS CO.****Notice of Application**

OCTOBER 25, 1966.

Take notice that on October 20, 1966, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP67-104 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and operation of certain transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate small field compressor units including, where necessary, the relocation of such units located on gathering laterals in various presently connected gas producing fields to enable Applicant to take into its certificated main pipeline system natural gas which it is authorized to purchase from producers thereof.

The total cost of the proposed facilities will not exceed a maximum of \$500,000, and the cost of units for any single producing area will not exceed \$200,000, which cost will be paid out of treasury funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 21, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-11838; Filed, Oct. 31, 1966;  
8:45 a.m.]

[Docket No. CP67-103]

**PENNSYLVANIA GAS AND WATER CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.****Notice of Application**

OCTOBER 24, 1966.

Take notice that on October 19, 1966, Pennsylvania Gas and Water Co. (Applicant), 30 North Franklin Street, Wilkes-Barre, Pa. 18701, filed in Docket No. CP67-103 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Transcontinental Gas Pipe Line Corp. (Respondent) to establish existing interconnections as additional points of delivery to Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks an order directing Respondent to establish the existing interconnections at Old Lycoming and Pennsdales-Muncy as sales delivery points under the existing service agreements between Applicant and Respondent and to sell and deliver natural gas to Applicant at such new delivery points for resale in Applicant's Susquehanna Division under Respondent's Rate Schedules CD3 and GSS.

Applicant seeks no increase in its existing contract quantities under its service agreement with Respondent for the 1966-67 winter heating season, and no new facilities required to permit deliveries by Respondent to Applicant at the Old Lycoming and Pennsdales-Muncy delivery points.

Estimated third year annual and peak day volumes of natural gas which Applicant would purchase from Respondent at the proposed delivery points under presently effective purchase and certificated arrangements, are 2,788.1 Mcf and 1,000 Mcf respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 21, 1966.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-11839; Filed, Oct. 31, 1966;  
8:46 a.m.]

[Docket No. RP66-25]

**TENNESSEE VALLEY MUNICIPAL GAS ASSOCIATION, ET AL.****Order Providing for Investigation and Hearing and Denying Motions for Immediate Rate Reduction Pending Hearing and To Dismiss Complaint**

OCTOBER 25, 1966.

Tennessee Valley Municipal Gas Association (Municipal Association) and its

10 individual members<sup>1</sup> (Municipalities), on June 7, 1966, filed a formal complaint against Alabama-Tennessee Natural Gas Co. (Alabama-Tennessee). Alabama-Tennessee filed an answer and a motion to dismiss on July 15, 1966. An answer in opposition to Defendant's motion to dismiss and motion of complainants for prompt hearing on complaint was filed by the Municipal Association and Municipalities on July 25, 1966.

The complaint alleges that the municipalities purchase all their gas requirements for resale from Alabama-Tennessee at the rates at issue, that Alabama-Tennessee's rates for the sale in interstate commerce of natural gas for resale are excessive, unjust, unreasonable, and otherwise unlawful, and that the jurisdictional revenues exceed the jurisdictional cost of service by \$285,072 or 2.36 cents per Mcf, out of which 0.48 cents per Mcf or \$58,500 is applicable to the excess of liberalized tax depreciation over straight-line tax depreciation. In support of the allegations, included with the complaint are various computations and schedules, all based on the 1965 Annual Report of Alabama-Tennessee on file with the Commission. The prayer for relief consists of a motion for immediate rate reduction pending hearing, in the amount of \$226,000 a year or 1.88 cents per Mcf, and a request that the matter be set for hearing.

Alabama-Tennessee denies the allegation that its rates are unjust or unreasonable or otherwise unlawful. It contends: (1) "It is entitled to a respite from further rate proceedings \* \* \*"; (2) a hearing "would necessarily entail very substantial but needless expenditures of time and money"; (3) "there is no mention in the complaint to the effect that any future rate reductions would be passed on to the ultimate consumers for whose benefit the Natural Gas Act was enacted." A further basis of the motion to dismiss is the statement that rates cannot be fixed upon the basis of unadjusted book figures without giving effect to the normalization of costs.

Upon analysis of the documents filed, it is our view that an investigation should be instituted into the reasonableness of Defendant's rates, and that a public hearing should be held, in order to afford all parties an opportunity to present evidence on the issues presented; and that all matters which can be resolved without a formal hearing should be settled by stipulation, to expedite the hearing. However, there is no basis in the complaint for an immediate reduction pending hearing and decision on complaint.

The Commission finds: It is necessary and appropriate for purposes of carrying out the provisions of section 5(a) of the Natural Gas Act that an investigation and hearing be instituted to deter-

<sup>1</sup> Athens, Decatur, Florence, Huntsville, Russellville, Sheffield, and Tusculumbia, Ala.; Corinth and Iuka, Miss.; and Selmer, Tenn.



mine the lawfulness of Alabama-Tennessee's jurisdictional rate.

The Commission orders:

(A) An investigation hereby is instituted to determine whether the Alabama-Tennessee jurisdictional rates are unjust and unreasonable and a hearing shall be held thereon. If, after hearing, the Commission finds that any rates, charges, classifications, rules, regulations, practices, or contracts are unjust, unreasonable, and unduly discriminatory or preferential, the Commission shall thereupon determine, fix and prescribe by appropriate order or orders, just, reasonable, nondiscriminatory, and nonpreferential rates, charges, classifications, rules, regulations, practices, or contracts.

(B) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 14, 15, and 16 thereof, and to the Commission's rules of practice and procedure, a public hearing shall be held in a hearing room of the Commission at 441 G Street NW., Washington, D.C., concerning the matters specified in paragraph (A) above.

(C) Pursuant to the Commission's rules of practice and procedure, particularly §§ 1.27, 1.30(j), and 3.4(e) (6) thereof, the Chief Examiner shall designate a hearing officer to preside at the prehearing conference hereinafter provided for, and any subsequent prehearing conferences and hearings which he may deem appropriate in these proceedings and to render an initial decision on the issues.

(D) The following schedule for the service of testimony is hereby prescribed: November 22, 1966, service of direct testimony by the Complainants. December 22, 1966, service of direct testimony by Alabama-Tennessee. March 22, 1967, service of direct testimony by the Commission Staff and all Interveners.

(E) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner shall commence at 10 a.m., e.s.t., on March 27, 1967, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of defining the issues, reaching an agreement and stipulation thereon and on any facts relevant to this matter, and, if necessary, to prescribe procedure for hearing herein giving effect to the Commission's intent that this matter be expedited.

(F) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure, §§ 1.8 and 1.37(f) (18 CFR 1.8 and 1.37(f)), on or before November 15, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-11840; Filed, Oct. 31, 1966; 8:46 a.m.]

[Docket No. CP67-105]

## TRANSWESTERN PIPELINE CO.

### Notice of Application

OCTOBER 25, 1966.

Take notice that on October 20, 1966, Transwestern Pipeline Co. (Applicant), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP67-105 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7 (c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and operation of certain gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct, install, relocate, alter, and operate during the calendar year 1967, certain routine field facilities to enable Applicant to make, with a minimum daily, relatively minor alterations in and additions to its existing facilities and to permit the connection of wells from existing and new sources of supply.

The total estimated cost of the proposed facilities will not exceed \$1,500,000, and no single project will exceed \$375,000. The cost will be financed from funds made available from operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 21, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-11841; Filed, Oct. 31, 1966; 8:46 a.m.]

[Docket No. CP67-106]

## TRANSWESTERN PIPELINE CO.

### Notice of Application

OCTOBER 25, 1966.

Take notice that on October 20, 1966, Transwestern Pipeline Co. (Applicant),

Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP67-106 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the purchase, transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 13.9 miles of 16-inch pipeline, approximately 1.6 miles of smaller sized gathering lines for individual well connections and related pipeline facilities, all in the West Rojo Caballos Field in Pecos and Reeves Counties, Tex.

The total estimated cost of the proposed facilities is \$748,000, which cost will be financed out of funds generated from company operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 21, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-11842; Filed, Oct. 31, 1966; 8:46 a.m.]

[Docket No. CS 66-77, etc.]

## PAUL F. BARNHART, ET AL.

### Findings and Order

OCTOBER 25, 1966.

Paul F. Barnhart, Docket No. CS66-77; J. Ray McDermott & Co., Inc., Docket Nos. G-7378, G-7379, G-7382, G-7383, G-7388, G-7389; J. Ray McDermott & Co., Inc. and Sohio Petroleum Co., et al., Docket No. RI61-359; Sohio Petroleum Co., et al., RI61-402.

Findings and order after statutory hearing issuing small producer certificate of public convenience and necessity, amending orders issuing certificates, serving and terminating proceedings,



and redesignating FPC gas rate schedules.

On November 30, 1965, Paul F. Barnhart (Applicant) filed in Docket No. CS66-77 an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the application.

Applicant has heretofore been authorized in Docket Nos. G-7378, G-7379, G-7382, G-7383, G-7388, and G-7389 to sell gas from the Permian Basin area pursuant to his FPC Gas Rate Schedule Nos. 1, 2, 5, 6, 11, and 12, respectively. Therefore, the certificate issued in Docket No. CS66-77 will be effective on the date of this order.

Applicant's aforementioned rate schedules cover a two-thirds working interest of J. Ray McDermott & Co., Inc. (McDermott), a large producer who is a signatory party to all contracts. Inasmuch as the Commission's regulations governing small producers do not permit small producers to cover large producers' interests exceeding 12.5 percent, the orders issuing certificates in the aforementioned dockets will be amended by deleting therefrom authorization for Applicant to sell natural gas as therein set forth and by redesignating said certificates in the name of McDermott. The related rate schedules will be redesignated as those of McDermott as set forth in the Appendix hereto, pursuant to a request by McDermott by letter dated August 25, 1966.

Applicant is involved in rate suspension proceedings in Docket Nos. RI61-359<sup>1</sup> and RI61-402<sup>1</sup> in which proceedings the Commission suspended proposed increased rates which are in excess of the applicable area base rate prescribed in Opinion No. 468. The increased rates, however, were not placed into effect insofar as Applicant's interests are concerned but were made effective by McDermott for its interests in Applicant's rate schedules involved in Docket No. RI61-359. The proceedings in Docket No. RI61-402 do not involve McDermott in any way as McDermott has no interest in the pertinent rate schedules of Applicant therein involved. Therefore, Applicant will be deleted as co-respondent in the proceeding in Docket No. RI61-402 and J. Ray McDermott & Co., Inc., will be substituted in lieu of Applicant as co-respondent in the proceeding in Docket No. RI61-359. McDermott will be bound by the refund requirements set forth in opinion No. 468.

The suspension proceedings in Docket Nos. G-13985,<sup>2</sup> G-14017,<sup>2</sup> and G-14018<sup>2</sup> involve increased rates below the appli-

cable area base rate, which rates were not made effective and are superseded by the increased rates involves in Docket Nos. RI61-359 and RI61-402. Therefore, the proceedings in Docket Nos. G-13985, G-14017, and G-14018 will be severed from the proceeding in Docket No. AR61-1, et al., and terminated.

After due notice no petition to intervene, notice of intervention or protest to the granting of the application has been received.

At a hearing held on October 20, 1966, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application, submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission finds:

(1) Applicant, Paul F. Barnhart, is engaged in the sale for resale of natural gas in interstate commerce subject to the jurisdiction of the Commission and is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sales of natural gas hereinbefore described, as more fully described in the application herein, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Applicant is an independent producer of natural gas who is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis were not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and a small producer certificate of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the orders issuing certificates in Docket Nos. G-7378, G-7379, G-7382, G-7383, G-7388, and G-7389 be amended by deleting therefrom authorization for Applicant to sell natural gas as therein set forth and by redesignating said certificates in the name of McDermott. The related rate schedules should be redesignated as those of McDermott as set forth in the Appendix hereto. McDermott should be required to submit, within 30 days of the order issuing a small producer certificate to

Applicant, rate schedule quality statements for each of the rate schedules adopted by McDermott, all as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant should be deleted as co-respondent in Docket No. RI61-402 and that McDermott should be substituted in lieu of Applicant as co-respondent in Docket No. RI61-359. McDermott should be bound by the refunding and reporting requirements set forth in Opinion No. 468, as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings pending in Docket Nos. G-13985, G-14017, and G-14018 should be severed from the proceeding in Docket No. AR61-1, et al., and terminated as hereinafter ordered.

The Commission orders:

(A) A small producer certificate of public convenience and necessity is issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by Applicant from the Permian Basin area of Texas and New Mexico, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application in this proceeding.

(B) The certificate granted in paragraph (A) above is not transferable and shall be effective only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission, and particularly,

(a) The subject certificate shall be applicable only to those "small producer sales", as defined in § 157.40 of the regulations under the Natural Gas Act, from the Permian Basin area,

(b) Sales shall not be at rates in excess of those set forth in § 157.40(b)(1) of the regulations under the Natural Gas Act, and

(c) Applicant shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificate granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificate because Applicant no longer qualifies as a small producer or fails to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificate. Upon such termination Applicant will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms and conditions of this order is observed, the small producer certificate will still be effective as to those sales already included thereunder.

(D) The grant of the certificate issued in paragraph (A) above shall not be con-

<sup>1</sup> Consolidated in the proceeding on the order to show cause issued Aug. 5, 1965, in Docket Nos. AR61-1, et al.

<sup>2</sup> Consolidated in the initial proceeding in Docket No. AR61-1, et al.



## APPENDIX

Certificate Docket No.	Paul F. Barnhart FPC gas rate schedule No.	J. Ray McDermott and Co., Inc., FPC gas rate schedule No.	Supple- ment No.
G-7378 -----	1	18	21-6
G-7379 -----	2	19	21-6
G-7382 -----	5	20	21-6
G-7383 -----	6	21	21-6
G-7388 -----	11	22	21-6
G-7389 -----	12	23	21-6

<sup>1</sup> All sales made pursuant to these contracts are to El Paso Natural Gas Co. from the Spraberry Field, Upton, Glascock, Reagan, and Midland Counties, Tex.

<sup>2</sup> See the following table:

Supplement No.	Description
1.-----	Rate increase to 10.246 cents per Mcf.
2.-----	Rate decrease to 10.171 cents per Mcf.
3.-----	Rate decrease to 10.096 cents per Mcf.
4.-----	Rate increase to 11.106 cents per Mcf.
5.-----	Rate increase to 17.2295 cents per Mcf, filed by J. Ray McDermott & Co., Inc. (Rate in effect subject to refund in Docket No. RI61-359).
6.-----	Rate increase to 17.2295 cents per Mcf, filed by Paul F. Barnhart (Rate suspended in Docket No. RI61-402).

[F.R. Doc. 66-11843; Filed, Oct. 31, 1966; 8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[812-2025]

### GENERAL MOTORS OVERSEAS CAPITAL CORP.

#### Notice of Filing of Application for Order Exempting Company

OCTOBER, 27, 1966.

Notice is hereby given that General Motors Overseas Capital Corp. ("applicant"), 1775 Broadway, New York, N.Y. 10019, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations there-in, which are summarized below.

The applicant was organized by General Motors Corp. ("General Motors") under the laws of the State of Delaware on October 14, 1966. All of the outstanding capital stock of applicant consisting of 1,000 shares of common stock, \$100 par value, has been purchased by General Motors for \$100,000. General Motors will make capital contributions to applicant consisting of cash, securities or other property so that the applicant's equity capital will aggregate not less than \$6,250,000. Any additional equity securities which applicant may issue will be issued only to General Motors or to a wholly owned subsidiary of General Motors. General Motors or its wholly owned subsidiaries will not dispose

of any such securities except to applicant or to another wholly owned subsidiary of General Motors.

General Motors' operations outside the United States and Canada are carried on through wholly owned subsidiaries in 19 countries. To maintain and continue the expansion of General Motors' overseas operations, substantial additional investment will be required. Applicant has been organized to assist in accomplishing this investment in a manner consistent with the President's program of voluntary cooperation in improving the balance of payments position of the United States.

Applicant intends to issue and sell its 6¾ percent Deutsche Mark ("DM") bearer debt securities due 1976 (termed in German "Schuldverschreibungen" and hereinafter called the "debentures"); applicant intends to issue and sell DM 125,000,000 (approximately \$31,250,000) principal amount of such debentures. General Motors will guarantee the payment of principal and interest payments on the debentures. Any additional debt securities of the applicant which may be issued to or held by the public will be guaranteed by General Motors in a manner substantially similar to the guarantee of the debentures.

Applicant intends that upon completion of the long-term investment of its assets, not less than 70 percent of its assets will be invested in or loaned to foreign companies (including U.S. companies, all or substantially all of whose business is carried on abroad) which are, or will be immediately after such investment, substantially wholly owned subsidiaries of applicant or General Motors and which will be engaged in a business other than the business of investing, re-investing, holding, or trading in securities. Applicant will proceed as expeditiously as possible with the long-term investment of its assets. Pending the conclusion of such investment, and from time to time thereafter in connection with changes in applicant's investments, it may make temporary short-term outside investments or deposits in the United States and abroad. Applicant will not acquire the subsidiary loans or interests for the purpose of resale, except that applicant may transfer them to General Motors or other subsidiary companies of General Motors.

The debentures are to be sold to a group of underwriters for offering outside the United States. The debentures are to be offered and sold under conditions which are intended to assure that the debentures will not be offered or sold in the United States, or to persons believed to residents or nationals thereof.

Applicant's tax advisers and General Motors have informed applicant that U.S. persons (as defined in the Interest Equalization Tax Act) will be subject to the interest equalization tax with respect to acquisition of the debentures, except where a specific statutory exemption is available. Thus, U.S. persons would be discouraged from ultimately purchasing the debentures.

strued as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicant. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificate aforesaid for service to the particular customers involved imply approval of all the terms of the contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall any grant of the certificate aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificate.

(E) The certificate granted in paragraph (A) above shall be effective on the date of this order.

(F) The orders issuing certificates in Docket Nos. G-7378, G-7379, G-7382, G-7383, G-7388, and G-7389 are amended by deleting therefrom authorization for Applicant to sell natural gas as therein set forth and said certificates are redesignated in the name of McDermott, and in all other respects said orders shall remain in full force and effect. The related rate schedules are redesignated as those of McDermott as set forth in the Appendix hereto.

(G) McDermott shall submit, within 30 days of the date of this order, rate schedule quality statements in the form prescribed in Opinion No. 468-A for each of the rate schedules adopted by McDermott.

(H) Applicant is deleted as co-respondent in the proceedings pending in Docket No. RI61-402, and the proceeding is redesignated accordingly.<sup>3</sup>

(I) McDermott is substituted in lieu of Applicant as co-respondent in the proceeding pending in Docket No. RI61-359 and the proceeding is redesignated accordingly.<sup>4</sup> McDermott shall be bound by the refunding and reporting requirements prescribed in Opinion Nos. 468 and 468-A.

(J) The proceedings in Docket Nos. G-13985, G-14017, and G-14018 are severed from the proceedings pending in Docket No. AR61-1, et al., and terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

<sup>3</sup> Sohio Petroleum Co., et al.

<sup>4</sup> J. Ray McDermott & Co., Inc., and Sohio Petroleum Co., et al.



The applicant intends to apply for listing of the debentures on the Borse Frankfurt am Main in Germany.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting applicant from each and every provision of the Act for the following reasons: (1) A primary purpose of the applicant is to serve as a vehicle for obtaining funds in foreign countries for General Motors' foreign operations, thus assisting in accomplishing the purposes of the voluntary balance of payments program; (2) the applicant will not deal or trade in securities; (3) payment of the principal and interest on the debentures will be paid by General Motors; (4) none of the equity securities of the applicant will be held by any person other than General Motors or a wholly owned subsidiary of General Motors; and (5) the burden of the Interest Equalization Tax will tend to discourage purchase of the debentures by any U.S. person.

Notice is hereby given that any interested person may, not later than November 7, 1966, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 66-11849; Filed, Oct. 31, 1966;  
8:47 a.m.]

[File No. 70-4421]

## GENERAL PUBLIC UTILITIES CORP.

### Notice of Proposed Issue and Sale of Additional Shares of Common Stock Pursuant to Rights Offering

OCTOBER 26, 1966.

Notice is hereby given that General Public Utilities Corp. ("GPU") 80 Pine

Street, New York, N.Y. 10005, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes to offer up to 990,000 authorized but unissued shares of its common stock ("additional common stock" for subscription by the holders of its outstanding shares of common stock on the basis of one share of the additional common stock for each twenty-five (25) shares of common stock held on the record date. The record date will be November 16, 1966, or such later date as GPU's registration statement under the Securities Act of 1933 may become effective. The subscription price, to be determined by GPU's Board of Directors, will be not more than the closing price of GPU common stock on the New York Stock Exchange on the day prior to the record date and not less than 85 percent thereof. The subscription period will expire December 9, 1966, unless the record date should be later than November 16, 1966, in which event the expiration date will be specified by amendment.

Rights to subscribe to the additional common stock will be evidenced by transferable subscription warrants which will be issued to all record holders of GPU common stock outstanding on the record date. No fractional shares will be issued, and any holder with more than 25 shares, but not in multiples thereof, may purchase, at the subscription price, one extra share of additional common stock. A stockholder with less than 25 shares of common stock will be entitled to purchase, at the subscription price, one full share of additional common stock. GPU will also, upon request of initial record holders of warrants, purchase such number of the rights represented thereby as such holders do not desire to exercise, at a price per right equal to one-twenty-fifth of the excess of the market price of GPU stock over the subscription price. GPU will utilize a commercial bank as subscription agent in connection with the rights offering.

No warrants will be mailed to stockholders with registered addresses outside the United States, Bermuda, Cuba, Canada, and Mexico. Such stockholders will be informed in advance by GPU of their rights to subscribe, and will be asked to forward instructions for the exercise or other disposition of their rights. Any rights, as to which no such instructions have been received before the close of business on the second business day preceding the expiration date of the rights, will be purchased on that date by GPU for cash and the pro rata portions of GPU purchase price will be delivered to, or

held for 2 years for the account of, such stockholders, respectively, after which such proceeds will become the property of GPU.

The rights offering will not be underwritten, but GPU will utilize the services of securities dealers to solicit the exercise of rights by the initial holders thereof, and will pay these dealers a commission of not less than 30 cents nor more than 40 cents per share for each successful solicitation, subject to a maximum payment of \$250 for each subscription by an initial warrant holder. In addition, during the rights period and for not more than 30 business days thereafter, GPU may sell to dealers any shares of GPU stock not subscribed or otherwise disposed of by GPU under the terms of the rights offering. Such sales to dealers will be made at prices, to be fixed by GPU, at not less than the higher of (1) the subscription price or (2) 90 percent of the last sale price of GPU shares on the New York Stock Exchange immediately preceding such sales by GPU, and not more than 25 cents plus the higher of (1) the last sale price or (2) the current quoted asked price of GPU shares on the New York Stock Exchange. A sales commission of not less than 70 cents nor more than 90 cents per share will be paid.

In connection with the rights offering, GPU may effect stabilization transactions in its common stock or rights, but at no time will GPU acquire a net long position exceeding 95,342 shares of its common stock.

GPU proposes to use the net proceeds from the sale of the additional common stock to pay its outstanding bank loans, estimated at \$20 million, and to make additional investments in its subsidiaries to carry out their construction programs.

The fees and expenses (other than dealers' fees) to be incurred by GPU are estimated at \$240,000, including \$20,000 legal fees, \$9,750 accountant's fees, and \$80,000 compensation for the subscription agent, Manufacturers Hanover Trust Company of New York.

GPU requests that the Commission grant an exemption from the competitive bidding requirements of Rule 50, promulgated under the Act, to the extent such rule may be applicable to the proposed sale of unsubscribed shares.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 15, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more

than 500 miles from the point of mailing) upon applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBois,  
*Secretary.*

[F.R. Doc. 66-11850; Filed, Oct. 31, 1966;  
8:47 a.m.]





# FEDERAL REGISTER

VOLUME 31 • NUMBER 212

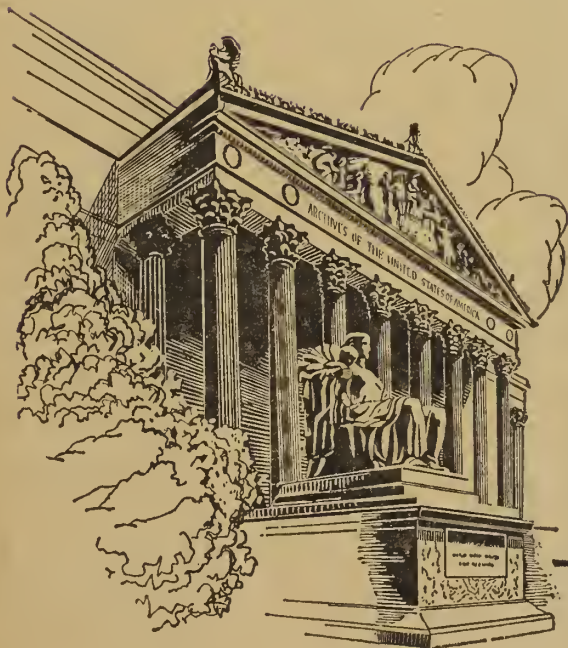
Tuesday, November 1, 1966 • Washington, D.C.

PART II

Department of Justice

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Office of the  
Attorney General



Acquisition and Preservation by the  
United States of Items of Evidence  
Pertaining to the Assassination of  
President John F. Kennedy





# DEPARTMENT OF JUSTICE

Office of the Attorney General

## PROVIDING FOR THE ACQUISITION AND PRESERVATION BY THE UNITED STATES OF ITEMS OF EVIDENCE PERTAINING TO THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

Under the authority vested in me by the Act of November 2, 1965 (Public Law 89-318; 79 Stat. 1185), I have determined that the national interest requires the entire body of evidence considered by the President's Commission on the Assassination of President Kennedy and now in the possession of the United States to be preserved intact.

Accordingly, pursuant to section 2(a) of the Act, I hereby determine that all of the items of evidence not owned by the United States which were considered by the Commission, and were not returned by the Commission to the person who furnished them, should be acquired by the United States and be preserved together with all of the items of evidence already owned by the United States.

The items acquired hereunder are more particularly described in the appendix annexed to and made a part of this notice. This notice and appendix shall be published in the FEDERAL REGISTER, and title to the items acquired pursuant to the foregoing determinations shall thereupon vest in the United States pursuant to section 2(b) of the Act.

Dated: October 31, 1966.

RAMSEY CLARK,  
Acting Attorney General.

### APPENDIX

#### 1. The following weapons:

(a) One 6.5 mm. Mannlicher-Carcano rifle, with telescopic sight, Serial No. C2766, including sling and cartridge clip. (Commission Exhibit No. 139.)

(b) One .38 Smith and Wesson revolver Serial No. V510210, Assembly No. 65248, with appurtenances. (Commission Exhibit No. 143.)

2. (a) All other items of evidence which were assigned exhibit numbers by the Commission or its staff (such items being listed, described, and reproduced in Volumes XVI through XXVI of the Hearings before the President's Commission on the Assassination of President Kennedy, United States Government Printing Office, 1964, hereinafter referred to as the "Commission's Hearings"), other than those items which were returned by the Commission to the person who had furnished them.

(b) For the purposes of the preceding paragraph, the term "exhibit numbers" shall be deemed to include (1) Commission exhibit numbers 1 through 3154, including all such numbers with suffixes, listed in Volumes XVI through XVIII and Volumes XXII through XXVI of the Commission's Hearings, and (2) all exhibit numbers listed in Volumes XIX through XXI of the Commission's Hearings under the names of specific individuals beginning with the name "J. U. Allen" and ending with the name "Ralph W. Yarborough."

3. Other items of evidence collected for the Commission by the Federal Bureau of Investigation, as hereinafter described, designated by the exhibit numbers originally assigned to such items by the Bureau. Items originally assigned FBI exhibit numbers which were subsequently given Commission exhibit numbers are generally omitted from the list below since they are included in the items covered by paragraph 2 of this Appendix. Unless marked with an asterisk, items listed below were collected under circumstances indicating they were in the possession of or attributable to Lee Harvey Oswald or his wife, Marina.

FBI exhibit No.	Description
1-43-----	Photos and pictures.
44-64-----	Postcards.
65-----	Negatives.
66-----	18 Christmas cards; 5 envelopes; 5 folded note papers with flowered border.
67-----	Christmas card with picture of "mother."
68-----	Christmas card from "mother."
70-----	Photographs.
71-----	Oswald's Marine Corps class book.
72-----	Hammond Doubleday World Atlas.
73-----	Modern Postage Stamp Album.
74-----	Texnika Russian magazine.
75-83-----	Russian books.
84-----	Russian book.
85-----	Copy of Militant (10-7-63).
86-----	Copy of Worker (10-20-63).
87-----	Copy of Friend's World News (4/63).
88-----	Copy of Pocketbook entitled "1984" by George Orwell.
89-94-----	Russian pamphlets.
96-----	Application for FPCC.
97-----	Handbills entitled "Hands Off Cuba! Join the FPCC."
98-----	Receipt for fine for 2d Mun. Court, New Orleans, 8-12-63 No. 21902 and newspaper clipping.
99-----	Pamphlets by Corliss Lamont "The Crime Against Cuba."
100-----	Road map "Eastern States" (Cities Service).
101-----	Texas Highway Map (Phillips 66).
102-----	Map of Moscow.
103-----	Map of Minsk.
104-----	Map of City of New Orleans.
105-----	Map of "Beautiful Russia."
106-----	Map of the world.
107-----	No Admittance sign.
110-----	Notebook with designs.
111-----	Red Russian stamp folder with stamps.
113-----	Pocket size blue book apparently identification booklet with small photograph of Oswald.
114-----	Brown billfold with Marine group photograph.
115-----	Fair Play For Cuba Committee, New Orleans Chapter ID Cards.
116-----	Sheets of English writing, both sides which appear to be a diary.
117 (D43)---	Sheets of lined paper in green ink printing containing comments re CPUSA.
118-----	Negative offset print of Russian city.
121-----	Brown Manila envelope from Department of the Navy directed to Mr. Lee H. Oswald, Minsk, USSR.

FBI exhibit No.	Description
122-----	Single sheet in black ink printing entitled "The New Era."
123-----	Pages of blue ink handwriting numbered 1-11 on Holland-America Line stationery.
124-----	Sheets of blue ink handwriting Holland-America Line stationery, numbered 1A through 4A.
125-----	Sheets of blue ink handwriting on Holland-America Line stationery, numbered 1B and 2B.
126-----	Folder captioned "Bloknots."
127-155-----	Letters in Russian script.
168-----	Withholding Tax Statements for 1955 and 1956 for Lee Oswald.
169-----	Withholding Tax Statements for 1955 and 1956 for Lee Oswald.
170-----	Deposit slip NO Public Service No. 464792, Dallas City Water Works Deposit Slip K33331 and Texas Employment Commission slip dated 4-16-63 (all in name of L. H. Oswald).
171-----	Rent receipt 8-9-63, signed I. Dawson (New Orleans).
172-----	Receipt from U.S. Department of Justice for \$5 (INS) in name of Marina N. Oswald.
173-----	Birth certificate for Audrey Marina Rachel Oswald born 10-20-63, No. 19133, Dallas, Tex.
174-----	Social Security Receipt Oswald (Social Security No. 433-54-3937, 8/63).
175-----	Withholding Tax for 1956 in name of Lee Harvey Oswald.
176-----	Invoice No. 38210 USA, Dept. of State, in name Oswald, transportation costs \$435.71.
177-----	A promise by Oswald to pay loan to Department of State.
178-----	Remittance slips, State Department Nos. 298249, 298861 and 299461, addressed "Oswald Box 2915, Dallas, Texas."
179-----	Receipts from U.S. Department of State, Nos. 1152090, 1152091, 1152095 and 1152096.
180-----	INS form I-90 in name of Marina Oswald.
181-----	Incomplete Form FDI-130 (INS) in name of Lee Harvey Oswald.
182-----	Russian language forms, one entitled "AHKETA."
185-----	Form DD293, Application for Review of Discharge from Armed Forces of the United States (two sheets).
186-----	Booklets which appear to contain embroidery patterns.
187-----	Color slides.
188-----	Pass dated 9/58 in name Sgt. Oswald, Zebra NCO, Open Mess.
190-----	Empty envelope to Mr. and Mrs. Lee H. Oswald from Vernon, Tex.
191-----	Magazine wrapper addressed to Lee H. Oswald from Minsk.
192-----	Pamphlet No. 13 Russian document.
194-----	Hand sketches on plain paper.
196-----	One letter and envelope from John Connally to Lee H. Oswald.
198-----	Foreign language magazine pages.



FBI exhibit No.	Description
199-----	Note paper bearing name Paul Gregory, Norman, Okla.
200-----	Subscription coupon, Life magazine.
201-----	Pages from foreign-language book.
202-----	Pages from foreign-language book.
203-----	Note with name Ruth Paine, 2515 5th St., Irving, Tex.
204-----	Calling card, McKamy Secretarial Service.
206-----	Address label advertisement.
207-----	Negative bearing "Crime Against Cuba."
208-----	Note bearing telephone number EM 31365.
210-218-----	Empty envelopes.
219-----	Letter and envelope bearing name Alex Kleinlerer, P.O. Box 11277, Ft. Worth, Texas.
226-230-----	Empty envelopes.
231-----	Slip of paper containing names Carlos J. Bungier, Miguel M. Cruz, and Lt. William Gailiot.
232-248-----	Envelopes with contents.
249-----	Manila envelope which contained above envelopes and contents. Designated as letters during stay in Soviet Union.
250-----	Affidavit by Bryon Phillips guaranteeing Marina Nikolavala Oswald will not be ward of state.
251-----	Letter dated 10-8-62 at Minsk from Erick to Aleck.
252-----	Letter from Department of State, American Embassy, Moscow, 1-31-62, to Lee H. Oswald, Minsk, Russia.
253-----	Letter from American Embassy, Moscow, 11-13-61, to Lee Harvey Oswald.
254-----	A promise to repay Financial Assistance Loan for Repatriation, 6-1-62, signed by Lee Harvey Oswald to the Department of State.
255-----	Letter from American Embassy, Moscow, 7-10-61, to Mrs. Marina Oswald, Minsk, for interview regarding visa application.
256-----	Form in Russian language dated 12-1-62.
258-----	Letter from Soviet Embassy, Washington, D.C., dated 6-4-63, directed to Mr. M. Oswald, New Orleans, in Russian language.
260-----	3" x 5" cards bearing respectively names G. Hall, A. J. Hidell, B. Davis, and V. T. Lee.
263-----	International Smallpox Vaccination Certificate in name of Marina Oswald.
264-----	International Smallpox Vaccination Certificate in name of June Oswald.
268-----	Small folder bearing name Oswald in Russian and No. 123610.
270-----	Fort Worth Press news clipping showing photograph of Iranian native Mrs. John R. Hall.
271-----	Small white sheet bearing Russian script.
274-----	Letter by Lee H. Oswald to Federal Income Tax Bureau.
275-----	Russian language form bearing No. 419128.
276-----	Photographs portraying scenes in Russia.

FBI exhibit No.	Description
277-----	American Embassy letter, Moscow, 7-10-61, to Mrs. Marina Nikilleva Oswald, nee Proosakova, Minsk.
278-----	Russian language form bearing writing and numerals (Numerals on last line: 25-63).
280-----	Letter from Russian Embassy, Washington, to Marina Oswald, Box 2915, Dallas (3-8-63).
281-----	Group of sewing patterns.
282-----	"Top Value" stamp book.
286-----	Small blue pouch containing Elgin "17" pocket watch, tie clasp bearing letters CCCP, cuff links with hammer and sickle; stick pin with hammer, sickle and star; one Master lock key; one Benrus wrist watch, serial number 476343; one belt buckle; one tie clasp; one silver cuff link; one Marine Corps lapel button; one lapel button bearing red flag with hammer and sickle; one "Sharpshooters" Medal; one die; one "dog tag" No. 1653230, USMC and lapel pin with hammer and sickle.
287-----	Nine negatives, size 620.
300-----	Handbills entitled "Hands Off Cuba; Join The Fair Play for Cuba Committee, NO Charter Member Branch."
301-----	Application form to the FPCC, New Orleans, La.
302-----	FPCC New Orleans Chapter identification cards.
303-----	Pamphlets entitled "The Crime Against Cuba" by Corliss Lamont.
304-----	Booklet entitled "Fidel Castro Denounces Bureaucracy and Sectarianism."
305-----	Booklet entitled "The Socialist Workers Party" by Joseph Hansen.
306-----	"The Coming American Revolution" by James P. Cannon.
307-----	"Cuban Counter-Revolutionaries to the U.S." published by FPCC.
308-----	Pamphlet by Dobbs-Weiss Campaign Committee, 116 University Place, New York.
309-----	List of Russians and Communist literature publications.
310-----	Booklet entitled "The Pact of Madrid" by the Committee for a Democratic Spain.
311-----	Booklet entitled "The McCarran Act and The Right to Travel."
312-----	Pamphlet entitled "The Revolution Must Be A School of Unfettered Thought—Fidel Castro."
313-----	Booklet entitled "Ideology and Revolution" by Jean Paul Sartre.
314-----	Pamphlet by FPCC reflecting literature catalog, Spring 1963.
315-----	Pamphlet "The Road to Socialism" by Blas Roca.
316-----	New Century Publishers, 1961 Catalog.
317-----	Pamphlet entitled "The End of the Comintern" by James P. Cannon.
318-----	Booklet "Speech at the UN" by Fidel Castro.
319-----	"Continental Congress of Solidarity With Cuba" (Brazil, 3/63) by FPCC, New York.

FBI exhibit No.	Description
320-----	Publication entitled "The Nation" dated 1-23-60.
321-----	Pamphlet by The Weekly People entitled "Automation: A Job Killer."
322-----	Reprint from 9-12-60 issue of "The New Republic."
323-----	Russian booklet bearing Oswald's name in Russian script.
325-----	Brown-covered Russian pamphlet bearing number 500 on its cover.
326-----	Russian book dated 1961 at Kiev.
327-----	Russian magazine bearing No. 16 (1702).
328-----	Russian-English pocket-size dictionary.
329-----	Literature list of the FPCC, New York.
331-----	Photograph of Russian workers.
332-----	Photograph of female Russian workers.
333-----	Photograph of Russian workers in factory.
334-----	Photograph of Fidel Castro.
335-----	FPCC handbill bearing address "L. H. Oswald, 4907 Magazine, New Orleans, Louisiana."
336-----	Brown Manila envelope with return address in Russian at Moscow.
337-----	Typewritten sheets entitled Part 1 The Collective."
338-----	32-page typewritten dissertation outlining political, domestic and labor life of the Russian as well as other guides to the Russian political system (with 5 photographs).
339-----	Letter from Russian Embassy, Washington, 4-18-63 to Mrs. M. Oswald (In Russian script).
341-----	Pay vouchers of the Leslie Welding Co., Inc., 11241 West Melrose St., Franklin Park, Ill., covering employment between 7/21 and 9/29/62.
342-----	Payroll vouchers of the Jaggers-Chiles-Stovall, Inc., Dallas, Tex., for the period 10-24-62 through 4-10-63.
343-----	Payroll vouchers of the Wm. B. Rely and Co., Inc., New Orleans, La., for the period 5-17-63 through 7-22-63.
344-----	Birth certificate for June Oswald, date of birth 2-15-62, Minsk, Russia, and two Texas Employment Commission cards for Lee Oswald.
345-----	Alien Registration Card No. A12 530 645, Marina N. Oswald.
347-----	Birth data regarding Audrey Marina Rachel Oswald, 10-20-63.
349-----	New Orleans Public Service bills (3) August-September 1963, and IBM card notifying Lee Harvey Oswald of last payment from Texas Employment Commission.
350-----	Petite notebook with Russian script.
351-----	Booklet containing food recipes.
352-----	Pocket-size fashion magazine entitled "Simplicity" with a Manila envelope.
354-----	Sears, Roebuck & Company catalog.



FBI exhibit No.	Description	FBI exhibit No.	Description	FBI exhibit No.	Description
355-----	Fort Worth Public Library card of Lee H. Oswald, 2703 Mercedes St., Ft. Worth; one return address label for Mrs. Arthur Young, 35 East 75th St., New York, N.Y., and one Russian language form No. 5099.	414-----	Handbill, FPCC New Orleans, with address L. H. Oswald, 4907 Magazine St., New Orleans, La.	437-----	Legal-sized sheet in purple ink bearing date 3-22-62, with an official stamp.
360-----	Two postcards—one directed to Lee H. Oswald, New Orleans from Minsk, Russia, signed "Erik" and one directed to Mr. and Mrs. Lee H. Oswald, Minsk, Russia, from Vernon, Tex., signed "Mother."	415-----	Invoice of the Jones Printing Company, 422 Girod St., New Orleans, La. 6-4-63 billed to Mr. Osborne for 3,000 FPCC circulars, total \$9.60, bal. \$5.89 paid 6-4-63.	438-----	Letter by Johnny Tackett on letterhead of Ft. Worth Press 6-22-62, addressed to Lee Oswald in envelope of Ft. Worth Press.
363-----	Letter on letterhead of Pioneer Publishers, 4-26-63, to L. H. Oswald, P.O. Box 2915, Dallas, Tex.	416-----	FPCC application slip.	439-----	Two payroll vouchers, one from Jaggars-Chiles-Stovall, Inc., Dallas, 1-2-63, and Wm. B. Rely and Co., New Orleans, 5-31-63.
365-----	Letter from Dept. of State, 1-11-63, to Oswald, Dallas, Tex.	417-----	Envelope with news clippings regarding Oswald defection to Russia and other news clippings concerning Oswald and cartoon regarding defectors.	440-----	Letter from Department of Navy, 4-2-62, to Lee H. Oswald, Minsk, Russia.
366-----	Photographs and a tourist pamphlet entitled "Visit the USSR."	419-----	Identification booklet in Russian script containing Oswald's name and No. 01311655.	441-----	One payroll voucher of Leslie Welding Company, Inc., 11241 W. Melrose, Franklin Park, Ill., No. 7619, dated 10-13-62, and one Federal Withholding Tax Statement addressed to Lee H. Oswald, 3519 Fairmount, Dallas, Tex.
367-----	Photographs.	420-----	U.S. Marine Corps document appointing "Lee Harvey Oswald 1653230-6741 Pvt. 1st Cls/3-9-59."	442-----	U.S. Armed Forces Institute certification that Oswald completed high school level tests 3-23-59.
368-----	Photographs.	421-----	U.S. Air Force document certifying Oswald satisfactorily passed specialized courses in "Aircraft Control and Warning, Operator, 18 June 1957, Kesler AFB."	443-----	Department of Navy certification dated 5-3-57 that Oswald completed Aviation Fundamentals School, Jacksonville, Fla.
370-----	Photographs.	422-----	Receipts, Texas School Book Depository, for salary Lee H. Oswald (no date listed).	446-----	Passport No. D092526 in name of Lee Harvey Oswald, date of birth 10-18-39.
378-----	One Cuera-2 camera; one Sawyer View-Master.	423-----	Typewritten "Promise to Repay Financial Assistance Loan for Repatriation" with paid stamp, Department of State (in name of Lee H. Oswald).	447-----	Separation form, U.S. Marine Corps, in name of Lee Harvey Oswald dated 9-11-59.
379-----	One leather container (empty).	424-----	Letter from Russian Embassy, Washington, addressed to Mrs. Oswald, New Orleans, 8-5-63 (in Russian language).	448-----	Birth certificate No. 17034 for Lee Harvey Oswald reflecting birth 10-18-39, Folio 1321, Book No. 207.
380-----	Applications for "The Militant" (3) and one envelope containing three subscriptions for "The Worker" with return envelope entitled "Publishers New Press, Inc."	425-----	Undesirable Discharge USMC, 9-13-60, Lee Harvey Oswald, 1653230.	451-----	Nine photographs, a Mexican alrmal stamp and New Orleans library card No. NA N8640 in the same of Lee H. Oswald.
381-----	Russian language newspapers.	426-----	Letter from U.S. Navy to Lee Oswald, Minsk, Russia, and signed by R. McC. Tompkins, Brigadier General, USMC, 3-7-62.	452-----	Sewing kit with medal (religious), Mexican coin, needles, thread, fingernail file.
382-----	Red billfold and one scrap of white paper with Russian script, in pencil.	427-----	Letter from Department of Navy, 7-25-63 to Lee Oswald, New Orleans, setting forth that no modifications to discharge are warranted.	453-----	World Atlas.
400-----	Letter from Arnold Johnson to Lee H. Oswald, P.O. Box 30061, New Orleans, La., 9-19-63.	429*-----	Letter from Paul Piazza, S. J., 8/1/63, to Oswald on letterhead of Jesuit House of Studies, Mobile, Ala.	454-----	Writing tablet.
405-----	Letter from James J. Tormey, dated 12-13-62, addressed to Lee H. Oswald, Box 2915, Dallas, on letterhead of Gus Hall-Benjamin J. Davis, Defense Committee, New York.	430*-----	Letter on letterhead of Jesuit House of Studies, Mobile, Ala., dated 7/6/63 and addressed to "Dear Lee" and signed "Gene."	455-----	Postcard of city of New Orleans, five Russian stamps and one 10-cent U.S. stamp.
406-----	Letter from Arnold Johnson, Director, Information and Lecture Bureau, Communist Party, U.S.A., 7-31-63, to L. H. Oswald, P.O. Box 30061, New Orleans, La.	431-----	Letter on stationery of Peter P. Gregory, Ft. Worth, Tex., 6-19-62, attesting to Oswald's ability as Russian interpreter and translator.	A2-----	Clothing, toilet articles, personal effects.
408-----	Gregg shorthand dictionary; "20,000 Words" by Leslie and "Roberts Rules of Order Revised, Seventy-fifth Anniversary."	432-----	Envelope containing receipt for Post Office Box 6225, Dallas, Tex., dated 11-11-63, for period ending 12-31-63.	A6-----	
409-----	Book entitled "A Study of the USSR and Communism" Rieber and Nelson.	433-----	Single sheet in Russian script containing Oswald's name bearing No. 4-5408.	A8-----	
410-----	Pocket-size editions of Ian Fleming's "The Spy Who Loved Me" and "Live and Let Die."	435-----	Form bearing months and blank spaces for stamps, in Russian language, with No. 01311655.	A9-A13-----	
411-----	Pamphlet "New York School for Marxist Study, Fall Term, 1963."	436-----	Folded Russian language form bearing No. 01311655 with Oswald's name in Russian script.	A17-A30-----	
412-----	Letter on letterhead of Jesuit House of Studies, Mobile, Ala., 8/22/63, addressed "Dear Lee" and signed "Gene."			A32-A66-----	
413-----	Envelope addressed Mr. Lee H. Oswald, 2703 Mercedes Avenue, Ft. Worth, postmarked New York with return address Rm. 329, 799 Broadway, and newspaper clipping, Times Picayune, New Orleans, with article reflecting Oswald's fine of \$10 or 10 days for disturbing peace.			A71-A79-----	
				A81-A85-----	
				B1-----	Wallet belonging to Lee Harvey Oswald containing:
					1. Social Security card No. 433-54-3937.
					2. Selective Service Notice of Classification SSN 41-114-39-532.
					3. Department of Defense Service ID card No. N4 271,617 USMO No. 1653230.
					4. USMC Certificate of Service.
					5. Fair Play for Cuba Committee Ident. card, National Card.
					6. Selective Service Registration Certificate.
					7. Hotel card.
					8. FPCC Membership card, New Orleans Chapter.

FBI exhibit No.	Description	FBI exhibit No.	Description	FBI exhibit No.	Description
B1-----	Wallet belonging to Lee Harvey Oswald containing—Con. 9. ID card, US Forces in Japan. 10. Dallas Public Library card. 11. Three photographs. 12. Slip of paper with three addresses, The Worker, The Worker and Russian Embassy.	B26-----	Pages 7 through 10, of section 6 of "The Times-Picayune" newspaper, dated 8-22-63.	C324*-----	Piece of metal found in Dealey Plaza.
B3-----	Envelope containing: 28 35 mm negatives. Six 2 1/4" x 2 1/4" negatives. 1 positive of building. 1 negative of Oswald's wife.	B27-----	8 newspaper clippings, 1 instruction sheet for child's car seat and 1 film mailer bag.	C326*-----	Piece of wood from window ledge on 6th floor of Texas School Book Depository building.
B5-----	Imperial brand hunting type knife with sheath.	B28-----	Manila envelope with notation "Grand Jury Hall," small photograph of Oswald and 8¢ U.S. airmail stamp.	D2*-----	Known paper and tape samples from Klein's.
B7-----	Two "Fair Play for Cuba" handbills stamped "L. H. Oswald 4907 Magazine St. New Orleans, La."	B33-----	3 prescriptions in Russian and Arlington Heights Senior High School student identification card for Lee Oswald.	D4-----	Letters by Oswald to Secretary of Navy and USMC.
B8-----	Set of Flash Cards, Russian alphabet and numbers.	C 26 - C28, C30, C33- C36*-----	Clothing and personal effects of President Kennedy.	D8-----	Eleven payroll checks and insurance record card of Oswald.
B9-----	Set of Flash Cards, German phrase—sentence.	C41 A-G*-----	Seven paraffin casts from Oswald, with related items.	D10-----	Application for immigration visa, fingerprint card and application for new alien registration card (all signed Marina Oswald).
B10-----	Set of "School Aid" Flash Cards, phonics.	C61-C70*-----	Ten cartridge cases, 6.5 mm Japanese caliber, recovered at gun range, Dallas, Tex.	D11-----	Twenty-six checks, questionnaire, etc. in handwriting of Oswald.
B11-----	Negative bearing: "Join The Socialist Workers Party fight for a better world! write Box 2915 Dallas, Texas."	C71-C136*-----	Sixty-six 6.5 mm Mannlicher-Carcano cartridge cases from gun range, Dallas, Tex.	D14-----	Employment application by Oswald.
B12-----	Slip of paper bearing "The attached 1 Promissory Note (S) for financial Assistance Loans totaling 435.71 are hereby returned marked Paid as final payment of 106.00 is acknowledged. Remarks: L. H. Oswald Box 2915 Dallas, Texas."	C139-C147-----	Belt, tie, tan sweater, blue-gray shirt, red and gray sport shirt, blue shirt, blue sport shirt, white shirt, olive sweater.	D15-----	Three magazines.
B13-----	Envelope postmarked 12:00 p.m. 11-4-63, Washington, D.C., with return address "Embassy of the Union of Soviet Socialist Republics, Washington 6, D.C."	C149-C151*-----	Three cartridge cases from A. R. Papurt, Barr's Gun Shop, Dallas, Tex.	D17-----	Post Office box application in three parts.
B14-----	Envelope addressed to "To Whom It May Concern" with return address Peter P. Gregory, 1503 Continental Life Building, Fort Worth 2, Texas."	C152*-----	6.5 mm cartridge case made available by Mrs. Lovell T. Penn.	D18-----	Post Office change of address form dated 5-12-63, letter to Leslie Welding Company from Oswald, Selective Service registration card, DD Form 214 and two applications for employment.
B15-----	Envelope marked "Passports and health certificate."	C153-C156*-----	Four 6.5 mm cartridge cases from Irving, Tex., Police Department.	D21-----	P.O. Change of Address form.
B16-----	Envelope postmarked 12M 8/2/63, Mobile, Ala., addressed to Mr. Lee Oswald, 4907, Magazine St., New Orleans, La., return address "Paul Piazza, S. J., Jesuit House of Studies, Spring Hill Station, Mobile, Ala."	C157-C160*-----	Four 6.5 mm cartridge cases from Mrs. Virginia Goodwin.	D22-----	Post Office box application (in two parts) and change of address form.
B19-----	Top of yellow box stamped inside "R-42 Mar 24 '55."	C161-C225*-----	Sixty-five cartridge cases from gun range, Dallas, Tex.	D23-----	Electric and/or gas service order signed by Oswald.
B20-----	Two Manila envelopes.	C227-C248-----	Clothing.	D25-----	Three FPOC handbills.
B21-----	Envelope marked "Personal Military Papers and Birth Certificates."	C249*-----	Five-page typewritten summary of speech given by Lee Harvey Oswald on July 27, 1963.	D26-----	Hand printed application for employment by Oswald in July 1963.
B22-----	Blue loose leaf binder containing Manila envelope, 6 Fair Play for Cuba Committee handbills, piece of cardboard, 3 celluloid insert pages, postal card photograph of Karl Marx and photograph of a building.	C254-C305-----	Clothing, personal effects, books.	D29-----	W-4 Form dated February 5, 1955, signed by Lee Harvey Oswald; W-4 Form dated February 5, 1955, signed by Marguerite Oswald; A-1 Employment Service, New Orleans, Louisiana; application for employment signed by Lee Harvey Oswald; and referral card of employment consultant H. La Roche.
B23-----	Two frames of 35 mm negatives found in Item 75 (Russian book).	C306*-----	Hunting knife black and silver striped handle in sheath received from Imperial Knife Company, Incorporated, Providence, R.I.	D31-----	Layout, job ticket and handbills obtained from Jones Printing Co., New Orleans, La. FPCC card, etc., obtained from Mailers Service Co., New Orleans, La.
B24-----	Unaddressed American Greetings Corps., Christmas card with envelope.	C308*-----	Hunting knife black and gold-striped handle, in sheath, received from Imperial Knife Company, Incorporated, Providence, R.I.	D32-----	Passenger immigration questionnaire dated 9-16-59, signed by Oswald.
B25-----	Unused Post Office Change of Address form.	C309*-----	Box of 20 6.5 mm Mannlicher-Carcano cartridges from John Thomas Mason, Mason's Gun Shop, 7402 Harry Hines Boulevard, Dallas, Tex.	D33-----	47 photographs recovered by Dallas Police Department.
		C310*-----	Box of 20 6.5 mm Mannlicher-Carcano cartridges from John H. Brinegar, The Gun Shop, 11488 Harry Hines Boulevard, Dallas, Tex.	D34*-----	Liberty Hotel, New Orleans, registration signed by Oswald.
		C315-----	One girls' hand-engraved expansion identification bracelet.	D35-----	Bus transfer, bracelet inscribed "Lee," key, ring, narrow black belt with buckle and property receipt.
		C316-----	Gold paper-covered box.	D36*-----	Photocopy Mexico City hotel register book signed by Oswald.
		C317-----	Metal plate bearing the engraved names "Marina" and "Lee."	D37*-----	Four-page interview record signed by Oswald.
		C318-----	Metal plate bearing engraved name "Marina."	D38*-----	"Cotton pickin'" application signed by Oswald.
		C319-----	One men's hand-engraved expansion identification bracelet from H. L. Green Company, 1623 Main Street, Dallas, Tex.	D39*-----	Two envelopes obtained from property of Oswald and Mrs. Paine.
		C323*-----	Bottle cap found in Dealey Plaza.	D40-----	Envelope and letter to New Orleans Public Library.
				D41-----	Chamber of Commerce Map of Dallas.



## NOTICES

FBI exhibit No.	Description	FBI exhibit No.	Description	FBI exhibit No.	Description
D43(117)---	Eight and a half sheets of paper written in green ink regarding CPUSA.	D91*-----	Photograph and negative of sheet torn from calendar obtained from Mike Niebuhr, Dallas, Texas.	D123-----	Four-page handwritten letter in Russian from Ruth Paine to Marina Oswald.
D48-----	Postcard from Riviera Beach, Fla.	D97*-----	Xerox copy of auditor's stub of Continental Trailways bus ticket.	D124*-----	Known handwriting and hand printing of Jeno Farkas.
D49*-----	Registration card, La Salle Hotel, New Orleans.	D98*-----	Envelope containing anonymous hand printed letter and newspaper coupon.	D125*-----	Envelope and accompanying one-page hand printed note addressed to "Mr. Jack Ruby c/o Dallas County Jail."
D50*-----	Guest register, Fox and Hounds, Milwaukee.	D99*-----	Letter on Bureau of Prisons Form No. 70 obtained from the warden, Federal Correctional Institution, Seago-ville, Texas.	D126*-----	Handwritten anonymous letter beginning "To the Investi-gating Committee."
D51*-----	Checks, claim cards and Texas Employment Commis-sion forms of Oswald.	D100*-----	Anonymous typewritten en-velope address to "Letters to the Editor," Newsweek.	D127*-----	Envelope and accompanying one-page handwritten letter bearing handwritten address "The Prime Minister * * *."
D52*-----	Xerox copy of application to visit Mexico.	D101*-----	Anonymous typewritten letter addressed to Senator Thomas H. Kuchel.	D137*-----	Envelope bearing handwritten address "Mrs. Marguerite C. Oswald * * *."
D55*-----	Hand printed anonymous let-ter from Buffalo.	D102*-----	Century Arms Incorporated order reflecting sale of 700 6.5 caliber Italian carbines to Aldens.	D138*-----	Handwritten note bearing printed word "Strictly Con-fidential * * *."
D56*-----	Check signed Virgil L. Reece.	D103*-----	Original list of serial numbers of 700 Carcano Italian car-bines received by Century Arms, Incorporated.	D139*-----	Envelope bearing typewritten and hand printed address "Mrs. Marguerite Oswald * * *."
D57*-----	Cuban letter to Oswald.	D104*-----	Twenty-one items from Texas Employment Commission files.	D140*-----	Slip of paper bearing type-written message beginning "So you put * * *."
D58*-----	Cuban letter to Attorney Gen-eral.	D105*-----	Eleven photostatic copies of Texas State Warrants issued to Lee Harvey Oswald.	D141*-----	One-page typewritten letter bearing heading "Emilio Car-ranza 4-a Texmlucan, Pue. Mexico."
D59*-----	Letter to Mrs. Gwynne Gassa-way.	D106*-----	Xerox copy of Transportates Frontera Bus Company pas-senger list.	D142*-----	Certified copy of an entry of birth #BX 034062 regarding Albert Osborne.
D60*-----	Brown paper envelope and pa-per bag from Irving, Tex., Post Office.	D107*-----	One copy of Flecha Roja pas-senger list.	D143*-----	Original and carbon of type-writing samples from the typewriter of Victor Cohen.
D61*-----	Anonymous letter signed Fabi-an McElroy.	D108*-----	Handbill "Hands Off Cuba."	D144*-----	Three copies each of four Mexi-can Forms FM-11.
D62*-----	Two paper tape samples from the home of Mrs. Paine.	D109*-----	W-4 form dated 1-17-56 ob-tained from J. R. Mitchell, Inc., New Orleans, Louisiana.	D145*-----	Camera, Baby Brownie Specal, originally belonged to Lee Oswald but given to his brother's daughter about 1958.
D64-----	Two dictionaries and six blank postcards (Mexican).	D110*-----	Eleven time cards obtained from William B. Rely and Company, Incorporated.	D147*-----	Registration card, Rambler Motel, Waskom, Tex., for Mrs. Ruth Paine.
D65*-----	Xerox copy of W-4 Form of Oswald.	D111*-----	Five payroll time cards ob-tained from G. F. Tujague.	D148*-----	"Tag Repair" No. 18374 for "Oswald" obtained from Ir-ving Sports Shop, Irving, Tex
D66*-----	Xerox copies of nine pages of Employment reports by Os-wald.	D112*-----	W-4 form dated 11-12-55 ob-tained from G. F. Tujague, 422 Canal St., New Orleans, Louisiana.	D150*-----	Polaroid photograph of the Presidential car on Stemmons Expressway, Dallas en route to Parkland Hospital.
D67*-----	Photographs of State Depart-ment records of Oswald.	D113*-----	Two employee's record sheets obtained from G. F. Tujague, 422 Canal St., New Orleans, Louisiana.	D151*-----	Page from record book of Mr. Fred W. Rupp, Perkaskie, Pa. which reflects his work notes indicating a shipment of car-ton No. 3376.
D68*-----	Application for employment at Goldrings, New Orleans, by Oswald.	D114*-----	Release dated 1-17-56 signed by Lee Harvey Oswald ob-tained from G. F. Tujague, 422 Canal St., New Orleans, Louisiana.	D152*-----	Photostat of undated bill o-lading No. 3178 furnished by Arthur Anders of North Pennsylvania Transfer, In-corporated, Lansdale, Pa., re-flecting shipment of ten car-tons of firearms.
D69-----	Seven-page handwritten re-sume on lined notebook pa-per concerning background of Oswald.	D116*-----	Roll of 16 mm duplicate film print of movies by WDSU-TV.	D153*-----	North Pennsylvania Transfe-r Incorporated delivery receip-for shipping order No. 317 consigned to Kieln's Sport-ing Goods store.
D70-----	Photocopies bearing known writings of John T. Dutcher and Daniel Quinn.	D117*-----	Roll of 16 mm duplicate film print of silent movie by WWL-TV.	D154*-----	Dallas Transit Company trans-fer No. 004451 and Dallas Transit System route ma-disclosing transfer points.
D71-----	SS Notice of Classification in Name Alek James Hidell.	D118*-----	Record of radio program "Con-versation Carte Blanche."	D155*-----	One "home-made" paper clip-board DL-44 allegedly use-by Oswald at the TSBD.
D73-----	Commercial Employment Serv-ice Application dated 6-26-62 signed by Lee H. Oswald.	D119-----	Envelope postmarked Minsk and accompanying one-page handwritten letter dated September 9, 1963.	D156*-----	Empire Sporting Goods, Limi-ed, invoice No. 1078, cover-ing sale of 700 used Italian rifl-to Century Arms, Incorp-orated.
D74-----	Russian cookbook containing "Walker" note.	D120-----	Envelope postmarked Minsk and accompanying one-page handwritten letter dated October 28, 1963.		
D75-----	Bracelet engraved "Marina."	D121*-----	Three pages of typewriting from Smith-Corona portable typewriter in residence of Mrs. Ruth Paine, Irving, Texas.		
D76*-----	Letter to Attorney General signed Ernesto Flores Luna.	D122-----	Envelope and accompanying typewritten letter addressed "Times Herald Dallas, Tex-as."		
D79-----	Two empty boxes marked "6.5 Italian Ammunition."				
D80*-----	Minox camera obtained from Mrs. Ruth Paine.				
D81*-----	Three Russian publications ob-tained from Dennis Ofstein.				
D82-----	Four miscellaneous photo-graphs found in Russian language cookbook of Ma-rina Oswald.				
D83*-----	Folded card entitled "Rules for Betting" obtained from Mrs. Ruth Paine.				
D84*-----	Three colored enlargements made from 35 mm trans-parencies taken by Stuart L. Reed.				
D85*-----	Two magazine ads on "Klein's Sporting Goods."				
D86*-----	Transient register cards for YMCA.				
D87*-----	Check-out Slip for D 86.				
D89*-----	Wlener Lumber Company ap-plication for employment.				
D90*-----	Form W-4, dated 10-16-63 ob-tained from O. V. Campbell, Texas School Depository Bldg., Dallas, Texas.				

<i>FBI exhibit No.</i>	<i>Description</i>	<i>FBI exhibit No.</i>	<i>Description</i>	<i>FBI exhibit No.</i>	<i>Description</i>
D157*	Memorandum for Bill of Lading from H. P. Welch Company for 25 cases containing 700 rifles consigned to Aldens.	D181*	Photostatic copy of shipping order of H. P. Welch Company dated 6-29-62.	D201*	Photocopy of delivery receipt of Eastern Express, Inc., Pro No. 19147.
D158*	Photostatic copy of Consumption Entry No. 77, Bureau of Customs for shipment of items of which is 700 Italian rifles.	D182*	Yellow duplicate copy of H. P. Welch Company way bill No. B-3686.	D202*	Section of Transportes del Norte Bus Line ticket No. 13688 and seven photographs of various other documents.
D159*	Photostatic copy of examination and appraisal of entry No. 77, examined by U.S. Bureau of Customs.	D183*	Photostat of customer's copy of H. P. Welch Company way bill No. B-3686 showing Eastern Express Company way bill No. 191947.	D203*	Envelope and one-page letter written in French to Governor John Connally, signed "Angele."
D160*	Duplicate of H. P. Welch Company, Burlington, Vt., shipping order No. B-3686 for 25 cartons containing 700 rifles dated 7-6-62.	D184	Vol. I of "The Outline of History" by H. G. Wells.	D204*	Envelope postmarked "Midland, Tex. Apr 9 1964 PM," bearing typewritten address "TO Mr. J. Edgar Hoover. The Head of the FBI. Incare of the White House. Washington DC." and typewritten slip of paper beginning "Midland Texas. April 8th. 1964 TO Mr. J. Edgar Hoover * * *" and ending " * * * it will be valuable."
D161*	Microfilm copy of invoice No. 8934, Century Arms, Incorporated, pertaining to shipment of 6.5 caliber Italian carbines to Aldens.	D185	Vol. II of "The Outline of History" by H. G. Wells.	D205*	Envelope postmarked "Chicago, Ill. 6 MAR 1964," bearing hand printed address "—Bureau of Accounts— United States Treasury Dept. 301 U.S. Court House Kansas City, Missouri,—64106" and accompanying 8 hand printed slips of paper, one beginning "Take Into Custody * * *" and number eight ending on reverse side "Yards British Operative."
D162*	Microfilm copy of Aldens checking slip No. 293779, pertaining to shipment of 6.5 caliber Italian carbines to Aldens.	D186*	Employee's Withholding Exemption Certificate, dated 10-12-62, signed Lee H. Oswald.	D208*	Paper and tape sample obtained from Mrs. Ruth Paine.
D163*	One purchase order of Klein's Sporting Goods, Incorporated, showing effective date of 1-15-62.	D187*	Jaggers-Chiles-Stovall, Inc., Dallas, Tex., time records prepared by Lee Harvey Oswald.	D209*	Color transparency obtained from Mrs. Marie Hyde.
D164*	Five pages of "Customer's Invoice" of Crescent Firearms, Inc.	D188*	Two copies of payroll records reflecting the number of hours worked by Oswald while employed at the Texas School Book Depository.	D210*	Xerox copy of Lee Oswald's 1962 income tax refund check.
D165*	One invoice of Crescent Firearms, Inc., bearing invoice No. 3178, dated 2-7-63.	D189*	Warehouse receipt dated 11-9-60 obtained from Mr. Frederick Peterson, president, Harborside Terminal Co., Inc., Exchange Place, Jersey City, New Jersey.	D211*	35 mm color slide taken in Minsk, U.S.S.R., and obtained from Mrs. Kramer.
D166*	One check with attached voucher of Klein's Sporting Goods, Inc., both bearing the number 28966, check dated 3-1-63 and voucher dated 2/7.	D190*	Five delivery orders numbered 89138, 14473, 03408, A01640, and A00642 obtained from Mr. Frederick Peterson, president, Harborside Terminal Co., Inc., Exchange Place, Jersey City, New Jersey.	D212*	Envelope and accompanying one-page handwritten letter beginning "The people of US. have * * *"
D168*	Consignees Memo Pro No. A394857, dated 2-12-63.	D192*	Color prints made in connection with autopsy of Lee Harvey Oswald.	D215*	Envelope and accompanying two-page typewritten letter beginning "Gentlemen: A while back I overheard * * *"
D169*	Delivery receipt No. 3-041342, dated 2-13-63.	D193*	One sample of brown wrapping paper and a strip of 3" Manila gummed tape.	D217*	Envelope and accompanying one-page typewritten letter beginning "Dear Mr. Attorney General: A Mr. Johnny Carson, Host of the * * *"
D170*	Cashier's copy, Chicago run sheet, No. 48969, dated 2-21-63. (Items D171 through D179 were all obtained from Mr. Louis Feldscott, president, Crescent Firearms, Inc., New York City.)	D195*	One sample of 60 lb. Kraft wrapping paper.	D219*	Anonymous letter and envelope and three news clippings received by Dallas, Texas, F.B.I. office 5/28/64.
D171*	Bill of lading, shippers No. 3178.	D196*	Envelope postmarked "Chicago Ill Mar 18 1964 PM," bearing hand printed address "Texas Atomic Energy Research Foundation Electric Building Fort Worth, Texas," and accompanying one-page hand printed letter and three hand printed slips of paper.	D221*	Envelope and four-page accompanying handwritten letter obtained from Mr. Larry Temple, Administrative Ass't, Executive Dept., State of Texas, Austin, Texas.
D172*	Sale Order from Crescent Firearms, Inc., No. 3178, dated 2-7-63.	D197*	Envelope postmarked "Dallas, Tex. 24 Mar 1964 AM," bearing handwritten address "Dallas FBI Office Dallas, Texas," and accompanying one-page handwritten letter beginning "Dear Sir: I would like * * *" and ending " * * * Yours Dub."	D222*	One 9 by 1 1/4 inches Manila file folder obtained from Fr. Dimitri Royster, Pastor, St. Seraphin Eastern Orthodox Church, Dallas, Texas.
D173*	Office copy of 10 shipping slips reflecting carton numbers and gave numbers in each carton.	D198*	Photocopy of envelope postmarked "Houston, Tex. 24 Nov 1963 00 PM," bearing hand printed address "Russian Embassy Washington D.C.," and accompanying hand printed letter beginning "The Man Oswald * * *" and ending " * * * I have the Original."	D223*	Three sheets of paper bearing known handwriting and hand printing of Walter R. Hewell.
D174*	Bill of lading No. 18 dated 9-29-60.	D199*	Greyhound International Exchange Order No. 43599, dated 10-1-63.	D224*	Three sheets of paper bearing known handwriting and hand printing of George W. Ailman.
D175*	Copy of inventory list relating to shipment of Oswald's rifle.	D200*	Greyhound Passenger ticket No. 8256009, dated 10-3-63.		
D176*	Copy of Warehouse Entry Form from Freedman and Slater, Inc., dated 10-24-60.				
D177*	Copy of notice with estimated date of arrival of shipment dated 10-10-60.				
D178*	Copy of a bill of lading dated 10-25-60.				
D179*	Copy of sales invoice No. 03408 dated 10-16-62.				
D180*	Photostatic copy of Canadian National Railways Straight Bill of Lading dated 6-29-62.				



FBI exhibit No.	Description
D225-----	Seven 3 by 5 inches cards, four cards bearing the name "A. J. Hidell" and three cards bearing the name "A. J. Hidell."
D227*-----	One Thermofax copy of a work order concerning Lee Harvey Oswald obtained from Mr. Wm. H. Hefner, Texas Employment Commission, Fort Worth, Texas.
D228*-----	Envelope and accompanying typewritten letter beginning "Mr. Kennedy if you . . ."
D229-----	Original slip of paper found in Lee Harvey Oswald's wallet at the time of his interview by Lt. Martello.
D230*-----	Three one dollar bills.
D231*-----	Negative of folder bearing photograph and negative of a card bearing handwritten notation.
D232*-----	Airmail envelope and accompanying one-page hand printed and handwritten letter beginning "Mr. J. Edgar Hoover. Sir as a . . ."
D233*-----	Envelope and accompanying one-page hand printed letter beginning "Mr. Oswald: Since you . . ."
D234*-----	Yellow-colored leaflet entitled "Hands Off Cuba."
D235*-----	White-colored leaflet entitled "The Truth About Cuba Is In Cuba."
D236*-----	One \$5.00 Federal Reserve Note.
D237*-----	Transportes del Norte bus ticket stub No. 13688.
D239-----	Book entitled "Learning Russian" by Nina Potapova.
D240*-----	Map of Mexico City published by Editorial Flecha, Mexico, D. F.
D241-----	Pamphlet in English entitled "Fiesta Brava."
D242-----	Library pass dated April, 1962, written in Russian, in the name LEE HARVEY OSWALD.
D243-----	One deck of "Aviator" brand playing cards.
D244-----	Envelope and one-page letter dated 16-5-64, written in Russian to Mrs. Marina Oswald.
D245-----	One-page handwritten letter in the Russian language ending in English "P.S. Excuse me for making you wait."
D246-----	Envelope and one-page letter dated 25-02-64, written in Russian to Mrs. Marina Oswald.
D247-----	Envelope and one-page letter dated 29-10-63, written in the Russian language to Mrs. Marina Oswald.
D248-----	Envelope with no postmark or stamp and accompanying two two-page letters to "Marina Oswald" from "Ruth Paine."

FBI exhibit No.	Description
D249-----	Six United States of America Parcel Post Customs Declaration tags, three bearing the signature "Lee H. Oswald."
D250-----	One Russian-German textbook.
D251-----	Hard-cover journal entitled "Diary of Impressions & Observations of Eric Rit-zek Began Sept. 5, 1963."
D252-----	Slip of paper bearing known handwriting of Lev (Leo) Setyaev.
D253-----	P.O. Change of Address card of L. H. Oswald dated Oct. 10, 1963 (change from Fort Worth to Dallas).
D254-----	Book written in Russian for study of English, bearing note on flyleaf to Marina Oswald by Mrs. Ruth Paine.
D255-----	Book entitled "English" for study by Russian-speaking persons.
D256-----	English primer for Russian-speaking persons entitled "English in Pictures."
D257-----	Book for advanced study of the English language by Russian students entitled "English."
D258-----	Russian-Polish dictionary with blue cover.
D259-----	Three stapled documents: (1) Registration card of June Oswald at Richmond Freeman Memorial Clinic; (2) Appointment slip for June Oswald for 11-21-63 at Richmond Freeman Memorial Clinic; (3) Dental appointment slip for Marina Oswald for November 20.
D260-----	Name tag, written in Russian, for June Oswald at time of her birth.
D261-----	Photograph of group including Mr. and Mrs. Alexander Zieger, Eleanor Zieger, Lee Harvey Oswald, Marina Oswald and June Oswald.
D262-----	Photograph of Eleanor Zieger and Anatole Kholodov taken in Minsk, Russia, May, 1962.
D263*-----	One-page handwritten letter dated 11-28-63, to "Mrs. Ruth Paine" from "Walter Neunson."
E1-----	Personal History Form of New Orleans High School dated June 2, 1955 for Lee Oswald.
E2-----	\$13.87 obtained from Lee H. Oswald by the Dallas Police Department at the time of his arrest.
E3*-----	Transportes Frontera Bus Line form with known date stamp impressions.
E4*-----	One block of forms of the Transportes Frontera Bus Line.
E5*-----	Three pages of handwriting of George Bouhe.
E6*-----	One \$5.00 Federal Reserve Note, SN L21781599C.
E7*-----	One sheet of paper bearing known handwriting of Francisco Alvarado.

FBI exhibit No.	Description
E8*-----	Known handwriting of Lucio Lopez Medina.
E9*-----	Envelope and three pages of Braille writing.
E10*-----	Envelope and two pages of Braille writing.
E11*-----	Envelope and two-page letter to Governor John Connally, Texas, postmarked Kenosha, Wis.
E12*-----	

4. Other items of evidence, which were not assigned exhibit numbers, as hereinafter described.

Magnetic tape recording labeled "Vince Garrity and Jeremiah Collins interview Father Huber, C.M., the priest who administered the last Rites to President John F. Kennedy."

16 mm. black and white film of President's motorcade taken by an unidentified amateur photographer; furnished to the Commission by Wolper Productions, Inc.

8 mm. DCA home movie entitled "President Kennedy's Final Hour," produced by Dallas Cinema Associates, Inc.

34 tape recordings of programs involving investigation of the assassination.

16 mm. black and white film showing the sites of the assassination and an interview with a gunsmith, presumably Dial Ryder of Dallas.

16 mm. black and white film identified only as "Wade speaking at Dallas PD. Some silent film."

16 mm. black and white NBC news film of "Oswald speaking at Assembly Room 11/22/63."

Reels 65 and 66 of NBC 16 mm. kinescope of TV tapes, November 24, 1963; relate to shooting of Oswald.

Taped copy made from original tape of the program "Conversation Carte Blanche" broadcast over Radio Station WDSU, New Orleans, La., on 8/21/63 with Lee Harvey Oswald as a participant.

NBC audio tapes, Reels 1-3, unidentified as to content.

5. All other items of evidence considered by the Commission, if any, which are subject to this notice and not otherwise described in the provisions of paragraphs 1, 2, 3, or of this Appendix.

6. The inclusion of any particular item in the descriptions of items of evidence set forth in the provisions of paragraphs 1, 2, 3, 4 or of this Appendix does not constitute a determination that such item was privately owned prior to publication of this notice. Any such item title to which was in the United States on the date of publication of this notice, not acquired by virtue of such publication, but shall be preserved together with the items of evidence acquired hereunder. The acquisition of an item of evidence hereunder does not constitute an acquisition of a copyright or other literary property right associated with such item.

[F.R. Doc. 66-11999, Filed, Oct. 31, 1966 4:49 p.m.]













# FEDERAL REGISTER

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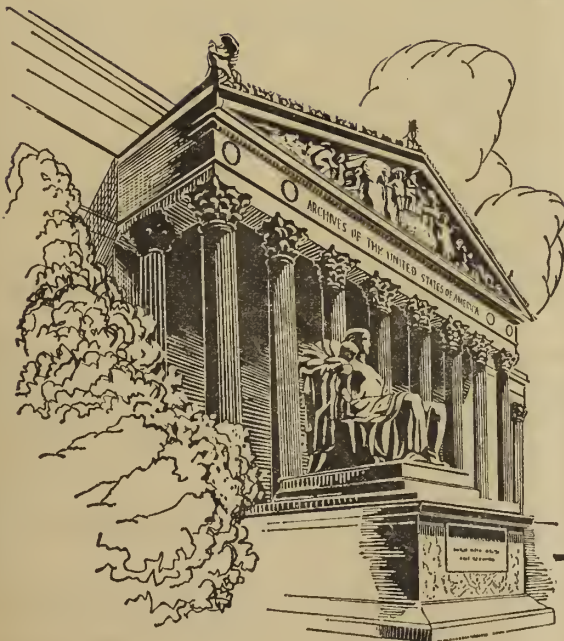
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Land Management Bureau  
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Volume 79

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#### SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[Bulletin NSCP 3101]

### PART 706—NAVAL STORES CONSERVATION

#### Subpart G—1967

The purpose of the Naval Stores Conservation Program (hereinafter referred to as "this program") is to restrict turpentine to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

Through the 1967 program the Federal Government will share with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1963 season.

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706.531	Availability of funds.
706.532	Applicability.
706.533	Administration.

**AUTHORITY:** The provisions of this Subpart G issued under sec. 4, 49 Stat. 164, secs. 7-17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g-590q.

#### GENERAL PROVISIONS

##### § 706.501 General requirements.

No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 706.515 and 706.516. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum from the current year's working.

##### § 706.502 Required performance.

(a) *Approved conservation practices.* Each participating producer shall carry out at least one of the approved conservation practices in every tract or drift of faces operated by him during the 1967 turpentine season. This requirement will not apply if the U.S. Forest Service or State Forest Agency determines that the condition of a particular tract or drift does not warrant carrying out approved conservation practices as a practical or economic matter, in which case the U.S. Forest Service or State Forest Agency may approve face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practice components.* Cost-sharing may be approved under the 1967 program for only the component parts of the practices which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of each practice.

(c) *First year working.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i.e., faces installed for the first working during the 1967 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 60 days after the producer is notified by the U.S. Forest Service or State Forest Agency, or the tract or drift will be considered only for qualification for cost-shares under the next lower practice for which qualified.

(d) *Second, third, fourth, or fifth year working.* The cost-shares for working of faces for second, third, fourth, or fifth years are applicable under the 1967 program to faces which were installed and met the eligible face requirements during the 1963, 1964, 1965, or 1966 season. Such cost-shares may also be allowed to new participating producers working tracts or drifts which had some undersized trees from which cups have been removed by the time of first elevation. New faces installed in 1967 and those installed in 1967 or prior years contrary to the requirements for eligible faces will disqualify the tracts or drifts for cost-sharing, unless the cups and tins on such faces shall be removed within 60 days after the producer is notified by the U.S. Forest Service or State Forest Agency. If such faces are not removed within the 60 day period, there may be withheld or required to be refunded the entire cost-shares for the tract or drift previously paid to the producer who installed the improper faces.

(e) *Practices under §§ 706.509, 706.510, 706.511, 706.512, 706.513, 706.514, 706.515, or 706.517* which require more than 1 year for completion. Cost-shares may be approved under this program for the completion of a component of a practice only on the condition that the producer agrees in writing to complete the remaining components of the practice according to program provisions and within the time prescribed by the U.S. Forest Service, unless prevented from doing so by reasons beyond his control, or refund the cost-shares paid to him. The extension of the period for completion of the



components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

**§ 706.503 Double-headed nails requirement.**

Use of double-headed nails is required in the elevation of all cups and tins.

**§ 706.504 Fire protection.**

Each producer shall during the 1967 turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

**§ 706.505 Bark-bar requirement.**

No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1967 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to 1967. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

**§ 706.506 Inspection assistance.**

Each producer shall assist representatives of the U.S. Forest Service or State Forest Agency in the administration of this program by:

- (a) Giving them free access to his turpentine farm or farms;
- (b) Counting all faces and reporting separately thereon by tracts and drifts to the local inspector;
- (c) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;
- (d) Furnishing competent labor to assist the local inspector in counting faces;
- (e) Submitting an application for payment of Federal cost-shares (Form 3200-3) and other prescribed forms;
- (f) Notifying the U.S. Forest Service or State Forest Agency promptly of any change in ownership, control, or number of faces worked; and
- (g) Otherwise facilitating the work of the local inspector in checking compliance with the terms and conditions of this program.

**CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES**

**§ 706.509 Practice 1: Working only 9 inch d.b.h. or larger trees.**

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9 inch d.b.h. or larger trees over a period of 2 to 5 years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 9 inch d.b.h. or larger trees; 2 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; ½ cent per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.515 is used.

**§ 706.510 Practice 2: Working only 10 inch d.b.h. or larger trees.**

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10 inch d.b.h. or larger trees over a period of 2 to 5 years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 10 inch d.b.h. or larger trees; 5 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 4 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.515 is used.

**§ 706.511 Practice 3: Working only 11 inch d.b.h. or larger trees.**

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 11 inch d.b.h. or larger trees over a period of 2 to 5 years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 11 inch d.b.h. or larger trees; 6 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 4 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.515 is used.

**§ 706.512 Practice 4: Working only 12 inch d.b.h. or larger trees.**

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins

on 12 inch d.b.h. or larger trees over a period of 2 to 5 years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 12 inch d.b.h. or larger trees; 7 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 4 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.515 is used.

**§ 706.513 Practice 5: Restricting turpentine to previously worked trees.**

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins over a period of 2 to 5 years only on trees having a previously worked face.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of faces on previously worked trees; 8 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 4 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.515 is used.

**§ 706.514 Practice 6: Working only selectively marked trees.**

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of 2 to 5 years.

(b) *Eligible faces.* Only trees 9 inches or more d.b.h. which should be removed to improve the timber stand may be cupped and only one face on trees less than 14 inches d.b.h. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the U.S. Forest Service: *Provided,* That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the U.S. Forest Service in its Minimum Stocking Guide issued June 4, 1956, as amended, and be well distributed over the area.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of selectively marked trees; 8 cents per face. If faces have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter



cupping practices, specified in §§ 706.509, 706.510, 706.511, or 706.512.

(2) Working of faces for second, third, fourth, or fifth year; 4 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.515 is used.

**§ 706.515 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.**

(a) *Purpose.* To minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutters or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 706.509, 706.510, 706.511, 706.512, 706.513, 706.514, and 706.517 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Component of practice and rate of cost-sharing.* (1) Initial use of spiral gutters or Varn aprons in the virgin installation or in the first elevation of cups and tins; 2 cents per face.

(i) The cost-share rate established for initiating this practice is limited to tracts or drifts having only virgin working faces, i.e., faces installed for the first working during the 1967 season or faces upon which the cups and tins are elevated for the first time during the 1967 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(ii) Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for virgin installation, exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

**§ 706.516 Practice 8: Removal of cups and tins from faces on small trees.**

(a) *Purpose.* To encourage producers who have not participated in the 1965 or 1966 programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, and to improve productivity of the woodland.

(b) *Description of practice.* This practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces installed for the first working in 1967 on trees under 9 inches d.b.h. and all but one face on trees between 9 and 14 inches d.b.h. having two or more faces. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 60 days after the producer is notified by the U.S. Forest Service or State Forest Agency to meet the eligible face requirements of § 706.509. Only producers who did not participate in the 1965 or 1966 programs are eligible for cost-sharing under this practice.

(d) *Component of practice and rate of cost-sharing.* (1) Removal of cups and tins on trees under 9 inches d.b.h. and on trees between 9 and 14 inches d.b.h. having more than one face; 8 cents per face. The cost-share for this component is applicable to faces discontinued by removal of cups and tins to permit the tract or drift to meet the eligible face requirements of § 706.509.

**§ 706.517 Practice 9: Pilot plant tests of new methods and equipment.**

(a) *Purpose.* To conduct controlled demonstrations or experiments to test values of management practices, new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of management practices, new methods or equipment according to requirements of the U.S. Forest Service.

(c) *Eligible faces.* Only faces or check trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the U.S. Forest Service are eligible for cost-sharing.

(d) *Components of practice and rates of cost-sharing.* (1) Eight cents per face for faces meeting the requirements of § 706.509.

(2) Eleven cents per face for faces meeting the requirements of §§ 706.510, 706.511, 706.512, 706.513, and 706.514.

**GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING**

**§ 706.518 Increase in small Federal cost-shares.**

The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Agricultural Conservation Program shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to \$1; (b) any Federal cost-sharing amounting to more than 71 cents but less than \$1 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of cost-shares computed	Increase in cost-shares
\$1.00 to \$1.99-----	\$0.40
\$2.00 to \$2.99-----	.80
\$3.00 to \$3.99-----	1.20
\$4.00 to \$4.99-----	1.60
\$5.00 to \$5.99-----	2.00
\$6.00 to \$6.99-----	2.40
\$7.00 to \$7.99-----	2.80
\$8.00 to \$8.99-----	3.20
\$9.00 to \$9.99-----	3.60
\$10.00 to \$10.99-----	4.00
\$11.00 to \$11.99-----	4.40
\$12.00 to \$12.99-----	4.80
\$13.00 to \$13.99-----	5.20
\$14.00 to \$14.99-----	5.60
\$15.00 to \$15.99-----	6.00
\$16.00 to \$16.99-----	6.40
\$17.00 to \$17.99-----	6.80
\$18.00 to \$18.99-----	7.20
\$19.00 to \$19.99-----	7.60
\$20.00 to \$20.99-----	8.00
\$21.00 to \$21.99-----	8.20
\$22.00 to \$22.99-----	8.40
\$23.00 to \$23.99-----	8.60
\$24.00 to \$24.99-----	8.80
\$25.00 to \$25.99-----	9.00
\$26.00 to \$26.99-----	9.20
\$27.00 to \$27.99-----	9.40
\$28.00 to \$28.99-----	9.60
\$29.00 to \$29.99-----	9.80
\$30.00 to \$30.99-----	10.00
\$31.00 to \$31.99-----	10.20
\$32.00 to \$32.99-----	10.40
\$33.00 to \$33.99-----	10.60
\$34.00 to \$34.99-----	10.80
\$35.00 to \$35.99-----	11.00
\$36.00 to \$36.99-----	11.20
\$37.00 to \$37.99-----	11.40
\$38.00 to \$38.99-----	11.60
\$39.00 to \$39.99-----	11.80
\$40.00 to \$40.99-----	12.00
\$41.00 to \$41.99-----	12.10
\$42.00 to \$42.99-----	12.20
\$43.00 to \$43.99-----	12.30
\$44.00 to \$44.99-----	12.40
\$45.00 to \$45.99-----	12.50
\$46.00 to \$46.99-----	12.60
\$47.00 to \$47.99-----	12.70
\$48.00 to \$48.99-----	12.80
\$49.00 to \$49.99-----	12.90
\$50.00 to \$50.99-----	13.00
\$51.00 to \$51.99-----	13.10
\$52.00 to \$52.99-----	13.20
\$53.00 to \$53.99-----	13.30
\$54.00 to \$54.99-----	13.40
\$55.00 to \$55.99-----	13.50
\$56.00 to \$56.99-----	13.60
\$57.00 to \$57.99-----	13.70
\$58.00 to \$58.99-----	13.80
\$59.00 to \$59.99-----	13.90
\$60.00 to \$185.99-----	14.00
\$186.00 to \$199.99-----	( <sup>1</sup> )
\$200.00 and over-----	( <sup>2</sup> )

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

**§ 706.519 Maintenance of practices.**

The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices as long as the timber remains under his control. There may be withheld or required to be refunded all cost-shares on tracts or drifts in which failure to maintain any or all practices occurs, except as modified by this section or § 706.502(d). The producer shall not be expected to maintain and complete the practice when pre-



vented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control. Measures which will be considered as failure to maintain practices in accordance with good forestry practices shall include, but are not restricted to the following:

(a) The cutting contrary to good forestry practices of turpentine trees in tracts or drifts (including current non-working areas) on which costs have been or would be shared under this or the 1963, 1964, 1965, or 1966 program. There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1963, 1964, 1965, 1966, or 1967 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practice:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the U.S. Forest Service June 4, 1956, as amended, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre: 9 inches or over d.b.h.—6 trees, 8 inches d.b.h.—9 trees, or 7 inches d.b.h.—12 trees, shall be left uncut and undamaged, or if clearcut, artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1970.

(b) Raising cups and tins without double-headed nails. There may be withheld or required to be refunded all of the cost-shares earned under this or previous programs on the tracts or drifts in which such improper raising occurs.

(c) Picking up additional faces after the first year's working will disqualify the tract or drift for any further cost-sharing, unless the hardware is removed to limit the working to one age class of faces. Such removal must be accomplished within 60 days of notification by the U.S. Forest Service or State Forest Agency.

(d) Failure to meet bark-bar requirement. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper chipping occurs.

(e) The burning by the producer on any tract or drift of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper burning occurs.

(f) The installation of new faces on round trees less than 9 inches d.b.h. or more than one face on round trees less than 14 inches d.b.h. in tracts or drifts having working faces installed during or

prior to the 1962 turpentine season. There may be withheld or required to be refunded 2 cents per face for each working face installed during or prior to 1962 in the tracts or drifts in which such installation occurs.

#### § 706.520 Practices defeating purposes of programs.

If the U.S. Forest Service or State Forest Agency find that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program, except as modified by § 706.502(d) or § 706.519.

#### § 706.521 Federal cost-shares not subject to claims.

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 706.522 and except for indebtedness to the United States subject to setoff under order issued by the Secretary (Part 13 of this title)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

#### § 706.522 Assignments.

Any producer who may be entitled to any Federal cost-share under the 1967 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1967, including the carrying out of soil and water conserving practices. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 709 of this chapter), witnessed, however, by an inspector of the U.S. Forest Service or State Forest Agency and filed with the U.S. Forest Service, Valdosta, Ga.

#### § 706.523 Death, incompetency, or disappearance of producer.

In case of death, incompetency, or disappearance of any producer, his share of cost-sharings shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122 as amended (Part 707 of this chapter).

#### § 706.524 Maximum Federal cost-shares limitation.

The total of all cost-shares under the 1967 Naval Stores Conservation and the 1967 Agricultural Conservation Programs to any person with respect to farms, ranching units, and turpentine places in the United States, Puerto Rico, and the Virgin Islands for approved practices which are not carried out under pooling agreements shall not exceed the sum of \$2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of \$10,000. The rules for applying the maximum Federal cost-

share limitation contained in the regulations governing the Agricultural Conservation Program, Part 701 of this chapter, shall be applicable.

#### § 706.525 Evasion.

All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade the provisions of § 706.524.

#### APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

#### § 706.526 Persons eligible to file application for payment of Federal cost-shares.

An application for payment of Federal cost-shares may be filed by any producer who contributed to the performance of any approved Naval Stores Conservation practice and is working faces for the production of gum naval stores, during the 1967 turpentine season, which were installed during or after the 1963 season. If it is determined that two or more producers contributed to carrying out the practice the Federal cost-shares shall be divided among such producers in the proportion which the Program Supervisor determines they contributed to carrying out the practice. In making this determination, the Program Supervisor shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the Program Supervisor that their respective contributions thereto were not in equal proportion. The furnishing of land, trees, or the right to use water will not be considered as a contribution to the carrying out of any practice.

#### § 706.527 Time and manner of filing applications and required information.

Payment of Federal cost-shares will be made only when a report of performance is submitted to the U.S. Forest Service or State Forest Agency on or before December 31, 1967, on the prescribed Form (3200-3) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

#### § 706.528 Appeals.

Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Southeastern Area Director in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine



farm. The Southeastern Area Director shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Southeastern Area Director he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the U.S. Forest Service to review the case and render his decision, which shall be final.

# DEFINITIONS

## § 706.529 Definitions.

(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum rosin produced from living trees.

(b) *Producer or turpentine farmer.* Any person, firm, partnership, corporation, or other business enterprise doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (*Pinus palustris*) or slash pine (*Pinuselliottii* Engelm.).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D.b.h.* Diameter breast height; i.e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

(o) *Back face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* Double-headed nails specially designed for naval stores use are produced commercially by several manufacturers. The use of a double-headed nail meeting the following minimum specifications is required where this practice is used: The overall length shall be 1¾ inches; distance between heads a minimum of one-fourth inch; its wire gauge no smaller than 13; the driving head shall be of the flat "Common Nail" type with diameter between five thirty-seconds and one-fourth inches and diameter of clinching head one-fourth inch. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.

(s) *Virgin streak.* The first chipping of the tree following initial installation of the face.

(t) *Hardware.* All gutters, aprons, or metal strips of any kind whatsoever together with nails used to support same and nails used to support cups for the collection of raw gum resin.

(u) *State Forest Agency.* State Forester or comparable State official who has entered into a cooperative agreement with the U.S. Forest Service to provide technical assistance in carrying out this program.

## AUTHORITY, AVAILABILITY OF FUNDS, APPLICABILITY, AND ADMINISTRATION

### § 706.530 Authority.

This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended.

### § 706.531 Availability of funds.

(a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1968.

(c) If the total estimated cost-shares under the Naval Stores Conservation

Program exceed the total funds available for cost-sharing, such cost-shares will be reduced equitably.

### § 706.532 Applicability.

(a) The provisions of this program are not applicable to any turpentine operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the U.S. Forest Service of the Department of Agriculture or by the U.S. Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to:

(1) Turpentine farms on privately owned lands;

(2) Lands owned by a State or political subdivision or agency thereof; or

(3) Lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes.

Of the lands covered by subparagraph (3) of this paragraph only turpentine farms on lands meeting eligibility provisions of subparagraph (3) of this paragraph that are administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U.S. Department of Defense, shall be considered eligible unless the U.S. Forest Service finds that land administered by any other agency complied with all of the foregoing provisions for eligibility.

### § 706.533 Administration.

The U.S. Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program pursuant to the provisions of this bulletin, and the field work shall be administered by the U.S. Forest Service through the office of the Southeastern Area Director, U.S. Forest Service, 50 Seventh Street, NE., Atlanta, Ga. 30323. Information concerning this program may be secured from the U.S. Forest Service, 509 North Patterson Street, Valdosta, Ga. 31601, its representatives or from State Forest Agency offices in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas.

Done at Washington, D.C., this 25th day of October 1966.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 66-11891; Filed, Nov. 1, 1966; 8:45 a.m.]



**Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture**

**PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK**

**Expenses and Rate of Assessment, Carryover of Unexpended Funds, and Handler Reports**

Notice was published in the October 11, 1966, issue of the *FEDERAL REGISTER* (31 F.R. 13136) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period beginning August 1, 1966, and ending July 31, 1967, carryover of unexpended funds, and handler reports, pursuant to the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matter presented, including the proposals which were submitted by the Cranberry Marketing Committee (established pursuant to the amended marketing agreement and order) and set forth in the aforesaid notice, and other available information, it is hereby found and determined that:

A. Section 929.207 is added as follows:

**§ 929.207 Expenses and rate of assessment.**

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Cranberry Marketing Committee during the fiscal period August 1, 1966, through July 31, 1967, in accordance with the marketing agreement, as amended, and this part, will amount to \$8,010.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 929.41, is fixed at one-half cent (\$0.005) per barrel of cranberries, or equivalent quantity of cranberries.

B. Section 929.105(b) is amended by substituting therefor the following paragraph (b):

**§ 929.105 Reporting.**

(b) Certified reports shall be submitted to the committee by each handler not later than 10 days after each of the specified dates showing, for the preceding 3-month period, the total quantity of cranberries such handler acquired and the total quantity of cranberries such handler handled, and, as of the specified dates, the respective quantities of cranberries and cranberry products such handler had on hand: November 1, 1965;

February 1, 1966; May 1, 1966; August 1, 1966; November 1, 1966; February 1, 1967; May 1, 1967; and August 1, 1967.

C. Paragraphs (b) and (c) of § 929.204 are hereby deleted and a new paragraph (b) is inserted reading as follows:

**§ 929.204 Reserve.**

(b) Assessments collected for each of the fiscal periods ended July 31, 1963, July 31, 1965, and July 31, 1966, were in excess of expenses for such periods. The committee is hereby authorized to place such excess funds in said reserve.

It is hereby found that good cause exists for not postponing the respective effective dates of § 929.207, and the amendatory provisions of §§ 929.204 and 929.105 until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 1001-1011) in that: (1) With respect to § 929.207, the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable cranberries from the beginning of such year; (2) the current fiscal period began on August 1, 1966, and the rate of assessment herein fixed will automatically apply to all assessable cranberries beginning with such date; (3) with respect to the amendatory provisions of § 929.204, unexpended assessment funds are on hand and should be transferred to the reserve promptly to enable the committee to use such funds in accordance with § 929.42; (4) with respect to the amendatory provisions of § 929.105, the first certified report should be due from handlers not later than November 10, 1966, because the harvesting of a considerable portion of the crop from all areas will be completed by November 1, and data should be promptly compiled from such reports and made available to the industry by the committee to provide the first and timely information with respect to the total size of the crop, thus enabling the industry to more effectively plan the utilization thereof, and handlers should be given as much advance notice of such reporting requirement as possible; and (5) the reporting requirements do not require any special preparation on the part of handlers for compliance therewith which cannot be completed by the effective time thereof and no useful purpose would be served by postponing such time beyond the date of publication in the *FEDERAL REGISTER*.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, October 27, 1966, with the amendatory provisions of § 929.204 and § 929.105 to become effective upon publication in the *FEDERAL REGISTER*.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11893; Filed, Nov. 1, 1966; 8:45 a.m.]

**PART 981—ALMONDS GROWN IN CALIFORNIA**

**Subpart—Administrative Rules and Regulations**

**REQUIREMENTS FOR SURPLUS UNSHELLED ALMONDS**

Pursuant to § 981.51 of the marketing agreement, as amended, and order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the Almond Control Board has unanimously recommended that the percentage of almonds by count, affected by adhering hulls (where more than 10 percent of the surface is affected) that may be present in a lot of unshelled almonds eligible for use in satisfying the surplus obligation be increased from 10 percent to 20 percent, and that the percentage, by weight, of loose shells, hulls and other foreign material in such lot be increased from 5 percent to 10 percent.

Section 981.51 sets forth requirements for unshelled almonds to be eligible for use in satisfying the surplus obligation of a handler. The Board's recommendation to increase the respective percentages of adhering hulls and of loose shells, hulls and other foreign material that may be present, is to recognize the range of such items in orchard-run almonds delivered by producers. There is opportunity for sale of such almonds for processing in other countries and the change is necessary to permit such sales.

After consideration of all relevant matter presented, including the Board's recommendation and information, and other available information, it is hereby found that the issuance of a new section, § 981.451 *Requirements for surplus unshelled almonds*, as hereinafter set forth, modifies certain requirements of § 981.51 pursuant thereto, is in accordance with this part, will tend to effectuate the declared policy of the act, and, for reasons hereinafter set forth, should become effective at the time provided herein.

Therefore, it is hereby ordered, That Subpart—Administrative Rules and Regulations is hereby amended by including therein the following new section which modifies certain requirements in § 981.51 (b):

**§ 981.451 Requirements for surplus unshelled almonds.**

Notwithstanding the requirements of § 981.51 (b), lots of unshelled almonds to be eligible for use in satisfying the surplus obligation of a handler may contain not more than 20 percent of the almonds by count affected by adhering hulls (where more than 10 percent of the surface is affected), and may contain not more than 10 percent by weight of loose shells, hulls and other foreign material.

It is hereby further found that it is impracticable, unnecessary, and contrary to public interest to give preliminary notice and engage in public rule making



procedure, and that good cause exists for making the provisions hereof effective not later than the time hereinafter specified and not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003 (a) and (c)) in that this action: (1) Increases from 10 percent to 20 percent, by count, the maximum permissible quantity of almonds affected by adhering hulls (where more than 10 percent of the surface is affected) and increases from 5 percent to 10 percent, by weight, the maximum permissible quantity of loose shells, hulls and other foreign material in a lot of unshelled almonds eligible for use in satisfying a handler's surplus obligation; (2) relieves restrictions in that it increases the percentages of such permissible items in a lot of unshelled surplus almonds; and (3) was unanimously recommended by the Board which administers the regulatory program, and handlers require no additional advance notice to conduct their operations accordingly.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated October 27, 1966, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,  
Deputy Director,  
Fruit and Vegetable Division.

[F.R. Doc. 66-11894; Filed, Nov. 1, 1966; 8:45 a.m.]

## Title 12—BANKS AND BANKING

### Chapter II—Federal Reserve System

#### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

### PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN FEDERAL RESERVE SYSTEM

#### Investments in Securities

§ 208.120 Meaning of "obligor or maker" in determining limitation on securities investments by member State banks.

(a) From time to time the New York State Dormitory Authority offers issues of bonds with respect to each of which a different educational institution enters into an agreement to make "rental" payments to the Authority sufficient to cover interest and principal thereon when due. The Board of Governors of the Federal Reserve System has been asked whether a member State bank may invest up to 10 percent of its capital and surplus in each such issue.

(b) Paragraph 7th of section 5136 of the U.S. Revised Statutes (12 U.S.C. 24) provides that "In no event shall the total amount of the investment securities of any one obligor or maker, held by [a national bank] for its own account, exceed at any time 10 per centum of its

capital stock \* \* \* and surplus fund". That limitation is made applicable to member State banks by the 20th paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 335).

(c) The Board considers that, within the meaning of these provisions of law, "obligor" does not include any person that acts solely as a conduit for transmission of funds received from another source, irrespective of a promise by such person to pay principal or interest on the obligation. While an obligor does not cease to be such merely because a third person has agreed to pay the obligor amounts sufficient to cover principal and interest on the obligations when due, a person that promises to pay an obligation, but as a practical matter has no resources with which to assume payment of the obligation except the amounts received from such third person, is not an "obligor" within the meaning of section 5136.

(d) Review of the New York Dormitory Authority Act (N.Y. Public Authorities Law §§ 1675-1690), the Authority's interpretation thereof, and materials with respect to the Authority's "Revenue Bonds, Mills College of Education Issue, Series A" indicates that the Authority is not an "obligor" on those and similar bonds. Although the Authority promises to make all payments of principal and interest, a bank that invests in such bonds cannot be reasonably considered as doing so in reliance on the promise and responsibility of the Authority. Despite the Authority's obligation to make payments on the bonds, if the particular college fails to perform its agreement to make rental payments to the Authority sufficient to cover all payments of bond principal and interest when due, as a practical matter the sole source of funds for payments to the bondholder is the particular college. The Authority has general borrowing power but no resources from which to assure repayment of any borrowing except from the particular colleges, and rentals received from one college may not be used to service bonds issued for another.

(e) Accordingly, the Board has concluded that each college for which the Authority issues obligations is the sole "obligor" thereon. A member State bank may therefore invest an amount up to 10 percent of its capital and surplus in the bonds of a particular college that are eligible investments under the Investment Securities Regulation of the Comptroller of the Currency (12 CFR Part 1), whether issued directly or indirectly through the Dormitory Authority.

(12 U.S.C. 248 (1). Interprets 12 U.S.C. 24 and 335)

Dated at Washington, D.C., this 26th day of October 1966.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,  
Assistant Secretary.

[F.R. Doc. 66-11888; Filed, Nov. 1, 1966; 8:45 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

#### SUBCHAPTER C—AIRCRAFT

[Docket No. 6888; Amdt. 39-298]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Fairchild Model F-27A, F-27F, F-27G, F-27J Airplanes

Amendment 39-275 (31 F.R. 10957), AD 66-20-1, requires repetitive reinspection of the horizontal stabilizer on Fairchild Model F-27A, F-27F, F-27G, and F-27J airplanes, Serial Numbers 1 through 122. After issuing Amendment 39-275, due to service experience, the Agency determined that the AD should apply to all of the subject airplanes regardless of serial number and that the repetitive inspection interval for Model F-27J airplanes should be reduced from 300 to 60 hours' time in service. Therefore, the AD is being superseded by a new AD that applies to all of the subject airplanes regardless of serial number, and requires repetitive inspection of Model F-27J airplanes at intervals not to exceed 60 hours' time in service from the last inspection until modified in accordance with the manufacturer's Service Bulletin, after which the intervals may be increased to 150 hours' time in service.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

FAIRCHILD. Applies to Model F-27A, F-27F, F-27G, and F-27J airplanes.

Compliance required as indicated.

To detect cracks in the skin, stringers, and rib caps of the upper and lower surfaces of the horizontal stabilizer, accomplish the following:

(a) For Model F-27A, F-27F, and F-27G airplanes, within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 250 hours' time in service, and thereafter at intervals not to exceed 300 hours' time in service from the last inspection, comply with paragraph (c).

(b) For Model F-27J airplanes, within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 10 hours' time in service, and thereafter at intervals not to exceed 60 hours' time in service from the last inspection, comply with paragraph (c).

(c) Inspect the horizontal stabilizer for cracks in accordance with Fairchild Hiller Service Bulletin No. 55-6, Revision 3, dated July 20, 1965, or later FAA-approved revision or an FAA-approved equivalent, using X-ray, dye penetrant in conjunction with a glass of at least 10 power, or an FAA-approved



equivalent. Repair cracked parts in an FAA-approved manner or replace them with an unused part of the same part number or an FAA-approved equivalent before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

(d) The repetitive inspection interval specified in paragraph (a) may be increased from 300 hours' time in service to 1,200 hours' time in service from the last inspection and the repetitive inspection interval specified in paragraph (b) may be increased from 60 hours' time in service to 150 hours' time in service from the last inspection on airplanes modified in accordance with Fairchild Hiller Service Bulletin No. 55-7, dated July 20, 1965, or later FAA-approved revision, or an FAA-approved equivalent.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the initial inspection interval and the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This supersedes Amendment 39-275 (31 F.R. 10957), AD 66-20-1.

This amendment becomes effective November 12, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 26, 1966.

C. W. WALKER,  
*Director, Flight Standards Service.*

[F.R. Doc. 66-11913; Filed, Nov. 1, 1966; 8:47 a.m.]

[Docket No. 7701; Amdt. 39-297]

## PART 39—AIRWORTHINESS DIRECTIVES

### Boeing Model 707-300B, 707-300C Series Airplanes

There have been inboard center aileron hinge fittings found hammer-peened and cracked on Boeing 707-300B and 707-300C Series airplanes. Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive is being issued to require visual inspection of these fittings for cracks or evidence of hammer-peening and replacement as necessary on certain Boeing Model 707-300B and 707-300C Series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**BOEING.** Applies to Model 707-300B and 707-300C Series airplanes, Serial Numbers 18922, 18926, 18937, 18953, 18960, 18964, 18975, 18976, 18977, and 18991.

Compliance required within the next 300 hours' time in service after the effective date of this AD, unless already accomplished.

Visually inspect the inboard aileron center hinge clevis for cracks or evidence of hammer-peening using a glass of at least 5 power in accordance with section 3 of Boeing Service Bulletin No. 2377 or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. Replace cracked parts and parts showing evidence of hammer-peening before further flight with a new part of the same part number or a part inspected in accordance with this AD and found free of cracks and evidence of hammer peening.

This amendment becomes effective Nov. 2, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354 (a), 1421, 1423)

Issued in Washington, D.C., on October 26, 1966.

C. W. WALKER,  
*Director, Flight Standards Service.*

[F.R. Doc. 66-11914; Filed, Nov. 1, 1966; 8:47 a.m.]

[Docket No. 7702; Amdt. 39-299]

## PART 39—AIRWORTHINESS DIRECTIVES

### Canadair Model CL-44D4 Airplanes

There have been cracks in the main landing gear keel vertical posts and horizontal lower reinforcing angle members in the inboard nacelles on Canadair Model CL-44D4 airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive inspection of the vertical post members, lower reinforcing angles, and nesting angles for cracks and repair or replacement as necessary on the subject airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**CANADAIR.** Applies to Model CL-44D4 airplanes.

Compliance required as indicated.

To detect cracks in the main landing gear keel vertical posts and horizontal lower reinforcing angle members in the inboard nacelles, accomplish the following:

(a) For airplanes incorporating the modification specified in Canadair Service Information Circular No. 247-CL44D4, dated April 9, 1963, within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 450 hours' time in service, and thereafter at intervals not to exceed 500 hours' time in service from the last inspection, visually inspect the vertical post members and nesting angles for cracks.

(b) For airplanes other than those specified in paragraph (a), within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 450 hours' time in service, and thereafter at intervals not to exceed 500 hours' time in service from the last inspection, visually inspect the vertical post mem-

bers and lower reinforcing angles for cracks, in accordance with paragraphs (a), (b), (c), and (d) of "Inspection Procedure" of Canadair Service Information Circular, Issue No. 2, No. 247-CL44D4, dated May 17, 1966, or later FAA-approved revision or an FAA-approved equivalent.

(c) If a crack is found during an inspection required by paragraph (a) or (b), repair the crack in an FAA-approved manner, or replace the part with a part of the same part number that has been inspected in accordance with this AD and found free of cracks or with an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

(d) The repetitive inspection of the vertical post members required by paragraphs (a) and (b) may be discontinued when the vertical post members are modified with a modification approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(e) The repetitive inspection of the nesting angles required by paragraph (a) may be discontinued when the modification specified in Canadair Service Information Circular No. 247-CL44D4, dated April 9, 1963, is disassembled, the lower reinforcing angles and nesting angles are visually inspected for cracks and repaired or replaced as necessary in accordance with paragraph (c), and reinstalled in accordance with Canadair Service Bulletin CL44-452, dated July 8, 1966, or later FAA-approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(f) The repetitive inspection of the lower reinforcing angle members required by paragraph (b) may be discontinued when the lower reinforcing angles are modified in accordance with Canadair Service Bulletin CL44-452, dated July 8, 1966, or later FAA-approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(g) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This amendment becomes effective November 12, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 26, 1966.

C. W. WALKER,  
*Director, Flight Standards Service.*

[F.R. Doc. 66-11915; Filed, Nov. 1, 1966; 8:47 a.m.]

[Docket No. 7703; Amdt. 39-300]

## PART 39—AIRWORTHINESS DIRECTIVES

### Fairchild Model F-27A, F-27F, F-27G, F-27J Airplanes

There have been cracks in the front spar web and upper and lower spar caps of the horizontal stabilizer on Fairchild Model F-27 Series airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the hor-



izontal stabilizer and repair as necessary on the subject airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**FAIRCHILD.** Applies to Model F-27A, F-27F, F-27G, and F-27J airplanes.

Compliance required as indicated.

To detect cracks in the front spar web and upper and lower spar caps of the horizontal stabilizer, accomplish the following:

(a) For Model F-27A, F-27F, and F-27G airplanes, within the next 25 hours' time in service after the effective date of this AD, unless already accomplished, inspect for cracks the horizontal stabilizer front spar web, and the vertical and horizontal flanges of the upper and lower front spar caps, between Stations 96.45 and 125.98, using X-ray, or dye penetrant in conjunction with a glass of at least 10 power, or an FAA-approved equivalent. Before further flight, repair cracked parts in an FAA-approved manner or replace them with an unused part of the same part number, or an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) For Model F-27J airplanes, within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 35 hours' time in service, and thereafter at intervals not to exceed 60 hours' time in service from the last inspection, inspect for cracks the horizontal stabilizer front spar web, and the vertical and horizontal flanges of the upper and lower front spar caps, between Stations 96.45 and 125.98, using X-ray, or dye penetrant in conjunction with a glass of at least 10 power, or an FAA-approved equivalent. Before further flight, repair cracked parts in an FAA-approved manner or replace them with an unused part of the same part number, or an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) The repetitive inspection interval specified in paragraph (b) may be increased from 60 hours' time in service to 150 hours' time in service from the last inspection on airplanes modified in accordance with Fairchild Hiller Service Bulletin No. 55-7, dated July 20, 1965, or later FAA-approved revision, or an FAA-approved equivalent.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the initial inspection interval and the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This amendment becomes effective November 12, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 26, 1966.

C. W. WALKER,  
Director, Flight Standards Service.

[F.R. Doc. 66-11916; Filed, Nov. 1, 1966; 8:47 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-WA-26]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**

**PART 73—SPECIAL USE AIRSPACE**

**Designation of Temporary Restricted Area and Alteration of Controlled Airspace**

On September 20, 1966, a notice of proposed rule making was published in the *FEDERAL REGISTER* (31 F.R. 12452) stating the Federal Aviation Agency was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations which would establish a temporary restricted area near White Sands Proving Grounds, White Sands, N. Mex., and alter the continental control area to include this airspace, thereby making it available to nonparticipating aircraft when not in use for the purpose for which it was designated.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. One comment was received which interposed no objection.

The Administrator has determined that the designation of this temporary restricted area commencing November 10, 1966, as requested is in the interest of National Defense. Therefore, observance of the 30-day statutory period preceding effectiveness is impracticable and is contrary to the public interest.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

1. In § 73.51 (31 F.R. 2323, 958), the following is added:

R-5116A White Sands Proving Grounds, N. Mex.

**Boundaries.** Beginning at latitude 33°-53'40" N., longitude 106°44'35" W.; to latitude 34°20'35" N., longitude 107°02'35" W.; to latitude 34°25'00" N., longitude 106°-51'45" W.; to latitude 34°09'55" N., longitude 106°41'35" W.; to the point of beginning.

**Designated altitudes.** Surface to FL 240, excluding the airspace below 6,000 feet MSL west of longitude 106°52'00" W.

**Time of designation.** Sunrise to sunset, November 10, 1966, through January 10, 1967, as published in NOTAMs issued at least 24 hours in advance of use.

**Controlling agency.** Federal Aviation Agency, Albuquerque ARTC Center.

**Using agency.** Commander, Holloman AFB, N. Mex.

2. In § 71.151 (31 F.R. 2047) "R-5116A White Sands Proving Grounds, N. Mex." is added.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, DC., on October 25, 1966.

WILLIAM E. MORGAN,  
Acting Director, Air Traffic Service.

[F.R. Doc. 66-11917; Filed, Nov. 1, 1966; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7699; Amdt. 95-147]

**PART 95—IFR ALTITUDES**

**Miscellaneous Amendments**

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective December 8, 1966, as follows:

1. By amending Subpart C as follows:

Section 95.18 *Green Federal Airway 8* is amended to read in part:

*From, to, and MEA*

Kukaklek INT, Alaska; Int 099° M bearing from Iliamna LF/RBN and W crs Homer LFR, \*6,000. \*5,900—MOCA.

Int 099° M bearing from Iliamna LF/RBN and W crs Homer LFR; Anchor Point INT Alaska; 6,000.

Section 95.239 *Red Federal airway 39* is amended to read in part:

\*Aniak, Alaska, LF/RBN; McGrath, Alaska, LF/RBN; 5,800. \*3,500—MCA, Aniak LF/RBN, northeastbound.

McGrath, Alaska, LF/RBN; Minchumina, Alaska, LFR; \*5,000. \*4,800—MOCA.

Section 95.299 *Red Federal airway 99* is amended to read in part:

Iliamna, Alaska, LF/RBN; Int, 099° M bearing from Iliamna LF/RBN and W crs Homer LFR; 6,000.

Section 95.1001 *Direct routes—United States* is amended to delete:

Anniston, Ala., VOR; Leeds INT, Ala.; \*3,000. \*2,600—MOCA.

Columbus, Ga., VOR; La Grange, Ga., VOR; 2,000.

Section 95.1001 *Direct routes—United States* is amended by adding:

Anniston, Ala., VOR; Springville INT, Ala.; \*3,000. \*2,300—MOCA.

Lake Charles, La., VOR; Sugar INT, La.; \*2,000. \*1,300—MOCA.

Brunswick, Ga., VOR; Tarboro INT, Ga.; \*1,400. \*1,200—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

\*Greenhead INT, Fla.; Dothan, Ala., VOR; \*\*1,900. \*4,500—MRA. \*\*1,600—MOCA.

*Puerto Rico Routes*

*Route 4*

\*Point Tuna INT, P.R.; Saint Croix, VI., VOR; 3,200. \*8,700—MCA Point Tuna INT northwestbound.



Section 95.6001 *VOR Federal airway 1* is amended to read in part:

*From, to, and MEA*

Myrtle Beach, S.C., VOR; \*Chatham INT, N.C.; \*\*1,600. \*3,000—MRA. \*\*1,400—MOCA.  
Chatham INT, N.C.; \*Green INT, N.C.; \*\*1,600. \*2,500—MRA. \*\*1,400—MOCA.  
Green INT, N.C.; Wilmington, N.C., VOR; \*1,600. \*1,400—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Lexington, Ky., VOR; Mount Sterling INT, Ky.; 3,000.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Dothan, Ala., VOR; Clio INT, Fla.; \*2,000. \*1,600—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Grand Isle, La., VOR; Pirate INT, La.; \*2,500. \*1,300—MOCA.  
Pirate INT, La.; Sally INT, La.; \*2,500. \*1,500—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Grantsburg, Wis., VOR; \*Barnum INT, Minn.; \*\*3,300. \*4,000—MRA. \*10,000—MAA. \*2,500—MOCA.  
Barnum INT, Minn.; Duluth, Minn., VOR; \*3,300. \*2,500—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Banning INT, Calif.; \*Palm Springs, Calif., VOR; \*\*13,000. \*5,500—MCA Palm Springs VOR. Eastbound. \*11,800—MCA Palm Springs VOR. Westbound. \*\*7,500—MOCA.  
Gordonsville, Va., VOR; Ironsides INT, Md.; 2,000.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

San Antonio, Tex., VOR; Mission INT, Tex.; \*3,000. \*1,600—MOCA.  
Mission INT, Tex.; Buda INT, Tex.; \*3,000. \*2,600—MOCA.  
Buda INT, Tex.; Austin, Tex., VOR; 3,000.  
\*Georgetown INT, Tex.; Walburg INT, Tex.; \*\*2,500. \*4,000—MRA. \*\*2,100—MOCA.  
Walburg INT, Tex.; Belton INT, Tex.; \*2,500. \*1,800—MOCA.  
Austin, Tex., VOR via E alter.; Hutto INT, Tex., via E alter.; \*2,700. \*2,100—MOCA.  
Hutto INT, Tex., via E alter.; Tracy INT, Tex., via E alter.; \*2,700. \*1,900—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Bayside INT, Tex.; Sand Point INT, Tex.; \*1,700. \*1,400—MOCA.  
Sand Point INT, Tex.; Palacios, Tex., VOR; \*1,700. \*1,100—MOCA.  
Palacios, Tex., VOR via N alter.; Rosenberg INT, Tex., via N alter.; \*2,500. \*1,400—MOCA.  
Damon INT, Tex.; Key INT, Tex.; \*1,800. \*1,400—MOCA.  
Key INT, Tex.; Arcola INT, Tex.; \*1,800. \*1,600—MOCA.  
Houston, Tex., VOR; Fry INT, Tex.; 1,600.  
Fry INT, Tex.; Beaumont, Tex., VOR; \*1,600. \*1,300—MOCA.  
Lake Charles, La., VOR; Midland INT, La.; \*1,700. \*1,400—MOCA.  
Lafayette, La., VOR; Martin INT, La.; \*1,500. \*1,400—MOCA.  
Martin INT, La.; Rond Lake INT, La.; \*1,500. \*1,000—MOCA.  
Rond Lake INT, La.; Welcome INT, La.; \*1,500. \*1,400—MOCA.

*From, to, and MEA*

Welcome INT, La.; Turtle INT, La.; \*1,500. \*1,300—MOCA.  
Turtle INT, La.; New Orleans, La., VOR; 1,500.  
La Porte INT, Tex., via S alter.; Smith Point INT, Tex., via S alter.; \*1,500. \*1,200—MOCA.  
Smith Point INT, Tex., via S alter.; Sabine Pass, Tex., VOR via S alter.; \*1,500. \*1,000—MOCA.  
Sabine Pass, Tex., VOR via S alter.; Hackberry INT, La., via S alter.; \*1,500. \*1,200—MOCA.  
Hackberry INT, La., via S alter.; Lake Charles, La., VOR via S alter.; \*1,500. \*1,300—MOCA.  
Lafayette, La., VOR via S alter.; Tibby, La., VOR via S alter.; \*1,500. \*1,400—MOCA.  
Corpus Christi, Tex., VOR via N alter.; Taft INT, Tex., via N alter.; \*1,600. \*1,200—MOCA.  
Taft INT, Tex., via N alter.; Woodsboro INT, Tex., via N alter.; \*1,600. \*1,300—MOCA.  
\*Crosby INT, Tex., via N alter.; Beaumont, Tex., VOR via N alter.; \*\*1,900. \*1,900—MRA. \*\*1,300—MOCA.  
Beaumont, Tex., VOR via N alter.; Peveto INT, Tex., via N alter.; \*1,500. \*1,400—MOCA.  
Peveto INT, Tex., via N alter.; Sulphur INT, La., via N alter.; \*1,500. \*1,300—MOCA.  
Sulphur INT, La., via N alter.; Lake Charles, La., VOR via N alter.; \*1,500. \*1,400—MOCA.  
Hathaway INT, La., via N alter.; Swift INT, La., via N alter.; \*1,800. \*1,300—MOCA.  
Swift INT, La., via N alter.; Rayne INT, La., via N alter.; 1,800.  
Rayne INT, La., via N alter.; Lafayette, La., VOR via N alter.; \*1,800. \*1,500—MOCA.

Section 95.6022 *VOR Federal airway 22* is amended to read in part:

La Porte INT, Tex.; Smith Point INT, Tex.; \*1,500. \*1,200—MOCA.  
Smith Point INT, Tex.; Sabine Pass, Tex., VOR; \*1,500. \*1,000—MOCA.  
White Lake, La., VOR; Rich INT, La.; \*2,000. \*1,000—MOCA.  
Rich INT, La.; Tibby, La., VOR; \*2,000. \*1,500—MOCA.  
Tibby, La., VOR; Lizard INT, La.; \*2,000. \*1,400—MOCA.  
Lizard INT, La.; Sally INT, La.; \*2,000. \*1,200—MOCA.  
Sally INT, La.; Harvey, La., VOR; 2,000.

Section 95.6027 *VOR Federal airway 27* is amended to read in part:

Point Ano INT, Calif.; \*Half Moon Bay INT, Calif.; \*\*6,000. \*6,000—MCA Half Moon Bay INT, northwest and southeastbound. \*\*3,000—MOCA. #MEA is established with a gap in navigation signal coverage.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

\*Copeland INT, Fla.; Fort Myers, Fla., VOR; \*\*2,500. \*2,500—MRA. \*\*1,400—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Turkey INT, Ky.; Irvine INT, Ky.; 4,000.  
Irvine INT, Ky.; Lexington, Ky., VOR; 3,000.

Section 95.6057 *VOR Federal airway 57* is amended to read in part:

Lexington, Ky., VOR; Falmouth, Ky., VOR; 3,000.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

Corpus Christi, Tex., VOR; Pogo INT, Tex.; \*1,600. \*1,400—MOCA.  
Pogo INT, Tex.; Solon INT, Tex.; \*1,600. \*1,500—MOCA.

*From, to, and MEA*

\*Armstrong INT, Tex.; Raymondville INT, Tex.; \*\*1,500. \*3,000—MRA. \*\*1,400—MOCA.  
Raymondville INT, Tex.; Harlingen, Tex., VOR; \*1,500. \*1,300—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Bayside INT, Tex.; Sand Point INT, Tex.; \*1,700. \*1,400—MOCA.  
Sand Point INT, Tex.; Palacios, Tex., VOR; \*1,700. \*1,100—MOCA.  
Lake Charles, La., VOR; Midland INT, La.; \*1,700. \*1,400—MOCA.  
Brazoria INT, Tex.; Danbury INT, Tex.; \*1,500. \*1,300—MOCA.  
Danbury INT, Tex.; Galveston, Tex., VOR; \*1,500. \*1,400—MOCA.  
Galveston, Tex.; VOR; Bolivar INT, Tex.; \*1,500. \*1,400—MOCA.  
Bolivar INT, Tex.; Sabine Pass, Tex., VOR; \*1,500. \*1,100—MOCA.  
Lafayette, La., VOR; \*Rose INT, La.; \*\*1,600. \*3,000—MRA. \*\*1,300—MOCA.  
Rose INT, La.; Gross INT, La.; \*1,600. \*1,300—MOCA.  
Creole INT, La.; Denham INT, La.; \*1,600. \*1,500—MOCA.  
Denham INT, La.; Walker INT, La.; \*1,600. \*1,400—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Llano, Tex., VOR; Lake Travis INT, Tex.; \*3,000. \*2,300—MOCA.  
Austin, Tex., VOR; Butler INT, Tex.; \*2,200. \*2,100—MOCA.  
Butler INT, Tex.; Paige INT, Tex.; \*2,200. \*1,600—MOCA.  
Paige INT, Tex.; Industry, Tex., VOR; \*2,200. \*1,700—MOCA.  
Eagle Lake, Tex., VOR via S alter.; Blue INT, Tex., via S alter.; \*2,100. \*1,400—MOCA.  
Blue INT, Tex., via S alter.; Houston, Tex., VOR via S alter.; 2,100.

Section 95.6082 *VOR Federal airway 82* is amended to read in part:

Minneapolis, Minn., VOR; Farmington, Minn., VOR; 2,600.

Section 95.6088 *VOR Federal airway 88* is amended to read in part:

Waco INT, Mo.; Miller INT, Mo.; \*3,000. \*2,500—MOCA.

Section 95.6095 *VOR Federal airway 95* is amended to read in part:

\*Knob INT, Ariz., via W alter.; \*\*Ranch INT, Ariz., via W alter.; \*\*\*8,000. \*8,000—MRA. \*\*1,400—MCA Ranch INT, North-eastbound. \*\*\*7,700—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Richmond INT, Ky.; Lexington, Ky., VOR; 3,000.  
Lexington, Ky., VOR; Georgetown INT, Ky.; 3,000.  
Georgetown INT, Ky.; Cincinnati, Ohio, VOR; 2,500.  
Gratz INT, Ky., via W alter.; Cincinnati, Ohio., VOR via W alter.; 2,600.

Section 95.6105 *VOR Federal airway 105* is amended to delete:

Phoenix, Ariz., VOR via E alter.; \*Knob INT, Ariz., via E alter.; Northbound, 8,000. Southbound, 6,000. \*8,000—MRA.  
Knob INT, Ariz., via E alter.; Ranch INT, Ariz., via E alter.; 8,000.  
Ranch INT, Ariz., via E alter.; Prescott, Ariz., VOR via E alter.; 9,000.



Section 95.6114 *VOR Federal airway 114* is amended to read in part:

*From, to, and MEA*

\*Electra INT, Tex., via S alter.; Wichita Falls, Tex., VOR via S alter.; 2,700. \*3,500—MRA.  
Converse INT, La.; Marthaville INT, La.; \*4,500. \*1,400—MOCA.  
Marthaville INT, La.; \*Montrose INT, La.; \*\*4,500. \*6,000—MRA. \*\*1,700—MOCA.  
Montrose INT, La.; Boyce INT, La.; \*2,000. \*1,600—MOCA.  
Boyce INT, La.; Alexandria, La., VOR; \*2,000. \*1,400—MOCA.  
Converse INT, La., via N alter.; Marthaville INT, La., via N alter.; \*4,500. \*1,400—MOCA.  
Marthaville INT, La., via N alter.; \*Montrose INT, La., via N alter.; \*\*4,500. \*6,000—MRA. \*\*1,700—MOCA.  
Montrose INT, La., via N alter.; Boyce INT, La., via N alter.; \*2,000. \*1,600—MOCA.  
Boyce INT, La., via N alter.; Alexandria, La., VOR via N alter.; \*2,000. \*1,400—MOCA.  
Alexandria, La., VOR; \*Bunkie INT, La.; \*\*1,600. \*3,000—MRA. \*\*1,400—MOCA.  
Bunkie INT, La.; \*Dupont INT, La.; \*\*1,600. \*2,000—MRA. \*\*1,300—MOCA.  
Dupont INT, La.; Knapp INT, La.; \*1,600. \*1,300—MOCA.  
Knapp INT, La.; Baton Rouge, La., VOR; \*1,600. \*1,500—MOCA.  
\*Woodville INT, La., via N alter.; Walker INT, La., via N alter.; \*\*5,000. \*3,000—MRA. \*\*1,200—MOCA.  
Baton Rouge, La., VOR; Vincent INT, La.; 2,000.  
Vincent INT, La.; French INT, La.; \*2,000. \*1,100—MOCA.  
French INT, La.; New Orleans, La., VOR; \*2,000. \*1,400—MOCA.

Section 95.6121 *VOR Federal airway 121* is amended to read in part:

Medford, Oreg., VOR; Milo INT, Oreg.; \*7,000. \*6,900—MOCA.

Section 95.6138 *VOR Federal airway 138* is amended to read in part:

Riverton, Wyo., VOR; Hunt INT, Wyo.; 9,000.

Section 95.6145 *VOR Federal airway 145* is amended to read in part:

Westlake INT, N.Y.; Florence INT, N.Y.; \*3,000. \*2,000—MOCA.  
Watertown, N.Y., VOR; United States-Canadian border; \*2,200. \*1,600—MOCA.

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

Blue Springs, Mo., VOR; Fleming INT, Mo.; \*2,500. \*2,400—MOCA.  
Fleming INT, Mo.; Excelsior INT, Mo.; \*2,500. \*2,000—MOCA.  
Rochester, Minn., VOR; Prescott INT, Wis.; \*3,000. \*2,800—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Brownsville, Tex., VOR; Rio Hondo INT, Tex.; \*1,500. \*1,200—MOCA.  
Rio Hondo INT, Tex.; Mansfield INT, Tex.; \*1,500. \*1,100—MOCA.  
Harlingen, Tex., VOR; via W alter.; Raymondville INT, Tex., via W alter.; \*1,500. \*1,300—MOCA.  
Raymondville INT, Tex., via W alter.; \*Armstrong INT, Tex., via W alter.; \*\*1,500. \*3,000—MRA. \*\*1,400—MOCA.  
Solon INT, Tex.; Pogo INT, Tex.; \*1,600. \*1,500—MOCA.  
Pogo INT, Tex.; Corpus Christi, Tex., VOR; \*1,600. \*1,400—MOCA.

Section 95.6187 *VOR Federal airway 187* is amended to read in part:

*From, to, and MEA*

Dove Creek, Colo., VOR; Grand Junction, Colo., VOR; \*12,000. \*11,700—MOCA.  
Grand Junction, Colo., VOR; Plateau INT, Colo.; \*10,000. \*9,700—MOCA.

Section 95.6190 *VOR Federal airway 190* is amended to read in part:

Waco INT, Mo.; Miller INT, Mo.; \*3,000. \*2,500—MOCA.

Section 95.6194 *VOR Federal airway 194* is amended to read in part:

Lafayette, La., VOR; \*Rose INT, Ga.; \*\*1,600. \*3,000—MRA. \*\*1,300—MOCA.  
Rose INT, Ga.; Gross INT, La.; \*1,600. \*1,300—MOCA.  
Gross INT, La.; Baton Rouge, La., VOR; \*1,600. \*1,500—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Eagle Lake, Tex., VOR; Blue INT, Tex.; \*2,100. \*1,400—MOCA.  
Blue INT, Tex.; Houston, Tex., VOR; 2,100.

Section 95.6208 *VOR Federal airway 208* is amended to read in part:

Warner INT, Calif.; \*Thermal, Calif., VOR; 9,000. \*6,000—MCA Thermal VOR, northbound. \*7,500—MCA Thermal VOR, southbound.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

Houston, Tex., VOR; Fry INT, Tex.; \*1,600. \*1,500—MOCA.  
Fry INT, Tex.; Beaumont, Tex., VOR; \*1,600. \*1,300—MOCA.  
Orange INT, Tex., via N alter.; Sulphur INT, La., via N alter.; \*1,500. \*1,300—MOCA.  
Sulphur INT, La., via N alter.; Lake Charles, La., VOR via N alter.; \*1,500. \*1,400—MOCA.

Section 95.6241 *VOR Federal airway 241* is amended to read in part:

Pine Mountain INT, Ga.; Woodbury INT, Ga.; 3,400.  
Woodbury INT, Ga.; Atlanta, Ga., VOR; \*2,500. \*2,200—MOCA.  
Pine Mountain INT, Ga., via E alter.; Shirley INT, Ga., via E alter.; 3,400.  
Shirley INT, Ga., via E alter.; Brooks INT, Ga., via E alter.; \*2,800. \*2,300—MOCA.  
Darlington INT, Fla.; Dothan, Ala., VOR; \*2,000. \*1,600—MOCA.

Section 95.6257 *VOR Federal airway 257* is amended to read in part:

Prescott, Ariz., VOR; \*Bishops Lake INT, Ariz., VOR; southbound 10,000. North—MOCA.  
Bishops Lake, INT, Ariz.; \*Grand Canyon, Ariz., VOR; Southbound 10,000. Northbound 9,000. \*12,800—MCA Grand Canyon VOR, northbound.

Section 95.6259 *VOR Federal airway 259* is amended to read in part:

Linville INT, N.C., Holston Mountain, Tenn., VOR; 7,200.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Daytona Beach, Fla., VOR via E alter.; \*Roy INT, Fla., via E alter.; \*\*1,600. \*2,500—MRA. \*\*1,300—MOCA.

Section 95.6289 *VOR Federal airway 289* is amended to read in part:

*From, to, and MEA*

\*Cushing INT, Tex.; Gregg County, Tex., VOR; 2,100. \*3,000—MRA.  
Kountze INT, Tex.; Lufkin, Tex., VOR; \*2,200. \*1,700—MOCA.

Section 95.6291 *VOR Federal airway 291* is amended to delete:

Winslow, Ariz., VOR; Peach Springs, Ariz., VOR; 14,600.

Section 95.6291 *VOR Federal airway 291* is amended by adding:

Winslow, Ariz., VOR; Flagstaff, Ariz., VOR; 10,000.  
Winslow, Ariz., VOR via N alter.; Frisco INT, Ariz., via N alter.; westbound; \*11,000. Eastbound; \*10,000. \*9,000—MOCA.  
Frisco INT, Ariz., via N alter.; \*Flagstaff, Ariz., VOR via N alter.; 11,300. \*10,700—MCA Flagstaff VOR, northeastbound.

Section 95.6295 *VOR Federal airway 295* is amended to read in part:

\*Basket INT, Fla.; Bonita INT, Fla.; \*\*4,500. \*2,500—MRA. \*\*1,000—MOCA.  
Bonita INT, Fla.; Stuart INT, Fla.; \*2,000. \*1,100—MOCA.  
Stuart INT, Fla.; \*Viking INT, Fla., \*\*2,000. \*4,000—MRA. \*\*1,500—MOCA.

Section 95.6313 *VOR Federal airway 313* is amended to read in part:

Decatur, Ill., VOR; Pontiac, Ill., VOR; 2,700.

Section 95.6327 *VOR Federal airway 327* is added to read:

Phoenix, Ariz., VOR; \*Knob INT, ARIZ.; northbound 8,000. Southbound 6,000. \*8,000—MRA.  
Knob INT, Ariz.; Ranch INT, Ariz.; \*8,000. \*7,700—MOCA.  
\*Ranch INT, Ariz.; Oak Creek INT, Ariz.; \*\*12,000. \*10,500—MCA Ranch INT, northbound. \*\*9,100—MOCA.  
Oak Creek INT, Ariz.; Flagstaff, Ariz., VOR; 10,000.

Section 95.6405 *Hawaii VOR Federal airway 5* is amended to read in part:

\*Reef INT, Hawaii, via W alter.; Moana INT, Hawaii, via W alter.; 2,000. \*3,600—MCA Reef INT, southeastbound.  
Moana INT, Hawaii, via W alter.; \*Surf INT, Hawaii, via W alter.; 4,000. \*5,500—MCA Surf INT, northwestbound.

Section 95.6430 *VOR Federal airway 430* is amended by adding:

Minot, N. Dak., VOR; Devils Lake, N. Dak., VOR; 3,200.

Section 95.6436 *VOR Federal airway 436* is amended to read in part:

Battle INT, Alaska; Clam Gulch INT, Alaska; \*7,000. \*6,400—MOCA  
Int 228° M rad, Homer VOR and 192° M rad, Kenai VOR via E alter.; Homer, Alaska, VOR via E alter.; \*7,000. \*6,400—MOCA.

Section 95.6437 *VOR Federal airway 437* is amended to read in part:

\*Marion INT, Fla.; Amelia INT, Ga.; \*\*7,500. \*3,500—MRA. \*\*1,000—MOCA.  
Amelia INT, Ga.; \*Starfish INT, Ga.; \*\*5,000. \*3,000—MRA. \*\*1,000—MOCA.

Section 95.6444 *VOR Federal airway 444* is amended to read in part:

Northway, Alaska, VOR; Burwash Landing, Y.T. LFR; #9,600. # For that airspace over U.S. territory.



Section 95.6506 *VOR Federal airway 506* is amended by adding:

*From, to, and MEA*

Marble INT, Alaska; Kodiak, Alaska, VOR; 4,000.

Section 95.6506 *VOR Federal airway 506* is amended to read in part:

Bethel, Alaska, VOR; Marshall DME Fix, Alaska; #2,000.

Marshall DME Fix, Alaska; Kwikpuk INT, Alaska; \*#7,000.

Kwikpuk INT, Alaska; Nome, Alaska, VOR; northwestbound \*#5,000. Southeast-bound \*#7,000. \*3,500—MOCA. #MEA is established with a gap in navigation signal coverage.

Section 95.6507 *VOR Federal airway 507* is amended to read in part:

Nixon INT, Nev.; Rose Bud INT, Nev.; \*#12,000. \*10,400—MOCA. #MEA is established with a gap in navigation signal coverage.

Rose Bud INT, Nev.; Sod House, Nev., VOR; \*10,000. \*9,000—MOCA.

2. By amending Subpart D as follows: Section 95.8003 *VOR Federal airway changeover points*:

*Airway segment: From; to—Changeover points: distance; from*

V-4 is amended to delete: Laramie, Wyo., VOR via N alter.; Gill, Colo., VOR via N alter.; 24; Laramie.

V-107 is amended to delete: Los Angeles, Calif., VOR via W alter.; Ventura, Calif., VOR via W alter.; 23; Los Angeles.

V-210 is amended to read in part: Peach Springs, Ariz., VOR; Grand Canyon, Ariz., VOR; 57; Peach Springs.

V-257 is amended to read in part: Grand Canyon, Ariz., VOR; Bryce Canyon, Utah, VOR; 25; Grand Canyon.

V-278 is amended to delete: Greenwood, Miss., VOR; Columbus, Miss., VOR; 44; Greenwood.

Columbus, Miss., VOR; Birmingham, Ala., VOR; 47; Columbus.

V-291 is amended to delete: Winslow, Ariz., VORTAC; Peach Springs, Ariz., VORTAC; 59; Winslow.

J-88 is amended by adding: Ukiah, Calif., VORTAC; Medford, Oreg., VORTAC; 121; Ukiah.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on October 25, 1966.

W. E. ROGERS,  
Acting Director,  
Flight Standards Service.

[F.R. Doc. 66-11835; Filed, Nov. 1, 1966; 8:45 a.m.]

## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

[Release No. 34-7981]

### PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

#### Qualified Nonmember Market Makers

On September 16, 1966, in Securities Exchange Act Release No. 7954, and in

the FEDERAL REGISTER of September 24, 1966 (31 F.R. 12604), the Securities and Exchange Commission published a proposal to adopt Rule 19b-1 (17 CFR § 240.19b-1) under the Securities Exchange Act of 1934 (Exchange Act). The Commission has considered the comments and suggestions received and has adopted the proposal in the form stated below.

Section 19(b) of the Exchange Act authorizes the Commission to alter or supplement rules and practices of national securities exchanges in certain enumerated areas after requesting an exchange to make such change on its own behalf. Pursuant to this authority, the Commission has requested the New York Stock Exchange to make specified changes in its Rule 394 which relates to its members effecting transactions in listed stocks off the Exchange. The Board of Governors of the New York Stock Exchange has, pursuant to Commission request under section 19(b) of the Exchange Act, adopted Rule 394(b) which makes changes necessary in the public interest.

Commission Rule 19b-1 (17 CFR § 240.19b-1) establishes minimum capital requirements for nonmember market-makers who may be solicited to do business under New York Stock Exchange Rule 394(b), defines market-makers for purposes of the rule, and provides a procedure for notice by market-makers of the identification of the stocks in which they are making markets. The Commission rule and the New York Stock Exchange amendment to their Rule 394 are intended to further constructive interrelationships among the primary markets and the over-the-counter market in listed securities. Reference is made to a discussion of these interrelationships in Chapter VIII of the Report of the Special Study of Securities Markets. That chapter focused on the competitive elements among the various securities markets, the necessity to balance the desirability of competition against unnecessary or undesirable fragmentation of markets, the need and desirability of access by professionals and the public to the various securities markets, the restrictions placed on the right of members of various securities exchanges to deal in other markets, and similar matters.

The Commission finds that its Rule 19b-1 (17 CFR § 240.19b-1) is necessary to complement Rule 394(b) of the New York Stock Exchange. Some of the comments on this Rule can best be evaluated in the light of experience. In this connection, reference should be made to the suggestion that the requirement in subparagraph (i) of the rule for maintenance of a minimum net worth of \$1,500,000 should be modified to provide an alternative requirement of \$1 million net capital computed as provided in Rule 15c3-1 (17 CFR § 240.15c3-1). The Commission will review the operation of the rule and has directed its staff to initiate appropriate inquiry to evaluate suggested changes relating to the net capital provisions.

**Effective date.** The Commission finds that this rule, in view of its relation to the New York Stock Exchange amend-

ment of its Rule 394, operates to relieve restrictions, and that therefore, the procedures specified in section 4(c) of the Administrative Procedure Act are unnecessary, and it may be and is hereby declared effective on November 7, 1966. This date coincides with the effective date on which the complementary Rule 394(b) becomes operative and will give market-makers adequate time to establish the internal procedures necessary for compliance.

**Commission action.** The Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934 and particularly sections 17(a), 19(b), and 23(a) of the Act, deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of its functions under the Act, hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding a new § 240.19b-1 which reads as follows:

#### § 240.19b-1 Qualified nonmember market-makers.

(a) For the purposes of any rule of a national securities exchange which the Commission shall have requested an exchange to adopt pursuant to the provisions of section 19(b) of the Act and which rule prescribes the conditions under which exchange members may deal with a "qualified nonmember market-maker," any broker-dealer may become and remain qualified as to one or more specified securities registered for trading on a national securities exchange by:

(1) Maintaining (i) a net worth of not less than \$1,500,000; or (ii) a minimum net capital of \$250,000 (computed as provided in § 240.15c3-1 of this chapter) for each security as to which it is so qualified; and

(2) Making a market in each such security including regularly making bona fide bids and offers for such securities for its own account; and

(3) Filing with the Commission and the exchange an "Initial Statement under § 240.19b-1" showing net worth or net capital required to qualify and the name of each security as to which it is qualified; and

(4) Promptly notifying the Commission and the exchange whenever a change occurs in net worth or net capital which would make it ineligible as a qualified nonmember market-maker under subparagraph (1) of this paragraph; and

(5) Filing a report with the Commission and the exchange whenever it thereafter commences or ceases making a market for purposes of this section in any security registered for trading on a national securities exchange, containing the dates of such commencement or cessation forthwith after such action takes place. (For purposes of this subparagraph, a nonmember market-maker may report on Form X-17A-9(1) (§ 249.917 (1)) and such report will be deemed to also be a filing in compliance with § 240.17a-9(b) unless the broker-dealer specifies that such commencement or cessation is for purposes of § 240.19b-1 only.)

(Sec. 17(a), 48 Stat. 897, as amended, sec. 203(a), 49 Stat. 704, sec. 5, 52 Stat. 1076, 15



U.S.C. 78q(a); sec. 19(b), 48 Stat. 898, 15 U.S.C. 78s(b); sec. 23(a), 48 Stat. 901, as amended, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w(a))

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

OCTOBER 20, 1966.

[F.R. Doc. 66-11907; Filed, Nov. 1, 1966;  
8:46 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

##### Creamed Cottage Cheese; Confirmation of Effective Date of Order Listing Certain Caseinates and Dried Milk Protein as Optional Ingredients

In the matter of amending the standard of identity for creamed cottage cheese (21 CFR 19.530) by listing the sodium, ammonium, calcium, and potassium salts of casein and dried milk protein as optional ingredients in the creaming mixture:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of September 7, 1966 (31 F.R. 11717). Accordingly, the amendments promulgated by that order will become effective November 6, 1966.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: October 26, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 66-11948; Filed, Nov. 1, 1966;  
8:50 a.m.]

#### SUBCHAPTER C—DRUGS

#### PART 148e—ERYTHROMYCIN

##### Miscellaneous Amendments

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 148e is amended as follows

to effect minor editorial or technical changes:

##### § 148e.2 [Amended]

1. In § 148e.2 *Erythromycin ethylcarbonate*, paragraph (b)(1) is amended by changing in the third sentence the words "40 hours to 48 hours" to read "24 hours to 40 hours".

2. In § 148e.6(b), subparagraph (6) is revised to read as follows:

##### § 148e.6 Erythromycin stearate.

(b) \*\*\*

(6) *Identity*. The infrared absorption, in the spectrum from 2 microns to 12 microns, of a suspension of the sample in a mineral oil mull compares qualitatively to that of an authentic sample of erythromycin stearate.

##### § 148e.11 [Amended]

3. In § 148e.11 *Erythromycin ethylcarbonate for oral suspension*, paragraph (b)(1) is amended by changing in the fourth sentence the words "40 hours to 48 hours" to read "24 hours to 40 hours".

4. In § 148e.16(a), subparagraphs (1) and (3)(i) (a) and (b) are revised to read as follows:

##### § 148e.16 Erythromycin-polymyxin B sulfate ophthalmic ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity*. Erythromycin-polymyxin B sulfate ophthalmic ointment is erythromycin and polymyxin B sulfate in a suitable and harmless ointment base. Each gram contains 5 milligrams of erythromycin and 10,000 units of polymyxin B. The moisture content is not more than 1 percent. The crystalline erythromycin used conforms to the standards prescribed therefor by § 148e.1 (a)(1) (i), (ii), (iii), (iv), (v), and (vii). The polymyxin B sulfate used conforms to the standards prescribed by § 143p.1(a)(1) (i), (iv), (v), (vi), (vii), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(3) \*\*\*  
(j) \*\*\*

(a) The erythromycin used in making the batch for potency, toxicity, pH, moisture, residue on ignition, crystallinity, and identity.

(b) The polymyxin B sulfate used in making the batch for potency, toxicity, pH, moisture, and identity.

5. Section 148e.18(b)(2) is revised to read as follows:

##### § 148e.18 Erythromycin ethylsuccinate injection.

(b) \*\*\*

(2) *Sterility*. Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that

section, except use a bacterial-retentive membrane resistant to the solvent polyethylene glycol 400 and add 1 milliliter from each immediate container directly to the membrane, thus eliminating the preliminary solubilization step.

6. Section 148e.20(a)(4) is revised to read as follows:

##### § 148e.20 Erythromycin gluceptate-polymyxin B sulfate-benzocaine for otic solution.

(a) \*\*\*

(4) *Fees*. \$4 for each package in the samples submitted in accordance with subparagraph (3)(ii) (a), (b), and (d) of this paragraph; \$5 for each combined package in the sample submitted in accordance with subparagraph (3)(ii) (c) (1) of this paragraph; \$3 for all combined packages in the sample submitted in accordance with subparagraph (3)(ii) (c) (2) of this paragraph.

##### § 148e.23 [Amended]

7. In § 148e.23 *Erythromycin ethylcarbonate for pediatric drops*, paragraph (a)(1) is amended by changing in the fourth sentence the number "7.0" to "7.5."

8. Section 148e.24(a)(1) is amended by changing the third sentence and, as amended, reads as follows:

##### § 148e.24 Erythromycin enteric-coated tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity*. Erythromycin enteric-coated tablets are enteric-coated tablets composed of erythromycin, suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. They may contain sulfadiazine, sulfamerazine, and sulfamethazine. Each tablet contains 100 or 250 milligrams of erythromycin or 75 milligrams of erythromycin and 111 milligrams each of sulfadiazine, sulfamerazine, and sulfamethazine. Each tablet shall meet the tests for enteric-coated tablets set forth in the U.S.P. and shall disintegrate within a total time of 2 hours. The moisture content is not more than 6 percent. The erythromycin base used in making the batch conforms to the standards of § 148e.1(a)(1) (i), (ii), (iii), (iv), (v), and (vii). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

9. Section 148e.27(b)(2) is revised to read as follows:

##### § 148e.27 Erythromycin stearate tablets.

(b) \*\*\*

(2) *Moisture*. Proceed as directed in § 141a.26(e) of this chapter.

10. Section 148e.29(b)(2) is revised to read as follows:



**§ 148e.29 Erythromycin ethylsuccinate chewable tablets.**

(b) \* \* \*

(2) *Moisture.* Proceed as directed in § 141a.26(e) of this chapter.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since these minor amendments are technical or editorial in nature and present no points of controversy.

*Effective date.* This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: October 20, 1966.

J. K. KIRK,  
Associate Commissioner,  
for Compliance.

[F.R. Doc. 66-11949; Filed, Nov. 1, 1966; 8:50 a.m.]

## Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

[Treas. Dept. Circular 230]

### PART 10—PRACTICE BEFORE THE INTERNAL REVENUE SERVICE

#### Miscellaneous Amendments

Section 10.57 of Part 10 of Title 31, Code of Federal Regulations is amended by adding the following paragraphs, which involve procedural matters, after paragraph (a):

**§ 10.57 Service of complaint and other papers.**

(b) *Service of papers other than complaint.* Any paper other than the complaint may be served upon an attorney, certified public accountant, or enrolled agent as provided in paragraph (a) of this section or by mailing the paper by first-class mail to the respondent at the last address known to the Director of Practice, or by mailing the paper by first-class mail to the respondent's attorney or agent of record. Such mailing shall constitute complete service. Notices may be served upon the respondent or his attorney or agent of record by telegraph.

(c) *Filing of papers.* Whenever the filing of a paper is required or permitted in connection with a disbarment or suspension proceeding, and the place of filing is not specified by this subpart or by rule or order of the Examiner, the paper shall be filed with the Director of Practice, Treasury Department, Washington, D.C. 20220. All papers shall be filed in duplicate.

**§ 10.51 [Amended]**

Section 10.51 of Part 10 of Title 31, Code of Federal Regulations is amended for purposes of clarification by adding

the following bracketed sentence to the end of paragraph (c) as a continuation of that paragraph: "[The customary biographical insertions in approved law lists and in reputable professional directories and journals, as well as the use of professional cards and announcements, are permissible providing that they do not violate the standards of ethical conduct adopted by the American Bar Association, the American Institute of Certified Public Accountants and the National Society of Public Accountants.]"

These amendments shall become effective immediately upon publication in the FEDERAL REGISTER.

Dated: October 28, 1966.

[SEAL] FRED B. SMITH,  
General Counsel.

[F.R. Doc. 66-11912; Filed, Nov. 1, 1966; 8:47 a.m.]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers,  
Department of the Army

### PART 204—DANGER ZONE REGULATIONS

San Pablo Bay, Calif.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.216 is hereby prescribed establishing and governing the use and navigation of a danger zone in San Pablo Bay, Calif., effective 30 days after publication in the FEDERAL REGISTER as follows:

**§ 204.216 San Pablo Bay, Calif.; gunnery range, U.S. Naval Schools Command, Mare Island, Vallejo.**

(a) *The danger zone.* A sector in San Pablo Bay delineated by lines joining the following points:

Latitude	Longitude
38°02'08"	122°25'17"
38°02'21"	122°22'55"
38°05'48"	122°19'34"
38°07'46"	122°23'23"

NOTE: The danger zone is subject to review after a 6 month period of use to determine the further need thereof.

(b) *The regulations.* The Commanding Officer, U.S. Naval Schools Command will conduct gunnery practice in the area on Tuesday and Thursday of each week between 10 a.m., and 3 p.m. No vessels shall enter or remain in the danger zone during the above stated periods except those vessels connected with the gunnery practice operations. All firing will be from the southerly portion of the danger zone in a northerly direction, and only during good visibility. The area will be patrolled by boat and searched by radar to insure a clear range. A safety officer will always be aboard the firing boat to guarantee that all safety precautions are observed. The regulations in this section will be enforced by the Commandant,

Twelfth Naval District and such agencies as he may designate.

[Regs., Oct. 18, 1966, 1507-32 (San Pablo Bay, Calif.)-ENGW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

KENNETH G. WICKHAM,  
Major General, U.S. Army,  
The Adjutant General.

[F. R. Doc. 66-11886; Filed, Nov. 1, 1966; 8:45 a.m.]

## Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans Administration PART 3—ADJUDICATION

#### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

#### WAR ORPHANS' EDUCATION; PHILIPPINE SERVICE

In § 3.807, paragraph (b) is amended to read as follows:

**§ 3.807 War orphans' educational assistance; certification.**

(b) *Service.* Service-connected disability or death must have been the result of active military, naval, or air service on or after April 21, 1898. (Public Law 89-358; 80 Stat. 12) Effective September 30, 1966, educational assistance may be authorized based on service in the Philippine Commonwealth Army or as a Philippine Scout as defined in § 3.8 (b), (c), or (d). (38 U.S.C. 1765, Public Law 89-613)

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective September 30, 1966.

By direction of the Administrator.

Approved: October 27, 1966.

[SEAL] CYRIL F. BRICKFIELD,  
Deputy Administrator.

[F.R. Doc. 66-11920; Filed, Nov. 1, 1966; 8:48 a.m.]

### PART 21—VOCATIONAL REHABILITATION AND EDUCATION

#### Subpart C—War Orphans' Educational Assistance Under 38 U.S.C. Ch. 35

#### Subpart D—Administration of Educational Benefits; 38 U.S.C. Chs. 34, 35, and 36

#### MISCELLANEOUS AMENDMENTS

1. In § 21.3021, paragraph (a) is amended to read as follows:

**§ 21.3021 Definitions.**

(a) "Eligible person" means a son or daughter of a veteran who died of a service-connected disability or has a total disability permanent in nature



arising from a service-connected disability or who died while a disability so evaluated was in existence, arising out of active military, naval, or air service after April 20, 1898. See §§ 3.6 and 3.807 of this chapter. Effective September 30, 1966, the term includes a son or daughter of a Philippine Commonwealth Army veteran, or a Philippine Scout (designated as a "New" Philippine Scout under 38 U.S.C. 1766(b)) as defined in § 3.8 (b), (c), or (d) of this chapter and who meets the requirements of service-connected disability or death (38 U.S.C. 1701(a), 1765, and 1766, Public Law 89-613).

2. In § 21.3040, paragraph (d) is amended to read as follows:

§ 21.3040 Eligibility.

(d) *Termination of eligibility.* No person is eligible for educational assistance beyond his 31st birthday, except as provided under § 21.3041(e) (3). In no event may educational assistance be provided after the period of entitlement has been exhausted. In an exceptional case special restorative training may be provided in excess of 36 months. See § 21.3300.

3. In § 21.3041(d), the introduction and subparagraphs (4) and (5) are amended and subparagraph (6) is added to read as follows:

§ 21.3041 Periods of eligibility.

(d) *Modified ending date.* When one of the following occurs between ages 18 and 23, the ending date will be 5 years from the applicable ending date specified in this paragraph. Where the ending date is subject to modification under more than one of subparagraph (3), (4), (5), or (6) of this paragraph, the more favorable date will apply.

(4) Enactment of Public Law 88-361 on July 7, 1964, providing eligibility based on permanent total disability; that is, July 6, 1969.

(5) Enactment of Public Law 89-349 on November 8, 1965, providing eligibility based on peacetime service after the Spanish-American War and prior to September 16, 1940; or during World War I or World War II solely by reason of the provisions of 38 U.S.C. 301; that is, November 7, 1970.

(6) Enactment of Public Law 89-613 on September 30, 1966, providing eligibility based on service with the Philippine Commonwealth Army or as a Philippine Scout as defined in § 3.8 (b), (c), or (d) of this chapter; that is, September 29, 1971. See § 3.807 of this chapter.

4. In § 21.3333, paragraph (a) is amended and paragraph (c) is added to read as follows:

§ 21.3333 Rates.

(a) *Rates.* Special training allowance is payable at the following monthly rate except as provided in paragraph (c) of this section.

Course	Monthly rate	Accelerated charges
Special Restorative Training.	\$130.00	If costs for tuition and fees average in excess of \$41 per month rate may be increased by such amount in excess of \$41.

(c) *Philippine service.* Special training allowance based on service of a veteran in the Philippine Commonwealth Army or as a Philippine Scout as defined in § 3.8 (b), (c), or (d) of this chapter is payable at a rate in Philippine pesos equivalent to \$0.50 for each dollar authorized. (38 U.S.C. 1765, Public Law 89-613).

5. In § 21.4137, paragraphs (a) and (c) are amended and paragraph (d) is added to read as follows:

§ 21.4137 Rates; educational assistance allowance; 38 U.S.C. chapter 35.

(a) *Rates.* Educational assistance allowance is payable at the following monthly rates except as provided in paragraph (d) of this section.

Type of course	Monthly rate		
	Full time	Three-quarter time	Half time
Institutional.....	\$130.00	\$95.00	\$60.00
Cooperative (full time only).....	105.00	None	None

(c) *Excessive absences.* Reduction of educational assistance allowance by reason of excessive absences in a course which does not lead to a standard college degree will be made in the same manner described in § 21.4136(e). (38 U.S.C. 1732)

(d) *Philippine service.* Educational assistance allowance based on service of a veteran in the Philippine Commonwealth Army, or as a Philippine Scout as defined in § 3.8 (b), (c), or (d) of this chapter, is payable at a rate in Philippine pesos equivalent to \$0.50 for each dollar authorized. (38 U.S.C. 1765, Public Law 89-613)

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective September 30, 1966.

By direction of the Administrator.

Approved: October 27, 1966.

[SEAL] CYRIL F. BRICKFIELD,  
Deputy Administrator.

[F.R. Doc. 66-11921; Filed, Nov. 1, 1966; 8:48 a.m.]

## Title 22—FOREIGN RELATIONS

### Chapter II—Agency for International Development, Department of State

#### PART 205—PER DIEM PAYMENTS TO PARTICIPANTS IN NONMILITARY ECONOMIC DEVELOPMENT TRAINING PROGRAMS

Part 205 of Chapter 11 of Title 22 of the Code of Federal Regulations (AID Regulation 5), is revised to read as follows:

##### § 205.1 Per diem rates.

Participants in any training program under the Foreign Assistance Act of 1961 other than Part II may receive a per diem allowance in accordance with the following rates:

(a) For participants in programs of training in the United States, a per diem allowance not to exceed \$16, or, in exceptional circumstances such other rate not to exceed \$35, as the Administrator of the Agency for International Development or his designee may prescribe and such designee may be authorized to redelegate such authority.

(b) For participants in programs of training in countries other than the United States, a per diem allowance not to exceed those prescribed by the standardized regulations (Government Civilian, Foreign Areas).

This revision shall become effective upon publication in the FEDERAL REGISTER.

Dated: October 22, 1966.

WILLIAM O. HALL,  
Assistant Administrator  
for Administration.

[F.R. Doc. 66-11909; Filed, Nov. 1, 1966; 8:47 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter II—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4106]

[Utah 0146037]

##### UTAH

#### Withdrawal for Protection of National Forest Watershed

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the



mineral leasing laws, for protection of the North Fork of the American Fork Canyon Watershed:

SALT LAKE MERIDIAN  
UINTAH NATIONAL FOREST

T. 3 S., R. 3 E.,  
In secs. 22 and 23, Mineral Survey No. 6399, that part known as Utah;  
In secs. 27 and 28, Mineral Survey No. 5890, Dutchman Flat;  
In sec. 28, Mineral Survey No. 7131, that part known as 45th Star;  
In sec. 30, Mineral Survey No. 6615, those parts known as Henrietta, and J. Thomas.

The surveys described total in the aggregate 96.9 acres in Utah County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

OCTOBER 26, 1966.

[F.R. Doc. 66-11898; Filed, Nov. 1, 1966; 8:46 a.m.]

[Public Land Order 4107]

[Oregon 017506]

# OREGON

## Withdrawal for National Forest Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest land is hereby withdrawn from appropriation under the U.S. mining laws (Title 30, U.S.C., Ch. 2), in aid of programs of the Department of Agriculture:

WHITMAN NATIONAL FOREST  
WILLAMETTE MERIDIAN

### Experimental Seed Production Area

T. 8 S., R. 37 E.,  
Sec. 30, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described contains 70 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

OCTOBER 26, 1966.

[F.R. Doc. 66-11899; Filed, Nov. 1, 1966; 8:46 a.m.]

[Public Land Order 4108]

[Anchorage 060160]

# ALASKA

## Withdrawal for Protection of Civil Works Project

By virtue of the authority vested in the President and pursuant to Executive

Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following described national forest lands within the Tongass National Forest, are hereby withdrawn from appropriation under the U.S. mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for the protection of facilities of the Snettisham Project:

COPPER RIVER MERIDIAN  
(all unsurveyed)

T. 42 S., R. 70 E.,  
Sec. 36, E $\frac{1}{2}$ , SW $\frac{1}{4}$ .  
T. 43 S., R. 70 E.,  
Sec. 1, NE $\frac{1}{4}$ .  
T. 42 S., R. 71 E.,  
Sec. 26, S $\frac{1}{2}$ ;  
Sec. 27;  
Sec. 28, E $\frac{1}{2}$ , SW $\frac{1}{4}$ ;  
Secs. 31 to 35, inclusive;  
Sec. 36, SW $\frac{1}{4}$ .  
T. 43 S., R. 71 E.,  
Sec. 1;  
Sec. 2, E $\frac{1}{2}$ , NW $\frac{1}{4}$ ;  
Sec. 4, W $\frac{1}{2}$ ;  
Sec. 5, E $\frac{1}{2}$ ;  
Secs. 11 and 12;  
Secs. 13 and 14, west of Speel Arm;  
Sec. 15, E $\frac{1}{2}$ , SW $\frac{1}{4}$ ;  
Sec. 16, S $\frac{1}{2}$ ;  
Sec. 17, S $\frac{1}{2}$ ;  
Sec. 18, SE $\frac{1}{4}$ ;  
Sec. 19, NE $\frac{1}{4}$ ;  
Sec. 20, E $\frac{1}{2}$ , NW $\frac{1}{4}$ ;  
Secs. 21 and 22;  
Secs. 23 and 24, west of Speel Arm.  
T. 43 S., R. 72 E.,  
Sec. 6, S $\frac{1}{2}$ ;  
Sec. 7, W $\frac{1}{2}$ ;  
Sec. 18, NW $\frac{1}{4}$ .

The areas described aggregate approximately 14,022 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, nor does it alter the jurisdiction of the Secretary of Agriculture over the lands for purposes other than construction of the Snettisham Project. The terms and conditions for utilization of the lands for the construction and maintenance of the Snettisham Project facilities by the Corps of Engineers will be governed by the Memorandum of Agreement entered into by the Department of Agriculture and the Department of the Army, dated August 13, 1964, as may be amended or supplemented.

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

OCTOBER 26, 1966.

[F.R. Doc. 66-11900; Filed, Nov. 1, 1966; 8:46 a.m.]

[Public Land Order 4109]

[Oregon 016906]

# OREGON

## Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902

(32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The departmental order of August 22, 1904, which withdrew lands for reclamation purposes under the act of June 17, 1902, supra, for the Umatilla Project, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 2 N., R. 24 E.,  
Secs. 2, 4, 8, and 10;  
Secs. 12, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described aggregate 3,162.56 acres of nonpublic land.

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

OCTOBER 26, 1966.

[F.R. Doc. 66-11901; Filed, Nov. 1, 1966; 8:46 a.m.]

[Public Land Order 4110]

[Nevada 043185]

# NEVADA

## Partial Revocation of Public Land Order No. 1991

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Public Land Order No. 1991 of September 23, 1959, so far as it withdrew the following described lands for use of the Department of the Air Force, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 18 E.,  
Sec. 2, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 21 N., R. 18 E.,  
Sec. 22, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$  (except patented portion in MS No. 4394).  
T. 20 N., R. 19 E.,  
Sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 21 N., R. 19 E.,  
Sec. 24, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

The areas described aggregate 189.38 acres.

2. At 10 a.m., on December 2, 1966, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on December 2, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the U.S. mining laws after 10 a.m., on December 2, 1966.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

OCTOBER 27, 1966.

[F.R. Doc. 66-11902; Filed, Nov. 1, 1966; 8:46 a.m.]



[Public Land Order 4111]

[Anchorage AA-17]

# ALASKA

## Partial Revocation of Public Land Order No. 5 of June 26, 1942

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 5 of June 26, 1942, withdrawing public lands in Alaska for military purposes is hereby revoked so far as it affects the following described lands:

### SEWARD MERIDIAN

T. 13 N., R. 3 W.,  
Sec. 25, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Containing 5.0 acres.

2. Until 10 a.m. on January 28, 1967, the State of Alaska shall have a preferred right to select the land as provided by section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9. After that time the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on January 28, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to location under the U.S. mining laws at 10 a.m., on January 28, 1967. It has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

OCTOBER 27, 1966.

[F.R. Doc. 66-11903; Filed, Nov. 1, 1966; 8:46 a.m.]

[Public Land Order 4112]

[Utah 018045]

# UTAH

## Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The order of the Bureau of Reclamation dated February 3, 1956, concurring in by the Bureau of Land Management on March 12, 1956, withdrawing lands for the Pack Creek Project, is hereby revoked so far as it affects the following described lands:

### SALT LAKE MERIDIAN

T. 26 S., R. 22 E.,  
Sec. 20, lots 68 and 69 (in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ ).

The areas described aggregate 0.94 acre in Grand County.

The lands are located in Spanish Valley. Vegetative cover is brush and native grasses and weeds.

2. Until 10 a.m., on April 29, 1967, the State of Utah shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on April 29, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the U.S. mining laws at 10 a.m., on April 29, 1967. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

OCTOBER 27, 1966.

[F.R. Doc. 66-11904; Filed, Nov. 1, 1966; 8:46 a.m.]

[Public Land Order 4113]

[Oregon 018493 (Wash.)]

# WASHINGTON

## Powersite Restoration No. 656; Powersite Cancellation No. 246; Partial Revocation of Powersite Reserve No. 179; and Powersite Classification No. 407

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3, (64 Stat. 1262; 5 U.S.C. 133z-15, Note), and pursuant to the determination of the Federal Power Commission in DA-173-Washington, it is ordered as follows:

The Executive order of March 31, 1911, establishing Powersite Reserve No. 179, and the order of the Geological Survey, dated March 29, 1950, creating Powersite Classification No. 407, are hereby revoked so far as they affect the following described lands:

### WILLAMETTE MERIDIAN

T. 39 N., R. 25 E.,  
Sec. 36, lot 3.  
T. 40 N., R. 25 E.,  
Sec. 14, SE $\frac{1}{4}$ SE $\frac{1}{4}$  (lot 7);  
Sec. 16, lots 1, 4, 5, and 8;  
Sec. 22, lots 2, 5, 11 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 40 N., R. 26 E.,  
Sec. 5, lots 5, 6, and 7.

The areas described aggregate 447.22 acres in Okanogan County. The lands are patented.

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

OCTOBER 27, 1966.

[F.R. Doc. 66-11905; Filed, Nov. 1, 1966; 8:46 a.m.]

# Title 44—PUBLIC PROPERTY AND WORKS

## Chapter VII—Department of Housing and Urban Development (Community Facilities)

### PART 710—RELOCATION PAYMENTS: PUBLIC FACILITY LOANS; GRANTS FOR WATER AND SEWER FACILITIES; GRANTS FOR ADVANCE ACQUISITION OF LAND

Chapter VII of Title 44 is amended by adding the following new Part 710:

- Sec.
- 710.1 Statement of applicable law.
  - 710.2 Definitions.
  - 710.3 Relocation payments by the Agency.
  - 710.4 General eligibility conditions.
  - 710.5 Displacement.
  - 710.6 Eligibility of outdoor advertising displays.
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  - 710.9 Eligibility for relocation adjustment payments.
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  - 710.11 Fixed relocation payments to individuals and families.
  - 710.12 Vacation of real property within 18 months after acquisition by Agency.
  - 710.13 Determining moving expenses of business concern.
  - 710.14 Determining actual direct loss of property.
  - 710.15 Filing of claims.
  - 710.16 Limitations on amount of relocation payments.
  - 710.17 Determinations in condemnation proceedings.

AUTHORITY: The provisions of this Part 710 issued under sec. 7(d), P.L. 89-174, 79 Stat. 670, 5 U.S.C. 624d(d); sec. C, 1, of delegation by Secretary of Housing and Urban Development to Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7358, 7359, May 20, 1966).

#### § 710.1 Statement of applicable law.

Section 404(a) of the Housing and Urban Development Act of 1965, 42 U.S.C. 3074(a), provides that financial assistance extended to any applicant under the following programs may include grants for relocation payments: (a) The Public Facility Loans Program under Title II of the Housing Amendments of 1955, as amended, 42 U.S.C. 1491-1497; (b) the Water and Sewer Facilities Grant Program under Title VII of the Housing and Urban Development Act of 1965, 42 U.S.C. 3101-3108; and (c)



the Advance Acquisition of Land Program under Title VII of the Housing and Urban Development Act of 1965, 42 U.S.C. 3101-3108. Authority to issue regulations is included in the delegation to the Assistant Secretary for Metropolitan Development at 31 F.R. 7358, May 20, 1966.

#### § 710.2 Definitions.

For the purpose of the regulations in this part, the following terms shall mean:

(a) *Actual direct loss of property.* Actual loss in the value of the property (exclusive of goods or other inventory kept for sale) sustained by the claimant by reason of the disposition or abandonment of the property resulting from the claimant's displacement. A loss resulting from damage to the property while being moved is not included.

(b) *Agency.* Any public body or private nonprofit corporation authorized to acquire or utilize real property in the course of the Public Facility Loans Program, the Water and Sewer Facilities Grant Program, or the Advance Acquisition of Land Program.

(c) *Business concern.* A corporation, partnership, individual, or other private entity, including a nonprofit organization, engaged in some type of business (including farming), professional, or institutional activity necessitating fixtures, equipment, stock in trade (including livestock), or other tangible property for the carrying on of the business, profession, or institution.

(d) *Claimant.* An individual, family, or business concern, as defined in this § 710.2, including any site occupant or owner of the real property, or, in the case of a claim for relocation payment for settlement costs, an owner (or joint owners) of real property.

(e) *Family.* Two or more persons related by blood, marriage, or adoption, who are living together in a single dwelling unit.

(f) *Federal financial assistance contract.* A contract between the Federal Government and the Agency for a loan under Title II of the Housing Amendments of 1955, as amended, 42 U.S.C. 1491-1497, or a grant under section 702 or section 704 of the Housing and Urban Development Act of 1965, 42 U.S.C. 3102 or 3104.

(g) *HUD.* The Secretary of Housing and Urban Development or his delegate.

(h) *Individual.* A person who is not a member of a family. An elderly individual is an individual who is 62 years of age or over at the time of displacement.

(i) *Moving expenses—(1) Individuals and families.* Costs of packing, storing (for a period of 1 year or less), carting, and insuring of property and incidental costs of disconnecting and reconnecting household appliances.

(2) *Business concerns.* Costs of dismantling, crating, storing (for a period of 1 year or less), transporting, insuring, reassembling, reconnecting, and reinstalling of property (including goods or other inventory kept for sale), exclusive of the cost of any additions, improvements, alterations, or other physical

changes in or to any structure in connection with effecting such reassembly, reconnection, or reinstallation.

(j) *Program.* Undertakings and activities of an Agency in connection with a project assisted under the Public Facility Loans Program, the Water and Sewer Facilities Grant Program, or the Advance Acquisition of Land Program.

(k) *Program area.* The area acquired for or to be used by the Agency as a project site in connection with a project assisted under the Public Facility Loans Program, the Water and Sewer Facilities Grant Program, or the Advance Acquisition of Land Program.

(l) *Property.* Tangible personal property, excluding fixtures, equipment, and other property which under State or local law are considered real property, but including such items of real property as the claimant may lawfully remove.

(m) *Relocation payment.* A payment by an Agency:

(1) To an individual or family, for reasonable and necessary moving expenses and any actual direct loss of property (for which reimbursement or compensation is not otherwise made);

(2) To a business concern, for its reasonable and necessary moving expenses and any actual direct loss of property except goodwill or profit (for which reimbursement or compensation is not otherwise made);

(3) To a small business concern, for its displacement (small business displacement payment);

(4) To or on behalf of a family or elderly individual, for relocation adjustment (relocation adjustment payment); or

(5) To an individual, family, or business concern for settlement costs (for which reimbursement or compensation is not otherwise made).

(n) *Settlement costs.* (1) Recording fees, transfer taxes, and similar expenses incidental to conveying real property to the Agency;

(2) Penalty costs for prepayment of any mortgage encumbering such real property; and

(3) The pro rata portion of real property taxes and public service charges allocable to a period subsequent to the date of vesting of title, or the effective date of the acquisition of such real property by the Agency, whichever is earlier.

(o) *Small business concern.* A business concern (other than a nonprofit organization) which during the base period had:

(1) Average annual net earnings before income taxes of less than \$10,000; and

(2) Average annual gross receipts or sales in excess of \$1,500 together with average annual net earnings before income taxes in excess of \$500, or average annual gross receipts or sales in excess of \$2,500.

Earnings for the purpose of this paragraph (o) include salaries, wages, or other compensation received by an owner of the concern or any member of his household related to him. The term "owner" as used in the previous sentence

includes the sole proprietor in a sole proprietorship, the principal partners in a partnership, and the principal stockholders of a corporation, as determined by HUD. The term "base period" shall mean the 2 tax years immediately preceding displacement (or, if the business concern is not in business that long, such other period as may be approved by HUD): *Provided*, That if a business concern does not qualify as a small business concern under this paragraph based upon gross receipts or sales during the 2 tax years immediately preceding displacement and the Agency finds that the concern's business activity during such period was not representative, the base period shall be the 3rd and 4th tax years immediately preceding displacement.

#### § 710.3 Relocation payments by the Agency.

The Agency shall make relocation payments to or on behalf of eligible claimants in accordance with and to the full extent permitted by the regulations in this part: *Provided*, That for each Federal financial assistance contract the Agency shall elect whether to make payments for moving expenses in excess of \$25,000 in accordance with § 710.16. Relocation payments made in accordance with the regulations in this part and pursuant to a Federal financial assistance contract are eligible in full for payment from Federal funds except as restricted in § 710.16.

#### § 710.4 General eligibility conditions.

A claimant is eligible for a relocation payment for moving expenses, actual direct property loss, and settlement costs if:

(a) The claimant is displaced, as defined in § 710.5, from real property within the program area on or after the date of the filing of an application for Federal financial assistance;

(b) A Federal financial assistance contract is executed under Title II of the Housing Amendments of 1955, as amended, 42 U.S.C. 1491-1497, or section 702 or section 704 of the Housing and Urban Development Act of 1965, 42 U.S.C. 3102 or 3104; and

(c) The acquisition or use of such real property is determined by HUD to be necessary in connection with a project under such program.

#### § 710.5 Displacement.

(a) A claimant is deemed displaced and is eligible for a relocation payment for moving expenses and actual direct loss of property if the claimant vacates the real property after the filing of an application for Federal financial assistance and upon the happening of any of the following events:

(1) The Agency acquires title to or use of the property in connection with the program.

(2) The Agency becomes entitled to possession of the real property pursuant to a condemnation proceeding instituted for the purpose of acquiring title; or

(3) A binding contract for the purchase of the real property is entered into by the Agency and the owner of such



real property, if in fact the real property is not occupied by another occupant prior to acquisition of title to, or the right of possession to, the real property by the Agency.

(b) A claimant is deemed displaced and is eligible for a relocation payment for settlement costs if he is the owner of real property at the time of transfer of such real property to the Agency: *Provided*, That in the case of a claim for reimbursement of real estate taxes to the extent permitted by § 710.2(n) the term "transfer of real property" includes the transfer of the right of possession pursuant to eminent domain proceedings instituted for the purpose of acquiring title.

(c) No relocation payment shall be made to a claimant for a temporary move within the program area.

**§ 710.6 Eligibility of outdoor advertising displays.**

Expenses incurred with respect to relocation of outdoor advertising displays required to be removed from the program area shall be considered eligible moving expenses notwithstanding that the business concern is not otherwise displaced from the program area.

**§ 710.7 Eligibility for small business displacement payment.**

A small business concern which satisfies the eligibility conditions of §§ 710.4 and 710.5 is eligible for a small business displacement payment if the concern:

(a) Is not a part of an enterprise having two or more establishments outside the program area;

(b) Has filed with the Internal Revenue Service income tax returns for the 2 tax years immediately preceding its displacement (or, if not in business that long, a tax return for such lesser period as may be approved by HUD); or has furnished such other evidence of earnings as may be approved by HUD; and

(c) Was doing business on the real property on the date of filing by the Agency of an application for assistance under the Public Facility Loans Program, the Water and Sewer Facilities Grant Program, or the Advance Acquisition of Land Program.

**§ 710.8 Notice of intention to move.**

Except as provided in this § 710.8 no relocation payment for moving expenses or actual direct loss of property and no small business displacement payment shall be made to a business concern unless (a) the Agency has received, at least 30 days but not earlier than 90 days prior to the moving date, written notice from the business concern of its intention to move or dispose of the property, which shall be described generally in the notice, and the date of such intended move or disposition, and (b) the business concern has permitted, at all reasonable times, the inspection by or on behalf of the Agency of such property at the site from which the business concern is displaced. For the purpose of this § 710.8, "moving date" shall mean the date on which the first item of such property is intended to be moved or disposed of. The Agency may make a relocation payment notwith-

standing nonreceipt of such timely notice only if the Agency has determined that there was reasonable cause for the failure of the business concern to give such notice, and the Agency has adequately verified the facts pertaining to the move or disposition and the requested relocation payment.

**§ 710.9 Eligibility for relocation adjustment payments.**

A family or elderly individual who satisfies the eligibility conditions of §§ 710.4 and 710.5, governing eligibility for relocation payments for moving expenses and actual direct loss of property, is eligible for a relocation adjustment payment if the claimant:

(a) Is unable to secure a suitable dwelling unit in (1) a low-rent housing project assisted under the U.S. Housing Act of 1937, as amended, 42 U.S.C. 1401 et seq. (or a State or local program found by HUD to have the same general purposes), or (2) a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965, 12 U.S.C. 1701s(a); and

(b) Has moved to a decent, safe, and sanitary dwelling.

**§ 710.10 Administration of relocation payments program.**

(a) *Conditions for relocation payment.* The Agency shall approve a schedule of average annual gross rentals for standard housing in the locality for determining the amount of relocation adjustment payments in accordance with § 710.16(c), any schedule of fixed payments to be paid in accordance with § 710.11, and any other conditions under which the Agency will make relocation payments. The schedules and conditions shall be consistent with the regulations in this part and shall be available in written form to claimants at the office of the Agency.

(b) *Notice to claimants.* The Agency shall furnish all claimants who are anticipated to be displaced with an informational statement advising the claimant of (1) the availability of relocation payments and (2) the office where the conditions under which relocation payments will be made are available for inspection.

(c) *Action on claim—finality.* The Agency is initially responsible for determining the eligibility of a claim for, and the amount of, a relocation payment and shall maintain in its files complete and proper documentation supporting the determination. The determination on each claim shall be made or approved either by the governing body of the Agency or by the principal executive officer of the Agency or his duly authorized designee. The determination by the Agency, or any redetermination by HUD, shall be final and conclusive for any purposes and not subject to redetermination by any court or any other officer. Subject to the requirements of this paragraph (c), the Agency may permit a third-party contractor responsible for relocation activities to examine and recommend action on a claim and to disburse funds in payment of a claim which has been approved by the Agency.

(d) *Prompt payment.* A relocation payment shall be made by the Agency as promptly as possible after a claimant's eligibility has been determined in accordance with the regulations in this part: *Provided*, That a relocation adjustment payment shall be made during the first 5 months after the Agency has determined the eligibility of the claimant.

(e) *Acquisition by another public body.* No claim based upon acquisition of real property by a public body other than the Agency shall be approved unless the Agency shall have determined that the claimant was displaced by the acquisition or in contemplation thereof. The determination shall be supported by a signed statement from the public body indicating (1) when it acquired or proposes to acquire the property occupied by the claimant, and (2) whether it has compensated or has agreed to compensate the claimant for moving expenses, actual direct loss of property, or settlement costs resulting from the displacement.

(f) *Agency setoff against claim.* The Agency may set off against the claim of an otherwise eligible claimant any financial claim the Agency may have against the claimant arising out of the use of the real property.

(g) *Approval by HUD—business concerns.* No relocation payments for moving expenses or settlement costs, or both, in excess of \$10,000 shall be made without approval by HUD.

(h) *Accounts and records.* Accounts and records shall be maintained as prescribed by HUD and shall be subject to inspection or audit at all reasonable times by HUD. Records pertaining to eligibility of relocation payments, including all claims, receipted bills or other documentation in support of a claim, and records pertaining to action on a claim, shall be retained by the Agency for not less than 3 years after the completion of the project.

**§ 710.11 Fixed relocation payments to individuals and families.**

(a) *Schedule of fixed payments.* An Agency intending to pay fixed amounts in lieu of payments for reasonable and necessary moving expenses and actual direct loss of property of eligible individuals and families shall prepare a schedule of the fixed amounts which it proposes to pay. The schedule shall contain a statement indicating that the Agency intends to permit eligible individuals and families to claim reimbursement for their actual moving expenses and actual direct loss of property.

(b) *Schedule provision.* (1) A proposed schedule of fixed payments to eligible individuals and families owning furniture shall provide for a graduated scale of payments related to the number of all rooms occupied by the claimant except bathrooms, hallways, and closets, which payments shall not exceed the lowest normal charge for carting expenses for the average time required to move personal effects: *Provided*, That in any event the payments shall not exceed the maximum reimbursement to eligible



individuals or families provided in the regulations in this part.

(2) Fixed payments to eligible individuals or families not owning furniture shall not exceed: (i) \$5 for any individual; (ii) \$10 for any family.

(c) *Administration of fixed payments.* Eligible individuals or families may be paid the amount provided in the schedule of fixed payments approved by HUD upon receipt of a properly completed claim. A fixed payment shall be in full settlement for the claimant's moving expense and any actual direct loss of property. If the joint occupants of a single dwelling unit at the project site move to two or more locations and consequently submit more than one claim, an eligible claimant for a fixed payment may be paid only his reasonable prorated share (as determined by the Agency) of the total fixed payment applicable to such dwelling unit, and the total of fixed payments made to all such claimants moving from such dwelling unit shall not exceed the total fixed payment applicable to such dwelling unit.

**§ 710.12 Vacation of real property within 18 months after acquisition by Agency.**

Notwithstanding any other provisions of the regulations in this part, no claimant displaced from predominantly undeveloped land shall be eligible for any relocation payment (other than settlement costs) unless the claimant vacates the real property within 18 months (or such other period as the Agency shall, with HUD concurrence, approve) after the acquisition of the real property by the Agency.

**§ 710.13 Determining moving expenses of business concern.**

(a) *Submission of bids prior to moving date.* No claim for a relocation payment for moving expenses in excess of \$500 shall be allowed for costs incurred by a business concern unless the concern has submitted to the Agency, at least 15 days prior to the commencement of the move, a bid from three reputable firms covering the moving costs involved. Whenever it is not feasible to obtain three bids for any category of work, a lesser number of bids shall be submitted, together with a written justification by the concern; and no relocation payment shall be allowed in such cases unless the Agency has approved the justification. The Agency, with HUD concurrence, may waive any requirement of this paragraph (a) for good cause.

(b) *Payment not to exceed low bid.* Payment to a business concern for moving expenses shall not exceed the amount of the low bid submitted in accordance with paragraph (a) of this section unless the bid requirement has been waived in accordance with paragraph (a) of this section.

**§ 710.14 Determining actual direct loss of property.**

(a) The amount of actual direct loss of any item of property claimed shall be determined as follows:

(1) The fair market value of the property for continued use at its location prior to the displacement shall be ascertained by the claimant by an appraisal satisfactory to the Agency, except as provided in subparagraph (2) of this paragraph.

(2) If the value of the property for which actual direct loss is claimed does not warrant the expenses of an appraisal, then its fair market value for such continued use shall be computed as follows: The original cost of the item to the claimant (exclusive of installation cost) multiplied by the figure obtained by dividing the period of the remaining useful life of the property at the date of removal, by the period of the normal useful life of the property at the date of its acquisition by the claimant.

(3) The property shall be disposed of by a bona fide sale (as determined by the Agency) at the highest price offered after reasonable efforts have been made over a reasonable period of time to interest prospective purchasers. A trade-in of the property may be considered a bona fide sale, and the trade-in allowance, exclusive of any amount of discount that would be allowed on the price of the property being acquired in the absence of the trade-in, shall be deemed the amount realized upon the sale of the property.

(4) If the amount realized from the sale, after deducting ordinary and reasonable expenses of the sale, is less than the fair market value for such continued use, the difference between the net amount realized and the fair market value is the amount of actual direct loss of the property. Expenses of sale include such items as sale commissions, auctioneer's fees, advertising costs, and similar charges.

(b) If a bona fide sale is not effected because no offer is received for the property, after reasonable efforts have been made over a reasonable period of time to sell it, then its fair market value for continued use, ascertained as provided in this section, is the amount of actual direct loss of the property.

(c) The cost of appraisals to determine actual direct loss of property, if made by or in behalf of the claimant, is not allowable as part of a claim.

**§ 710.15 Filing of claims.**

(a) *Form of claim.* To obtain a relocation payment, a claimant shall file a written claim with the Agency on the appropriate HUD forms.

(b) *Documentation in support of claim.* A claim shall be supported by the following:

(1) If for moving expenses, except in the case of a fixed payment, a receipted bill or other evidence of such expenses. By prearrangement between the Agency, the claimant, and the mover, confirmed in writing by the Agency, the claimant may present an unpaid moving bill to the Agency, and the Agency may pay the mover directly.

(2) If for actual direct loss of property, written evidence thereof, which may include appraisals, certified prices, copies of bills of sale, receipts, canceled checks,

copies of advertisements, offers to sell, auction records, and such other records as may be appropriate to support the claim.

(3) In any other case, such documentation as may be required by the Agency, which may include income tax returns, withholding or informational statements, and proof of age.

(c) *Time for filing claims.* A claim for moving expenses, actual direct loss of property, or a small business displacement payment shall be submitted to the Agency within a period of 6 months after the displacement of the claimant. A claim for a relocation adjustment payment shall be submitted within a period of 60 days after the displacement of the claimant. A claim for settlement costs shall be submitted within 6 months after the costs have been incurred. The time limitations in this paragraph may be waived by the Agency for good cause, with HUD concurrence.

**§ 710.16 Limitations on amount of relocation payments.**

(a) *Moving expenses and loss of property—(1) Maximum amount—individuals or families.* The maximum relocation payment that may be made or recognized for moving expenses and actual direct loss of property, for which reimbursement or compensation is not otherwise made, to an individual or family shall not exceed \$200. The maximum relocation payment that may be made or recognized for moving expenses and actual direct loss of property, for which reimbursement or compensation is not otherwise made, to two or more unrelated individuals occupying the same dwelling unit shall not exceed \$200.

(2) *Maximum amount—business concerns.* The maximum relocation payment that may be made or recognized in the case of a business concern for moving expenses and actual direct loss of property, for which reimbursement or compensation is not otherwise made, shall not exceed \$3,000. If the total of the actual moving expenses is greater than \$3,000 and there is no claim for actual direct loss of property, the maximum relocation payment that may be made or recognized in the case of a business concern, for which reimbursement or compensation is not otherwise made, shall be:

(i) In the case of the Public Facility Loans Program and the Advance Acquisition of Land Program, the total actual moving expenses or \$25,000, whichever is the lesser; or

(ii) In the case of the Water and Sewer Facilities Grant Program, the total actual moving expenses or \$25,000, whichever is the lesser, plus 50 percent of any actual moving expenses in excess of \$25,000, provided the Agency makes a cash payment to the business concern out of local funds in an amount equal to one-half of the total moving expenses in excess of \$25,000, which payment shall not constitute an eligible project cost, or a local grant-in-aid, under any Federally assisted activity.



(3) *Maximum moving distance.* If a business concern moves beyond 100 miles from the boundary of the city, town, or village, as the case may be, in which the program is carried out, a relocation payment for its moving expenses may not be made in excess of the reasonable and necessary expenses for moving such distance of 100 miles.

(b) *Small business displacement payment.* The small business displacement payment shall be \$2,500.

(c) *Family and elderly person relocation adjustment payment.* The total relocation adjustment payment that may be made for a family or elderly individual shall be an amount not to exceed \$500 which, when added to 20 percent of the annual income of the family or individual at the time of displacement, equals the average annual gross rental required for a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the family or individual (in the area in which the program is carried out or in other areas generally not less desirable in regard to public utilities and public and commercial facilities), as determined by the Agency.

#### § 710.17 Determinations in condemnation proceedings.

Notwithstanding any other provision of the regulations in this part, when property is acquired by proceedings in condemnation, and the amount of the judgment includes an allowance for reasonable and necessary moving expenses, actual direct loss of property, or settlement costs, the portion of the judgment representing compensation for these items, if separately stated, shall be entitled to recognition as a relocation payment in an amount not to exceed the applicable dollar limitations or § 710.16: *Provided*, That the allowance for actual direct loss of property makes no compensation for loss of goodwill or profit.

*Issued date.* These regulations are issued as of November 2, 1966.

CHARLES M. HAAR,  
Assistant Secretary for  
Metropolitan Development.

[F.R. Doc. 66-11930; Filed, Nov. 1, 1966;  
8:48 a.m.]

## Title 45—PUBLIC WELFARE

### Chapter VII—Commission on Civil Rights

#### PART 703—OPERATIONS AND FUNCTIONS OF STATE ADVISORY COMMITTEES

##### Meetings

Section 703.7 of the Commission rules is amended by adding to paragraph (a) (2) of the section the clause, "except that with respect to open meetings provided for in paragraph (c) of this section, a quorum shall consist of three members."

As amended, § 703.7 reads as follows:

#### § 703.7 Meetings.

(a) Meetings of the State Committee shall be called whenever it is deemed necessary or desirable by the Chairman, or by a majority of the State Committee, or by the Commission, provided that the following conditions have been met:

(1) The Commission has given prior written approval of such meeting, and

(2) There is a quorum present. A quorum shall consist of one-half or more of the members of the State Committee, or five members, whichever is the lesser, except that with respect to open meetings provided for in paragraph (c) of this section, a quorum shall consist of three members.

(b) Summary minutes shall be prepared and made available as soon as practicable after each meeting for distribution to the members of the State Committee and to the Commission.

(c) In connection with its functions under the regulations in this part and subject to them, a State Committee may hold open meetings for the purpose of soliciting information and advice from local officials and other persons respecting subject matter within its jurisdiction, provided however, that a State Committee shall not, in conjunction with its meetings, or otherwise, purport to conduct a formal hearing or adversary proceeding of any type, take oral testimony under oath, or issue subpoenas.

(d) Pursuant to the authority of Executive Order 11007, dated February 26, 1962, section 6(f) thereof, the Chairman of the Commission has made the following determinations:

(1) That compliance with the requirements of section 6, subsections (a), (b), and (c), of the aforesaid Executive order would interfere with the proper functioning of the State Advisory Committees of the Commission on Civil Rights, in that the assignment of a full-time salaried officer or employee of the Commission to each of the State Advisory Committee meetings would be impossible, and impractical within the limitations of the staff and budget of the Commission, and

(2) That the Commission on Civil Rights has retained Consultants, on a part-time basis, to assist the Commission staff in attendance at State Advisory Committee meetings to the end that the intent of the aforesaid Executive order is complied with, and

(3) That adequate provisions have been otherwise made by the statement governing State Advisory Committees published herewith to insure that such committee operations are subject to Government control and in conformity with the proper purposes and functioning of the Commission, and

(4) That the nature of the function of the State Advisory Committees as set forth in the said statement governing the State Advisory Committees is such that the waiver of the aforesaid requirement specified in section 6, subsections (a), (b), and (c), of the said Executive order are in the public interest; and

(5) That, therefore, the meeting of a State Advisory Committee shall not be subject to the requirements specified in

section 6, subsections (a), (b), and (c), of the Executive Order 11007, dated February 26, 1962.

JOHN A. HANNAH,  
Chairman,  
U.S. Commission on Civil Rights.

[F.R. Doc. 66-11887; Filed, Nov. 1, 1966;  
8:45 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[RM-936]

#### PART 1—PRACTICE AND PROCEDURE

##### Records Maintained Locally for Public Inspection by Applicants, Permit- tees, and Licensees

The Commission, having under consideration § 1.526 of its rules and regulations pertaining to records required to be maintained by applicants, permittees, and licensees of broadcast stations for inspection by the local public, and, more specifically, having under consideration paragraph (d) of that section which sets forth where the file containing such local records is to be located and which reads as follows: "(d) *Location of records.* The file shall be maintained at the main studio of the station or at any other accessible place (such as a public registry for documents or an attorney's office) in the community to which the station is or is proposed to be licensed, and shall be available for public inspection at any time during regular business hours."

It appearing, that, on March 9, 1966, attorney Lauren A. Colby filed with the Commission a petition for rule making (RM-936) to amend § 1.526(d), stating that the use of the word "other" in § 1.526 (d) implies that the file must be kept only in the community to be served or proposed to be served by the station, either at the main studio there or other accessible place, and that if the main studio is located outside the community the file may not be kept at the studio but must be kept at some accessible place in the community; and

It further appearing, that, when § 1.526 (d) was adopted on March 31, 1965, in report and order in Docket No. 14864 (FCC 65-273; 30 F.R. 4543, Apr. 8, 1965) it was the intent of the Commission that the local file could be maintained at the main studio, regardless of the location thereof; and

It further appearing, that, as petitioner suggests, the ambiguity presently in the rule may be removed by deletion of the word "other" therein; and

It further appearing, that, this amendment is editorial in nature and relieves an apparent restriction so that, under the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice and public procedure thereon and delay in the effective date of the amendment for at least thirty days after publication thereof are unnecessary;



*It is ordered*, This 28th day of October 1966, pursuant to sections 4(i) and 303 (r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's statement of delegations of authority, that the aforementioned petition for rule making is granted, and that § 1.526(d) of the Commission's rules and regulations is amended, effective November 7, 1966, by deleting the word "other" therein, so that the section, as amended, reads as follows:

§ 1.526 Records to be maintained locally for public inspection by applicants, permittees, and licensees.

(d) *Location of records.* The file shall be maintained at the main studio of the station, or at any accessible place (such as a public registry for documents or an attorney's office) in the community to which the station is or is proposed to be licensed, and shall be available for public inspection at any time during regular business hours.

Released: October 28, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-11937; Filed, Nov. 1, 1966;  
8:49 a.m.]

## Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries  
and Wildlife, Fish and Wildlife  
Service, Department of the Interior

### PART 33—SPORT FISHING

Hagerman National Wildlife Refuge,  
Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations: sport fishing; for individual wildlife refuge areas.

TEXAS

#### HAGERMAN NATIONAL WILDLIFE REFUGE

Sport fishing including frog gigging on the Hagerman National Wildlife Refuge, Tex., is permitted from April 1 through September 30, 1967, inclusive, only on areas designated by signs as open to fishing. These open areas, comprising 2,900 acres, are delineated on maps available at refuge headquarters, Sherman, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33,

and are effective through September 30, 1967.

RONALD S. SULLIVAN,  
Refuge Manager, Hagerman National Wildlife Refuge, Sherman, Tex.

OCTOBER 17, 1966.

[F.R. Doc. 66-11897; Filed, Nov. 1, 1966;  
8:45 a.m.]

## Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION,  
LICENSING

### PART 73—BIOLOGICAL PRODUCTS

#### Miscellaneous Amendments

On June 21, 1966 a notice of rule making was published in the FEDERAL REGISTER (31 F.R. 8594) proposing to amend several provisions of Part 73 of the Public Health Service Regulations by providing, in addition to some minor revisions, for (1) additional standards for products stored in unlabeled final containers, (2) the permissible moisture content for four products, (3) the type of protective final containers required for Measles Virus Vaccine, Live, Attenuated, and (4) a labeling statement relating to safety of liquid Poliovirus Vaccine, Live, Oral.

Views and arguments respecting the proposed standards were invited to be submitted within 30 days after publication of the notice in the FEDERAL REGISTER, and notice was given of intention to make any amendments that were adopted effective 30 days after the date of their publication in the FEDERAL REGISTER.

After consideration of all comments submitted, the following amendments to Part 73 of the Public Health Service regulations are hereby adopted to become effective 30 days after the date of publication in the FEDERAL REGISTER.

1. Amend § 73.36(h) of Part 73 by adding the phrase "Except as otherwise provided in the regulations of this part" at the beginning of the fifth sentence and by adding a new sentence at the end thereof. As thus amended § 73.36(h) will read as follows:

§ 73.36 Physical establishment, equipment, animals and care.

(h) *Containers and closures.* All final containers and closures shall be made of material that will not hasten the deterioration of the product or otherwise render it less suitable for the intended use. All final containers and closures shall be clean and free of surface solids, leachable contaminants and other materials that will hasten the deterioration of the product or otherwise render it less suitable for the intended use. After filling, sealing shall be performed in a manner that will maintain the integrity of the product during the dating period. In addition, final containers and closures for products intended for use by injection

shall be sterile and free from pyrogens. Except as otherwise provided in the regulations of this part, final containers for products intended for use by injection shall be colorless and sufficiently transparent to permit visual examination of the contents under normal light. As soon as possible after filling, final containers shall be labeled as prescribed in § 73.50 et seq., except that final containers may be stored without such prescribed labeling provided they are stored in a sealed receptacle labeled both inside and outside with at least the name of the product, the lot number, and the filling identification.

2. Amend the first sentence of § 73.38 by inserting "(Human)" after "Antihemophilic Plasma," after "Packed Red Blood Cells" and after "Single Donor Plasma," and by changing the word "extracts" to "Products". As thus amended, § 73.38 shall read as follows:

§ 73.38 Retention samples.

Manufacturers shall retain for a period of at least 6 months after the expiration date, a quantity of representative material of each lot of each product, sufficient for examination and testing for safety and potency, except Whole Blood (Human), Antihemophilic Plasma (Human), Packed Red Blood Cells (Human), Single Donor Plasma (Human), Normal Human Plasma and Allergenic Products prepared to physician's prescription. Samples so retained shall be selected at random from either final container material, or from bulk and final containers, provided they include at least one final container as a final package, or package-equivalent of such filling of each lot of the product as intended for distribution. Such sample material shall be stored at temperatures and under conditions which will maintain the identity and integrity of the product. Samples retained as required in this section shall be in addition to samples of specific products required to be submitted to the Division of Biologics Standards. Exceptions may be authorized by the Director, Division of Biologics Standards, when the lot yields relatively few final containers and when such lots are prepared by the same method in large number and in close succession.

3. Amend § 73.74(a)(2) by including a specific authorization for moisture content and other volatile substances of 1.5 percent for BCG Vaccine, 2 percent for Measles Virus Vaccine, Live, Attenuated and Antihemophilic Factor (Human), and 3 percent for Modified Plasma (Bovine).

4. Amend § 73.74(b)(1) by adding the products Aggregated Radio-Iodinated ( $I^{131}$ ) Albumin (Human), Radio-Chromated ( $Cr^{51}$ ) Serum Albumin (Human) and Radio-Iodinated ( $I^{125}$ ) Serum Albumin (Human).

As thus amended, § 73.74 (a)(2) and (b)(1) will read as follows:

§ 73.74 Purity.

(a) *Test for residual moisture.* \* \* \*

(2) *Test results; standard to be met.* The residual moisture and other volatile



substances shall not exceed 1 percent except that for BCG Vaccine they shall not exceed 1½ percent, for Measles Virus Vaccine, Live, Attenuated and Anti-hemophilic Factor (Human), they shall not exceed 2 percent, and for Modified Plasma (Bovine), Thrombin, Fibrinogen, Streptokinase, Streptokinase-Streptodornase, and Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test, they shall not exceed 3 percent.

(b) *Test for pyrogenic substances.* \* \* \*

(1) *Test dose.* The test dose for each rabbit shall be at least 3 milliliters per kilogram of body weight of the rabbit and also shall be at least equivalent proportionately, on a body weight basis, to the maximum single human dose recommended, but need not exceed 10 ml. per kilogram of body weight of the rabbit, except that: (i) Regardless of the human dose recommended, the test dose per kilogram of body weight of each rabbit shall be, at least 1 milliliter for immune globulins derived from human blood, at least 3 milliliters for Normal Human Plasma, and at least 30 milligrams for Fibrinogen (Human); (ii) for Streptokinase, Streptokinase-Streptodornase, Aggregated Radio-Iodinated (I<sup>131</sup>) Albumin (Human), Radio-Chromated (Cr<sup>61</sup>) Serum Albumin (Human), Radio-Iodinated (I<sup>125</sup>), Serum Albumin (Human) and Radio-Iodinated (I<sup>131</sup>) Serum Albumin (Human), the test dose shall be at least equivalent proportionately on a body weight basis to the maximum single human dose recommended.

\* \* \*  
5. Amend § 73.81 by deleting "Antipneumococcal Serum (Types I, II, V, VII, and VIII);" adding "Diphtheria Toxin for Schick Test;" immediately preceding "Diphtheria Antitoxin;" adding "Scarlet Fever Streptococcus Toxin;" immediately preceding "Scarlet Fever Streptococcus Antitoxin;" and adding "Thrombin;" immediately preceding "Tuberculin, Old;". As thus amended, § 73.81 shall read as follows:

§ 73.81 Standard preparations.

Standard preparations made available by the Director, Division of Biologics Standards, shall be applied in testing for potency all forms of Diphtheria Toxin for Schick Test; Diphtheria Antitoxin; Tetanus Antitoxin; Botulism Antitoxin, Type A; Botulism Antitoxin, Type B; Histolytic Antitoxin; Oedematis Antitoxin; Perfringens Antitoxin; Sordelli Antitoxin; Vibrion Septique Antitoxin; Staphylococcus Antitoxin; Scarlet Fever Streptococcus Toxin; Scarlet Fever

Streptococcus Antitoxin; Dysentery Antitoxin (Shiga); Anti-Hemophilus Influenza type b Serum; Antirabies Serum; Pertussis Vaccine; Thrombin; Tuberculin, Old; and Tuberculin, Purified Protein Derivative.

6. Amend § 73.116(e) to read as follows:

§ 73.116 General requirements.

\* \* \*  
(e) *Labeling.* Labeling shall comply with the requirements of §§ 73.50 to 73.55 inclusive. In addition the label or a package enclosure shall include the identification and source of the virus or viruses contained in the vaccine, the cell culture medium on which the virus or viruses were propagated, stabilizers and preservatives, if any, and the type and calculated maximum amount of antibiotics. The final container label shall bear a statement indicating that liquid vaccine should not be used for more than 7 days after opening the container.

\* \* \*  
7. Amend § 73.140(c)(1) by inserting "and spinal cord" between "brain" and the comma following immediately thereafter in the last sentence of the test description following the introductory text. As thus amended, the test description will read as follows:

§ 73.140 The product.

\* \* \*  
(c) *Neurovirulence safety test of the virus seed strain in monkeys—(1) The test.* \* \* \*

Samples of each of the five lots of vaccine shall be tested in measles susceptible monkeys. Immediately prior to initiation of a test each monkey shall have been shown to be serologically negative for neutralizing antibodies by means of a tissue culture neutralization test with undiluted serum from each monkey tested at approximately 100 TCID<sub>50</sub> of Edmonston strain measles virus, or negative for measles virus antibodies as demonstrated by tests of equal sensitivity. Each lot of vaccine shall be tested in 10 monkeys by the intracerebral inoculation of 0.5 ml. into the thalamic region of each hemisphere and an inoculation of 0.25 ml. intracisternally. The combined dose of measles virus inoculated into the central nervous system of each monkey shall be no less than the equivalent of 1,000 TCID<sub>50</sub> of the NIH standard (§ 73.141(d)). The monkeys shall be observed for 17 to 21 days and symptoms of paralysis as well as other evidences of neurological disorders shall be recorded. The test must be repeated if more than 20 percent of a group of monkeys die from nonspecific causes. Animals which die within the first 48 hours of initiation of the test may be replaced. At the end of the observation period each surviving monkey shall (a) be

bled and the serum tested for evidence of serum antibody conversion to measles virus and (b) be autopsied and histopathological sections prepared of appropriate areas of the brain and spinal cord, and the sections examined microscopically for evidence of central nervous system involvement.

\* \* \*  
8. Amend § 73.144 by redesignating paragraph (f) as paragraph (h), by adding a sentence to paragraph (e) and by adding new paragraphs (f) and (g) relating to "Dried vaccine" and "photochemical deterioration; protection" respectively. As thus amended paragraphs (e), (f), and (g) will read as follows:

§ 73.144 General requirements.

\* \* \*  
(e) *Labeling.* Labeling shall be in compliance with §§ 73.50 to 73.55 inclusive, and the label or a package enclosure shall state the identification and source of the virus contained in the vaccine and the cell culture medium in which the virus was propagated. Single dose container labeling for vaccine which is not protected against photochemical deterioration shall include a statement cautioning against exposure to sunlight.

(f) *Dried vaccine.* Measles Vaccine, Live, Attenuated, may be dried immediately after completion of processing to final bulk material and stored in the dried state, provided its residual moisture and other volatile substances content is not in excess of 2 percent, as provided in § 73.74(a).

(g) *Photochemical deterioration; protection.* Vaccine in multiple dose final containers shall be protected against photochemical deterioration. Such containers may be colored, or outside coloring or protective covering may be used for this purpose, provided (1) the method used is shown to provide the required protection, and (2) visible examination of the contents is not precluded. Vaccine in single dose containers may be protected in the same manner provided the same conditions are met.

\* \* \*  
(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702, 42 U.S.C. 262)

Dated: October 5, 1966.

[SEAL] WILLIAM H. STEWART,  
Surgeon General.

Approved: October 13, 1966.

WILBUR J. COHEN,  
Acting Secretary.

[F.R. Doc. 66-11962; Filed, Nov. 1, 1966; 8:51 a.m.]



# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and  
Conservation Service

[ 7 CFR Part 724 ]

### TOBACCO

#### Notice of Determinations To Be Made Regarding Marketing Quotas

Notice of determinations to be made with respect to tobacco marketing quotas for (1) fire-cured (Type 21), fire-cured (Types 22, 23, and 24), dark air-cured, and Maryland tobacco on an acreage basis for the 1967-68, 1968-69, and 1969-70 marketing years, and (2) Virginia sun-cured, cigar-binder (Types 51 and 52), and cigar-filler and binder (Types 42, 43, 44, 53, 54, and 55) tobacco on an acreage basis for the 1967-68 marketing year:

Pursuant to the Agricultural Adjustment Act of 1938, as amended, and as further amended through the addition of section 317 by Public Law 89-12, approved April 12, 1965 (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary is preparing (1) to (a) proclaim national marketing quotas on an acreage basis for fire-cured (Type 21), fire-cured (Types 22, 23, and 24), dark air-cured, and Maryland tobacco, for the 1967-68, 1968-69 and 1969-70 marketing years (b) determine and announce the respective national marketing quotas on an acreage basis for each of such kinds of tobacco for the 1967-68 marketing year, (c) apportion such quotas, less reserves for new farms, among the several States, (d) convert the State quotas into State acreage allotments, and (e) conduct within 30 days after the effective date of the proclamation and announcement of such national marketing quotas, referenda of farmers engaged in the 1966 production of fire-cured, dark air-cured, and Maryland tobacco to determine whether they favor or oppose marketing quotas on an acreage basis for the 1967-68, 1968-69 and 1969-70 marketing years, and (2) to (a) determine and announce the respective national marketing quotas on an acreage basis for Virginia sun-cured, cigar binder (Types 51 and 52), and cigar-filler and binder (Types 42, 43, 44, 53, 54, and 55) tobacco for the 1967-68 marketing year, (b) apportion such quotas, less reserves for new farms, among the several States, and (c) convert the State quotas into State acreage allotments.

Growers approved quotas for the 1965-66, 1966-67, and 1967-68 marketing years for Virginia sun-cured tobacco (30 F.R. 4313); and growers approved quotas for the 1964-65, 1965-66, and 1966-67 marketing years for fire-cured tobacco and dark air-cured tobacco (29 F.R. 3697). Growers approved quotas for the 1963-

64, 1964-65, and 1965-66 marketing years for Maryland tobacco (28 F.R. 2526), but disapproved quotas for the 1966-67, 1967-68, and 1968-69 marketing years (31 F.R. 4580); growers approved quotas for cigar-binders (Types 51 and 52) and for cigar-filler and binder (Types 42, 43, 44, 53, 54, and 55) tobacco for the 1966-67, 1967-68, and 1968-69 marketing years (31 F.R. 4197).

The Act (7 U.S.C. 1312(a)) provides that the Secretary shall proclaim not later than February 1 (of any marketing year), with respect to these kinds of tobacco, a national marketing quota for any of such kinds of tobacco for each of the next 3 succeeding marketing years whenever he determines with respect to such kind of tobacco—

(1) That a national marketing quota has not previously been proclaimed and the total supply as of the beginning of such marketing year exceeds the reserve supply level thereof;

(2) That such marketing year is the last year of 3 consecutive years for which marketing quotas previously proclaimed will be in effect;

(3) That amendments have been made in provisions for establishing farm acreage allotments which will cause material revision of such allotments before the end of the period for which quotas are in effect; or

(4) That a marketing quota previously proclaimed for such marketing year is not in effect because of disapproval by producers: *Provided*, That if such producers have disapproved national marketing quotas for 3 successive years subsequent to 1952, thereafter a national marketing quota shall not be proclaimed hereunder which would be in effect for any marketing year within the 3-year period for which national marketing quotas previously proclaimed were disapproved by producers, unless prior to November 10 of the marketing year one-fourth or more of the farmers engaged in the production of the crop of tobacco harvested in the calendar year in which such marketing year begins petition the Secretary, in accordance with such regulations as he may prescribe, to proclaim a national marketing quota for each of the next 3 succeeding marketing years.

Since a marketing quota previously proclaimed (31 F.R. 1237) for Maryland tobacco for the 1966-67, 1967-68, and 1968-69 marketing years is not in effect on Maryland tobacco because disapproval by growers (31 F.R. 4580) and such disapproval was not the third successive disapproval subsequent to 1952, and since the 1966-67 marketing year is the last of 3 consecutive years for which marketing quotas previously proclaimed will be in effect for fire-cured and dark air-cured tobacco, proclamations of quotas for the 1967-68, 1968-69, and 1969-70

marketing years, and referenda thereon, are required for these kinds of tobacco.

Subsection 301(b)(15) of the Act (7 U.S.C. 1301(b)(15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising Types 11, 12, 13, and 14;  
Fire-cured tobacco, comprising Type 21;  
Fire-cured tobacco, comprising Types 22, 23, and 24;  
Dark air-cured tobacco, comprising Types 35 and 36;  
Virginia sun-cured tobacco, comprising Type 37;  
Burley tobacco, comprising Type 31;  
Maryland tobacco, comprising Type 32;  
Cigar-filler and cigar-binder tobacco, comprising Types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55; and  
Cigar-filler tobacco, comprising Type 41.

Subsection 301(b)(15) also provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of the Act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority, the Secretary has determined (15 F.R. 8214) that Type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Pursuant to such authority, the Secretary has also determined (22 F.R. 367) that cigar-binder (Types 51 and 52) tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports.

Subsection 312(b) of the Act (7 U.S.C. 1312(b)) requires that the Secretary shall determine and announce, not later than the first day of February 1967 with respect to fire-cured (Type 21), fire-cured (Types 22, 23, and 24), dark air-cured, Virginia sun-cured, Maryland, cigar-binder (Types 51 and 52), and cigar-filler and binder (Types 42, 43, 44, 53, 54, and 55) tobacco, the amount of the national marketing quota which is in effect for the 1967-68 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of each kind of tobacco equal to the reserve supply level. Subsection 312 (b) provides further that the amount of the 1967-68 national marketing quota (determined pursuant to such subsection) may, not later than March 1, 1967, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue



restrictions of marketings in adjusting the total supply to the reserve supply level.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of tobacco for any marketing year as the carry-over at the beginning of the marketing year (on January 1 of such marketing year in the case of Maryland tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The Act (7 U.S.C. 1312(c)) requires that within 30 days after a national marketing quota is proclaimed under section 312(a) of the Act for the 1967-68, 1968-69 and 1969-70 marketing years for (1) Maryland tobacco, (2) fire-cured tobacco and (3) dark air-cured tobacco, the Secretary shall conduct referenda of farmers engaged in the production of the 1966 crops of Maryland tobacco, fire-cured tobacco, and dark air-cured tobacco, respectively, to determine whether such farmers are in favor of or opposed to quotas for the next 3 succeeding marketing years. If more than one-third of the farmers voting in a referendum for a kind of tobacco oppose such quota, such results shall be proclaimed by the Secretary and the national marketing quota so proclaimed shall not be in effect but such results shall in no way affect or limit the subsequent proclamation and subsequent submission to a referendum, as otherwise provided in section 312 of the Act (7 U.S.C. 1312), of a national marketing quota.

The Act (7 U.S.C. 1313(a)) requires the Secretary to apportion the national marketing quota, determined pursuant to section 312(b) of the Act, less the amount to be allotted under subsection (c) of section 313 for small farms and "new" farms, among the several States on the basis of the total production in each State during the 5 calendar years immediately preceding the calendar year in which the quota is proclaimed (announced) (plus, in applicable years, the normal production on the acreage diverted under previous agricultural adjustment and conservation programs), with such adjustments as are determined to be necessary to make corrections for abnormal conditions of produc-

tion, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such 5-year period.

The Act (7 U.S.C. 1313(g)) provides that any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent year shall not be taken into account in establishing State and farm acreage allotments.

The Act (7 U.S.C. 1313(i)) provides that notwithstanding any other provision of the Act, whenever after investigation the Secretary determines with respect to any kind of tobacco that a substantial difference exists in the usage or market outlets for any one or more of the types comprising such kind of tobacco and that the quantity of tobacco of such type or types to be produced under marketing quotas and acreage allotments established pursuant to section 313 would not be sufficient to provide an adequate supply for estimated market demands and carry-over requirements for such type or types of tobacco, the Secretary shall increase the marketing quotas and acreage allotments for farms producing such type or types of tobacco in the preceding year to the extent necessary to make available a supply of such type or types of tobacco adequate to meet such demands and carry-over requirements; the increases in farm marketing quotas and acreage allotments shall be made on the basis of the production of such type or types of tobacco during the period of years considered in establishing farm marketing quotas and acreage allotments for such kind of tobacco; the additional production authorized by subsection 313(i) shall be in addition to the national marketing quota established pursuant to section 312 of the Act; the increase in acreage under subsection 313 (i) shall not be considered in establishing future State or farm acreage allotments.

Section 377 of the Act (7 U.S.C. 1377) reads as follows:

In any case in which, during any year beginning with 1956, the acreage planted to a commodity on any farm is less than the acreage allotment for such farm, the entire acreage allotment for such farm (excluding any allotment released from the farm or reapportioned to the farm and any allotment provided for the farm pursuant to subsection (f) (7) (A) of section 344), shall, except as provided herein, be considered for the purpose of establishing future State, county, and farm acreage allotments to have been planted to such commodity in such year on such farm, but the 1956 acreage allotment of any commodity shall be regarded as planted under this section only if the owner or operator on such farm notified the county committee prior to the 60th day preceding the beginning of the marketing year for such commodity of his desire to preserve such allotment: *Provided*, That beginning with the 1960 crop, except for Federally owned land, the current farm acreage allotment established for a commodity shall not be preserved as history acreage pursuant to the provisions of this section unless for the current year or either of the 2 preceding years an acreage equal to 75 per centum or more of the farm acreage allotment for such year was actually planted or devoted to the commodity on the farm (or was regarded as

planted under provisions of the Soil Bank or the Great Plains program): *Provided further*, That this section shall not be applicable in any case, within the period 1956 to 1959, in which the amount of the commodity required to be stored to postpone or avoid payment of penalty has been reduced because the allotment was not fully planted. Acreage history credits for released or reapportioned acreage shall be governed by the applicable provisions of this title pertaining to the release and reapportionment of acreage allotments.

Section 378 of the Act (7 U.S.C. 1378) provides that allotment acreage pooled under the provisions of such section shall be considered fully planted during the time it is in the pool within the period of eligibility, for purposes of future State, county, and farm allotments.

Acreage allotments for fire-cured (Type 21), fire-cured (Types 22, 23, and 24), dark air-cured, Virginia sun-cured, Maryland, and cigar-binder (Types 51 and 52) tobacco may be leased under the terms and conditions contained in section 316 of the Act. Acreage allotments for cigar-filler and binder (Types 42, 43, 44, 53, 54, and 55) tobacco may not be leased.

The Soil Bank Act was repealed by section 601 of the Food and Agriculture Act of 1965, but it remains in effect with respect to contracts entered into prior to such repeal.

Section 602(g) of the Food and Agriculture Act of 1965, approved November 3, 1965, reads as follows:

Notwithstanding any other provision of law, the Secretary of Agriculture may, to the extent he deems it desirable, provide by appropriate regulations for preservation of cropland, crop acreage, and allotment history applicable to acreage diverted from the production of crops in order to establish or maintain vegetative cover or other approved practice for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation or for participation in such program. Subsections (b) (3) and (4) and (e) (6) of section 16 of the Soil Conservation and Domestic Allotment Act, as amended, are repealed, except that all rights accruing thereunder to persons who entered into contracts or agreements prior to such repeal shall be preserved.

Under the provisions of such section 602(g), such preservation of cropland, crop acreage, and allotment history, is provided, subject to the Secretary's regulations, with respect to acreage so diverted under the conservation reserve program, cropland conversion program, cropland adjustment program, cropland conservation program, Great Plains conservation program, regional conservation programs, agricultural conservation program, or vegetative cover established without Federal assistance and unrelated to any program.

The Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the 5 years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

The Secretary may, under subsection 317(c) of the Act, in his discretion, offer acreage-poundage quotas on cigar-binder (Types 51 and 52), cigar-filler and binder



(Types 42, 43, 44, 53, 54, and 55), and Virginia sun-cured tobacco for 1967 if he determines that acreage-poundage quotas would result in a more effective marketing quota program than the present program on an acreage basis. The Secretary has not so determined, and does not contemplate offering acreage-poundage quotas on any of such three kinds of tobacco for 1967. There are no provisions under which acreage-poundage quotas may be offered on fire-cured (Type 21), fire-cured (Types 22, 23, and 24), dark air-cured, or Maryland tobacco for 1967.

The subjects and issues involved in the proposed determinations are:

1. The amount of the national marketing quota on an acreage basis for the 1967-68 marketing year.

2. The apportionment of the national marketing quota (less reserve for new farms) on an acreage basis among the several States and conversion of the State quotas into State acreage allotments for the 1967-68 marketing year.

3. The amount of the national marketing quota on an acreage basis to be reserved for new farms (it is not contemplated that any reserve from the national quota will be reserved for further increases in allotments for small farms under section 313(c)) for the 1967-68 marketing year.

4. The date(s) or period(s) of the three referenda on quotas for the 1967-68, 1968-69, and 1969-70 marketing years on an acreage basis for Maryland tobacco, fire-cured tobacco, and dark air-cured tobacco, and whether any such referendum should be conducted at polling places rather than by mail ballot (31 F.R. 12011).

5. Whether the Secretary should determine that any one or more of the types comprising a kind of tobacco should be treated as a separate kind of tobacco under subsection 301(b)(15) of the Act.

6. Whether the Secretary should take any action under section 313(1) of the Act.

7. Whether the Secretary should offer acreage-poundage quotas on Virginia sun-cured tobacco, cigar-binder (Types 51 and 52), or cigar-filler and binder (Types 42, 43, 44, 53, 54, and 55) tobacco for 1967.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations, rules, and regulations covered by this notice which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to the notice will be made available for public inspection at such times and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must be postmarked not later than 60 days from the date of filing of this notice with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 26, 1966.

H. D. GODFREY,  
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11892; Filed, Nov. 1, 1966; 8:45 a.m.]

## Consumer and Marketing Service

### [ 7 CFR Part 987 ]

## DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

### Minimum Standards of Quality and Additional Grade and Size Regulations

Notice is hereby given of proposals, based on the recommendations and information supplied by the Date Administrative Committee, to amend Subpart—Additional Grade and Size Regulations by adding a new section, § 987.202, and by revising §§ 987.203 and 987.204. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The increasing reliance on mechanical harvesting and bulk handling of Deglet Noor dates has resulted in more dates being damaged by broken skin, by mashing, and by mechanical injury. These defects adversely affect the salability of whole or pitted dates, but may not affect their eating quality when used in products where the dates are chopped, macerated or otherwise changed in form. As proposed, these defects when they do not affect eating quality would not be considered in determining the defect factor for restricted Deglet Noor dates (i.e., dates to be withheld from handling) to be used for products. This proposal would be accomplished by prescribing other minimum standards of quality pursuant to § 987.39, and revising the additional grade regulations in § 987.203. Restricted dates to be exported to countries other than Mexico are now required, as provided in § 987.155(a), to meet the grade requirements for free dates, and these requirements would not be changed.

The revision of paragraph (a) of § 987.204 *Additional size regulations* is proposed because weather conditions have reduced the average size (weight) of 1966 crop Deglet Noor dates in parts of the production area. The proposal would allow additional dates to meet the requirements for restricted Deglet Noor dates for use in products and certain exports, and would provide equitable opportunity for affected producers to dispose of their dates in the prescribed outlets.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should

file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 8, 1966. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

1. Add a new section, § 987.202, to read:

### § 987.202 Other minimum standards prescribed.

As provided in § 987.39, the following minimum standards of quality for the handling of whole dates and pitted dates under this part are prescribed in lieu of the requirements established in the first sentence of said section:

(a) All whole dates and pitted dates handled under this part shall meet the requirements of U.S. Grade C or, if for further processing, U.S. Grade C (Dry), of the effective U.S. Standards for Grades of Dates, except dates damaged by mashing and damaged by mechanical injury (not affecting eating quality) shall not be considered when determining the defect factor.

2. Revise § 987.203 to read:

### § 987.203 Additional grade regulations.

(a) *Dates handled as whole or pitted dates.* Dates handled under this part as whole or pitted dates shall meet the requirements of U.S. Grade C or, if for further processing, U.S. Grade C (Dry) of the U.S. Standards for Grades of Dates (§§ 52.1001 to 52.1011 of this title), as from time to time amended or modified and in effect at the time of such handling: *Provided*, That Deglet Noor dates shall score not less than 24 points for the factor of absence of defects (including broken skins) and not less than 31 points for the factor of character.

(b) *Dates withheld to meet restricted obligations.* Subject to any requirements prescribed pursuant to § 987.55, dates to be withheld from handling pursuant to § 987.45 shall meet the requirements of U.S. Grade C or U.S. Grade C (Dry), whichever is applicable, of the U.S. Standards for Grades of Dates, as aforesaid: *Provided*, That Deglet Noor dates shall (1) score not less than 24 points for the factor of absence of defects (including broken skin), and (2) score not less than 29 points for the factor of character: *And provided further*, That, for Deglet Noor dates to be certified as "marketable for products", dates damaged by broken skin, by mashing, and by mechanical injury (not affecting eating quality) shall not be considered when determining the defect factor.

3. Modify paragraph (a) of § 987.204 to read:

### § 987.204 Additional size regulations.

(a) *Whole dates*—(1) *Free dates.* Whole dates of the Deglet Noor variety shall not be handled as free dates unless the individual dates in the repre-



sentative samples of the lot weigh not less than 6.5 grams if dry or natural whole dates, or not less than 6.9 grams if hydrated whole dates, except not more than 10 percent, by weight, of the dates in the samples of the lot may consist of individual dates that weigh less than the applicable specified weight.

(2) *Dates withheld to meet restricted obligation.* Subject to any requirements prescribed pursuant to § 987.55, Deglet Noor dates shall not be eligible to be withheld from handling (as marketable dates) to meet restricted obligation pursuant to § 987.45, unless the individual dates in the representative samples of the lot weigh not less than 6.5 grams if dry or natural dates, or not less than 6.9 grams if hydrated dates, except that not more than 25 percent, by weight, of the dates in the samples of the lot may be below the specified weights but not more than 5 percent, by weight, of the individual dates in the samples of the lot may weigh less than 6.0 grams if dry or natural dates, or less than 6.4 grams if hydrated dates.

\* \* \* \* \*

Dated: October 28, 1966.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11896; Filed, Nov. 1, 1966; 8:45 a.m.]

## [ 9 CFR Parts 309, 314 ]

### MEAT INSPECTION

#### Ante-Mortem Inspection and Tanking and Denaturing Condemned Carcasses and Parts

Notice is hereby given, in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U.S.C. 71-91, 96), it is proposed to amend §§ 309.3, 314.1, and 314.4 of the Meat Inspection Regulations (9 CFR 309.3, 314.1 and 314.4) in the following respects:

1. In § 309.3, the heading and paragraph (b) would be amended to read, respectively:

§ 309.3 Marking as "U.S. Condemned" animals found diseased, dead or in a dying condition.

\* \* \* \* \*

(b) Animals found to be dead or in a dying condition on the premises of an official establishment shall be marked "U.S. Condemned" and disposed of in accordance with §§ 309.16 and 314.1, or 314.4 of this chapter.

\* \* \* \* \*

§ 314.1 [Amended]

2. In § 314.1, the heading would be changed to read: "§ 314.1 *Disposition of condemned carcasses or products at official establishments having tanking facilities; sealing of tanks*"; a comma and the phrase "except as provided in paragraph (c)," would be inserted after the word "shall" in the introductory portion

of paragraph (a); and a new paragraph (c) would be added to read as follows:

(c) Carcasses of animals condemned under § 309.3 of this chapter may be disposed of as provided in § 314.4, in lieu of tanking, with the approval of the inspector.

3. In § 314.4, the section heading and paragraph (a) would be amended to read, respectively:

§ 314.4 *Disposition of condemned carcasses or products at official establishments having no tanking facilities.*

(a) Any carcass or product condemned at an official establishment which has no facilities for tanking shall be denatured with crude carbolic acid, cresylic disinfectant, or other prescribed agent, or be destroyed by incineration, under the supervision of an inspector. When such carcass or product is to be denatured, it shall be freely slashed before the denaturing agent is applied, except that, in the case of dead animals that have not been dressed, the denaturant may be applied by injection. The denaturant must be deposited in all portions of the carcass or product to the extent necessary to preclude its use for food purposes.

\* \* \* \* \*

*Statement of considerations.* Maintaining a clean, safe, and wholesome meat supply remains a prime function of the consumer protection services of the Department of Agriculture. The positive control of dead as well as dying animals at official establishments is necessary to prevent their possible use as human food.

The present regulations are only applicable to animals and carcasses that have received ante-mortem inspection and do not apply to animals that are dead upon arrival or that may die on the premises prior to ante-mortem inspection.

These amendments would provide for positive control over all dead or dying animals on the official premises until they are adequately disposed of in other than human food channels. The injection of an approved denaturing agent into carcasses that have not been dressed or the application of a denaturant to freely slashed carcasses will meet the objectives of this requirement for dead animals that are to be removed from official premises.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so, by filing them with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 26th day of October 1966.

R. K. SOMERS,  
Deputy Administrator,  
Consumer Protection.

[F.R. Doc. 66-11895; Filed, Nov. 1, 1966; 8:45 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 39 ]

[Docket No. 1941]

### AIRWORTHINESS DIRECTIVES

#### Douglas Model DC-8 Series Airplanes

Amendment 665 (29 F.R. 13), AD 63-27-1, as amended by Amendments 720 (29 F.R. 5542) and 793 (29 F.R. 11590), requires inspection of the bogie beam assembly and repair or replacement of any found defective on Douglas Model DC-8 Series airplanes. Subsequent to the issuance of Amendment 793, the Agency has determined that the bogie beam assembly numbers indicated in the AD should be the same numbers listed in the manufacturer's service bulletin, rather than the subassembly numbers presently listed in the AD; that the boot installed in accordance with Kit "D" has occasionally come loose, thereby permitting moisture to enter the keyway area, causing the failure of certain parts; that Kit "E" may be utilized as an alternative to Kit "A" as a final modification, provided that adequate attention is later given to the keyway areas; and that the AD references to the Douglas Service Bulletins covering the same subject should include later FAA-approved revisions.

Therefore, it is proposed to supersede AD 63-27-1, as amended, with a new AD that substitutes the bogie beam assembly numbers listed in the manufacturer's service bulletin for the subassembly numbers presently listed, that requires periodic inspection of the bogie beams reworked in accordance with rework Kit "D" of the service bulletin, that permits the incorporation of Kit "E" as an alternative to Kits "A" and "D", that requires an inspection of the forward bogie beams at each major gear overhaul if either Kit "A" or "E" has been incorporated as a final modification, and that revises the references to the service bulletins to include later FAA-approved revisions.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20553. All communications received on or before December 1, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This Amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by add-



ing the following new airworthiness directive:

DOUGLAS. Applies to Model DC-8 Series airplanes.

Compliance required as indicated.

There have been several failures of the main landing gear forward bogie beam swivel pin lower lugs due to cracking as a result of corrosion. To preclude further failures of this nature, accomplish the following on both left and right forward bogie beam assemblies, P/N's 5716469-1, -2, -501 through -504, 5760635-1, -2, -501 through -506, and 5760630-1, -2, -501, and -502.

(a) For bogie beam assemblies which do not incorporate the rework outlined in paragraph 2, "Accomplishment Instructions" Kit "A", Kit "D", or Kit "E" of DC-8 Service Bulletin No. 32-79, dated July 11, 1962, or later FAA-approved revision or FAA-approved equivalent, within the next 500 hours' time in service after January 31, 1964, on forward bogie beam assemblies having more than 1,000 hours' time in service on January 31, 1964, and before the accumulation of 1,500 hours' time in service for bogie beam assemblies having less than 1,000 hours' time in service on January 31, 1964, and thereafter at intervals not to exceed 1,000 hours' time in service from the last inspection, accomplish the inspection outlined in subparagraph (a) (1) and rework as necessary in accordance with subparagraph (a) (2).

(1) Visually inspect forward bogie beam swivel joint lugs and swivel bolt, P N 5719288, with swivel bolt removed, for cracks and corrosion, using a glass of at least 10 power.

(i) Replace cracked parts with undamaged parts before further flight.

(ii) If no corrosion or cracks are found, reassemble the bogie beam and grease the swivel joint in accordance with paragraph 2C(5) of DC-8 Service Bulletin No. 32-64 or later FAA-approved revision before further flight.

(iii) If corrosion is found, comply with subparagraph (a) (2) before further flight.

(2) Determine the depth of corrosion in accordance with paragraph 2C(6) of DC-8 Service Bulletin No. 32-64 or later FAA-approved revision.

(i) If corrosion in the affected areas can be removed within the tolerance limits specified in paragraph 2C(6) of DC-8 Service Bulletin No. 32-64 or later FAA-approved revision and the maximum diametral clearance after removal of the corrosion does not exceed 0.010 inch between the bogie beam swivel bolt and the lug, inspect and rework in accordance with paragraph 2C(7) of Service Bulletin No. 32-64 or later FAA-approved revision or FAA-approved equivalent, before further flight, or comply with paragraph (b). If maximum metal removal exceeds the limits specified in paragraphs 2C(6) or 2C(7) of Service Bulletin No. 32-64 or later FAA-approved revision, replace the bogie beam with an undamaged part before further flight, or rework to FAA-approved equivalent rework limits.

(ii) If corrosion in the affected areas can be removed within the tolerance limits specified in paragraph 2C(6) of DC-8 Service Bulletin No. 32-64 or later FAA-approved revision, and the maximum diametral clearance after removal of the corrosion exceeds 0.10 inch between the bogie beam swivel bolt and lug, inspect and accomplish the interim rework in accordance with paragraph 2C(8) of Service Bulletin No. 32-64 or later FAA-approved revision, or the final rework specified in paragraph (c) or (d), as applicable, or an FAA-approved equivalent before further flight.

(iii) Bogie beam assemblies on which the interim rework outlined in paragraph 2C(8) of DC-8 Service Bulletin No. 32-64 or later FAA-approved revision, is incorporated on or after January 31, 1964, may be continued in

service without further rework for a period not to exceed 1,500 hours' time in service from the time the interim rework is accomplished. However, the inspection and final rework specified in paragraph (c) or (d), as applicable, must be accomplished before the accumulation of that 1,500 hours' time in service.

(iv) Bogie beam assemblies on which the interim rework outlined in paragraph 2C(8) of DC-8 Service Bulletin No. 32-64 or later FAA-approved revision was incorporated before January 31, 1964, may be continued in service without further rework for a period not to exceed 1,500 hours' time in service after January 31, 1964. However, the inspection and final rework specified in paragraph (c) or (d), as applicable, must be accomplished before the accumulation of that 1,500 hours' time in service.

(v) The 1,000-hour periodic inspection specified in paragraph (a) is not required for bogie beams incorporating the interim rework outlined in paragraph 2C(8) of DC-8 Service Bulletin No. 32-64 or later FAA-approved revision.

Note: During the inspection specified in subparagraph (a) (1), particular attention should be given to the swivel bolt keyways of both the lower lug and the swivel bolt.

(b) If corrosion in the affected areas can be removed within the tolerance limits specified in subdivision (a) (2) (i), and subdivision (a) (2) (i) has not been complied with, inspect and rework in accordance with paragraph 2D of DC-8 Service Bulletin No. 32-64 or later FAA-approved revision before further flight, and reinspect and rework as necessary at intervals not to exceed 700 hours' time in service from the last inspection. If maximum metal removal exceeds the limits specified in paragraphs 2C(6) or 2C(7) of Service Bulletin No. 32-64 or later FAA-approved revision, replace the bogie beam with an undamaged part before further flight, or rework to FAA-approved equivalent rework limits.

(c) For bogie beams that have been reworked in accordance with Kit "D" of Douglas DC-8 Service Bulletin No. 32-79 dated July 11, 1962 or later FAA-approved revision or an FAA-approved equivalent, within the next 1,000 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 3,000 hours' time in service from the last inspection, remove the protective boot and reinspect and repair as necessary in accordance with subparagraph (a) (1).

(d) For bogie beams that have been reworked in accordance with Kit "A" or Kit "E" of Douglas Service Bulletin No. 32-79 or later FAA-approved revision or an FAA-approved equivalent, reinspect and repair as necessary in accordance with subparagraph (a) (1) at each major gear overhaul.

(e) Lubricate bogie beam swivel joint in accordance with paragraph 2C(5) (c) of DC-8 Service Bulletin No. 32-64 or later FAA-approved revision after the initial inspection or rework, if applicable, in accordance with paragraph (a) or (b), and thereafter at intervals not to exceed 75 hours' time in service from the last lubrication.

(f) Lubricate bogie beam swivel joint of beams that incorporate Kit "A" or "E" in accordance with paragraph 2A(6) of DC-8 Service Bulletin No. 32-79 or later FAA-approved revision after rework in accordance with paragraph (c) or (d), as applicable, and thereafter at intervals not to exceed 75 hours' time in service from the last lubrication.

(g) Lubricate bogie beam swivel joint of beams that incorporate Kit "D" in accordance with Figure 2, Item (20) of DC-8 Service Bulletin No. 32-79 or later FAA-approved revision after rework in accordance with paragraph (c) or (d), as applicable, and thereafter at intervals not to exceed 75 hours' time in service from the last lubrication.

(h) Upon request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals and lubrication intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This supersedes Amendment 665 (29 F.R. 13), AD 63-27-1, as amended by Amendments 720 (29 F.R. 5542) and 793 (29 F.R. 11590).

Issued in Washington, D.C., on October 26, 1966.

C. W. WALKER,

Director, Flight Standards Service.

[F.R. Doc. 66-11918; Filed, Nov. 1, 1966; 8:47 a.m.]

## [ 14 CFR Part 39 ]

[Docket No. 7032]

### AIRWORTHINESS DIRECTIVES

#### Boeing Model 720 and 720B Series Airplanes

Amendment 39-176 (31 F.R. 82), AD 66-1-1, requires inspection and repair as necessary of the wing upper surface skin on Boeing Model 720 and 720B Series airplanes. After issuing Amendment 39-176, the Agency determined that certain airplanes repaired in accordance with Revision 2 of the manufacturer's Service Bulletin cannot be inspected in accordance with the provisions of the AD and that some repetitive inspection intervals specified in the AD may be increased under certain conditions. Therefore, the Agency is considering superseding Amendment 39-176 with a new AD that requires a different inspection for airplanes repaired in accordance with Revision 3 or earlier revision of the manufacturer's Service Bulletin, and specifies conditions under which certain repetitive inspection intervals may be increased.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before December 1, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by add-



ing the following new airworthiness directive:

**BOEING.** Applies to Model 720 and 720B Series airplanes.

Compliance required as indicated.

To detect cracking in the wing upper surface skin and stringers, accomplish the following:

(a) For airplanes with less than 10,000 hours' time in service on January 5, 1966, comply with paragraph (c) before the accumulation of 10,300 hours' time in service, unless accomplished after the accumulation of 9,700 hours' time in service, and, except as provided in paragraph (k), thereafter at intervals not to exceed 600 hours' time in service from the last inspection.

(b) For airplanes with 10,000 or more hours' time in service on January 5, 1966, comply with paragraph (c) within the next 300 hours' time in service after January 5, 1966, unless accomplished within the last 300 hours' time in service before January 6, 1966, and, except as provided in paragraph (k), thereafter at intervals not to exceed 600 hours' time in service from the last inspection.

(c) Inspect the wing upper surface skin and stringers for cracks in accordance with Paragraph 3 Part I, "Inspection Data" of Boeing Service Bulletin No. 2309, Revision 2, or later FAA-approved revision.

(d) For airplanes repaired in accordance with Boeing Service Bulletin No. 2309, Revision 3, or earlier revision, before the effective date of this AD, visually inspect stringers 1 through 12, 15, and 16 in accordance with Boeing Service Bulletin No. 2309, Revision 4, Paragraph 3, Part Ie within the next 1,200 hours' time in service after the effective date of this AD, unless already accomplished.

(e) If a crack is found during an inspection conducted in accordance with paragraph (c) or (d), before further flight, accomplish an X-ray inspection of the area from stringer No. 17 to the rear spar on both wings in accordance with "Process Data", Boeing Service Bulletin No. 2309, Revision 2, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(f) For airplanes with less than 7,000 hours' time in service on January 5, 1966, comply with paragraph (h) before the accumulation of 8,800 hours' time in service unless accomplished after the accumulation of 6,800 hours' time in service, and, except as provided in paragraph (k), thereafter at intervals not to exceed 2,000 hours' time in service from the last inspection.

(g) For airplanes with 7,000 or more hours' time in service on January 5, 1966, comply with paragraph (h) within the next 1,800 hours' time in service after January 5, 1966, unless accomplished within the last 200 hours' time in service before January 6, 1966, and, except as provided in paragraph (k), thereafter at intervals not to exceed 2,000 hours' time in service from the last inspection.

(h) Accomplish an X-ray inspection of all concealed areas on each wing in accordance with "Process Data", Boeing Service Bulletin No. 2309, Revision 2, or later FAA-approved revision, or by an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(i) If a crack is found during an inspection conducted in accordance with paragraph (c), (d), (e), or (h), before further flight, repair the crack in accordance with Paragraph 3, Part II, "Interim Repair Data", or Part III, "Permanent Repair Data", Boeing Service Bulletin No. 2309, Revision 2, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, except as

provided in paragraphs (j) and (k), reinspect any crack repaired in accordance with Part II, "Interim Repair Data" as follows:

(1) At intervals not to exceed 35 hours' time in service from the last inspection if the repaired crack is visible.

(2) At intervals not to exceed 35 hours' time in service from the last inspection if X-ray inspection is required and the crack is in excess of 1.25 inches in length.

(3) At intervals not to exceed 150 hours' time in service from the last inspection if X-ray inspection is required and the crack does not exceed 1.25 inches in length.

(j) If cracks are present around fastener heads only, and are completely removed by repair in accordance with Part II, "Interim Repair Data", the repetitive inspection intervals specified in subparagraphs (i) (1), (2), and (3) may be extended to 600 hours' time in service from the last inspection.

(k) After repair or modification in accordance with Part III "Permanent Repair Data", Boeing Service Bulletin No. 2309, Revision 2, or later FAA-approved revision or Part IV "Preventive Modification Data for Stringers", Boeing Service Bulletin No. 2309, Revision 4, or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, the repetitive inspections of repaired or modified areas required by this AD may be discontinued.

(l) Upon request of an operator, an FAA maintenance inspector with prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This supersedes Amendment 39-176 (31 F.R. 82), AD 66-1-1.

Issued in Washington, D.C., on October 26, 1966.

C. W. WALKER,

Director, Flight Standards Service.

[F.R. Doc. 66-11919; Filed, Nov. 1, 1966; 8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 18 ]

[Docket No. 11467]

### RADIO FREQUENCY STABILIZED ARC WELDERS

#### Further Extension of Time for Filing Comments

The Commission has before it for consideration a request from the Aerospace and Flight Test Radio Coordinating Council (AFTRCC) to extend the time for filing comments in the above proceeding from November 1, 1966, to December 1, 1966.

The petition alleges that the members of AFTRCC use a large amount of portable arc welding equipment in the manufacture of aircraft, space vehicles, and components thereof; that AFTRCC has undertaken a study and evaluation of the possible impact of the proposed rules on the aerospace manufacturing industry; and that it would be extremely difficult for AFTRCC to complete this

work in time for submission by November 1, 1966.

The comments of AFTRCC should be of interest to the Commission in this proceeding and, accordingly, it appears that the public interest will be served by granting the additional time requested;

It is ordered, This 27th day of October 1966, pursuant to § 0.251(b) of the Commission's rules, that the time for filing comments in this proceeding is further extended to December 1, 1966, and the time for filing reply comments is further extended to December 15, 1966.

Released: October 27, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-11943; Filed, Nov. 1, 1966; 8:50 a.m.]

### [ 47 CFR Part 73 ]

[Docket No. 16946; FCC 66-936]

### TABLE OF ASSIGNMENTS, UHF TELEVISION BROADCAST CHANNELS

#### Proposed Change in Educational Reservation; Knoxville, Tenn.

In the matter of a petition for amendment of the Table of Assignments for UHF Television Broadcast Channels in § 73.606 of the Commission's rules and regulations to change the educational reservation in Knoxville, Tenn., from Channel 43 to Channel 15, Docket No. 16946, RM-975.

1. On June 6, 1966, South Central Broadcasting Corp. (WTVK), licensee of WTVK, Channel 26, Knoxville, Tenn., filed a petition for rule making to amend the Table of Assignments in § 73.606 of the Commission's rules to change the educational reservation in Knoxville from Channel 43 to Channel 15.

2. WTVK reviews the history of TV channels assignments in Knoxville, noting that in the sixth report and order in 1952, UHF Channels 20 and 26 were assigned to Knoxville, with Channel 20 reserved for educational use. WTVK then chose the lowest available commercial UHF channel in Knoxville. The fourth report and order, adopted in June, 1965, and the corrected assignment plan adopted in the fifth report and order in Docket No. 14229, assigned commercial UHF channels lower than Channel 26. At the time it was planning expansion of its facilities, WTVK considered applying for the lower channel. However, there was a pending application by Olympic Broadcasting Co. for Channel 15<sup>1</sup> and rather than go into a comparative hearing which would delay its planned improvements, it decided to push ahead with its plans for Channel 26. WTVK has operated on Channel 26 since October 1953.

<sup>1</sup> Olympic filed an opposition to the rule making proposal of WTVK, but has since withdrawn its application. We have nevertheless considered the arguments advanced in its opposition.



3. WTVK recognizes that there are slight, if any, technical differences between Channels 15 and 26. Nonetheless, it believes that advertisers and the national networks have in the past attributed an advantage to the lower numbered UHF channels and WTVK is increasingly concerned that the inauguration of new TV service in Knoxville on Channel 15 may impair the competitive position it has struggled to establish. WTVK points out that it could apply for Channel 15 and continue to operate on Channel 26 but to do so would require a comparative hearing and a consequent delay in the inauguration of a fourth television service to Knoxville and it does not wish to deprive the public of such additional service.

4. The Tennessee State Department of Education filed a letter dated July 26, 1966, supporting WTVK's petition insofar as it proposes to reserve Channel 15 instead of Channel 43 for educational use in Knoxville. Its support is based upon the positions on the tuning dial. If two commercial stations were authorized on Channels 15 and 26, the public might not bother to tune up to Channel 43 for an educational station. On the other hand, the position of Channel 15 would be located "between the two VHF and two UHF stations" in Knoxville, and the educational station would be assured of a greater opportunity to attract a large audience.

5. The Commission is aware of the manifest preference for the lower UHF channels in spite of absence of signifi-

cant technical differences. We believe that this attitude is unrealistic and should not be encouraged. Neither the VHF nor the UHF assignment plans permit TV stations to serve out to their maximum technical capability. In order to provide the needed number of assignments in the limited spectrum available for television broadcasting it is necessary to allow interference between stations. Thus, where the service range is limited by interference, the relatively slight difference in propagation characteristics is inconsequential. While we understand WTVK's position, we do not believe we can base a channel change solely upon its equities. However, in view of the comments of the Tennessee State Department of Education and the history of the reservation of a UHF channel for educational use in Knoxville, we believe that the institution of rule making to reserve Channel 15 is warranted. As pointed out in paragraph 2, *supra*, the lower of the two UHF channels first assigned to Knoxville was reserved for educational use for approximately 14 years. The Department now is requesting that the educational reservation be moved back to a position lower than the two commercial UHF channels presently assigned to Knoxville, and between the UHF and VHF assignments. We believe that there is merit in the Department's comments.

6. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in

§73.606(b) of the Commission's rules insofar as the city listed below is concerned, to read as follows:

<i>City</i>	<i>Channels</i>
Knoxville, Tenn.—	6, 10+, *15, 26—, 43

Note: Offsets for Channels 15 and 43 will be supplied in a further Order.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before December 5, 1966, and reply comments on or before December 15, 1966. All submissions by parties to this proceeding, or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: October 20, 1966.

Released: October 28, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-11944; Filed, Nov. 1, 1966,  
8:50 a.m.]

<sup>1</sup> Commissioners Hyde and Bartley dissenting; Commissioner Loevinger absent; Commissioner Wadsworth concurring in the result.

# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

#### VESSEL OWNERS

##### Identification

There is published below a Bureau of Customs Circular (VES-4-ICS) relating to the necessary revision of customs Forms 1258 and 1259 in order to permit proper identification of vessel owners and to facilitate converting "Merchant Vessels of the United States" to automatic data processing.

Dated: October 20, 1966.

[SEAL] LESTER D. JOHNSON,  
Commissioner of Customs.

TREASURY DEPARTMENT

BUREAU OF CUSTOMS

WASHINGTON

Circular: VES-4-ICS  
Date: October 20, 1966.

Subject: VESSELS; Requirement for vessel owner to provide Internal Revenue Service Employer Number or Social Security Number, and Zip Code.

References: Sections 3.18, 3.21, 3.30, and 3.31, Customs Regulations, and section 3.18, Customs Manual

1. *Purpose.* To advise that the Bureau will request vessel owners to furnish their Zip Code and Internal Revenue Service employer number or social security number. To advise that customs Forms 1258 and 1259 will be revised. To require marine documents to show the owner's Internal Revenue Service employer number or social security number.

2. *Background.* In the past, it has been difficult, in some instances, in compiling the Bureau's list of vessel owners, to determine whether or not an owner is a new one or is already one of record. To eliminate this problem and to facilitate converting Merchant Vessels of the United States to automatic data processing, the Internal Revenue Service employer number or social security number will be used as a more accurate means of identification. Consequently, customs Forms 1258 and 1259 will be revised to provide for such identification which will then be shown on vessel marine documents. In addition, the Bureau will mail customs Form 1283 to all owners of record. This form will request the Zip Code, Internal Revenue Service employer number or social security number, and confirmation of address and vessels owned.

3. *Action.* Pending revision, customs Form 1258 shall be amended by inserting "Zip Code, and Internal Revenue Employer No. or Social Security No." following "Name and Address of Owner." Customs Form 1259 shall be amended by inserting "and Internal Revenue Service Employer No." after "Full Corporate Name of Corporation" and "Zip Code" following "Business Address of Corporation."

Since customs Form 1259 is used by corporations only, the Internal Revenue Service employer number shall always be shown on that form.

<sup>1</sup> Filed as part of the original document.

The number to be used when completing customs Form 1258 shall be (1) the Internal Revenue Service employer number, or (2) if no Internal Revenue Service employer number has been assigned, the social security number. Except when the oath is executed by an agent, if a social security number is used, it should be the number of the person executing the oath. For joint ownerships, the social security number given should be that of the managing owner, if one has been designated, or of one of the owners.

Any marine document hereafter issued to a vessel for which a customs Form 1258 or 1259 has been executed shall show the owner's Internal Revenue Service employer number or social security number and shall include the Zip Code as part of the address. If there is a firm name, the owner's number shall be in parenthesis immediately after that name. If there is no firm name, the number shall be shown immediately after the name of the person taking the oath. When the oath is taken by an agent, the number shall be shown immediately after the owner's name. Since the position of the hyphens indicates the type of number, the hyphens must always be shown.

4. *Public notice.* The information above should be made available to interested parties.

This circular will be published in the FEDERAL REGISTER.

File: ICS 211.1 C.

Attachment.

LESTER D. JOHNSON,  
Commissioner of Customs.

[F.R. Doc. 66-11910; Filed, Nov. 1, 1966;  
8:52 a.m.]

### Office of the Secretary

[Dept. Circular; Public Debt Series—  
No. 7-66]

### 5% PERCENT TREASURY NOTES OF SERIES A-1968

#### Offering of Notes

OCTOBER 28, 1966.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers \$2,500 million, or thereabouts, of notes of the United States, designated 5% percent Treasury Notes of Series A-1968, at par and accrued interest. The following securities, maturing November 15, 1966, will be accepted at par in payment or exchange, in whole or in part, to the extent subscriptions are allotted by the Treasury:

3% percent Treasury Bonds of 1966;  
4 percent Treasury Notes of Series E-1966; or  
4% percent Treasury Certificates of Indebtedness of Series A-1966.

The books will be open only on November 1, 1966, for the receipt of subscriptions.

II. *Description of notes.* 1. The notes will be dated November 15, 1966, and will bear interest from that date at the rate of 5% percent per annum, payable on a semiannual basis on February 15, and August 15, 1967, and February 15, 1968.

They will mature February 15, 1968, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, \$1 million, \$100 million, and \$500 million. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital (not including capital notes or debentures), surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from banking institutions for their own account, Federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Federal



Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by payment (in cash or in securities of the three issues enumerated in paragraph 1 of section I hereof, which will be accepted at par) of 2 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Registered securities submitted as deposits should be assigned as provided in section V hereof. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after midnight November 1, 1966.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, subscriptions will be allotted:

(1) In full if the subscription is for a State, political subdivision or instrumentality thereof, public pension and retirement and other public fund, international organization in which the United States holds membership, foreign central bank and foreign State, Federal Reserve Bank, or Government Investment Account and such subscriber certifies in writing that at 4 p.m., e.d.s.t., October 27, 1966, it owned or had contracted to purchase for value securities of the three issues enumerated in paragraph 1 of section I hereof, in an aggregate amount equal to or greater than the amount of such subscription (any such subscriber may enter an additional subscription subject to a percentage allotment); and

(2) On a percentage basis, to be publicly announced.

Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before November 15, 1966, or on later allotment. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not

furnished. In every case where full payment is not completed, the payment with application up to 2 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any notes allotted hereunder in cash or by exchange of securities of the three issues enumerated in paragraph 1 of section I hereof, which will be accepted at par. When payment is made with securities in bearer form, coupons dated November 15, 1966, should be detached and cashed when due. When payment is made with registered securities, the final interest due on November 15, 1966, will be paid by issue of interest checks in regular course to holders of record on October 14, 1966, the date the transfer books closed.

#### V. *Assignment of registered securities.*

1. Treasury securities in registered form tendered as deposits and in payment for notes allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department, in one of the forms hereafter set forth. Securities tendered in payment should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing securities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for 5½ percent Treasury Notes of Series A-1968"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 5½ percent Treasury Notes of Series A-1968 in the name of -----"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 5½ percent Treasury Notes of Series A-1968 in coupon form to be delivered to -----".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL]

HENRY H. FOWLER,  
Secretary of the Treasury.

[F.R. Doc. 66-11946; Filed, Nov. 1, 1966;  
8:50 a.m.]

[Dept. Circular; Public Debt Series—No. 8-66]

## 5% PERCENT TREASURY NOTES OF SERIES B-1971

### Offering of Notes

OCTOBER 28, 1966.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers \$1,600 million, or thereabouts, of notes of the United States, designated 5½ percent Treasury Notes of Series B-1971, at par and accrued interest. The following securities, maturing November 15, 1966, will be accepted at par in payment or exchange, in whole or in part, to the extent subscriptions are allotted by the Treasury:

3½ percent Treasury Bonds of 1966;  
4 percent Treasury Notes of Series E-1966; or  
4¾ percent Treasury Certificates of Indebtedness of Series A-1966.

The books will be open only on November 1, 1966, for the receipt of subscriptions.

II. *Description of notes.* 1. The notes will be dated November 15, 1966, and will bear interest from that date at the rate of 5½ percent per annum, payable semi-annually on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1971, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, \$1 million, \$100 million, and \$500 million. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulation prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed governing U.S. notes.

III. *Subscription and allotment.* Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are de-



defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital (not including capital notes or debentures), surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from banking institutions for their own account, Federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Federal Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by payment (in cash or in securities of the three issues enumerated in paragraph 1 of section I hereof, which will be accepted at par) of 2 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Registered securities submitted as deposits should be assigned as provided in section V hereof. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after midnight November 1, 1966.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, subscriptions will be allotted:

(1) In full if the subscription is for a State, political subdivision or instrumentality thereof, public pension and retirement and other public fund, international organization in which the United States holds membership, foreign central bank and foreign State, Federal Reserve Bank, or Government Investment Account and such subscriber certi-

fies in writing that at 4 p.m., e.d.s.t., October 27, 1966, it owned or had contracted to purchase for value securities of the three issues enumerated in paragraph 1 of section I hereof, in an aggregate amount equal to or greater than the amount of such subscription (any such subscriber may enter an additional subscription subject to a percentage allotment); and

(2) On a percentage basis, to be publicly announced.

Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before November 15, 1966, or on later allotment. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with application up to 2 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any notes allotted hereunder in cash or by exchange of securities of the three issues enumerated in paragraph 1 of section I hereof, which will be accepted at par. When payment is made with securities in bearer form, coupons dated November 15, 1966, should be detached and cashed when due. When payment is made with registered securities, the final interest due on November 15, 1966, will be paid by issue of interest checks in regular course to holders of record on October 14, 1966, the date the transfer books closed.

#### V. *Assignment of registered securities.*

1. Treasury securities in registered form tendered as deposits and in payment for notes allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department, in one of the forms hereafter set forth. Securities tendered in payment should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing securities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for 5½ percent Treasury Notes of Series B-1971"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 5½ percent Treasury Notes of Series B-1971 in the name of \_\_\_\_\_"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 5½ percent Treasury Notes of Series B-1971 in coupon form to be delivered to \_\_\_\_\_".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL]

HENRY H. FOWLER,  
Secretary of the Treasury.

[F.R. Doc. 66-11947; Filed, Nov. 1, 1966; 8:50 a.m.]

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### STATEMENT OF ORGANIZATION

##### Field Service Suboffices

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, Dec. 8, 1954), as amended, are prescribed:

1. Subparagraph (1) *Interior locations* of paragraph (c) *Suboffices* of Section 1.51 *Field Service* is amended by deleting "Hammond, Ind."

2. The Class A list of ports of District No. 9—Chicago, Ill., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of Section 1.51 *Field Service* is amended by adding "Hammond, Ind.," in alphabetical sequence.

3. The list of airports of District No. 30—Helena, Mont., of subparagraph (3) *Ports of entry for aliens arriving by aircraft* of paragraph (c) *Suboffices* of Section 1.51 *Field Service* is amended by adding "Glasgow, Mont., Glasgow International Airport," in alphabetical sequence.

Dated: October 27, 1966.

RAYMOND F. FARRELL,

Commissioner of

Immigration and Naturalization.

[F.R. Doc. 66-11906; Filed, Nov. 1, 1966; 8:46 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### CALIFORNIA

#### Notice of Proposed Withdrawal and Reservation of Lands and Partial Elimination Thereof

##### Correction

In F.R. Doc. 66-11143, appearing at page 13248 of the issue for Thursday,



October 13, 1966, the following correction is made in the land description under T. 14 N., R. 9 E.: For Section 25, the comma should be deleted from the end of the second line. As corrected, the entry for Section 25 should read as follows:

Sec. 25, lots 3, 4, 5, and 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ , excluding any portion in unsegregated M.S. 5816.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration CHEMAGRO CORP.

#### Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0539) has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of tolerances for residues of the insecticide *O,O*-dimethyl S-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate in or on raw agricultural commodities, as follows:

5 parts per million in or on blueberries.  
2 parts per million in or on celery, cucumbers, melons (honeydew, muskmelon, cantaloup, watermelon, and other melons), onions (green).

0.5 part per million in or on peppers.  
0.1 part per million in or on beans (dry), cowpeas (southern peas, black-eyed peas, crowder peas), eggplant, oats, onion (dry), pecans, potatoes, soybeans, walnuts, wheat.

The analytical method proposed in the petition for determining residues of the insecticide is a colorimetric technique in which the method for the determination of the residues in crops is based on alkaline hydrolysis to anthranilic acid. The anthranilic acid is then determined colorimetrically by diazotization and coupling with *N*-(1-naphthyl) ethylenediamine dihydrochloride.

Dated: October 20, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 66-11950; Filed, Nov. 1, 1966;  
8:50 a.m.]

### CIBA PRODUCTS CO.

#### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B1415) has been filed by CIBA Products Co., Division of CIBA Corp., 556 Morris Avenue, Summit, N.J. 07901, proposing an amendment to § 121.2514 *Resinous and polymeric coatings* to provide for the safe use of dibutyl

phthalate, 4,4'-methylenedianiline, salicylic acid, and styrene oxide as components of hardening agents for epoxy resins used as food-contact coatings for containers intended for repeated use in contact with alcoholic beverages.

Dated: October 26, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 66-11951; Filed, Nov. 1, 1966;  
8:50 a.m.]

### DIAMOND ALKALI CO.

#### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7A2113) has been filed by Diamond Alkali Co., Union Commerce Building, Cleveland, Ohio 44115, proposing an amendment to § 121.1148 *Ion-exchange resins* to provide for the safe use in the purification of food of an ion-exchange resin consisting of cross-linked phenol-formaldehyde activated with ammonia.

Dated: October 26, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 66-11952; Filed, Nov. 1, 1966;  
8:50 a.m.]

### DIVERSEY CORP.

#### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7H2108) has been filed by the Diversey Corp., 212 West Monroe Street, Chicago, Ill. 60606, proposing an amendment to § 121.2547 *Sanitizing solutions* to provide for the safe use on food-processing equipment of a sanitizing solution consisting of elemental iodine, butoxy monoether of polyoxypropylene-polyoxyethylene glycol having a minimum average molecular weight of 2,400, polyethylene glycol (400) monolaurate, and certain components generally recognized as safe.

Dated: October 25, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 66-11953; Filed, Nov. 1, 1966;  
8:51 a.m.]

### E. I. DU PONT DE NEMOURS & CO.

#### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a peti-

tion (FAP 5B1747) has been filed by E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, proposing an amendment to § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* to provide for the safe use of diethanolamine salts of mono- and bis [1H,1H,2H,2H-perfluoroalkyl (C<sub>8</sub>-C<sub>18</sub>)] phosphates as a component of paper and paperboard used in contact with aqueous and fatty foods.

Dated: October 25, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 66-11954; Filed, Nov. 1, 1966;  
8:51 a.m.]

### HODAG CHEMICAL CORP.

#### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6A1992) has been filed by Hodag Chemical Corp., 7247 North Central Park Avenue, Skokie, Ill. 60077, proposing an amendment to § 121.1151 *Methyl glucoside-coconut oil ester* to provide for the safe use of methyl glucoside-coconut oil ester as a surfactant in molasses.

Dated: October 26, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 66-11955; Filed, Nov. 1, 1966;  
8:51 a.m.]

### HUMBLE OIL & REFINING CO.

#### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2083) has been filed by Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, proposing that the item "Petroleum alicyclic hydrocarbon resins \* \* \*" in the list of substances in paragraph (b)(2) of § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* be revised by changing the ultraviolet absorbance limits prescribed for the diene and olefins used in the production of the resins. It is proposed that such diene and olefins meet the ultraviolet absorbance limits prescribed in § 121.1166(b) when subjected to the analytical procedure described in § 121.1156(b). The proposed change in analytical procedure would permit correction for background interference.

Dated: October 25, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F. R. Doc. 66-11956; Filed, Nov. 1, 1966;  
8:51 a.m.]



**I. C. I. (ORGANICS) INC.****Notice of Filing of Petition for Food Additives**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6B2050) has been filed by I. C. I. (Organics) Inc., 55 Canal Street, Providence, R.I. 02901, proposing the issuance of a regulation to provide for the safe use of ethanolamine-modified polyethylene adipate (polyesteramide) as a reactant in the manufacture or preparation of polyurethane resins complying with § 121.2520 or § 121.2522 and used in accordance with the requirements of those sections.

Dated: October 26, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 66-11957; Filed, Nov. 1, 1966;  
8:51 a.m.]

**MORTON CHEMICAL CO.****Notice of Filing of Petition for Food Additive Basic Calcium Periodate**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Morton Chemical Co., a Division of Morton International, Inc., 110 North Wacker Drive, Chicago, Ill. 60606, proposing the issuance of a food additive regulation to provide for the safe use of basic calcium periodate as a source of iodine in salt blocks for animals and in animal feeds.

Dated: October 26, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 66-11958; Filed, Nov. 1, 1966;  
8:51 a.m.]

**PITTSBURGH PLATE GLASS CO.****Notice of Filing of Petition for Food Additives**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7B2101) has been filed by Pittsburgh Plate Glass Co., 1 Gateway Center, Pittsburgh, Pa. 15222, proposing an amendment to § 121.2585 4,4'-Isopropylidenediphenol-epichlorohydrin thermosetting epoxy resins to provide for the safe use of glycidyl esters of dimerized and trimerized fatty acids derived from linoleic acid as optional components of thermosetting epoxy resins used in contact with alcoholic beverages containing not more than 8 percent by volume of alcohol.

Dated: October 25, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 66-11959; Filed, Nov. 1, 1966;  
8:51 a.m.]

**WESTINGHOUSE ELECTRIC CORP.****Notice of Filing of Petition for Food Additives**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7M2099) has been filed by Westinghouse Electric Corp., 3 Gateway Center, Pittsburgh, Pa. 15230, proposing an amendment to § 121.3006 *Ultraviolet radiation for the processing and treatment of food* to provide for the safe use of (1) ultraviolet radiation from tubes emitting wavelengths between 1849-3000 Angstrom units, with permissible concentrations of ozone in surrounding air not to exceed 0.1 part per million by volume, on nonhigh-fat-content foods; (2) 100 watts of ultraviolet radiation per square foot for 60 seconds or less on nonhigh-fat-content foods; and (3) irradiation of potable water to depth of 5 centimeters or less.

Dated: October 26, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 66-11960; Filed, Nov. 1, 1966;  
8:51 a.m.]

**Office of Education****FINANCIAL ASSISTANCE FOR IMPROVEMENT OF UNDERGRADUATE INSTRUCTION****Promulgation of Allotment Ratios**

Allotments to States for financial assistance for the improvement of undergraduate instruction under Part A of Title VI of the Higher Education Act of 1965:

Pursuant to section 602 of the Higher Education Act of 1965, Public Law 89-329, 77 Stat. 1219, and on the basis of the average of the incomes per person of the States and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce, the following allotment ratios for the States are hereby promulgated, effective with respect to the allotment of such funds as may be appropriated for the fiscal year ending June 30, 1967:

Alabama	0.6667
Alaska	.4108
Arizona	.5524
Arkansas	.6667
California	.3921
Colorado	.4894
Connecticut	.3587
Delaware	.3333
Florida	.5604
Georgia	.6266
Hawaii	.4888
Idaho	.5967
Illinois	.4073
Indiana	.5043
Iowa	.5309
Kansas	.5372
Kentucky	.6402
Louisiana	.6380
Maine	.5888
Maryland	.4419
Massachusetts	.4240
Michigan	.4746

Minnesota	.5313
Mississippi	.6667
Missouri	.4939
Montana	.5457
Nebraska	.5309
Nevada	.3474
New Hampshire	.5364
New Jersey	.4096
New Mexico	.5967
New York	.3827
North Carolina	.6317
North Dakota	.5697
Ohio	.4854
Oklahoma	.5939
Oregon	.4951
Pennsylvania	.4965
Rhode Island	.5063
South Carolina	.6667
South Dakota	.5990
Tennessee	.6415
Texas	.5736
Utah	.5673
Vermont	.5813
Virginia	.5715
Washington	.4772
West Virginia	.6220
Wisconsin	.5146
Wyoming	.5026
District of Columbia	.3333
American Samoa	.6667
Guam	.6667
Puerto Rico	.6667
Virgin Islands	.6667

Dated: October 10, 1966.

[SEAL] HAROLD HOWE II,  
U.S. Commissioner of Education.

Approved: October 21, 1966.

WILBUR J. COHEN,  
Acting Secretary of Health,  
Education, and Welfare.

[F.R. Doc. 66-11961; Filed, Nov. 1, 1966;  
8:51 a.m.]

**CIVIL AERONAUTICS BOARD**

[Docket No. 17613]

**ALOHA AND HAWAIIAN SHOW CAUSE ORDER****Notice of Postponement of Prehearing Conference**

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on November 14 is postponed to November 21, 1966, 10 a.m., e.s.t., Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Associate Chief Examiner Thomas L. Wrenn.

Dated at Washington, D.C., October 27, 1966.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 66-11923; Filed, Nov. 1, 1966;  
8:48 a.m.]

[Order No. E-24338]

**GENERAL AIR FREIGHT, INC.****Operating Authorization; Order To Show Cause**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of October 1966.

General Air Freight, Inc. (General) holds Air Freight Forwarder Operating Authorization No. 23, issued June 12, 1956.



It appears that General has discontinued air freight forwarding activities and is now dormant. There are various indicators supporting this conclusion. For example, General's cargo and liability insurance was canceled, effective June 30, 1966, and has not been reinstated; General has not filed its periodic reports covering the 6-month period ended June 30, 1966; and it has been ascertained that General's office at its last known address has been closed and its telephone service discontinued. Finally, General was requested by letter dated August 24, 1966, to advise within 30 days whether it intends to continue air freight forwarding, and, in the event it has terminated air freight forwarder operations, to tender its operating authorization for revocation. No response to this letter has been received.

It is the Board's policy pursuant to § 296.49 of the Economic Regulations to revoke dormant air freight forwarder operating authorizations. Although General's discontinuance of operations does not fall precisely within the scope of § 296.49, the fact that General has ceased operations as an air freight forwarder and not maintained the required insurance protection indicates that its operating authorization is dormant. Thus, a continuation of General's present situation would be inconsistent with the Board's policy and the public interest. In view of these considerations, we tentatively find that General has discontinued its air freight forwarder activities and it is in the public interest to revoke General's air freight forwarder authorization.

Therefore, we shall direct General to show cause why the Board should not issue an order making final the above tentative findings and conclusions and revoke its Air Freight Forwarder Operating Authorization No. 23. All interested persons who desire to be heard in connection with this matter may file objections to the tentative findings and conclusions within 15 days of the date of this order.

*Accordingly, it is ordered:*

1. That General Air Freight, Inc., and any other interested persons be and they hereby are directed to show cause within 15 days of the date of this order why the Board should not make final the above tentative findings and conclusions and revoke General's Air Freight Forwarder Operating Authorization No. 23;<sup>1</sup>

2. That if no objections are filed, further procedural steps shall be deemed waived and the matter shall stand submitted to the Board for issuance of a final order;

3. That if timely objections are filed, further consideration will be accorded any matters or issues raised by the objections before further action is taken by the Board; and

<sup>1</sup> Since our action provides for the filing of objections, we will not entertain petitions for reconsideration.

4. That a copy of this order be served upon General and published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-11924; Filed, Nov. 1, 1966;  
8:48 a.m.]

[Docket No. 17615]

## HILO-MAINLAND TEMPORARY SERVICE INVESTIGATION

### Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on November 15 is postponed to November 22, 1966, 10 a.m. e.s.t., Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Associate Chief Examiner Thomas L. Wrenn.

The time for filing proposed statements of issues; proposed stipulations; requests for information; statement of positions of parties; and proposed procedural dates is extended from November 8, to November 15, 1966.

Dated at Washington, D.C., October 27, 1966.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 66-11925; Filed, Nov. 1, 1966;  
8:48 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16826, 16827; FCC 66M-1458]

### BRANCH ASSOCIATES, INC., AND ASCENSION PARISH BROADCAST- ING CO.

#### Order Regarding Procedural Dates

In re applications of Branch Associates, Inc., Houma, La., Docket No. 16826, File No. BP-16701; R. E. Hook, trading as Ascension Parish Broadcasting Co., Donaldsonville, La., Docket No. 16827, File No. BP-17035; for construction permits.

A prehearing conference having been held on October 27, 1966, it being agreed that hearing procedures should be established limited to Issue No. 4;

*It is ordered*, This 27th day of October, 1966, that:

1. Any evidence to be presented in exhibit form shall be exchanged on or before October 31, 1966;

2. Any party wishing any witness to be produced shall give notification thereof on or before November 3, 1966;

3. Hearing shall commence on November 7, 1966, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: October 28, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-11938; Filed, Nov. 1, 1966;  
8:49 a.m.]

[Docket No. 16928; FCC 66M-1460]

### CALIFORNIA WATER AND TELEPHONE CO.

#### Order Continuing Hearing

In the matter of California Water & Telephone Co., Docket No. 16928; Tariff FCC No. 1 and Tariff FCC No. 2 applicable to channel service for use by community antenna television systems.

As a result of agreements reached on the record of a prehearing conference held this date in the above-entitled matter: *It is ordered*, This 28th day of October 1966, that:

(1) A further prehearing conference will be convened at 10:30 a.m., November 15, 1966, in the Commission's offices in Washington, D.C., and

(2) The hearing now scheduled for November 17, 1966 is postponed to a date to be determined at the aforementioned further prehearing conference.

Released: October 28, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-11939; Filed, Nov. 1, 1966;  
8:49 a.m.]

[Docket Nos. 15668, 15708; FCC 66M-1454]

### CHICAGOLAND TV CO. AND CHI- CAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL

#### Order Scheduling Hearing

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill., Docket No. 15668, File No. BPCT-3116; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill., Docket No. 15708, File No. BPCT-3439; for construction permits for television broadcast station.

A hearing conference having been held on October 26, 1966; and,

It appearing, that certain of the agreements reached and rulings made should be summarized in a written order;

*It is ordered*, this 26th day of October 1966, that for the reasons and purposes stated on the record of the said conference:

1. Oral argument with respect to the production of witnesses shall be heard on November 22, 1966, at 9 a.m.; and,



2. Hearings shall be reconvened on November 28, 1966, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: October 27, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-11940; Filed, Nov. 1, 1966;  
8:49 a.m.]

[Docket No. 16663; FCC 66M-1459]

**LAMAR LIFE INSURANCE CO.**  
**Order Continuing Prehearing  
Conference**

In re application of Lamar Life Insurance Co., Docket No. 16663, File No. BRCT-326; for renewal of license of television station WLBT and auxiliary services, Jackson, Miss.

As United Church of Christ, et al., intervenors herein, presently have an interlocutory pleading pending before the U.S. Court of Appeals for the District of Columbia Circuit, it is deemed appropriate that the prehearing conference now scheduled for November 14, 1966, should be rescheduled;

Accordingly, it is ordered, This 28th day of October 1966, that the prehearing conference now scheduled for November 14, 1966, be and the same is hereby rescheduled for December 16, 1966, 10 a.m., in the Commission's offices, Washington, D.C.

Released: October 28, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-11941; Filed, Nov. 1, 1966;  
8:49 a.m.]

[Docket No. 16674; FCC 66M-1455]

**SANTA ROSA BROADCASTING CO.,  
INC.**

**Order Continuing Prehearing  
Conference**

In the matter of revocation of license of Santa Rosa Broadcasting Co., Inc., Docket No. 16674; for standard broadcasting station WSRB, Milton, Fla.

The Hearing Examiner having under consideration request for continuance of prehearing conference now scheduled for November 1, 1966, filed on October 26, 1966, by Santa Rosa Broadcasting Co.; and,

It appearing that there is pending before the Commission a petition for reconsideration of the designation of this matter for hearing, action upon which may obviate the necessity for hearing; and,

It further appearing that counsel for the Broadcast Bureau, the only other party to this proceeding has, while it opposes the petition for reconsideration, consented to an immediate consid-

eration and grant of this request for continuance;

It is, therefore, ordered, This 27th day of October 1966, that request is granted and the prehearing conference now scheduled for November 1, 1966, is hereby continued to 10 a.m., December 6, 1966, at the offices of the Commission, Washington, D.C.

Released: October 28, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-11942; Filed, Nov. 1, 1966;  
8:50 a.m.]

**FEDERAL MARITIME COMMISSION**

**AMERICAN PRESIDENT LINES, LTD.,  
AND CHINA NAVIGATION CO., LTD.**

**Notice of Agreement Filed for  
Approval**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. J. Morris, Assistant Manager, Rates and Conferences, American President Lines, 601m California Street, San Francisco, Calif. 94108.

Agreement 9591 covers a through billing arrangement for the transportation of general cargo under through bills of lading from loading ports of the originating carrier, China Navigation Co., Ltd., in New Guinea to U.S. East Coast ports of call of the second carrier, American President Lines, Ltd., with transshipment at Hong Kong, or Kobe or Yokohama, Japan. Provision is made for apportionment of the through rates and transshipment expenses in accordance with the terms and conditions stated therein.

Dated: October 28, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-11926; Filed, Nov. 1, 1966;  
8:48 a.m.]

**LYKES BROS. STEAMSHIP CO., INC.,  
AND AUSTRALIA WEST PACIFIC  
LINE**

**Notice of Agreement Filed for  
Approval**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. A. E. Gilman, Traffic Manager, Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans 12, La.

Agreement 9593, between Lykes Bros. Steamship Co., Inc. (Lykes) and the Australia West Pacific Line (AWPL) covers the transportation of cargo under through bills of lading from Port Moresby, Rabaul, Madang and Lae, ports of call of AWPL in the Territory of New Guinea, to ports of call of Lykes on the Gulf Coast of the United States with transshipment at the port of Hong Kong, British Crown Colony, under terms and conditions set forth in said agreement.

Dated: October 28, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-11927; Filed, Nov. 1, 1966;  
8:48 a.m.]

**MOHEGAN INTERNATIONAL CORP.  
ET AL.**

**Notice of Agreements Filed for  
Approval**

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to



the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the *FEDERAL REGISTER*. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Agreement No. FF-3150 between King Shipping Co., New York, N.Y., and the Hipage Co., Inc., Norfolk, Va., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. Ocean freight brokerage is to be divided on a 50/50 basis.

Agreement No. FF-3152 between The W. P. Neth Co., Inc., New York, N.Y., and Chas. Kurz Co., Philadelphia, Pa., is a cooperative working arrangement whereunder The W. P. Neth Co., Inc., will pay a specific sum to Chas. Kurz Co., for the single service of clearing Export Declarations out of the port of Philadelphia on their behalf. (All other services to be performed by The W. P. Neth Co., Inc., in N.Y.) Freight forwarding and services fees are to be retained by The W. P. Neth Co., Inc. Both parties agree that ocean freight brokerage is not to be divided, but is to be retained by The W. P. Neth Co., Inc.

Agreement No. FF-3156 between Alonso Shipping Co., New Orleans, La., and Paul Sustek Co., Philadelphia, Pa., is a cooperative working arrangement whereunder forwarding and service fees are to be as follows: \$7.50 per shipment. Ocean freight brokerage is to be divided equally on a 50/50 basis between the parties. This division of brokerage will be restricted to those shipments handled on behalf of each other.

Agreement No. FF-3163 between Gaynar Shipping Corp., Norfolk, Va., and Ray C. Fischer Co., Inc., Minneapolis, Minn., is a cooperative working arrangement whereunder the forwarding fee for clearance of export declarations will be \$3.50. Ocean freight compensation is to be retained by the originating forwarder.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working agreements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

Mohegan International Corp., New York, N.Y., and Dickinson, Mikell & Comar, Inc., Charleston, S.C. FF-3131  
Dever, Inc., Philadelphia, Pa., and J. G. R. Williams, Inc., New Orleans, La. FF-3135  
Arthur J. Fritz & Co., New Orleans, La., and H. Z. Bernstein Co., Inc., New York, N.Y. FF-3147  
R. W. Smith & Co., Houston, Tex., and Dieterle & Victory International Transport Co., Inc., New York, N.Y. FF-3148  
Paul Sustek Co., Inc., Philadelphia, Pa., and J. R. Willever, Inc., New York, N.Y. FF-3149

John S. James, Savannah, Ga., and Albert E. Bowen, Inc., New York, N.Y. FF-3151  
Dunbar Customs Services, Los Angeles, Calif., and Dever, Inc., Philadelphia, Pa. FF-3153  
Davies, Turner & Co., Chicago, Ill., and Wilson's American Co., Inc., New York, N.Y. FF-3154  
F. J. Herbelin Forwarding Co., Inc., Houston, Tex., and Charleston Overseas Forwarders, Inc., Charleston, S.C. FF-3155  
Harper, Robinson & Co., San Francisco, Calif., and J. H. Russell Forwarding Co., Inc., New Orleans, La. FF-3157  
The Hipage Co., Inc., Norfolk, Va., and Dickinson, Mikell & Comar, Inc., Charleston, S.C. FF-3158  
Cobal International, Inc., New York, N.Y., and Dickinson, Mikell & Comar, Inc., Charleston, S.C. FF-3159  
Dickinson, Mikell & Comar, Inc., Charleston, S.C., and Pitt & Scott Corp., New York, N.Y. FF-3160  
Harper, Robinson & Co., San Francisco, Calif., and Judson Sheldon International Corp., Philadelphia, Pa. FF-3161  
Harper, Robinson & Co., New York, N.Y., and Judson Sheldon International Corp., Baltimore, Md. FF-3162  
Reedy Forwarding Co., Inc., Miami, Fla., and Henry A. Wess, Inc., Cincinnati, Ohio. FF-3164  
Albury & Co., Inc., Miami, Fla., and Major Forwarding Co., Inc., New York, N.Y. FF-3165  
John S. James, Savannah, Ga., and Pacific Forwarders, San Francisco, Calif. FF-3167  
Chas. Kurz Co., Philadelphia, Pa., and Geo. Wm. Rueff, Inc., New Orleans, La. FF-3168  
Tone Forwarding Corp., New York, N.Y., and H. E. Schurig & Co. of Louisiana, New Orleans, La. FF-3169  
Godwin Shipping Co., Inc., Mobile, Ala., and Major Forwarding Co., Inc., New York, N.Y. FF-3170  
Godwin Shipping Co., Inc., Mobile, Ala., and Orbit Shipping Corp., New York, N.Y. FF-3171  
San Diego International Services, San Diego, Calif., and Oceanic Forwarding Co., San Francisco, Calif. FF-3172  
The A. W. Fenton Co., Inc., Cleveland, Ohio, and J. R. Michels, Inc., Houston, Tex. FF-3173

Agreement No. FF-3146 between J. R. Willever, Inc., New York, N.Y., and Fred P. Gaskell Co., Inc., Norfolk, Va., is a cooperative working agreement whereby Fred P. Gaskell Co., Inc., may complete and process documentation and perform other freight forwarder functions on export shipments on behalf of J. R. Willever, Inc. Forwarding and service fees are subject to negotiation on each transaction depending upon the services to be performed. Ocean freight brokerage handled by Fred P. Gaskell Co., Inc., for J. R. Willever, Inc., should be divided between the parties as follows: J. R. Willever, Inc.—75 percent. Fred P. Gaskell Co., Inc.—25 percent.

Agreement No. FF-3166 between C. S. Greene & Co., Inc., Chicago, Ill., and Karl Schroff & Associates, Inc., New York, N.Y., is a cooperative working arrangement whereunder forwarding and service

fees are \$10 per shipment. Special services remain subject to negotiation and agreement on each transaction. Ocean freight brokerage is to be divided on the basis of fifty (50) percent to Karl Schroff & Associates, Inc., and fifty (50) percent to C. S. Greene & Co., Inc., on the amount collected.

Dated: October 28, 1966.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-11928; Filed, Nov. 1, 1966; 8:48 a.m.]

## RED SEA AND GULF OF ADEN/U.S. ATLANTIC AND GULF RATE AGREEMENT

### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the *FEDERAL REGISTER*. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. James C. Pendleton, Secretary, Red Sea and Gulf of Aden/U.S. Atlantic and Gulf Rate Agreement, 25 Broadway, New York, N.Y. 10004.

Agreement 8558-3, between member lines of the Red Sea and Gulf of Aden/U.S. Atlantic and Gulf Rate Agreement, modifies the basic agreement, as amended, (1) by expanding the scope thereof to include the movement of cargo to ports in Puerto Rico and the Virgin Islands by direct call or transshipment, (2) provides for the appointment of a Chairman/Secretary, (3) sets forth requirements on vessel sailings, abandonment of service and voting for members, (4) provides that the members may declare rates on specified commodities to be "open" and, (5) includes a new provision relative to shippers' requests and complaints.

Dated: October 28, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-11929; Filed, Nov. 1, 1966; 8:48 a.m.]



## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-437-]

WESTEC CORP.

### Order Suspending Trading

OCTOBER 27, 1966.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 28, 1966, through November 6, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.[F.R. Doc. 66-11908; Filed, Nov. 1, 1966;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 419]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 28, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC 10875 (Deviation No. 13), BRANCH MOTOR EXPRESS CO., 114 Fifth Avenue, New York, N.Y. 10011, filed October 21, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 611 and Interstate Highway 80, over Interstate Highway 80 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction New York Highway 17, near Erwins, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 611 and Interstate Highway 80, over U.S. Highway 611 to Scranton, Pa., thence over U.S. Highway 11 to Binghamton, N.Y., thence over New York Highway 17 to junction U.S. Highway 15, near Erwins, N.Y., and return over the same route.

No. MC 19553 (Deviation No. 3), KNOX MOTOR SERVICE, INC., Post Office Box 359, Rockford, Ill., filed October 19, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Moline, Ill., over U.S. Highway 6 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction U.S. Highway 52, thence over U.S. Highway 52 to Joliet, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Moline, Ill., over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 30, thence over U.S. Highway 30 to Joliet, Ill., and return over the same route.

No. MC 112713 (Deviation No. 11), YELLOW TRANSIT FREIGHT LINES, INC., Post Office Box 8462, 92d at State Line, Kansas City, Mo. 64114, filed October 17, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 235 and U.S. Highway 81, over Interstate Highway 235 to junction Kansas Highway 96, thence over Kansas Highway 96 to Hutchinson, Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Hutchinson, Kans., over U.S. Highway 50 (formerly U.S. Highway 50-S) to Newton, Kans., thence over U.S. Highway 81 to Wichita, Kans., and return over the same route.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 335), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets,

San Francisco, Calif. 94106, filed October 17, 1966. Carrier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: From San Francisco, Calif., over Interstate Highway 280 to junction California Highway 1 (Knowles Avenue Interchange), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From San Francisco, Calif., over California Highway 1 to Santa Cruz, Calif., and return over the same route.

No. MC 1515 (Deviation No. 336) (Cancels Deviation No. 329), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed October 21, 1966. Carrier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and Interstate Highway 5 (North Mount Shasta Interchange) over Interstate Highway 5 to junction unnumbered highway (Castle Lake Junction), (2) from junction unnumbered highway and Interstate Highway 5 (Dunsmuir) over Interstate Highway 5 to junction unnumbered highway (Castle Crags Junction), (3) from junction Business Loop Interstate Highway 5 and Interstate Highway 5 (North Redding Interchange) over Interstate Highway 5 to junction Business Loop Interstate Highway 5 (South Anderson Interchange), (4) from junction Business Loop Interstate Highway 5 and Interstate Highway 5 (North Redding Interchange) over Interstate Highway 5 to Redding, Calif., (5) from Redding, Calif., over Interstate Highway 5 to junction Business Loop Interstate Highway 5 (South Anderson Interchange), (6) from Anderson, Calif., over Interstate Highway 5 to junction Business Loop Interstate Highway 5 (South Anderson Interchange), (7) from junction unnumbered highway and Interstate Highway 5 (North Cottonwood Junction) over Interstate Highway 5 to junction unnumbered highway (South Cottonwood Junction), (8) from junction unnumbered highway and Interstate Highway 5 (North Red Bluff Interchange) over Interstate Highway 5 to junction unnumbered highway (South Willows Junction), (9) from junction unnumbered highway and Interstate Highway 5 (North Red Bluff Interchange) over Interstate Highway 5 to junction unnumbered highway (South Red Bluff Interchange).

(10) From junction unnumbered highway and Interstate Highway 5 (South Red Bluff Interchange) over Interstate Highway 5 to Corning, Calif., (11) from Corning, Calif., over Interstate Highway



5 to Orland, Calif., and (12) from Orland, Calif., over Interstate Highway 5 to Wilhams, Calif., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From the point where U.S. Highway 99 intersects the Oregon-California State line, over U.S. Highway 99 to junction unnumbered highway (North Mount Shasta Interchange), thence over unnumbered highway to junction Interstate Highway 5 (Castle Lake Junction), thence over Interstate Highway 5 to junction U.S. Highway 99 (Mott Junction), thence over Interstate Highway 5 to Dunsmuir, thence over unnumbered highway to junction Interstate Highway 5 (Castle Crags Junction), thence over Interstate Highway 5 to junction U.S. Highway 99 (North Shotgun Creek Junction), thence over U.S. Highway 99 to Anderson, Calif., thence over Interstate Highway 5 to junction unnumbered highway (North Cottonwood Junction), thence over Interstate Highway 5 to junction unnumbered highway (North Red Bluff Interchange), thence over unnumbered highway to junction U.S. Highway 99-W (Corning Road Interchange), thence over U.S. Highway 99-W to junction California Highway 16 (West Woodland), thence over California Highway 16 to junction California Highway 113 (Woodland), thence over California Highway 113 to junction Interstate Highway 80 (South Woodland Junction). (Connects with Oregon Route 14.)

No. 121412 (Sub-No. 2) (Deviation No. 1). SUBURBAN LINES, INC., 2121 West Chestnut Street, Washington, Pa. 15301, filed October 20, 1966. Carrier's representative: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: Between Washington, Pa., and Wheeling, W. Va., over Interstate Highway 70, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: Between Washington, Pa., and Wheeling, W. Va., over U.S. Highway 40.

No. MC 121412 (Sub-No. 2) (Deviation No. 2). SUBURBAN LINES, INC., 2121 West Chestnut Street, Washington, Pa. 15301, filed October 20, 1966. Carrier's representative: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From Bridgeville, Pa., over Interstate Highway 79 to junction Interstate Highway 70, thence over Interstate Highway 70 to Washington, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport

passengers and the same property over a pertinent service route as follows: From Bridgeville, Pa., over Pennsylvania Highway 519 to junction Pennsylvania Legislative Route 802, located in the Borough of Canonsburg, Pa., thence over Pennsylvania Legislative Route 802 to junction Pennsylvania Legislative Route 62094, located in the Village of Meadow Lands, Pa., thence over Pennsylvania Legislative Routes 62094 and 802 to Washington, Pa., and return over the same route.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-11932; Filed, Nov. 1, 1966;  
8:49 a.m.]

[Notice No. 984]

### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 28, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

#### APPLICATIONS ASSIGNED FOR ORAL HEARING MOTOR CARRIERS OF PROPERTY

No. MC 64932 (Sub-No. 420), filed October 25, 1966. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chemicals, in bulk, in tank vehicles, from the plantsite of the Glidden Co., Macco Chemical Division, Huron, Ohio, to points in Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New York, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin, restricted against shipments originating at or destined to points in Canada.

HEARING: November 8, 1966, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 106904 (Sub-No. 8) (Republication), filed May 16, 1966, published FEDERAL REGISTER issue of June 23, 1966, and republished, this issue. Applicant: JEFF A. ROBERTSON, doing business as TOPEKA MOTOR FREIGHT, 4490 Lower Silver Lake Road, Topeka, Kans. By application filed May 16, 1966, appli-

cant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) from Clay Center, Kans., to Longford, Kans., from Clay Center over Kansas Highway 15 to junction unnumbered highway and thence over unnumbered highway to Longford, and return over the same route, and (2) from Junction City, Kans., to Longford, Kans., from Junction City over Kansas Highway 18 to junction Kansas Highway 15, thence over Kansas Highway 15 to junction unnumbered highway and thence over unnumbered highway to Longford, and return over the same route, serving intermediate and off-route points within 20 miles of Longford, Kans., except Abilene, Kans., and those on and south of Kansas Highway 18, in connection with 1 and 2 above. An order of the Commission, Operating Rights Board No. 1, dated September 29, 1966, and served October 26, 1966, finds that operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment).

(1) Between Clay Center, Kans., and Longford, Kans., from Clay Center, Kans., over Kansas Highway 15 to junction unnumbered highway, and thence over unnumbered highway to Longford, and return over the same route; and (2) between Junction City, Kans., and junction Kansas Highway 15 and unnumbered highway, east of Longford, Kans., from Junction City over Kansas Highway 18 to junction Kansas Highway 15, thence over Kansas Highway 15 to junction unnumbered highway, and return over the same route, serving those intermediate and off-route points in that portion of Kansas bounded on the south by Kansas Highway 18, on the west by U.S. Highway 81, on the north by U.S. Highway 24, and on the east by U.S. Highway 77, including points on the indicated portion of said highways, in connection with (1) and (2) above. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 109223 (Sub-No. 2) (Republication), filed June 13, 1966, published FEDERAL REGISTER issue of June 30, 1966, and republished, this issue. Applicant: MCFARREN CARTAGE CO., INC., 140



12th Street, Detroit, Mich. 48216. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. By application filed June 13, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of fresh, cooked, and canned meats, in pool carlots, pool truck lots and in top of flat-car service, from Detroit, Mich., to points in Michigan on and south of Michigan Highway 55, under contract or contracts with Armour & Co., Dubuque Packing Co., Hygrade Food Products Corp. and John Morrell & Co. An order of the Commission, Operating Rights Board No. 1, dated September 29, 1966, and served October 24, 1966, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *meats*, from Detroit, Mich., to those points in Michigan on and south of Michigan Highway 55, under a continuing contract or contracts with Armour & Co., Dubuque Packing Co., Hygrade Food Products Corp., and John Morrell & Co.; will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate permit should be issued subject to the coincidental cancellation at applicant's written request of its permit No. MC-109223, dated September 17, 1962. Because it is possible that other parties who may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 112697 (Sub-No. 7) (Republication), filed August 16, 1965, published *FEDERAL REGISTER* issue of September 1, 1965, and republished, this issue. Applicant: SAMUEL A. BRASFIELD, doing business as A B & S ENTERPRISES, 1727 Osborn Drive, Memphis, Tenn. By application filed August 16, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of stone, from Memphis, Tenn., to points in Arkansas, and rejected shipments, on return. A decision and order, by the Commission, Operating Rights Review Board No. 1, dated October 17, 1966, and served October 25, 1966, finds operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *monumental stone* from Memphis, Tenn., to points in Arkansas. Prior to the issuance of a certificate in the above-entitled proceeding there will be published in the *FEDERAL REGISTER* a proper notice fully advising

the public that the proposed operation is intended to be combined with certain of the applicant's presently certificated authority in No. MC 112697 to enable a through operation from Elberton and Tate, Ga., to points in Arkansas. The purpose of the described republication is to allow a 30-day period during which any interested party, who may have relied upon the notice of the application as previously published and thereby have been unaware of the complete and true nature of the proposed irregular-route operation, may file an appropriate pleading.

No. MC 123185 (Sub-No. 1) (Republication), filed June 27, 1966, published *FEDERAL REGISTER* issues of July 14, 1966, and July 28, 1966, and republished, this issue. Applicant: TALLYHO TRANSPORT, INC., 211½ West Main Street, Marshalltown, Iowa 50158. Applicant's representative: Max M. Mills (same address as applicant). By application filed June 27, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities (except livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), having an immediately prior or subsequent movement by air, between Marshalltown, Iowa, and Chicago, Ill., area airports. An order of the Commission, Operating Rights Board No. 1, dated September 29, 1966, and served October 24, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *general commodities* (except livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) from Marshalltown, Iowa, to Chicago, Ill., restricted to the transportation of shipments having an immediately subsequent movement by air; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 124069 (Sub-No. 7) (Republication), filed April 25, 1966, published *FEDERAL REGISTER* issue of May 12, 1966, and republished, this issue. Applicant: CONCRETE DELIVERY CO., INC., 7 North Steelawanna Avenue, Lackawanna, N.Y. Applicant's representative:

William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. By application filed April 25, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of cement, in seasonal operation between October first and May first, from ports of entry on the international boundary line between the United States and Canada at or near Alexandria Bay, N.Y., to South Lansing, Rochester, Rome, and Watertown, N.Y. An order of the Commission, Operating Rights Board No. 1, dated October 17, 1966, and served October 19, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *cement*, from ports of entry on the international boundary line between the United States and Canada at or near Alexandria Bay, N.Y., to South Lansing, Rochester, Rome, and Watertown, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 125777 (Sub-No. 95) (Republication), filed April 25, 1966, published *FEDERAL REGISTER* issue of May 19, 1966, and republished, this issue. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. By application filed April 25, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of abrasive refuse, in dump vehicles, from points in Pennsylvania, Ohio, Kentucky, Indiana, Illinois, Iowa, Wisconsin, Minnesota, Michigan, and New York, to Chelsea, Jackson, and Hillsdale, Mich. A report of the Commission, Operating Rights Review Board No. 2, decided October 14, 1966, and served October 25, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *scrap abrasive grinding wheels*, from points in Illinois, Indiana, Iowa, Kentucky, Minnesota, New York, Ohio (except points in Cuyahoga, Geauga, Lorain, and Portage Counties, Ohio), Pennsylvania, and Wisconsin, to Chelsea, Mich., subject to prior publication of a corrected notice in the



FEDERAL REGISTER as hereinafter described, and that the proceeding should be held open for further consideration of applicant's fitness after the proceeding in No. MC 125777 (Sub-No. 45) is finally determined. It is possible that there are existing carriers which might be prejudiced by the lack of notice by applicant of the commodity here involved. Consequently, notice of the findings shall be given by publication in the FEDERAL REGISTER, and any interested person will be permitted to file an appropriate pleading within 30 days of the date of such publication.

No. MC 127057 (Republication), filed March 12, 1965, published FEDERAL REGISTER issue of March 25, 1965, and republished, this issue. Applicant: MOTOR RAIL TRANSPORT, INC., 1 East Bridge Street, Oswego, N.Y. In the above-specified proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) the subject of an immediately prior or immediately subsequent movement by rail, between Buffalo, Rochester, Syracuse, Utica, Albany, Elmira, and Binghamton, N.Y., on the one hand, and, on the other, points in New York except New York City and points situated in Nassau, Suffolk, Rockland, Westchester, Orange, Putnam, Sullivan, Ulster, Dutchess, St. Lawrence, Franklin, Clinton, and Essex Counties. A decision and order of the Commission, Operating Rights Review Board No. 1, dated October 14, 1966, and served October 20, 1966, as amended, finds that operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value, and those requiring special equipment), between Buffalo, Rochester, Syracuse, Utica, Elmira, and Binghamton, N.Y., on the one hand, and, on the other, points in New York (except New York, N.Y., and those in Nassau, Suffolk, Rockland, Westchester, Orange, Putnam, Sullivan, Ulster, Dutchess, St. Lawrence, Franklin, Clinton, and Essex Counties, N.Y.), restricted to the transportation of shipments having an immediately prior or an immediately subsequent movement by rail. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper

party in interest may file an appropriate protest or other pleading.

#### NOTICES OF FILING OF PETITIONS

No. MC 15975 (Notice of filing of petition to correct certificate), filed October 19, 1966. Petitioner: BUSKE LINES, INC., Litchfield, Ill. Petitioner's representative: R. W. Burgess, 8415 Midland, St. Louis, Mo. 63114. Petitioner states that it and its predecessors have continuously for a period of 26 years provided general commodity service to and from intermediate and off-route points within 25 miles of Morrisonville, Ill., in interstate commerce, until 1964, when petitioner was advised that it could not operate from intermediate and off-route points within a 25-mile radius of Morrisonville to that point. Petitioner also states that the original Grandfather application of William Harold Kent, doing business as W. H. Kent Transfer & Feed of Morrisonville, Ill., notarized January 26, 1938, was accompanied by six affidavits attesting service performed by applicant. Four of these were in regard to general commodity service to and or between St. Louis and Morrisonville, Ill. Two of the affidavits indicated support between St. Louis and Morrisonville while two indicated support from St. Louis to Morrisonville. The authority was originally issued on March 10, 1938, under certificate No. MC 71206 which read as here pertinent: "General commodities, except those of unusual value, and except dangerous explosives, commodities requiring special equipment, and those injurious or contaminating to other lading, from St. Louis over the above-specified route to Morrisonville. Intermediate and off-route points within 25 miles of Morrisonville".

A new certificate was issued to Kent on December 16, 1940, stating "Service is authorized to and from points within 25 miles of Morrisonville." Petitioner states that this critical paragraph remained as above upon subsequent transfers and was acquired by Cox Transit Co. pursuant to MC-FC 55688. The critical paragraph still remained as above, however upon consolidation of authority into certificate MC 44015 it read upon reissuance "From St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission; to Morrisonville, Ill., and points within 25 miles thereof. Petitioner states that Cox by petition filed August 3, 1953, stated that the rights as consolidated failed to properly reflect the authority as purchased, and requested that they be described as set forth in the rights acquired. By order dated October 28, 1953, the petition was denied, the order stating in part that the operating rights in MC 44015, issued July 23, 1953, though set up in a different form, authorizes the same scope of operations as the operating rights in the certificates acquired by carrier. Cox, in the light of this statement continued to operate to and from intermediate and off-route points within 25 miles of Morrisonville as did its successors in interest. Petitioner, after its purchase, continued oper-

ating in the same manner until 1964. By the instant petition, petitioner requests the critical paragraph be reinserted thereby permitting its certificate once again to read "Service is authorized to and from intermediate and off-route points within 25 miles of Morrisonville, Ill." Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124929 (Notice of Filing of Petition for Waiver of Rule 101 and Conversion of Certificate to Contract Carrier Rights) filed October 10, 1966. Petitioner: G & W TRANSPORT, INC., Pottomac, Md. Petitioner's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. Petitioner holds a certificate in No. MC 124929 authorizing the transportation of: Malt beverages, in containers, from Philadelphia and Norristown, Pa., to Silver Spring, Md., and points in Maryland within 5 miles of Silver Spring; and empty malt beverage containers, from the above-specified destination points to Philadelphia and Norristown, Pa. Petitioner states that in MC 126383 TA it obtained temporary authority to transport malt beverages in containers as a motor contract carrier, from New York, N.Y., and Elizabeth and Newark, N.J., on the one hand, and, on the other, Silver Spring, Md., and points in Montgomery County, Md., within 10 miles of Silver Spring, for the account of Montgomery County, Md., Maryland Department of Liquor Control. These rights became effective August 25, 1964, and have been consistently and substantially operated since that time to the present. Petitioner further states that in its application in MC 126383 (Sub-No. 1) covering these same rights, decided by the Examiner, June 27, 1966, which became final July 27, 1966, it was granted permanent-authority contract carrier rights, subject to the following specific condition: "The grant of authority herein will therefore be conditioned upon applicant's either (a) requesting in writing that its certificate in MC 124929 be canceled coincidentally with the issuance of the permit proposed to be granted herein, or (b) filing a petition or application seeking to convert its certificate into a permit, and successfully prosecuting the said petition or application, failing which, the application herein should be denied, unless applicant shall then elect to proceed under condition (a)". Petitioner states the instant petition is filed pursuant to said condition of the Examiner, to seek to obtain permanent grant of the rights contained in said Sub 1 application on the same basis as those which it seeks to be converted herein, that is on the same basis as the present operations under its MC 126383 TA, eliminating all possibility or opportunity for dual right. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30



days from the date of publication in the FEDERAL REGISTER.

No. MC 125168 (Sub-No. 2) (Notice of Filing of Petition for Modification of Permit), filed October 14, 1966. Petitioner: OIL CHEM, INC., Box 190, Darby, Pa. 19023. Petitioner's representative: G. Donald Bullock, Box 103, Wyncote, Pa. 19095. Petitioner holds permit No. MC 125168 (Sub-No. 2) authorizing the transportation, among other things, of lubricating oil, in bulk, in tank vehicles, from Falling Rock, W. Va., to Philadelphia, Pa., under a contract with Pennsylvania Petroleum Products Co. By the instant petition, petitioner requests that its permit be modified to also authorize service for the Elk Refining Co., of Falling Rock, W. Va. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

**APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE**

No. MC 61264 (Sub-No. 24), filed October 17, 1966. Applicant: PILOT FREIGHT CARRIERS, INC., Post Office Box 615, Winston-Salem, N.C. 27102. Applicant's representative: Jacob P. Billig, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in Massachusetts. **NOTE:** Applicant proposes to tack the authority sought herein at Boston, Mass., with its existing irregular route general commodity authority to serve between Boston, Mass., on the one hand, and, on the other, New York, N.Y., and points in New Jersey within 15 miles of New York, N.Y.; and with its existing regular route general commodity authority to serve between New Bedford, Mass., and New York, N.Y. The latter regular-route authority would be tacked at New Bedford, Mass., as well as all other Massachusetts intermediate points authorized on said route and also all Massachusetts points within 15 miles of Providence, R.I., which are authorized as off-route points in connection with said regular route. Applicant would also tack the authority sought herein with its presently held irregular authority to transport machinery between points in Providence County, R.I., on the one hand, and, on the other, points in that part of Massachusetts on and east of U.S. Highway 5; and with its authority to transport electrical equipment used or useful in the distribution and transmission of electric power between Providence, R.I., on the one hand, and, on the other, Amesbury, Dudley, Lawrence, Malden, Palmer, and Pittsfield, Mass. The tacking of these latter specified commodity authorities would be

performed at any of the Massachusetts points authorized to be served. All of the above indicated existing authority may be found in applicant's Docket No. MC 61264, sheets 4 and 5. In addition to the tacking indicated above, all presently held authority would continue to be tacked at New York, N.Y., and points in New Jersey within 15 miles thereof to permit service to the extent feasible between all points in Massachusetts, on the one hand, and, on the other, the points in Delaware, Maryland, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, Alabama, and Ohio, which applicant is presently authorized to serve as set forth in the certificates issued to it in docket MC 61264. This application is a matter directly related to MC-F-9560, published in the FEDERAL REGISTER, issue of October 26, 1966.

No. MC 96847 (Sub-No. 2), filed October 6, 1966. Applicant: CARL O'NEAL TRUCK LINE, INC., Highway 59 West, El Campo, Tex. Applicant's representative: Harry W. Patterson, 1808 First City National Bank Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield equipment and pipe*, when moving as oilfield equipment; *trenching machines*, tractors, draglines, backfillers, caterpillars, road building machinery, batch bins, ditching machinery, bulldozers, heavy mixers, finishing machinery, power hoists, cranes, heavy machinery, pile driving rigs, paving machines and equipment, graders, construction equipment, boilers, scrapers, irrigation and drainage machinery, road maintainers, electric motors, pumps, transformers, circuit breakers, turbines, bridge construction equipment, shovels, planes, lathes, air compressors, rotaries, prefabricated houses, bulk station storage tanks, heavy tanks, pump machinery, erection machinery and equipment, refinery machinery and equipment, boats and prefabricated steel girders, threshing machines, sawmill machinery, telephone and telegraph poles, creosote and other pilings, heavy furnaces or ovens, pipe (including iron, steel, concrete, composition, or corrugated), punches, presses, iron or steel girders, beams, columns, posts, channels and trusses, generators and dynamos, iron or steel castings, sheets, and plates, industrial hammers, industrial machinery, including laundry, ice making, air conditioning, baker, bottling, gin, crushing, dredging, mill, brewery, textile, water plant, and wire covering, twisting or laying, derricks, hoists, steam or internal combustion engines, rollers, power shovels, safes, vaults, bank doors, and gasoline, fuel oil, and other storage tanks, when said commodities are not moving as oilfield equipment, and attachments and parts of such machinery.

Absorbers (scrubbers); air or gas lift equipment; amplifiers, seismic; anodes, magnesium; armatures (heavy) and parts; assemblies, backside, casing-head, Christmas tree, stuffing, knockoff, screen setting, seating, and set shoe; asphalt plant; asphalt or pipeline coating, in barrels or drums; bailers; barges; benders, pipe; blowout preventers; booms, crane,

truck, dragline, derrick and tractor; brakes and parts; bridges, portable; buckets, clam shell, dragline, and shovel; bug blowers; cable tool drilling machines; cable tools; cat heads; chains, loading, in barrels; casing spiders; chlorine and other chemicals in steel cylinders or tanks (not tank trucks); gas compressors; connection racks; conveyors; core barrels; coring units; clutches (heavy); crown blocks; crank shafts (heavy); crossarms and their hardware; crossties; cylinder, engine and compressor; dehydration units; derrick ramps; derrick starting leg; derrick skids; derrick steps; derrick substructure; drill bits; drill collars; drilling line; drilling hose; draw works; drilling rig machinery; elevators; elevator bails; engine substructures; empty cylinders; extensions; derrick base; engine compound; finger boards; floor skids; fronts, rig or derrick; fishing tools; fouble boards; fuel oil and gasoline (not including movement in tank trucks or tank trailers).

Garages, portable; guards, chain and belt; grief stems or kelly joints; guns, mud; gravity meters; heat exchangers; hooks; jack shafts; kelly and pipe straightener; ladders, derrick; light plants; machinery, pipe screening, pipe screwing, pipe slotting, pipe threading or cutting, pipe wrapping; water well machinery; water well surveying machinery; milling machine; marsh buggies; magnetic field balances; magnetometers; masts; monorail systems; mud boats; mud houses; mud mixers; mud tanks; mufflers (heavy) mouse holes; nipples, iron, cement; perforators; planers, power; plow; poles, gin; power transmission equipment (towers); pressure devices; rails, steel; railroad engines, cars, and equipment; rat holes; radiators (heavy); reamers; reinforcing steel; retorts, iron or steel; river clamps; rods, reinforcing and sucker (single and bundles); recording equipment; road lumber; rig timbers; seismic shooting equipment; slips; shale shakers; screens; substitutes; speed reducers; smoke stacks; starting units; standpipes; swivels; suction; spears and fishing tools; takeoffs, power; tool joints; towers; treating plants; tongs; traveling blocks; tubing and tubing heads; valves; V-belt drives; utility houses; welding machines; wire line, rope, or cable, on reels; lift equipment; anchors; angles (heavy); mud, including drilling mud and conditioners (not including movements in tank trucks or tank trailers); propellers or shafts; blades, including bit, scraper and grader; boring machines or mills, including parts and equipment; dam and powerplant machinery and equipment (control gates); collars, including drill or pipe; counterbalances; including countershafts and weights; hoppers; printing machines; telephone equipment (cables, reels, switchboards); tools in boxes and houses; trailer, mounted units, including mounted workover units; treaters; blocks; jacks (heavy); joints, including expansion or kelly; core drilling machines; core drilling equipment; protectors (attached to pipe); and heaters, when not moving as oilfield equipment, between points in Texas.



**NOTE:** Beginning with the commodity "Absorbers" together with its attachments and its detached parts thereof, between points in the pickup and delivery limits of the regular route common carrier motor carriers in incorporated cities, towns, and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece or when such commodity, because of physical characteristics other than weight, require the use of "special devices, facilities, or equipment" for the safe and proper loading or unloading and transportation thereof. The term "special devices, facilities, or equipment," is construed to mean only those operated by motive or mechanical power; and all commodities to be transported, beginning with "trenching machines", together with attached and detached parts thereof, must require specialized equipment for the safe and proper loading or unloading and transportation thereof. Applicant holds a certificate of registration in MC 96847 (Sub-No. 1) and seeks to convert it to a certificate of public convenience and necessity. This application is directly related to MC-F 9462. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-9335 (Tose, Inc.—Control—O'Connor's Express), published in the February 16, 1966, issue of the *FEDERAL REGISTER*, on page 2796. Amendment filed October 17, 1966, at the hearing, showing in addition to the transaction summarized in the prior notice, O'CONNOR'S EXPRESS, would also merge into TOSE, INC.

No. MC-F-9563. Authority sought for control by A-P-A TRANSPORT CORP., 2110 85th Street, North Bergen, N.J., of LIBERTY FAST FREIGHT CO., INC., Route 17, Rochelle Park, N.J., and for acquisition by A-P-A TRUCK LEASING CORP., also of North Bergen, N.J., of control of LIBERTY FAST FREIGHT CO., INC., through the acquisition by A-P-A TRANSPORT CORP. Applicants' attorney and representative: Herbert Burstein, 160 Broadway, New York, N.Y., and Murray A. Laiks, 77 Passaic Avenue, Passaic, N.J. Operating rights sought to be controlled: *General commodities*, except classes A and B explosives, coal, coke, currency, or precious metals and gem materials, dynamite, furs, sand, gravel, crushed stone, iron, or steel articles exceeding 30 feet in length, alcoholic beverages, livestock, silk, raw or finished, and bulky or heavy freight the dimensions of which exceed 7 feet in width, 6½ feet in height, and 25 feet in length, or weighing in excess of 6,000 pounds, as a *common car-*

*rier*, over regular routes, between Albany, N.Y., and New York, N.Y., between Albany, N.Y., and Amsterdam, N.Y., serving all intermediate points; *general commodities*, with exceptions as stated above, over regular and irregular routes, between New York, N.Y., and certain specified points in New Jersey, and Fort Edward, N.Y., serving all intermediate points on the specified regular route; *general commodities*, with exceptions as stated above, over irregular routes, between New York, N.Y., and certain specified points in New Jersey, on the one hand, and, on the other, Fort Edward, N.Y.; and *general commodities*, excepting, among others, household goods and commodities in bulk, between Newark, N.J., and points in New Jersey within 20 miles of Newark, on the one hand, and, on the other, points in New York within 200 miles of Newark, N.J., between points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in New Jersey north of a line from the New Jersey-Pennsylvania State line at Trenton, N.J., to Asbury Park, N.J., including the points named. A-P-A TRANSPORT CORP., is authorized to operate as a *common carrier* in New York, New Jersey, Connecticut, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9564. Authority sought for purchase by GUY HEAVENER, INC., Harleysville, Pa., of the operating rights and certain property of ROBERT F. BALLIET, Rural Delivery No. 4, Lehigh-ton, Pa., and for acquisition by ESTATE OF GUY HEAVENER (DUANE HEAVENER EXECUTOR), DUANE HEAVENER, and HERBERT KNECHEL, all also of Harleysville, Pa., of control of such rights and property through the purchase. Applicants' attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. 19109. Operating rights sought to be transferred: *Coal*, as a *common carrier*, over irregular routes, from points in Luzerne and Carbon Counties, Pa., to points in Essex, Hudson, Somerset, and Union Counties, N.J., from points in Schuylkill County, Pa., to Lakewood and Mount Holly, N.J., and points in Middlesex and Morris Counties, N.J. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, Delaware, Maryland, Ohio, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9565. Authority sought for purchase by ED HOLESTINE, 41 Lyon Avenue, Kansas City, Kans. 66118, of the operating rights of LYMAN F. HARMAN AND ROBERT J. BAYLES, doing business as B & H TRUCKING CO., Box 162, Blackwell, Okla. Applicants' attorney: Lowell L. Knipmeyer, Room 2804, Power and Light Building, Kansas City, Mo. 64105. Operating rights sought to be transferred: *Livestock*, and *machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, de-

velopment, and production of natural gas and petroleum, as a *common carrier*, over irregular routes, between points in Kansas and Oklahoma. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, and Oklahoma. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9566. Authority sought for purchase by SYKES TRANSPORT COMPANY, Post Office Box L, Madisonville, Ky. 42431, of the operating rights and property of WILLIAM J. EVELAND, doing business as WILLIAM EVELAND & Son, 1805 South Marshall Street, Paris, Ill. 61944, and for acquisition by LIGON SPECIALIZED HAULERS, INC., and, in turn, by RALPH LIGON, both also of Madisonville, Ky., of control of such rights and property through the purchase. Applicants' attorneys: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 42604, and Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Operating rights sought to be transferred: *Livestock*, as a *common carrier*, over regular and irregular routes, from points in Edgar County, Ill., to Chicago, Ill., and Indianapolis, Ind., serving no intermediate points; *limestone*, from Greencastle, Ind., to points in Edgar County, Ill., serving no intermediate points; *coal*, over irregular routes, from mines in Sullivan, Clark, Clay, Vigo, and Vermillion Counties, Ind., to points in Edgar County, Ill.; *brick and tile*, from Brazil and Terre Haute, Ind., to points in Edgar County, Ill.; with restriction; *truck bodies and parts thereof*, between Paris, Ill., on the one hand, and, on the other, points in Indiana, Ohio, Kentucky, Tennessee, West Virginia, Iowa, Wisconsin, Michigan, Missouri, and Minnesota; and *truck bodies and parts thereof*, when moving in connection with truck bodies, between Paris, Ill., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, and Nevada; and *corn and corn products* (except liquid corn products, in bulk, in tank vehicles), as a *contract carrier*, over irregular routes, from the plant and warehouse facilities of Illinois Cereal Mills, Inc., Paris, Ill., to points in the United States (except Alaska, Hawaii, Idaho, Nevada; New Mexico, North Dakota, Wyoming, and the District of Columbia), with restrictions. Vendee is authorized to operate as a *common carrier* in North Carolina, Virginia, Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Wisconsin, New Mexico, Kentucky, Tennessee, Texas, Louisiana, Alabama, Florida, Georgia, Mississippi, South Carolina, Oklahoma, Colorado, Kansas, Arkansas, Arizona, Iowa, and Nebraska. Application has been filed for temporary authority under section 210a(b). **NOTE:** If a hearing is deemed necessary, appli-



cants request that it be held at Nashville, Tenn.

No. MC-F-9568. Authority sought for purchase by VIRGINIA HAULING COMPANY, Post Office Box 9525, Richmond, Va. 23288, of a portion of the operating rights of BONNEY MOTOR EXPRESS, INC., 236 South Military Highway, Virginia Beach, Va., and for acquisition by BOWMAN ENTERPRISES, INC., and, in turn, by SHEARER C. BOWMAN, JR., and CAROLYN D. BOWMAN, all also of Richmond, Va., of control of such rights through the purchase. Applicants' attorney: Daniel B. Johnson, 847 Warner Building, Washington, D.C. 20004. Operating rights sought to be transferred: *Salt and salt mixtures*, as a *common carrier*, over irregular routes, from Cleveland, Akron, Rittman, Fairport, and Fairport Harbor, Ohio, to points in that part of Virginia south of U.S. Highway 360 extending from Richmond, Va., to the Virginia-North Carolina State line at Danville, Va., and south of U.S. Highway 60 extending from Richmond, Va., to Virginia Beach, Va., on the Atlantic Ocean. Vendee is authorized to operate as a *common carrier* in Virginia, Maryland, Pennsylvania, Delaware, West Virginia, North Carolina, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, Ohio, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

#### MOTOR CARRIER OF PASSENGERS

No. MC-F-9567. Authority sought for purchase by PHILBORO COACH CORP., North Broadway, Mantua Township, Post Office Pitman, N.J. 08071, of the operating rights and property of GRAY LINE MOTOR TOURS, INC., 3228 Dickinson Street, Philadelphia, Pa. 19146. Applicants' attorney: Walter S. Anderson, 130 North Broadway, Camden, N.J. 08102. Operating rights sought to be transferred: Passengers and their baggage, restricted to traffic originating at the point indicated, in charter operations, as a *common carrier*, over irregular routes, from Philadelphia, Pa., to points in New Jersey, Delaware, Maryland, New York, and the District of Columbia, and return; and passengers and their baggage, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Philadelphia, Pa., and extending to the Henry Francis DuPont Winterthur Museum located on Delaware Highway 52, the Hagley Museum located on Delaware Highway 141, both located in New Castle County, Del., and Longwood Gardens, located about 2 miles northeast of Kennett Square, Pa., on U.S. Highway 1. Vendee is authorized to operate as a *common carrier* in New Jersey and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-11933; Filed, Nov. 1, 1966; 8:49 a.m.]

### NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 28, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 3249-M, filed October 19, 1966. Applicant: BARNES FREIGHT LINE, INC., Carrollton, Ga. Certificate of public convenience and necessity sought to operate a freight service as follows: For amendment of class A certificate No. 1030, authorizing the transportation of property between Bowdon, Ga., and Atlanta, Ga., via Carrollton, Villa Rica, Douglasville, and Austell, Ga., State Highways No. 166, 61, and 8; also between Carrollton and Bremen, Ga., over State Highway No. 1 (U.S. 27), serving the off-route points of Mt. Zion and Bowdon Junction; to include the additional authority, to wit: With the right to serve the Tucker-Stone Mountain Industrial District and/or Stone Mountain Industrial Park, over all available highways from Atlanta, Ga., as off-route points, and restricted to traffic moving to or from points served direct, except Atlanta. Both intrastate and interstate authority is sought. HEARING: Tuesday, December 13, 1966, at the Georgia Public Service Commission, 244 Washington Street SW., Room No. 177, Atlanta, Ga., at 10 a.m.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Georgia Public Service Commission, Room No. 177, 244 Washington Street SW., Atlanta, Ga. 30334, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-11934; Filed, Nov. 1, 1966; 8:49 a.m.]

[Notice No. 278]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 28, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate

Commerce Act provided for under the new rules in ex parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 64820 (Sub-No. 7 TA), filed October 26, 1966. Applicant: PARADIS TRANSFER AND STORAGE CO., INC., 908 South Grape Street, Medford, Ore. Applicant's representative: Earle V. White, 2130 Southwest Fifth Avenue, Portland, Ore. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit bins*, (1) From points in Jackson County, Ore., to points in Klickitat and Yakima Counties, Wash., and (2) from points in Yakima County, Wash., to points in Jackson County, Ore., for 150 days. Supporting shipper: Nye & Naumes Packing Co., Post Office Box 1426, Medford, Ore. Send protests to: A. E. Odomes, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Ore. 97204.

No. MC 98950 (Sub-No. 3 TA), filed October 25, 1966. Applicant: S. S. Bertz & Sons, Inc., 212-226 West Lemon Street, Lancaster, Pa. Applicant's representative: Ernest S. Burch, Bergner Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Lancaster County, Pa., on the one hand, and, on the other, Lancaster, Pa., restricted to shipments interlined with other carriers at the city of Lancaster, for 180 days. Supporting shippers: C. H. Simon Candy Co., Elizabethtown, Pa.; J. B. Athletic Shoe Co., 3309 Chestnut Street, Elizabethtown, Pa.; Grey Iron Casting Co., Mount Joy, Pa.; Hubley, division of Gabriel Industries, Inc., Lancaster, Pa.; Vantage Products, East Petersburg, Pa.; Arthur Lionel Horting, Lancaster, Pa.; Bachman Chocolate Manufacturing Co., Mount Joy, Pa.; Lancaster County Auto Parts, Inc., Lancaster, Pa.; A. Werman & Sons, Inc., Marietta, Pa. Send protests to:



Robert W. Ritenour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 123778 (Sub-No. 6 TA), filed October 25, 1966. Applicant: JOSEPH BAIO, doing business as UNITED NEWS-PAPER DELIVERY SERVICE, 75 Cutters Lane, Woodbridge, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, in bundles under contract with Time, Inc., from Washington, D.C., to Wilmington, Del., and Ithaca, N.Y., via Woodbridge, N.J., for 180 days. Supporting shipper: Time, Inc., 330 East 22d Street, Chicago, Ill. 60616. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 125521 (Sub-No. 6 TA), filed October 26, 1966. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, Ohio 43522. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt Beverages*, from South Bend, Ind., to Fostoria, Ohio, and *empty containers or such other incidental facilities* used in transporting the above commodities on return, for 150 days. Supporting shipper: Hanson Distributing Co., 437 South Poplar Street, Fostoria, Ohio 44830. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Feder Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 126439 (Sub-No. 6 TA), filed October 24, 1966. Applicant: CAMIRAND CARTAGE, LTD., 46 Milton Avenue, Ville St. Pierre, Quebec, Canada. Applicant's representative: Douglas C. Pierson, 181 South Union Street, Burlington, Vt. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, between ports of entry on the international boundary line between the United States and Canada located in New Hampshire, Vermont, New York, Michigan, Wisconsin, and Minnesota, on the one hand, and, on the other, the following specified points: (1) Aero Jet Corp. at Sacramento, Nimbus, Concord, or Port Chicago, Calif.; (2) Ensign-Arsenal-Bickford Co. at Simsbury, Conn.; (3) U.S. Ammunition Depot, at Charleston, S.C.; (4) U.S. Naval Weapons Base and Army Base at Port Chicago, Calif., for 180 days. Supporting shipper: Canadian Industries Ltd., De Salaberry Works, B. S. 5520, Valleyfield, Quebec, Canada. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations and Compli-

ance, Interstate Commerce Commission, 14 Parkhurst Street, Lebanon, N.H. 03766.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-11935; Filed, Nov. 1, 1966;  
8:49 a.m.]

[Notice No. 1435]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 28, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69137. By order of October 19, 1966, the Transfer Board approved the transfer to Paul E. Reed, doing business as Panches Truck Line, Topeka, Kans., of the certificate of registration in No. MC-98733 (Sub-No. 1), issued January 27, 1966, to L. D. Livingston, doing business as Livingston Truck Line, Carbondale, Kans., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Kansas, corresponding in scope to the service authorized by certificate of convenience and necessity covering Route 4077 in Docket 45498-M, dated July 28, 1964, issued by the State Corporation Commission of the State of Kansas. Clyde M. Burns, McDaniel Building, Lyndon, Kans. 66451, attorney for applicants.

No. MC-FC-69040. By order of October 25, 1966, the Transfer Board approved the transfer to Barr & Miles, Inc., Chicago, Ill., of the operating rights in permit No. MC-89557, issued May 26, 1965, to Lawrence A. McCarthy, doing business as Grote Cartage Co., Chicago, Ill., authorizing the transportation, over a regular route, of tanner's offal and scrap leather, from Chicago, Ill., to Oak Creek, Wis., and glue, gelatin, and empty bags from Oak Creek to Chicago; and, over irregular routes, of unblended animal glue, from the Diamond Glue Co. plant in Chicago to Oak Creek. Dual operations were authorized. Themis N. Anastos, 120 West Madison Street, Chicago, Ill. 60602, attorney for applicants.

No. MC-FC-69138. By order of October 25, 1966, the Transfer Board approved the transfer to Gray Line Sight-Seeing Tours of El Paso, Inc., 325 South

Santa Fe Street, El Paso, Tex. 79901, of the operating rights in certificates Nos. MC-116490 and MC-116490 (Sub-No. 1), issued May 28, 1957, and October 21, 1964, respectively, to Yellow Cab Co., Inc., El Paso, Tex., 325 South Santa Fe Street, El Paso, Tex. 79901, authorizing the transportation, over irregular routes, of passengers, in special operations, in round-trip, sightseeing, or pleasure tours, beginning and ending in El Paso, Tex., and extending to points in Texas within 5 miles of El Paso, and to the international boundary between United States and Mexico at El Paso, with no pickup or discharge of passengers en route; and passengers and their baggage, in the same vehicle with passengers, in special operations, in round-trip pleasure and sightseeing tours, beginning and ending at El Paso and extending to White Sands National Monument, Alamogordo, Cloudcroft, Las Cruces, and La Union, N. Mex.

No. MC-FC-69143. By order of October 25, 1966, the Transfer Board approved the transfer to Basil L. Traynor, doing business as Traynor Trucking, Spring Valley, Wis., of the operating rights in certificate No. MC-70142, issued October 12, 1964, to Dale Strom, Wilson, Wis., authorizing the transportation of: Household goods, and general commodities, except those of unusual value, and except dangerous explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, between Woodville, Wis., and points and places within 10 miles of Woodville, on the one hand, and, on the other, South St. Paul, New Port, and Minneapolis, Minn. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC-FC-69145. By order of October 21, 1966, the Transfer Board approved the transfer to Helen Morris, doing business as Jewett Scott Truck Line, Mangum, Okla., of the operating rights in certificate No. MC-123987, issued August 2, 1962, to Jewett S. Scott, Jr., Mangum, Okla., authorizing the transportation, of: Brick and structural facing tile, from Hope, Ark., to points in a specified portion of Texas and Oklahoma. Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101, attorney for applicants.

No. MC-FC-69148. By order of October 19, 1966, the Transfer Board approved the transfer to Fraser Trucking Co., Inc., of the certificate of registration in No. MC-99375 (Sub-No. 1), issued February 5, 1964, to Ray W. Fraser, doing business as W. A. Fraser Trucking Co., Oakland, Calif., and evidencing a right to engage in transportation in interstate or foreign commerce within the limits of certificate of public convenience and necessity in decision No. 57082, dated July 29, 1958, as amended in decision No. 57538, dated October 28, 1958, issued by the Public Utilities Commission of California. Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco 94104, attorney for applicants.

No. MC-FC-69153. By order of October 25, 1966, the Transfer Board approved the transfer to Erwin C. Schoepflin, doing business as E & J Trucking Service, Lyndon, Kans., of the operating rights in certificate No. MC-106832, issued October 24, 1957, to Erwin C. Schoepflin and Junior Haworth, doing business as E. & J. Trucking Service, Lyndon, Kans., authorizing the transportation of: Live-stock and Mill feeds, between points in Missouri and Kansas. Clyde M. Burns, Lyndon, Kans. 66451, attorney for applicants.

No. MC-FC-69157. By order of October 25, 1966, the Transfer Board approved the transfer to Keller H. Light Trucking, Inc., Denver, Colo., of the operating rights of Sam Parlapiano, Pueblo, Colo., in permits Nos. MC-125269 and MC-125269 (Sub-No. 4), issued by the Commission February 18, 1965, and September 13, 1966, respectively, authorizing the transportation, over irregular routes, of wine, in containers, from Feed-ley, Calif., to Pueblo, Colo., as restricted, and wines and brandy, in containers, from Madera and Ripon, Calif., to the plantsite of the Mike Diodosio Wholesale Liquor Co. at Pueblo, Colo., as restricted. William D. Mitchel, 1650 Grant Street Building, Denver, Colo. 80203, attorney for applicants.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-11936; Filed, Nov. 1, 1966;  
8:49 a.m.]

## ORGANIZATION

### Miscellaneous Amendments

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 13th day of October 1966.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of law being under consideration with a view to reassigning uncontested suspension, change, or revocation of water carrier and freight forwarder authorities to the Temporary Authorities Board:

*It is ordered,* That the Organization Minutes of the Interstate Commerce Commission Relating to the Organization of Division and Boards and Assignment of Work, issue of July 27, 1965, as amended (30 F.R. 11189, 12559, and 13302; and 31 F.R. 242, 4762, 9529, 12693, and 13099), be further amended as follows:

1. Under the heading Assignment of Duties to Division, paragraphs (o) and (t) of Item 4.2 are amended to read as follows:

4.2 *Division One—Operating Rights Division.*

(o) Section 212(a) (including section 204(c) when pertinent thereto), relating to suspension, change, and revocation of certificates, permits, and licenses except determination of uncontested suspension, change, or revocation proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Temporary Authorities Board.

(t) Sections 303(1), 309, and 310, relating to certificates of public convenience and necessity and permits; section 311(a), relating to temporary authorities, when certified to the Division by the Temporary Authorities Board; section 312a, relating to suspension, change, or revocation of certificates and permits except determination of uncontested proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Temporary Authorities Board; section 410 (a) to (f), inclusive, section 410 (h) and (i), relating to permits, except matters assigned to and determined by an Operating Rights Board pursuant to Item 7.11(a) (1) or the Temporary Authorities Board pursuant to Item 7.4(c).

2. Under the heading Assignments to Boards, Item 7.4(c) is amended to read as follows:

7.4 Temporary Authorities Board:

(c) Determination of uncontested motor carrier, broker, water carrier, and freight forwarder suspension, change, or revocation proceedings under sections 212(a), 312a, and 410(f) which have not involved the taking of testimony at a public hearing.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-11931; Filed, Nov. 1, 1966;  
8:48 a.m.]



## CUMULATIVE LIST OF PARTS AFFECTED—NOVEMBER

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# FEDERAL REGISTER

VOLUME 31 • NUMBER 213

Wednesday, November 2, 1966 • Washington, D.C.

PART II

Department of Agriculture

Consumer and Marketing  
Service

Milk in Central Illinois and  
Suburban St. Louis  
Marketing Areas

Notice of Proposed Rule Making





# DEPARTMENT OF AGRICULTURE

## Consumer and Marketing Service

[ 7 CFR Parts 1032, 1050 ]

[ Docket Nos. AO-355, AO-313-A8 ]

### MILK IN CENTRAL ILLINOIS AND SUBURBAN ST. LOUIS MARKETING AREAS

#### Decision on Proposed Marketing Agreement and Order and Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Peoria and Springfield, Ill., on October 6-8, and 11-13, 1965, pursuant to notice thereof issued on September 10, 1965 (30 F.R. 11761), upon a proposed marketing agreement and order regulating the handling of milk in the Central Illinois marketing area and on proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Suburban St. Louis marketing area, to be newly designated as "Southern Illinois Marketing Area".

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on June 29, 1966 (31 F.R. 9152; F.R. Doc. 66-7283) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (31 F.R. 9152; F.R. Doc. 66-7283) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

#### INDEX OF CHANGES

1. The first paragraph after the list of material issues is revised.
2. Under issue 2, a new paragraph is added at the end of the discussion.
3. Under the findings for the Central Illinois order:
3. Under issue 3(a) subheading "Marketing area," the 12th paragraph is revised and four new paragraphs are added after the 15th paragraph.
4. Under issue 3(a), the paragraph immediately preceding the subheading "Plants" is revised.
5. Under issue 3(a) subheading "Pool supply plant," the second and sixth paragraphs are revised; the fourth and seventh paragraphs are deleted and a new paragraph is added after the 7th paragraph.
6. Under issue 3(a) subheading "Re-load point," the discussion is rewritten in its entirety.
7. Under issue 3(a) subheading "Producer milk," the 6th and 16th paragraphs

are revised and paragraphs 17 through 20 are deleted and six new paragraphs are substituted therefor.

8. Under issue 3(a) subheading "Other source milk," the second paragraph is revised.

9. Under issue 3(a) subheading "Fluid milk product," the second paragraph is revised.

10. Under issue 3(b) subheading "Shrinkage," a new paragraph is added after the seventh paragraph.

11. Under issue 3(b) subheading "Inventories," the sixth paragraph is revised.

12. Under issue 3(b) subheading "Allocation," a new paragraph is added at the end of the discussion.

13. Under issue 3(c) subheading "Class prices," the 2d and 7th paragraphs are revised; the 8th and 11th paragraphs are deleted and four new paragraphs are substituted therefore.

14. Under issue 3(c) subheading "Location adjustments," the seventh paragraph is revised and separated into two paragraphs.

Under the findings for the Southern Illinois order:

15. Under issue (a) (2) subheading "Pool plant provisions," the sixth paragraph is revised and a new paragraph added immediately thereafter.

16. Under issue (a) (4) subheading "Other definitions," the ninth paragraph is revised and a new paragraph added immediately thereafter.

17. Under issue (c) subheading "Class I prices," the first, third, fourth, fifth, sixth and seventh paragraphs are revised and two new paragraphs are added at the end of the discussion.

18. Under issue (d) (3), (4) and (5) subheading "Price applicable for milk diverted to another pool plant or to an other order plant," the last paragraph is revised.

The material issues of the record relate to:

1. Whether the handling of milk produced for sale in the proposed new area to be regulated is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products.

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order for all or part of the proposed new area to be regulated which will tend to effectuate the declared policy of the Act.

3. If an order is issued for any or all of the proposed new area to be regulated, what its provisions should be with respect to:

- (a) The scope of regulation;
- (b) The classification and allocation of milk;
- (c) The determination and level of class prices;
- (d) Distribution of proceeds to producers; and
- (e) Administrative provisions.

4. With respect to the Suburban St. Louis order; revision of order provisions to properly reflect marketing conditions in the presently regulated territory and territory proposed to be added to the marketing area, and coordination with

provisions of an order which may be issued for a Central Illinois marketing area including:

- (a) The scope of regulation;
- (1) Marketing area;
- (2) Pool plant provisions; and
- (3) Producer milk, including:
  - (i) Milk received at pool plant;
  - (ii) Milk diverted to nonpool plants not regulated by another order;
  - (iii) Milk diverted to plants regulated by another order; and
  - (iv) Milk diverted to other pool plants.
- (4) Other definitions, including handler, fluid milk product, and such definitions as necessary to conform with needed changes in other order provisions.
- (b) The classification and allocation of milk, including:
  - (1) Revision of shrinkage provisions;
  - (2) Disposition of fluid milk products as animal feed and dumped; and
  - (3) Surplus disposal area.
- (c) The determination and level of class prices and butterfat differentials.
- (d) Application of location adjustments to:
  - (1) Milk received from producer farms at pool plants;
  - (2) Milk diverted to nonpool plants not regulated by any order;
  - (3) Milk diverted to plants regulated by another order;
  - (4) Milk diverted between pool plants; and
  - (5) Milk transferred between plants.
- (e) Administrative provisions and conforming changes.

This decision deals with all of the above issues except those issues under the Suburban St. Louis order regarding milk diverted to nonpool plants not regulated by another order and the appropriate location pricing of such milk (Issues No. 4 (a) (3) (ii) and (d) (2)). A decision dealing with these two issues under the Suburban St. Louis order was issued June 16, 1966, and the amended order was issued July 12, 1966. The amended provisions as effective August 1, 1966, are republished herein.

#### FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Character of the commerce.* All milk to be regulated by the proposed marketing agreement and order for Central Illinois is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

The character of commerce in the proposed Central Illinois marketing area is affected by sales in the area of milk produced outside the State.

Milk produced on farms in Wisconsin is moved regularly to a principal handler in the proposed area to be regulated. This handler has wide distribution throughout the marketing area. Additional importation of out-of-State milk often occurs on a seasonal basis to supplement the regular supply of milk from local producers and regular out-of-State sources. Another handler who would be



regulated under the proposed extension of the Suburban St. Louis order (hereinafter named the Southern Illinois order) distributes milk in the proposed Central Illinois marketing area. This handler also receives milk from Wisconsin. Milk presently received from sources in Iowa by Suburban St. Louis handlers is also available to Central Illinois handlers.

There is substantial competition for route sales of fluid milk products between Central Illinois and other order handlers. Distribution is made in the marketing area by handlers regulated under the Rock River Valley order and Quad Cities-Dubuque order. The commerce in fluid milk and dairy products in each of these orders has previously been found to be in the current of or to burden interstate commerce in milk and its products. There is also distribution in the proposed Central Illinois marketing area and surrounding counties by Chicago market handlers. Although the Chicago order was terminated effective May 1, 1966, the interstate character of the commerce of handlers previously regulated by the order was determined as a basis for issuance of that order. Official notice of termination of the Chicago order May 1, 1966, is taken (31 F.R. 6195).

A handler who would be regulated by the Central Illinois order receives packaged fluid milk products at his Peoria, Ill., plant from an affiliated St. Louis order plant. The Peoria plant ships packaged cottage cheese to the St. Louis plant for sale in that market.

Manufactured dairy products such as nonfat dry milk, butter and cheese are brought in from out-of-State sources. These products compete with the same products made from locally produced Illinois milk. Such locally produced manufactured products are likewise sold in States other than Illinois.

**2. Need for regulation.** The issuance of a marketing agreement and order for Central Illinois and the proposed amendments to the tentative marketing agreement and order for the Suburban St. Louis order (to be redesignated the Southern Illinois order) will tend to effectuate the declared policy of the Act. Marketing conditions throughout the entire proposed territory to be regulated are such that the purposes of the Act will be served by regulation of such territory or parts thereof under these orders with appropriate division of the territory between the orders.

A primary purpose of a Federal order is to assure orderly marketing conditions for milk of producers. This is accomplished by establishing minimum prices to be paid by handlers according to the use made of the milk.

Dairy farmers delivering milk to plants within the proposed area to be regulated are substantially identified with the market. While these producers have some assurance of an outlet for their milk, they nevertheless are confronted with a threat of instability which would be reduced under order regulation.

Without regulation the specific problems confronting such producers include:

(1) Lack of assurance that in bargaining for a price they will receive returns commensurate with the value of their milk.

(2) Possible loss of market due to the incentive of handlers to seek out other supplies on a temporary basis at lesser price.

Dairy farmers who are at a greater distance from the proposed area who supply handlers have even less assurance of a stable connection with the market without regulation.

The availability of alternative supplies is a substantial factor weakening the bargaining position of local producers. The development of supply sources at a distance from the proposed area has come about also because the supply produced locally is not sufficient for handlers' needs.

Many of the handlers in the area to be regulated rely on additional milk supplies from sources mainly in Wisconsin and Minnesota to supplement local milk received from nearby producers. Some of these more distant milk supplies represent available milk which is surplus to the fluid milk requirements of other markets and are only incidentally associated with the Illinois areas proposed for regulation. Further, it is possible for handlers procuring supplemental milk in the regions of denser milk production in Wisconsin and Minnesota to shift from source to source on an opportunity basis. This is not conducive to stability of the market, nor does it tend to assure a regular and dependable supply of pure and wholesome milk. This is true because in the absence of a Federal order with specified shipping requirements for pool participation, the suppliers of such supplemental milk are under no requirement to make a dependable supply of milk available for the Illinois markets.

Under these circumstances the specific market conditions which obtain in the market and reflect instability are as follows:

Dairy farmers delivering to the substantial number of plants operated by presently unregulated proprietary handlers in the two markets have had little or no opportunity to bargain for their milk prices. The methods of payment for milk in the area proposed for regulation lack uniformity and thus reflect the particular bargaining situation of individual groups of producers and handlers. Many of the handlers with unregulated facilities pay producers on a flat price basis which usually shows little variation from month to month. Such flat prices have not been related to the use made of milk, and are often closely related to blended prices paid producers delivering to nearby Federal order markets such as Chicago, Quad Cities-Dubuque, and the Suburban St. Louis market. A Bloomington, Ill., handler for example testified that he set his price on a flat price paid by another unregulated handler at Decatur, Ill. In the past the Bloomington handler has related his pricing to Chicago and Peoria producer prices. Other handlers pay prices which are very often related to the flat prices paid by their nearest competitor.

Since most of these plants buying on a "flat price basis" are using a relatively high percentage of their milk in fluid milk products, producers receive less than the full utilization value for their milk. The resulting pay prices, in many cases, are below the level of prices contemplated by the Act.

Grade A milk from other markets which is brought in to supplement local supplies of producer milk is in some instances priced higher than prices paid for the regular supply of producer milk. In other instances, particularly during months of flush production, milk from sources in Wisconsin and Minnesota would be available at prices only slightly above the value of such milk for manufacturing purposes. For the most part, however, the existence of surplus milk supplies to the north has tended to exert a downward pressure on the level of prices paid Illinois producers and to make more difficult attempts by many producers to bargain effectively for their prices.

The orders herein recommended will tend to effectuate the declared policy of the Act by assisting in the establishment and maintenance of orderly marketing conditions, and thus provide the basis for insuring an adequate and dependable supply of milk for consumers. The principal measures to be employed for this purpose are:

(1) The determination of minimum prices to producers at levels contemplated under the Agricultural Marketing Agreement Act of 1937, as amended;

(2) The establishment of uniform pricing to handlers for milk received from producers according to a classified pricing plan based upon the utilization made of the milk;

(3) An impartial audit of handlers' records of receipts and utilization, to insure uniform prices for milk purchased;

(4) A means for insuring accurate weights and tests of milk;

(5) Uniform returns to producers supplying the market and an equitable sharing by all producers of the lower returns from the sale of reserve milk; and

(6) Marketwide information on receipts and sales and other data relating to milk marketing in the area.

The findings and conclusions with respect to the two orders provides a basis for a separate regulation in the Central Illinois marketing area. The proponent cooperative associations supported the establishment of a separate regulation for the Central Illinois area because of different procurement and supply situations as compared to conditions in the proposed Southern Illinois marketing area. The supply arrangements for the two proposed marketing areas are distinctly separate and the degree of overlap in distribution is not such as to preclude separate regulations. Further, the northern location of the proposed Central Illinois area more strongly reflects the influence of other regulated markets in Illinois, Wisconsin, and Iowa.



## FINDINGS AND CONCLUSIONS ON SCOPE AND TERMS OF CENTRAL ILLINOIS ORDER

3. (a) *Scope of regulation.* It is necessary to designate clearly what milk and which persons would be subject to the various provisions of the order. This is accomplished by providing specified definitions to describe the area involved, and to describe the category of persons, plants, and milk products to which the applicable provisions of the order relate.

*Marketing area.* The marketing area for Central Illinois should include all the territory within the Illinois counties of:

Cass.	McDonough.
Ford.	Peoria.
Fulton.	Stark.
Knox.	Tazewell.
Livingston.	Warren.
Marshall.	Woodford.
Mason.	

Such marketing area would encompass all territory within the above mentioned counties together with all municipal corporations therein and all institutions owned or operated by the Federal, State, county, or municipal governments located wholly or partially within such counties.

The total population of the proposed Central Illinois market is approximately 600,000. Greater Peoria and Pekin combined have a population slightly in excess of 150,000. Other cities in the area include Galesburg with a population of about 40,000, and Canton, Macomb, and Monmouth, each with a population in excess of 10,000.

The sanitary regulations applicable to Grade A milk produced for fluid distribution throughout the proposed marketing area are patterned after the U.S. Public Health Ordinances and Code. The State regulations provide minimum standards which are, for the most part, adopted by all local health authorities in the proposed marketing area. Thus, milk meeting the sanitary requirements of the State of Illinois is acceptable for distribution in such cities as Peoria and Pekin. The similarity of health standards and reciprocity among health departments throughout the 13-county area will permit free movement of fluid milk products throughout the proposed marketing area.

The extent of the marketing area adopted herein conforms closely to the sales areas of plants which would be fully regulated by the order. Nearly all of the major distribution areas of handlers to be regulated would be within the regulated area. Further, in every part of the marketing area, handlers to be regulated presently have the majority of Class I sales. The other sales in the marketing area are made by handlers regulated under other Federal orders, including Quad Cities-Dubuque, Rock River Valley, Chicago (now terminated) and Suburban St. Louis orders. Only a small percentage of fluid milk products to be sold in the proposed marketing area would be by plants located outside the marketing area and not subject to regulation under a Federal order.

Two of the major handlers in the market are located in Peoria, Ill., and an-

other in Pekin which is about 10 miles south of Peoria. These three handlers account for nearly 75 percent of the total Class I sales in Peoria and Tazewell Counties where the greatest concentration of population in the marketing area is located. These three handlers also have over 60 percent of the Class I sales in the surrounding counties of Stark, Knox, Marshall, Mason, and Woodford. The major sales areas of these handlers also extend into Fulton, Warren, and McDonough Counties where their distribution accounts for 40 percent or more of the total. Sales of these handlers as well as sales of handlers to be regulated under the proposed Southern Illinois order, and sales by other regulated handlers are expected to constitute the majority of sales in these latter three counties. Local handlers in these three counties who would become regulated are located at Canton, Macomb, and Monmouth. All of these counties must necessarily be included in the regulated area to assure orderly marketing conditions for milk to be regulated.

Cass County also should be included in the Central Illinois marketing area. Forty percent or more of the Cass County sales are made by a handler at Peoria who will be regulated under the proposed Central Illinois order. These sales exceed those of a local handler located at Beardstown, Ill., who is the only handler located in the county. Other sales in the county are made largely by the handler at Pekin and by handlers who will be regulated under the expanded area for the Southern Illinois order. Since the county is more closely associated with the proposed Central Illinois order than with the adjoining Southern Illinois order, it should be included in this marketing area.

Menard County, located directly east of Cass, is more closely associated with area proposed for the Southern Illinois market than this market. The handler at Champaign, Ill., whose plant would be regulated under the Southern Illinois order, estimates that his plant accounts for 50 percent or more of the total county sales. In addition, the proponent cooperative, which serves Menard County from its plants at Carlinville and Quincy, estimates that it accounts for about 36 percent of the total county sales. The greater proportion of such sales originate at the Carlinville plant which is regulated by the Suburban St. Louis order. Since Southern Illinois regulated handlers will account for about 80 percent of the total sales, Menard County should be added to the Southern Illinois marketing area.

The proposed Central Illinois order should not be extended to include the seven western counties of Adams, Brown, Hancock, Henderson, Pike, Schuyler, and Scott Counties. The record does not provide a sufficient basis for extending regulation to these counties. Dairy farmers delivering to some six handlers with plants located in Quincy presented no testimony as to the need or desirability of extending regulation to include this area. Dairy farmers supplying other handlers selling in these counties also did not support the inclusion of these counties. The plants previously referred to

as located in counties to be regulated have only a minor share of the sales in these counties.

A large part of the sales in these counties are made by the plant of a cooperative at Quincy. This cooperative association, one of the proponents of the Central Illinois order, did not support inclusion of these counties. Its plant accounts for significant percentages of the total county sales in five of the western counties as follows: Adams, 30 percent; Brown, 50 percent; Hancock, 40-50 percent; Pike, 35 percent; and Scott, 50 percent.

Adding these counties to the marketing area would extend regulation to handlers whose sales are mainly in these counties or areas outside the proposed regulation. If Brown County were added to the marketing area, at least two presently unregulated milk dealers with plants at Quincy, Ill., could become regulated. A similar situation would result if Hancock County were added to the marketing area. This would involve two Quincy handlers and at least two handlers in Iowa. Henderson County, which has a population of only 8,000, if included would likely involve three Iowa handlers whose marketing situation and distribution is not clear on the record. If Pike County were added to the marketing area, three of the Quincy handlers could become regulated. At least one Iowa handler also has sales in this county. The same situation would be true of Schuyler and Scott Counties. Inclusion of any one of these counties would involve handlers whose major business appears to be in areas only incidentally associated with the Central Illinois market at this time.

It is concluded that, on the basis of this record, the Central Illinois marketing area should not include the western counties of Adams, Brown, Hancock, Henderson, Pike, Schuyler, and Scott.

Certain other counties located in north and northeast Illinois which were proposed for regulation should not be included in the Central Illinois marketing area. These are the counties of Bureau, La Salle, and Putnam.

In Bureau County some 30 percent of the sales are made by unregulated handlers whose plants are located within the three counties of Bureau, La Salle, and Putnam. Only 17 percent of the county sales are made by handlers who will be regulated by the Central Illinois order. Approximately 52 percent of the sales are made by two Chicago market handlers, a Rock River Valley handler and two Quad Cities-Dubuque regulated handlers.

La Salle County is served by 5 local handlers who would only become regulated if these 3 counties are added. These handlers account for about 24 percent of the La Salle County sales. About 63 percent of the county sales are being made by Chicago market handlers. Only 13 percent of the sales are by handlers who will be regulated under the Central Illinois and Southern Illinois orders. In Putnam County only 20 percent of the sales are made by handlers who would otherwise be regulated by this order.



Exceptions objecting to the exclusion of Bureau, La Salle, and Putman Counties were submitted by proponent cooperative associations and by cooperative associations in these counties. Handlers in these counties also asked that the counties be included in the marketing area. Exceptors contended that of the milk sales in these counties, 50 percent or more are made by local handlers and handlers to be regulated by the Central Illinois order.

It was pointed out by exceptors that local handlers have a common procurement area with handlers to be regulated by the Central Illinois order. Producers and handlers would prefer not to be included in an order for the Chicago area since they would expect the blend price of such an order to be too low to compete for local milk supplies.

A basis for including these counties in the Central Illinois marketing area is not clear on this record. This is primarily so because of the very substantial sales made in these counties by Chicago handlers at the time when the Chicago order was still effective. A relatively small minority of sales were by handlers outside these counties who would be regulated by the Central Illinois order.

Exceptors will have adequate opportunity to propose and testify in any future hearings with respect to the inclusion of Bureau, La Salle, and Putman Counties in either this and/or any order that may be proposed for the Chicago market.

Of the 5 northeastern counties proposed by handlers to be added to the Central Illinois marketing area (Ford, Grundy, Iroquois, Kankakee, and Livingston) only the counties of Livingston and Ford should be added to the Central Illinois marketing area.

In Livingston County, handlers who will be regulated under the Central Illinois and the proposed Southern Illinois order account for 58 percent of the county sales. Of the 58 percent, 39 percent would be made by Central Illinois handlers and 19 percent by handlers to be regulated by the proposed Southern Illinois market. The remainder of sales in this county would be accounted for by Chicago market handlers (handlers previously regulated under the Chicago Federal order).

In Ford County, the percentage of total sales made by Central and Southern Illinois handlers would amount to approximately 83 percent, with about 52 percent being made by Central Illinois handlers and about 31 percent by Southern Illinois. The remaining sales in Ford County would likewise be accounted for by Chicago market distributors.

Distribution in the counties of Grundy, Iroquois, and Kankakee is primarily by Chicago market handlers. These handlers account for approximately 55 percent of the sales in Grundy County, whereas handlers to be regulated by the proposed Central and Southern Illinois orders account for only about 15 percent of the total county sales. The remaining 30 percent is made by local handlers. In Iroquois County, Chicago market handlers account for 43 percent whereas

Central and Southern Illinois handlers account for 42 percent. The remainder is accounted for by two unregulated handlers. In Kankakee County, Chicago market handlers have 61 percent of the sales with Central and Southern Illinois handlers accounting for only 14 percent. Local handlers account for the remaining distribution in both counties. Since Chicago handlers have the greater proportion of sales, these counties should not be included in the proposed regulations for either Central or Southern Illinois.

Although some of the route distribution of handlers to be regulated extends beyond the boundaries of the counties proposed for regulation, it is neither practical nor reasonable to extend the regulated area to cover all of a handler's route disposition. Nor is it necessary to do so to accomplish effective regulation under the order. The marketing area herein proposed is a practicable one in that it will encompass a substantial percentage of the fluid milk sales of most handlers to be regulated and result in only a minimum of such sales being made outside of the proposed marketing area.

All producer milk received at regulated plants must be made subject to classified pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Limited quantities (as provided) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it has been concluded that the application of "partial" regulation to plants having less association than required for market pooling would not jeopardize marketing conditions within the regulated marketing area. Official

notice is taken of the June 19, 1964, decision (29 F.R. 9002) supporting amendments to several orders, including the Suburban St. Louis order.

The operator of the partially regulated plant is afforded the options of: (1) Paying an amount equal to the difference between the Class I price and the uniform price with respect to all Class I sales made in the marketing area; (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his limited disposition within the marketing area; or (3) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk.

In the course of the operation of the orders the question may arise as to territory within the boundaries of the designated marketing areas which is occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other establishments and whether such territory shall be considered as within the marketing areas. So there will be no doubt as to the meaning or the intent of the marketing area definition of the orders, it is provided that the marketing areas shall include any territory wholly or partly within the area which is occupied by government (municipal, State or Federal) reservations, installations, institutions, or other establishments.

**Producer.** The term "producer" should include dairy farmers who regularly provide Grade A milk to pool plants for fluid consumption. Accordingly, the definition of "producer" should distinguish between those dairy farmers who produce milk in compliance with the Grade A inspection requirements of a duly constituted health authority and those dairy farmers whose milk is other than Grade A and qualified only for manufacturing purposes.

Milk qualified for fluid consumption in the proposed area is required to be produced in compliance with the State of Illinois or municipal health ordinances. Also, milk approved by governmental authorities for consumption at installations under their supervision in the marketing area should be considered as meeting the sanitary requirements equivalent to milk otherwise designated as Grade A.

The identification of a dairy farmer as a "producer" should be established primarily on the basis of receipt of his Grade A milk at a plant which is supplying milk to the market in quantities sufficient to be designated a "pool plant." The milk of the dairy farmer thus becomes part of the total supply which is



handled in a manner that assures the market of an adequate and reliable supply including a market reserve.

Because of variations in market needs and variations in production, not every producer's milk is needed every day at a fluid milk processing plant. It is necessary, however, that there be a reserve of qualified milk available to fulfill the fluctuating needs of the market. At any particular time, therefore, there are dairy farmers who are part of the regular supply whose milk must be temporarily diverted out of the market. Such dairy farmers who have established a regular association with the market should continue to qualify as producers under the rules described under the definition of producer milk.

**Handler.** A handler definition is necessary to identify those individuals who handle the milk which is subject to regulation. Such persons thereby incur certain responsibilities to submit to the market administrator reports of receipts of milk and its utilization. Also, if they receive producer milk they are responsible for payment for such milk in accordance with its classified use value.

As herein provided the definition includes:

- (1) Any person operating a pool distributing or supply plant;
- (2) A cooperative association with respect to producer milk diverted from a pool plant to a nonpool plant;
- (3) A cooperative association with respect to milk for which it assumes responsibility for delivery from farms to pool plants in tank trucks owned, or operated by, or under contract to such cooperative association;
- (4) Any person operating a partially regulated distributing plant;
- (5) Any person in his capacity as an operator of an unregulated supply plant;
- (6) Any person in his capacity as an operator of an other order plant disposing of milk in the marketing area; and
- (7) A producer-handler.

The specific responsibility of each type of handler is described in the applicable order provisions.

The handler who receives milk from producers at a pool plant is responsible for reporting in detail the quantities of skim milk and butterfat received from each producer and each other source. He is also responsible for reporting the utilization of such milk. He must make payment to producers and to the producer settlement fund in accordance with terms of the order.

Cooperative associations should be handlers under the order with respect to milk of producers diverted to nonpool plants. In this function the cooperative association is responsible for reporting the identity of each producer whose milk is diverted, the quantity of milk and butterfat for each producer, and the disposition of such milk.

In performing the function of diversion under the rules described in the order, the cooperative association will be balancing supplies according to individual handler's needs, and disposing of

market reserves. In this capacity the cooperative association should be considered to be the handler paying into or receiving money from the producer settlement fund so that diverted producers may receive the uniform price. The association should be responsible for the administrative expense on this milk.

Cooperative associations often take responsibility also for delivery of milk from producers' farms to regulated plants. Cooperative associations in this market are able to, and do provide such delivery in tank trucks. Each truckload of milk would ordinarily contain the production of several producers.

There are definite advantages to the association in this method of handling milk. Primarily, it gives the association opportunity to balance milk supplies among the various fluid milk plants. In this way, it can arrange the most economical movement and utilization of the market supply.

When milk is picked up by tank trucks under the control of the cooperative association and milk of several farmers is commingled in one load, the cooperative association is in possession of the only information as to the quantities of milk from each individual dairy farmer. The cooperative association should be required, therefore, to report to the market administrator the quantity of milk received from each dairy farmer. The association should also be responsible for obtaining samples at the farm for the purpose of butterfat testing, and for the testing of such samples.

If the association is assuming responsibility for collection of dairy farmers' milk in tank trucks and delivering such milk from the farm to pool plants, it should be defined as the handler on such milk and should notify the market administrator and the handler to whom the milk is delivered in writing prior to the first day of the month in which such arrangement is effective. For pricing purposes, the milk should be considered as received by the cooperative association at the location of the plant to which delivered.

Another category of handler is the operator of a partially regulated distributing plant. Such plants do not distribute sufficient milk in the regulated area to qualify as fully regulated plants or are not primarily engaged in fluid milk distribution. Such plant operators must submit reports to the market administrator so that (1) he may ascertain their status under the order and (2) the money obligation, if any, of such handler may be established. These requirements are necessary to assure that the orderly marketing of producer milk will not be disrupted.

The definition of "handler" should include an operator of a plant which ships bulk milk to regulated plants in the market, although in quantities less than sufficient to qualify for full regulation. Such a plant is defined elsewhere herein as an "unregulated supply plant." Defining the plant operator as a handler will authorize the market administrator to obtain reports from such plant so as to determine its status under the order.

Also, a plant which is regulated under another order may nevertheless dispose of some milk in this marketing area. The operator of such plant should be defined as a handler under this order, although this plant may continue to be regulated under the other order. This will authorize the market administrator to obtain reports from such plant to determine its status under the order.

"Producer-handler" should be defined as any person who:

- (1) Operates a distributing plant, processes milk of his own farm production, and who distributes all or a portion of such milk on routes in the marketing area;
- (2) Receives no milk from other dairy farmers or fluid milk products from non-pool plants; and
- (3) Assumes as his personal enterprise and risk the processing and distribution of fluid milk products and the maintenance, care and management of dairy animals and other resources necessary to produce his own farm milk production.

In this order producer-handlers are exempt from pricing and pooling provisions. They should be required, however, to make reports to the market administrator in order that he may determine whether the operator continues to meet the producer-handler definition.

The exemption from pricing and pooling of a producer-handler should be limited to bona fide producer-handlers. The advantage of exemption from pooling enjoyed by producer-handlers is such that some milk distributors attempt to acquire producer-handler status by superficial association with the milk production operation. Various business arrangements may be used to acquire an appearance of a true producer-handler operation. To preclude the use of such devices the order should provide that, to be a producer-handler, the maintenance, care and management of the dairy animals and all other resources used to produce the milk as well as the resources required for the distribution of the milk are each the personal enterprise and the personal risk of the person who claims producer-handler status.

The primary source of supply for producer-handlers is ordinarily milk of his own production. If in any case he needs to supplement such supply, he may procure milk for Class I use from pool plants.

If a producer-handler were permitted to obtain milk from unregulated sources, this would allow him an undue advantage compared to regulated handlers. Other handlers incur obligations to the pool on unregulated milk used in Class I disposition, but producer-handlers are exempt from pooling. Further, such use of unregulated milk by producer-handlers would be inequitable to producers. It would permit use in the fluid market of unregulated milk without such milk being subject to the order's allocation and payment provisions, which provide proper apportionment to producers of returns from Class I dispositions.



The only exception allowable to a producer-handler in receiving other source milk would be for purposes of fluid products fortification. Such receipts would ordinarily be in the form of powder or condensed milk. To safeguard against use of such other source receipts for any purpose except fortification, it should be provided that to maintain status as a producer-handler such operator's Class I disposition must not exceed his own farm production and receipts of fluid milk products from pool plants allowing for inventory derived from such sources.

**Plants.** A plant definition is needed to assist in defining what operations are subject to regulation. Under the plant definition herein provided, all of the operations conducted on the premises of an establishment operated as a single unit for the purpose of receiving milk for assembly and transfer, or for processing and packaging milk and milk products are operations of a plant. A facility only for transferring milk from one tank truck to another is not considered to constitute a plant but is defined in subsequent findings as a reload point. Also, a distribution depot for storage of packaged fluid milk products in transit for route disposition should not be considered a plant.

**Pool plants.** It is essential to the operation of the order to distinguish between those plants substantially engaged in serving the fluid needs of the order market and those plants which do not. It is of particular importance to establish minimum performance standards for plants which serve the market in a way, or to a degree, that they should be included in the market pool which provides the means of paying uniform returns to all producers for the market. Such distinction is necessary, for otherwise the proceeds of the higher Class I price for milk sold in the fluid market would be dissipated on milk acquired by handlers primarily for manufacturing purposes. Such proceeds then would not go to the primary purpose of assuring an adequate and dependable supply for the fluid market.

The marketing performance standards also serve to minimize the effects of regulation on handlers who have only a minor proportion of their distribution in the regulated market. Such handlers would be subject to partial regulation in the manner described in subsequent findings and conclusions.

Any plant, wherever located, may qualify as a pool plant if it meets the marketing performance standards for regulation. These standards are equal for all plants performing the same function. The performance standards for regulation of a plant are one of the essential means of assuring the regulated market of adequate and dependable supplies of milk. This is accomplished by requiring that the plant distribute milk in the market or ship milk to the market.

**Pool distributing plant.** Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards have been provided for them. A "distributing plant" should be defined

as a plant at which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of during the month on route(s) in the marketing area.

To qualify as a pool plant, a distributing plant would be required to meet performance standards both as to disposition in the marketing area and the proportion of the plant's supply used in fluid disposition. As to disposition in the marketing area the plant should be required to dispose of on routes in the marketing area not less than 10 percent of its total receipts of Grade A milk from dairy farmers (including such milk disposed of through a distribution point) and Grade A milk received directly at the plant from cooperative associations in their capacity as handlers. Milk diverted by a plant operator is part of the supply accounted for at the plant and should enter into the computation of pool qualification. On the other hand, milk diverted from the plant of another handler by a cooperative association, for its account, should not be included. The plant operator may have no knowledge or control over the quantities of milk diverted from his plant by the cooperative association.

An alternative pooling standard as to disposition in the marketing area would be a daily average during the month of not less than 7,000 pounds per day of fluid milk products on routes in the marketing area. This latter standard based on a specified minimum volume of distribution is identical to that presently used in the Suburban St. Louis order. Producers proposed that this alternative standard also be made a provision of the proposed Central Illinois order. A plant meeting either the 7,000 pounds per day standard or the 10 percent standard is sufficiently identified with the market to be pooled if it also meets the fluid utilization requirement described in subsequent findings. Also such a plant is an important competitive factor in the market and should be subject to regulation. Without such a fixed figure for a standard, a plant with very substantial distribution in the marketing area could remain unregulated if such distribution was nevertheless less than 10 percent of its specified receipts.

Only those plants primarily engaged in route distribution of fluid milk products should be qualified as pool distributing plants under this definition. The plant's total route distribution both inside and outside the marketing area should be equal to not less than 50 percent of its receipts of Grade A milk from dairy farmers and from cooperatives as handlers during each of the months of August through February. During other months, route distribution should be equal to at least 40 percent of such Grade A receipts. The seasonal change in requirements is necessary because of the seasonal increase in milk receipts which some of the distributing plants must handle as reserve milk.

The above pooling standards for a distributing plant are identical to those provided in the present Suburban St. Louis order. Since the two markets are closely associated, the use of similar pool plant

provisions will facilitate coordination of marketing of milk from the same supply areas.

The proposal of the eight cooperatives differed from the above. They proposed that a distributing plant be required to have total Class I distribution equal to 50 percent of its receipts from dairy farmers and cooperative associations every month. This should not be adopted. The same proposal with respect to the proposed Southern Illinois order is also denied in the findings and conclusions in that order. In the Southern Illinois order, the present pooling requirement of 50 percent Class I utilization in the months of August through February and 40 percent in other months is continued. In this market there are several handlers who will face the problem of handling much of their reserve milk either in their distributing plants or as diversions from such plants. Without more precise data as to the ability of such operators to meet the higher percentage, it is sounder to apply a 40 percent requirement in March through July.

**Pool supply plant.** The order should also provide a definition of "supply plant." A supply plant would be defined as a plant from which fluid milk products acceptable to the appropriate health authority for distribution in the marketing area as Grade A milk are shipped during the month to pool distributing plant(s).

To qualify for pool plant status on a month-to-month basis, a supply plant should be required to ship an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations as bulk tank handlers, to pool distributing plants which have at least 50 percent Class I use of the total of such milk and producer milk receipts during the months of August through February and 40 percent in other months. Any supply plant meeting the above requirement during each of the preceding months of September through January would be granted pool status during the following months of February through August without specified shipments. Such pool status would be automatic unless the operator of such plant notifies the market administrator in writing before the first day of any such month that he desired to withdraw his supply plant from pooling. The plant would thereafter be a nonpool plant until it again met the shipping requirements set forth above.

Such varying requirements for a supply plant are appropriate in view of the seasonal changes in production which normally occur. While the Class I requirements of the distributing plant to which the supply plant ships may remain relatively constant throughout the year, milk receipts at both plants would normally be heavier in the flush production months. To avoid uneconomical transportation, the larger share of reserve milk would normally be held in the supply plant. In this situation the milk received at the supply plant is part of the market reserve supply which must be available to assure an adequate supply for the full year.



Proponents of supply plant provisions did not identify any existing supply plants expected to become fully regulated by the Central Illinois order. Although one handler discussed supply plant sources, the information provided was not sufficient to indicate whether such plants would qualify as pool supply plants. The proposal of the eight cooperative associations contained the highest pool plant requirements. These would have required 50 percent of receipts to be shipped in every month except May and June. Such high requirements might impose extreme difficulty for a bona fide supply plant attempting to qualify on a year around basis and should not be adopted.

A handler who procures milk from plants in Wisconsin requested shipping requirements of 60 percent in September, October, and November, 50 percent in December, January, and February, and 30 percent in March, April, and August. The plant then would be pooled without shipment in May, June, and July if it qualified in prior months. Cooperative associations in their exceptions requested similar standards for pool supply plants.

The supply plant standards adopted herein require shipment of 50 percent of its receipts in the same months as presently required in the Suburban St. Louis order. There is no need to provide, as proposed, a lesser percentage requirement for the months of March, April, and August. During these months it is unlikely that a new supply plant would be needed in the market. If the market were sufficiently short in these months so that an additional supply plant were needed, such supply plant would normally be able to meet the 50 percent requirement for the month.

It is intended that the following quantities of Grade A receipts be included in the determination of pool status for a supply plant:

(1) Direct receipts of Grade A milk from dairy farmers and from a cooperative in its capacity as a handler on bulk tank milk it delivers from farms to the plant. Grade A milk received at the plant through a reload point (described in subsequent findings) should also be included in such receipts; and

(2) Milk diverted from such supply plant by the handler in his capacity as operator of such supply plant.

Milk diverted from such a supply plant by a cooperative association, for its account, should not be included in Grade A receipts in measuring such a plant's pool status for the reasons previously stated.

**Reload point.** A reload point is an assembly point where milk from smaller farm tank trucks is pumped over into larger over-the-road tankers. These tankers are capable of traveling longer distances with a larger pay load. A reload point has no facilities for either receiving, holding, or processing milk. Reload facilities are subject to approval by health authorities for transfer of milk from one tank truck to another and for the washing of tank trucks. The approval of any duly constituted health au-

thority for such reload points would be acceptable the same as provided in the definition of producer.

Only one reload point is being used to serve this market at this time. The milk is associated with a distributing plant at Peoria which is an operation primarily for processing milk for fluid disposition. The proposed definition of reload point was intended to apply to a facility which would serve operations of this kind from a relatively short distance, 145 miles, as compared to much longer distances in some other markets.

Producers proposed that the pricing of milk received at a pool plant from a reload point be at the location of the pool plant. This was also supported by handlers and conforms to the present practice in the market and should be adopted. Proponents asked that the treatment of reload point under the Central Illinois order be the same as had applied during the past few years under the Suburban St. Louis order.

This pricing method would call for applying the Class I and uniform prices to such milk at the location of the pool plant to which it is delivered. Such pricing would apply only if the place where the reloading operation is performed is a separate operation not associated with and on the same premises with a processing plant in current use. Milk passing through a reloading operation located on the premises of an active processing plant would be priced at that location, since in such a situation it would be impossible to make a distinction between milk which is reloaded and that which is received at such plant and transferred to a fluid distributing plant. The method of pricing milk delivered from a reload point was not intended to provide a basis for applying the Peoria delivered price to milk which might be used in a distant country processing plant for manufacturing.

An example was cited of a reloading operation located on the premises of a plant where the equipment is not in current use. Such a reloading operation could qualify under the definition of "reload point".

The proposed definition of reload point and method of pricing is the same as that which has been applied under the Suburban St. Louis order for the past 2 years. Revision of the point of pricing of milk received at a pool plant from a reload point was not considered for the Suburban St. Louis order. On this record, there was no indication that the current provisions of that order have resulted in undue incentive to provide milk for other than primarily fluid milk operations and should be equally applicable to Central Illinois for this market at this time.

The proposed definition, therefore, appears suitable for this market under the conditions described in the record.

It should not be provided, as requested by one handler, that a reloading operation be called a "reload point" if it is on the premises of a plant where the only processing is the manufacture of Class II products. The implications as to pricing of the milk if diverted to the

manufacturing operation were not fully explored on the record. For this reason it is not possible to decide if treatment of such a reloading operation as a "reload point" would result in proper pricing.

**Plants subject to other orders.** At times a plant qualifying as a fully regulated distributing plant under this order may similarly qualify under another order. Most orders provide that a plant will be regulated under the order for the marketing area in which it has the most Class I sales. Where there is nearly equal distribution in both areas, there is a potential for frequent shifts between regulations which may be disturbing to both producers and handlers. In such cases differences in pricing, seasonal payment plans, and different location differentials could disrupt the normal relationships of producers and handlers to the market.

To minimize unnecessary shifts in plant regulation, the order should permit a distributing plant which was pooled under this order in the most recent months, to retain pool status under this order until the third consecutive month in which greater disposition is made in the other marketing area. This provision, however, would be subject to the limitation that the provisions of the other order release it and do not make pooling mandatory under that order.

Such provision for temporarily maintaining the regulation of the plant under the order where it has previously been regulated will afford the handler reasonable notice that the regulation of his plant is shifting from one order to another. This will provide him an opportunity to make adjustments in his business if he desires to do so.

On the other hand, it is appropriate that for the longer term the plant be regulated in the market with which it has the larger measure of association. This brings the pricing of milk handled in such plant in line with the pricing in the market where it disposes of most of its fluid sales. Without such a rule a plant operator could seek advantage through becoming regulated in a market on the basis of minor sales while selling most of his milk in another market.

Provision should also be made for exempting a plant from regulation under this order until the third month in which it disposes of a greater proportion of milk in the Central Illinois marketing area than in the marketing area of the order to which it has been subject. This will provide compatible language with such other orders containing a provision similar to the one herein recommended.

The operator of a plant regulated by another order should report all receipts and disposition of skim milk and butterfat to the market administrator of this part at such time and in such manner as the market administrator may require. Such a handler should allow verification of such reports by the market administrator if deemed necessary.

**Producer milk.** Producer milk as defined herein would include all milk produced by producers which is received at



pool plants or diverted from pool plants under appropriate limitations.

Since producer milk is handled in several different ways, it is necessary that the definition be in terms of these several methods of handling, including: (1) Milk received at a pool plant from producers or cooperatives as bulk tank handlers; (2) milk received by a cooperative association as a bulk tank handler from dairy farmers, and not delivered to pool plants but lost as shrinkage; (3) milk diverted from pool plants to nonpool plants not regulated by any order; (4) milk diverted from a pool plant to another pool plant; and (5) milk diverted from a pool plant to a plant regulated by another order. These items are discussed as follows:

(1) and (2) Milk of producers received at a pool plant from producers' farms would be producer milk including milk so received for which a cooperative acts as a bulk tank handler. In the latter case, the cooperative association is the first receiver of the milk as producer milk, and the plant operator is the second receiver of such milk as producer milk. Some of the milk picked up at the farm by the cooperative association as a bulk tank handler is lost in handling and not delivered to the plant. This loss is accounted for by the association as shrinkage.

(3) Producer milk diverted from a pool plant to a nonpool plant not fully regulated by any order would be producer milk subject to certain limitations. Such diversion of producer milk may be either by the plant operator, or by a cooperative association, not as a plant operator, diverting the milk of its members.

The need for diversion of a producer's milk has been discussed under the definition of producer. It is necessary, however, that the order contain limitations as to the extent to which a producer may be diverted so that only milk which is genuinely associated with the market will receive the market uniform price.

The eight cooperative associations proposed that the order permit diversion of a producer's milk to nonpool plants in an amount equivalent to a maximum of 8 days production during all months except May and June. In May and June diversion would be permitted on an unlimited basis. Several handlers proposed, on the other hand, that the provisions of the Suburban St. Louis order with respect to diversions to nonpool plants be extended to the proposed Central Illinois order. The Suburban St. Louis order provided at the time of the hearing for unlimited diversion of a producer's milk to nonpool plants during the 7 months of February through August. During other months such diversion was limited to not more days of production by the producer than was physically received at a pool plant. Based on this record these provisions of the Suburban St. Louis order were amended effective August 1, 1966, to provide a limit of 8 days and diversion in most months and an unlimited diversion during the months of May and June.

The provisions for diversion of producer milk should be related to the reserve needs of the market. Producers

associated with the Central Illinois market are not expected to produce locally a large quantity of milk in excess of the market's fluid requirements. As indicated earlier, the area proposed for regulation generally lacks a full supply of locally produced milk on a year-round basis. It would not be necessary that more than a small part of the total supply be diverted except during the months of highest seasonal production. In these circumstances diversion of 8 days of production of a producer during most months would provide adequate flexibility for handling market reserve milk. Unlimited diversion allowance should apply only in the months of highest production which are expected to be May and June. Much of the diversion of producer milk would be handled by cooperative associations which endorsed this type of provision.

Producer milk which is diverted to a nonpool plant (not an other order plant) beyond a certain distance should be deemed to have been received for pricing purposes by the diverting handler at the location of the nonpool plant to which diverted. Milk diverted to a nonpool plant located not more than 110 miles from Peoria City Hall would be deemed to have been received by the diverting handler at the location of the plant from which diverted. This provision is necessary to maintain the integrity of the order pricing and prevent advantage to a handler or a group of producers by diversions to distant nonpool plants.

Without such provision a handler could associate distant producers with marketing area pool plants by a few days delivery and then divert them for the remainder of the month to a distant nonpool plant in the vicinity of their farms. This arrangement would give such producers the marketing area uniform price although their milk is being delivered to a distant nonpool plant at which a location differential would apply if it were a pool plant. In effect the producers would be paid as if their milk were delivered to the market when actually it is not so delivered. Within the limitation of 110 miles, however, diverted producers should receive the uniform price at the plant with which they have established a regular association. This limitation differs from that recommended under the proposed Southern Illinois order. Circumstances in the Central Illinois order require diversion to greater distance. The limitation on the number of days of production diverted in most months assures that association with the plant from which diverted will be substantial.

(4) Producer milk which is diverted by the operator of a pool plant to another pool plant will remain the producer milk of the diverting handler to be accounted for and paid for by him.

The diversion of milk between pool plants, for not more days of production of a producer's milk than is physically received at the pool plant(s) from which diverted, would serve primarily to aid in the handling of the reserve milk of the diverting handler. Not all pool plants have manufacturing facilities to handle

such reserve milk. A plant operator may wish therefore to divert his reserve milk to another pool plant where it may be used in manufactured dairy products.

Treating such shifting of producer deliveries as a diversion from the first plant avoids interfering with the pool plant qualification of the second plant. Also, it permits the convenience of retaining the diverted producers on the payroll of the diverting handler for the entire month.

For pricing purposes, the producer's uniform price would be established at the plant to which his milk is physically delivered. For pricing to handlers, the Class I price would be established at the plant where each quantity of milk so classified is physically received. This method of pricing milk to handlers would assure that Class I utilization of producer milk by a pool handler would be priced uniformly according to the location of the plant where physically received from the farm.

The cooperative associations proposed that milk diverted between pool plants be priced at the plant with the lower uniform price. At the same time they proposed to charge the diverting handler the higher of the applicable Class I prices at the two pool plants. They considered this necessary to prevent dilution of the pool returns to producers in a situation where the hauling cost between the farm and the plant at which the milk is physically received is less than the price differential between the two locations. They contended that diversion under such circumstances would produce a windfall to the diverting handler and encourage the misuse of diversion for the purposes of obtaining from the pool a higher blend price for certain producers at the expense of others.

It is concluded that such a provision as proposed by producers is not necessary. The provisions herein recommended for pricing diverted milk will forestall any advantage to handlers. It will also provide blend price to producers according to the location of the plant where their milk is received.

(5) Producer milk may be diverted to an other order plant for disposal in manufactured dairy products providing the other order does not require the milk to be priced and pooled under that order. Diversion to an other order plant would serve the same purpose in the handling of reserve milk as diversion to plants not regulated. Diversion to an other order plant, however, should be recognized only for Class II use, since Class I use would represent functional association with the other market as part of the Class I fluid milk supply.

In the recommended decision it was provided that a producer's milk might be diverted as Class II milk to an other order plant on not more days of production than it is physically received at pool plants. The pricing of such diverted milk (uniform price) was to be at the plant to which diverted.

In exceptions, a handler at Pekin, Ill., requested that milk diverted to an other order plant be priced the same as milk diverted to an unregulated plant. Such



similar pricing would call for establishing the producer uniform price at the plant from which diverted in the case of milk diverted less than 110 miles.

Parallel treatment of milk diverted to regulated and unregulated plants would also similarly limit the number of days of production to be diverted. This would be not more than 8 days of production in any month of the period of July through April and no limit in May and June. This would confine within proper limitation the proportion of a producer's milk which might be diverted to a regulated plant at some distance and yet receive the uniform price at the plant from which diverted. This would be for the same reasons as explained in connection with diversion to unregulated plants. Within such limitations the pricing requested by the handler would be proper and is adopted. For milk diverted beyond the 110-mile distance, the producer price would be based on the location to which diverted.

The handler filing the exceptions intends to divert milk to a plant regulated under the Quad Cities-Dubuque order, which does not exempt from the producer milk definition milk received as a diversion from an other order market. It is nevertheless desirable that the Central Illinois order contain provision for diversion to an other order plant so that the intended diversion can be made if at sometime a conforming change is made in the Quad Cities-Dubuque order.

The Central Illinois order should exempt from the producer milk definition, milk received at a pool plant if such milk is diverted from an other order plant for Class II use.

**Other source milk.** A definition of "other source milk" is necessary to designate one of the several categories of milk receipts at a regulated plant.

Other source milk should include all skim milk and butterfat contained in or represented by: (1) Fluid milk products received by the handler during the month except: producer milk, fluid milk products from pool plants, and inventory of fluid milk products on hand at the beginning of the month; (2) products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted into another product during the month; and (3) any disappearance of nonfluid milk products in a form in which they may be converted into a Class I product and which are not otherwise accounted for under the order.

Since a regulated plant may receive milk other than producer milk, and all types of receipts may be commingled in the plant it is necessary that all receipts of milk and dairy products be reconciled with the disposition records of the plant. This is necessary to arrive at the classification of producer milk. The various categories of receipts (producer milk, other source milk, and milk from other pool plants) would be treated differently under classification rules.

It is likewise necessary that the handler be required to account for other source milk in the form of nonfluid dairy prod-

ucts which may be converted into Class I products. Without such accounting, a handler, by failing to keep records of the nonfat dry milk and similar products which can be reconstituted into skim milk or other fluid products, could gain a competitive advantage over other handlers in the market.

**Fluid milk product.** A definition of "fluid milk products" is provided in the order to implement the drafting of the classification provisions of the order. The term is intended to include those products which are required to be derived from milk and milk products from approved sources of supply.

Under the proposed definition herein provided, a fluid milk product includes milk, skim milk, buttermilk, plain or flavored milk, and milk drinks (unmodified or fortified) including "dietary milk products" and reconstituted milk or skim milk, concentrated milk not in hermetically sealed containers, cream (sweet or sour) and mixtures of cream and milk or skim milk, but not including the following: Aerated cream products, frozen storage cream, sour cream and sour cream mixtures not labeled Grade A, eggnog, yogurt, frozen dessert mixes, evaporated and condensed milk, and sterilized fluid milk products in hermetically sealed containers. In the case of fortified fluid milk products, the definition would include that portion of the product equal to the weight of an unfortified product of the same nature and butterfat content.

**Route disposition.** Route disposition should be defined as a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk products to a retail or wholesale outlet other than a milk plant. A delivery through a distribution point should be attributed to the plant from which the Class I milk is moved through the distribution point to wholesale or retail outlets.

**Miscellaneous definitions.** Additional definitions such as "Act," "Secretary," "Department," "person," "cooperative association," and "Chicago butter price" should be included in the order for brevity and clarity in describing the operation of various order provisions. They are self-explanatory or have been heretofore discussed.

(b) **Classification of milk.** Producer milk received by handlers should be classified in two classes, according to use. Class I milk should include those forms of disposition intended for the Grade A market. The high quality requirements for the fluid consumption and other Grade A use, as compared to milk for manufacturing use, are specified in sanitary regulations of State and local governmental authorities. The extra cost of producing such higher quality milk and delivering it to market requires that the price for milk used in Class I be considerably above the manufacturing milk price. The definition of Class I use of milk in the manner described therefore provides the means of returning to producers the higher price according to the quantity of milk so used.

Class II milk utilization, on the other hand, is utilization for purposes to which Grade A requirements do not apply. In such uses milk from producers competes with ungraded milk from other sources and in this use producer milk therefore has only a manufacturing milk value.

In conformance with these objectives, milk and milk products received by handlers should be classified on the basis of the form in which, or the purpose for which used or disposed of by the handler. The skim milk and butterfat received in milk and milk products should be classified separately since the proportion of skim milk and butterfat in products of disposition varies.

Furthermore, milk is received by handlers from various sources, including dairy farmers, other regulated handlers, and unregulated sources. In many instances milk from all these sources is commingled in handlers' plants. It is necessary, therefore, to have a plan for allocating the uses of milk to each of the various sources of supply in order to establish the classification of producer milk and to apply the classified pricing plan.

**Class I milk.** The milk product dispositions included in Class I milk are those required by health authorities in the marketing area to be produced from "Grade A milk."

Class I milk, therefore, is basically skim milk and butterfat disposed of by a handler in the form of fluid milk products as previously defined, with limited exceptions.

The measurement of the quantity of Class I disposition of a particular milk product is normally the actual weight of the product as it leaves the handler's plant. In a few instances, however, the Class I quantity is more, or less than such weight.

One exception is concentrated milk, which is produced by removing a large portion of the water content from whole milk. This product is intended for fluid consumption, and may be restored to the original whole milk form by the consumer by addition of water. This is a Class I product for which the quantity to be accounted for is the quantity of milk normally used to produce it. Standard conversion factors for calculating the original volume would be applied. Accounting for such products on the basis of original volume, including all the water originally associated with the milk solids, is necessary to assure equity among handlers and to return to producers the full use value of their milk.

Reconstituted milk or skim milk presents a similar problem of accounting. Reconstitution is a process which may be carried on in a handler's plant by mixing dry milk solids or condensed milk with water so the resulting product is similar to fluid whole milk or skim milk. Partial reconstitution may be carried out by adding milk solids and water to milk or skim milk.

Class I disposition of reconstituted milk or skim milk should be accounted for in a quantity which includes the volume of water originally associated in whole milk with the milk solids used in process of reconstitution. This is neces-



sary for the same reasons as in the case of concentrated milk.

Fortified fluid milk products are another instance in which the weight disposed of is not precisely the quantity of Class I disposition to be accounted for. Fortified fluid milk products are prepared by the addition of nonfat solids to milk or skim milk to yield a finished product of higher than normal nonfat solids.

To maintain proper accounting for fortified fluid milk products the nonfat milk solids added to such items should be converted to their skim milk equivalent. This is necessary to insure uniformity of application of the accounting system. It is not necessary, however, to price as Class I all the water originally associated with the added solids. The addition of the solids used in fortification cannot be considered as displacing producer milk in Class I except to the extent that the volume of product is increased. The addition of solids to make a more desirable product may in fact increase the sales of producer milk, and in any event would not displace producer milk in Class I beyond the minor increase in volume which results.

In the case of fortified fluid milk products the skim milk to be classified as Class I milk should be only that contained in an equal volume of unmodified product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I milk should be classified as Class II milk.

It is necessary that the handler submit reports sufficient to reconcile all of his receipts of milk and dairy products with the disposition from his plant(s). If receipts and disposition cannot be reconciled from such reports, it would be necessary that the handler be responsible for any unaccounted for receipts or disposition. If disposition is less than receipts, the question arises as to whether there are dispositions not disclosed on reports. In order to insure responsible reporting and recordkeeping and equity among handlers, such discrepancy where disposition is less than receipts should be classified as a Class I quantity, except for allowable shrinkage as explained in latter findings.

**Class II milk.** Class II milk would include all skim milk and butterfat used to produce any product other than a fluid milk product. It thus would include milk used in manufactured products such as ice cream, ice cream mix, frozen desserts, cottage cheese, evaporated and condensed milk, nonfat dry milk and butter and cheese as well as others.

Besides use in manufactured dairy products, which composes the bulk of Class II use, it would also include shrinkage with certain limits, disposal in fluid form for livestock feed, fluid milk products dumped, and fluid milk products in bulk held in inventory at the end of the month.

Butterfat and skim milk used to produce Class II products should be considered disposed of when so used. Han-

dlers will need to maintain production records of such products to establish use in Class II.

**Shrinkage.** In the course of normal receiving, processing and packaging fluid milk products, some loss of skim milk and butterfat is experienced and is referred to as "shrinkage." In order to assure complete accounting, the handler must establish the quantity of actual loss of skim milk and butterfat. Since shrinkage represents disappearance of milk for which no return is realized, it should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

The maximum shrinkage allowance in Class II at each plant should be 2 percent of milk from producers plus 1.5 percent of milk received in bulk tank lots from other plants or from a cooperative association which elects to be the handler for such milk. However, if the handler operating the pool plant which received the milk from the cooperative association as a handler files notice with the market administrator that he is purchasing such milk on the basis of farm weights the applicable percentage should be 2 percent.

The lower shrinkage allowance of 1.5 percent of milk received in bulk tank lots from other handlers recognizes that part of the handling in which shrinkage occurs has taken place prior to receipt at the plant. Milk collected at the farm in bulk tank trucks is measured at the farm. Some loss would normally occur during the transfer operation between the farm and the plant.

The provision of 2 percent shrinkage allowance for the entire receiving and processing operation is considered reasonable under normal circumstances. The division of the total allowance into 1½ percent for processing and one-half of 1 percent for receiving is in accordance with experience and is used in other Federal orders. It is recognized that the greater share of the shrinkage occurs in the processing operation. One-half of 1 percent has been found adequate in normal experience in the transfer of milk from farms to plants in tank trucks.

To provide equitable application of shrinkage provisions to all handlers who may have various types of operations and various kinds of milk receipts, the rate of 1.5 percent shrinkage allowance should apply to all whole milk receipts in bulk tank lots, whether from other pool plants, unregulated plants or a cooperative association acting as a bulk tank handler. The only exception to this would be in the case of receipts of other source milk for which Class II utilization is requested. In the latter case since the entire receipt is for Class II use, there is no need to establish a limit of shrinkage that may be classified as Class II.

In computing a handler's total shrinkage allowance, 1.5 percent of whole milk disposed of in bulk tank lots to plants of other handlers by transfer should be deducted. This is necessary to carry out the principle of allowing one-half of 1 percent for the receiving operation. The second plant would be allowed, as stated

previously, 1.5 percent on the transfer of milk. Such deduction at transferor plant would not apply to a processed product such as skim milk.

The allowance of one-half of 1 percent on milk transferred in tank trucks from farm to plant would apply also in the case of milk diverted in tank trucks. An exception would be made if the plant operator to whom the milk is diverted purchased the milk on the basis of farm weights and tests.

The order contemplates reporting by handlers on an individual plant basis, showing the receipts and utilization at each plant. Shrinkage should be accounted for in each plant separately so that a handler having more than one plant cannot offset overage in one plant against shrinkage in his other plant. If such handler transfers fluid milk products between his two plants, the amount of shrinkage or overage at either plant would be affected by the accuracy in accounting for the quantity of skim milk and butterfat transferred. The same care should be exercised as to accuracy of accounting for milk transferred between plants of the same handler as in the case of transfers between plants of different handlers.

To assure an equitable assignment of total shrinkage, it should be prorated to (1) those categories of receipts on which the above described limits apply and (2) other receipts in fluid form to which specific shrinkage limits do not apply.

**Inventories.** The order should provide that inventory of bulk fluid milk products on hand at the end of the month should be classified as Class II milk pending reclassification of the following month.

Handlers have inventory of milk and milk products at the beginning and end of each month which must enter into the accounting for current receipts and utilization at the plant. The accounting procedure can be facilitated by providing that inventories of bulk fluid milk products on hand at the end of the month be classified as Class II milk.

In the following month such inventories would be subtracted, under the allocation procedure, from any available Class II milk. Any excess over available Class II milk should be subtracted from Class I milk. The higher use value as Class I thus indicated should be reflected in returns to producers in that month. This would be at the rate of the difference between the Class II price in the first month and the Class I price in the second month.

Fluid milk products on hand in packaged form at the end of the month should be classified as Class I milk. This classification conforms with the ultimate utilization of most of the packaged fluid milk products in inventory. This results in less adjustment in classification and handlers' obligations than if classified in Class II as in the case of bulk milk.

To insure that all handlers pay the current month's Class I milk price for fluid milk disposed of during the month, it is provided that if the Class I milk price increases over the previous month, the handler will be charged the differ-



ence between the Class I milk price for the current month and the Class I milk price for the preceding month on the quantity of ending inventory assigned to Class I milk in the preceding month. Likewise, if the Class I milk price decreases, the handler will receive a corresponding credit.

The allocation section of the order should provide that inventory of such packaged fluid milk products on hand at the beginning of the month be subtracted from Class I milk utilization immediately after the allocation of shrinkage and packaged fluid milk products from other orders and before making the other assignments therein provided.

Since the disposition of skim milk and butterfat in nonfluid milk products has been accounted for as Class II use when used to produce a manufactured dairy product, such skim milk and butterfat should not be included in inventory.

Inventories of fluid milk products and Class II products on hand at the beginning of the first month in which the order becomes effective or during any month in which a plant becomes regulated for the first time should be allocated to any available Class II utilization of the plant during the month. This procedure will preserve the priority of assignment to current receipts of producer milk and to current Class I utilization of the plant.

**Other Class II disposition** Class II milk disposition would include certain dispositions in the form of fluid milk products, specifically (1) fluid milk products disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises; (2) fluid milk products dumped after authorization by the market administrator; (3) fluid milk products accounted for as disposition for livestock feed; (4) fluid milk products on hand at the end of the month; and (5) that portion of "fortified" fluid milk products not classified as Class I.

Class II classification of dumpage and animal feed recognize that such disposition of fluid milk products represent a value considerably less than normal fluid milk disposition on routes to retail and wholesale outlets.

Since dumping involves no transactions with others, the market administrator must have opportunity to verify the product and quantity, and such disposal should be only after his authorization.

The proposal to limit the skim milk and butterfat disposed of as animal feed during the month to the quantities of fluid milk products in route returns should not be adopted.

Presently the Suburban St. Louis order permits Class II classification for all skim milk and butterfat accounted for as disposed of for livestock feed. In most instances, it would be expected that fluid milk products disposed of for animal feed would be primarily nonsalvageable route returns. In some instances, however, there may be small quantities of skim milk and butterfat in fluid milk products which during processing becomes nonsalable for human consumption. It is

reasonable that these quantities also be classified as Class II if disposed of as livestock feed. A plant operator should maintain sufficient records to establish in every instance the quantities of skim milk and butterfat involved, and show a written receipt for every disposition as livestock feed.

Fluid milk products disposed of to commercial food processing establishments for use in preparation of food products also should be Class II milk.

Producers proposed that fluid milk products dumped during the month be allowed as Class II only as to the skim milk portion. They contended that in most cases the butterfat in fluid milk products to be dumped can be salvaged and reused in other Class II products. Handlers on the other hand contended that many circumstances arise when it is impractical to separate small quantities of butterfat from fluid milk products prior to their being dumped. They pointed to other Federal orders which permit the dumpage of both the skim milk and butterfat portions of fluid milk products.

It is concluded that both the skim milk and butterfat portions of fluid milk products should be permitted to be dumped and specified as a Class II use, provided that the market administrator is notified in advance and afforded the opportunity to verify the dumping procedure.

**Proof of class use.** Except for the quantities of Class II shrinkage provided for in the order, all skim milk and butterfat for which a handler cannot establish utilization must be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records. The burden of proof should be on the handler to establish the utilization of any milk as being other than Class I milk.

**Transfers and diversions.** Milk transferred from a pool plant to another plant should be classified in accordance with specific rules.

The rules of classification herein provided would apply to transfers to other pool plants or to nonpool plants, and to milk diverted from the farm to nonpool plants or to pool plants of other handlers.

Fluid milk products transferred or diverted from a pool plant to the pool plant of another handler should be classified as Class I milk unless utilization as Class II milk is claimed by both handlers on reports submitted for the month to the market administrator. However, sufficient Class II utilization must be available at the transferee plant for such assignment to Class II after allocation of receipts of unregulated milk, other order milk, inventory and shrinkage. Similarly, sufficient Class I milk must be present in the transferee plant to cover Class I classification of the transferred milk.

If the shipping plant receives during the month other source milk of the type to which a surplus value applies (such as nonfat milk solids) the skim milk and butterfat in fluid milk products transferred should be classified so as to allocate the least possible Class I utilization

to such other source milk. Also, if the shipping handler receives other source milk from an unregulated supply plant or an other order plant, the transferred quantities, up to the total of such other source receipts, should not be Class I to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant. These rules are necessary to provide the same kind of classification for transferred fluid milk products as for utilization within a pool plant.

Fluid milk products transferred or diverted in bulk to a nonpool plant (not an other order plant or producer-handler plant) located not more than 350 miles from the City Hall in Peoria, Ill., should be classified as Class I milk unless the handler claims Class II classification and specified conditions are met. The operator of the nonpool plant should maintain adequate books and records showing utilization of all skim milk and butterfat received at the plant. Further, if requested the operator should make these books and records available to the market administrator for purposes of verifying such receipts and utilization. This verification by the market administrator is necessary to insure proper application of the classification procedures of the order.

If the above conditions are met, classification of the transferred or diverted milk would be made in accordance with the following procedure:

Receipts of packaged fluid milk products at the nonpool plant from pool plants or other order plants would be first assigned to Class I in the nonpool plant. Then, if the nonpool plant makes any Class I disposition on routes in this marketing area, this Class I should be assigned first to fluid milk products transferred from pool plants, then pro rata to receipts from other order plants, and finally to receipts from dairy farmers who the market administrator determines constitute the regular source of Grade A milk for the nonpool plant. If the nonpool plant makes any Class I disposition on routes in the marketing area of another Federal order, this should be assigned first to fluid milk products transferred or diverted from plants fully regulated by that order, then pro rata to fluid milk products received from plants regulated by this and all other Federal orders, and thereafter to the nonpool plant's regular Grade A dairy farmer supply as determined by the market administrator. Any Class I utilization remaining in the nonpool plant after the above assignment should be assigned first to the plant's regular Grade A dairy farmer supply and then pro rata to unassigned receipts from plants regulated by this order and other orders.

After the preceding assignments are made at the nonpool plant, any remaining receipts of bulk fluid milk products from pool plants should be classified in sequence starting with Class II milk if the shipping handler requested classification under this procedure.

This method for classifying transfers and diversions of milk to nonpool plants provides equitable treatment for milk



of order handlers as well as other order handlers in the classification of milk. Further, it gives priority to dairy farmers directly supplying a nonpool plant with respect to sales outside regulated areas. The proposed method of classification at the same time allows orderly disposition of reserve supplies of milk which cannot economically be handled at pool plants.

Fluid milk products transferred or diverted to a nonpool plant (not an other order plant nor a producer-handler plant) located more than 350 miles from the City Hall in Peoria, Ill., should be classified as Class I milk. Since ample facilities are available within this distance to handle reserve supplies of pool plants, it is not necessary that the market administrator be called upon to verify utilization moving beyond such distance.

An exception should be made for cream moved to a nonpool plant located more than 350 miles from the City Hall in Peoria. If Class II classification is requested, the handler transferring the cream should be required to establish that it was transferred without Grade A certification, that each container was labeled or tagged to indicate that the contents were for manufacturing use only and that the shipment was so invoiced. Cream, being of less bulk than whole milk, may be shipped economically for manufacturing purposes to outlets considerable distances from the marketing area. If cream is moved in accordance with the above requirements it will not be necessary for the market administrator to travel unnecessary distances to verify the utilization of such cream.

The order also provides for transfers of fluid milk products to other order plants. The classification of such milk is covered in the findings with respect to allocation.

**Allocation.** The value of producer milk is established on the basis of its classification and the class prices. Since handlers may receive milk from several sources besides producers, the order must provide a method of assignment of receipts from all sources during the month to Class I and Class II.

The system of allocating handler's receipts to the two classes as herein recommended, is virtually the same as that adopted in the decisions of the Assistant Secretary issued June 19, 1964, for 76 milk orders, including the Suburban St. Louis order and all other Federal orders except those in the northeast.<sup>1</sup> These decisions were designed to integrate into the regulatory plan of each of the Federal orders milk which is not subject to classified pricing under any order, and also to apply the regulatory plan of each of the orders to milk received from plants regulated under another order. Inasmuch as those decisions set forth the standards for dealing with unregulated milk under Federal orders generally, it is necessary that the general system of allocation

under this order be the same. Also, the treatment of other order milk should be the same as the plan included in those decisions so as to have a coordinated system of regulations on movements of milk between Federal order markets.

Producers' proposal recognized the necessity for such coordination and contained allocation provisions identical to those contained in the aforementioned decisions.

The allocation provisions would allow for allocation of plant receipts to plant utilization on an individual plant basis, unless the handler received milk from unregulated sources or from an other order plant. If the handler had two or more plants and received milk from unregulated sources or from an other order plant, the allocation of such milk would be to the overall utilization of the handler at all of his regulated plants.

**Milk received at regulated plants from unregulated plants.** When unregulated milk eligible for distribution in the market in fluid form is received by a regulated handler at his pool plant, provision must be made for its allocation to the total available classification of the pool plant, and for providing an appropriate rate of payment to the producer-settlement fund on any such milk allocated to Class I.

The order should provide that fluid milk products moved from an unregulated plant to a pool plant be classified as Class II milk if so reported by the operator of the regulated plant. Milk may be purchased by a pool plant operator from an unregulated plant either for use in his manufacturing operation or in connection with his Class I requirements. When the purchase is for manufacturing, the order should accommodate this by providing that such milk be allocated to the lowest price class utilization in the pool plant. This treatment of unregulated milk received at pool plants will further serve to accommodate unregulated plants which have surplus milk but do not have manufacturing facilities, since it will make available as an outlet the manufacturing facilities of pool plants without involving the unregulated plant in the regulation. When, however, manufacturing utilization in a regulated plant is insufficient for the assignment of all fluid milk products from unregulated plants to the agreed manufacturing use, the remainder, of course, must be allocated to Class I.

Other categories of milk receipts assigned first to Class II use (down allocated) should include receipts from producer-handlers; receipts without Grade A certification, and reconstituted milk. The reasons for such assignment are explained in subsequent findings on these specific types of receipts.

With respect to the general category of milk received from unregulated plants (not producer-handlers, however) the order should provide that (within limits) unregulated milk received at a pool plant, which is not specifically designated for manufacturing use, be assigned a classification which is pro rata to regulated milk received by the operator of such plant. This should be provided because

classification of bulk milk cannot be determined on the basis of its inherent characteristics as either Class I (i.e., in bottles) or as surplus (i.e., as in manufactured products). Its classification depends upon its utilization by the handler who receives it. Unless the regulated handler accepts the milk for Class II use, a method as described herein must be provided for assigning the unregulated bulk milk to classes of use. By assigning it pro rata with regulated milk (within limits), its indeterminate character as Class I or II will be recognized up to the limit provided.

A limit must be placed on the amount of unregulated milk which may share full classification with regulated milk. The receipt of unregulated milk in a regulated handler's operation is always a source of danger to the regulatory plan. Handlers often obtain unregulated milk because it is a cheaper source of supply than regulated milk. Unless some limitation is placed on the volume of unregulated milk that may be prorated, a handler with a supply of regulated milk adequate for his Class I requirements could acquire cheaper unregulated milk to increase his manufacturing uses. This milk would share in his Class I utilization while an equal volume of regulated milk would be assigned to the expanded surplus use. This would impair the effectiveness of the regulation.

The limit placed on the amount of unregulated milk to be assigned pro rata with regulated milk is such that when, as a result of proration or assignment, as much as 20 percent of all regulated milk in the handler's plants is assigned to Class II, all additional unregulated milk will then be assigned to Class II. A reserve of milk for fluid requirements on a marketwide basis more or less than 20 percent of all handlers' receipts may be required, depending upon seasonal and other considerations. An individual handler associated with a regulated fluid market (whose main purpose is to furnish Class I milk to the market) will not need unregulated milk for the purpose of maintaining an adequate supply to service Class I sales in amounts which will increase his reserve above 20 percent of his total receipts in any given month. Even though a situation could conceivably arise where, because of the disruption of normal supplies, a handler receives milk from unregulated sources in excess of the quantities that may be prorated, the attainment of effective regulation nevertheless requires the imposition of this limit.

It is provided that in assigning unregulated bulk milk for purposes of classification, the overall utilization of the handler at all of his plants regulated under the order<sup>2</sup> (rather than the utilization at a single plant) should be used. This is necessary for the same reasons, set forth later in this decision, which apply to receipts of milk from plants regulated by other orders.

<sup>1</sup> Official notice is taken of the decision (29 F.R. 9109) in which is included the amendment affecting the Suburban St. Louis milk order.

<sup>2</sup> Such total utilization would be subject to certain prior deductions for receipts assigned to the surplus classification as mentioned in prior findings.



Payment at the difference between the Class I and uniform prices should be made by the receiving handler into the producer-settlement fund on the portion of unregulated milk which is assigned to Class I through proration. During the months of April through July and October through December a seasonal incentive plan of pricing is herein recommended. For the purpose of computing a rate of payment on unregulated milk during these months, a weighted average price must be computed in a manner identical with the computation of the uniform price in other months.

There can be no question that the Class I price basically should apply to both regulated and unregulated milk used in a fully regulated plant as Class I milk. To attribute any different valuation on the unregulated milk would automatically result in inequity as compared with regulated milk similarly utilized. Although there is no room for doubt as to the need to attribute a Class I value for any milk so utilized (the minuend), the proper credit to be allowed to milk from unregulated plants is not clear, i.e., what subtrahend should be used in such a payment formula. It may be expected that in many situations a payment at any lesser rate than the difference between the Class I minimum price and the value of such milk as surplus would give unwarranted price advantage to unregulated milk over producer milk similarly utilized.

Milk at unregulated plants may be purchased from dairy farmers on a flat price basis without regard to use classification. Although most of the milk so purchased by the unregulated plant operator may be intended for local distribution outside the regulated market, excess milk supplies on a daily and seasonal basis will arise as they also do in regulated plants.

This frequently leaves excess milk at unregulated plants which is truly surplus to the normal fluid needs of those plants. This situation is accentuated at certain times of the year when there are characteristic seasonal increases in the production of milk without corresponding increases in the demand for milk. If it were not for the sale in the regulated market, such milk would have no higher value to the plant operator than its surplus value. In such circumstances, the operator of such an unregulated plant, including the fringe distributor, has great incentive to "dump" his surplus milk into the regulated market or its supply system at any price higher than a surplus price and thereby obtain a competitive advantage for such milk over regulated milk. Regulated handlers cannot similarly convert otherwise surplus Class II milk into Class I utilization without accounting to the producer-settlement fund at the full difference between these two utilizations, i.e., they account at Class I rather than Class II. There would then appear to be substantial justification for the same rate of charge against milk from unregulated plants obtained and used in similar circumstances.

Notwithstanding the fact that surplus milk is obviously available to handlers from time to time, there is no indication that they have exploited their opportunities to use such milk. It is concluded, therefore, in the light of the decision of the Supreme Court in the Lehigh Valley case, and because of the administrative difficulty in determining whether particular milk from an unregulated plant utilized as Class I in this market actually might have only a surplus value or cost at source, that the charge should be limited to the difference between the Class I price and the market order uniform price (weighted average price for the months of April through July and October through December), both adjusted for butterfat content and the location of the unregulated plant from which the milk was received. Although the use of the uniform price as the subtrahend will not assure complete removal of the minimum price advantage which may exist for some milk for the reasons just stated, it nevertheless will serve to minimize this advantage in such cases, and generally should be an equitable means of providing a reasonable measure of protection to the regulatory plan. If subsequent experience shows that such payment is not protecting the regulatory plan, then, on the basis of specific evidence, another rate of payment or another plan will need to be devised.

As a means of carrying out the equalization provided by market pooling, regulated handlers are required to pay this minimum uniform price to their own producers and, in addition, are required to pay to the producer-settlement fund the full difference between the Class I price and such uniform price on all regulated milk classified as Class I because of its use as fluid milk. Unregulated milk similarly used as Class I milk by a regulated handler likewise should carry a payment to the producer-settlement fund at least at the same rate as that required on regulated milk. If the handler buys regulated milk at a price in excess of the uniform price, he receives no credit for this excess payment in accounting to the producer-settlement fund. Neither should he receive credit for any amount paid for unregulated milk in excess of the uniform price. Both the regulated and unregulated milk, therefore, will be credited at only the uniform price in accounting to the producer-settlement fund.

These payments are not unfair or burdensome to the dairy farmer supplying the unregulated plant, whose milk is used as Class I milk by a federally regulated handler. The allowance of a credit for milk from unregulated plants used as Class I by the regulated handler at the uniform price level will provide opportunity to the unregulated plant operator to pay his dairy farmers at least the uniform price on these Class I sales. The order cannot, of course, guarantee to the dairy farmer that his purchaser in fact will pay this full uniform price to him.

The order must contain provisions of this kind which serve to adequately relate to the total scheme of regulation that milk received by regulated handlers

which is not subject to full regulation. Otherwise, the very existence of the market pool order may establish the condition which makes impractical the attainment of the regulatory objective of stabilizing the market in the manner prescribed by the statute. Consequently, the Secretary must protect, to the extent consistent with the Act, the regulatory plan in any marketing area against defeat or impairment because of the introduction into the marketing area of milk from unregulated sources which is not subject to full regulation.

The record indicates that little or no packaged milk is expected to be received at pool plants from unregulated plants. However, in case such a contingency should arise in the future, a rule for dealing with it must be provided. In the absence of evidence as to a specific method of dealing with such receipts, it should be provided that packaged milk received from an unregulated plant will be treated the same as bulk milk.

*Producer-handler surplus, reconstituted milk, non-Grade A milk.* Certain milk by its very nature must be treated as surplus when received at market pool plants regulated by a Federal order and, therefore, it must be assigned a surplus value. One such source is milk received at a regulated plant, in either bulk or packaged form, from a producer-handler (under any Federal order). Another source is milk produced by the reconstitution to fluid form of manufactured dairy products, such as fluid skim milk made by the addition of water to nonfat dry milk. Still another source is milk of manufacturing grade (non-Grade A milk) which is not eligible for disposition for fluid consumption in the market. As to milk from these sources, a payment into the producer-settlement fund at the difference between the Class I and surplus prices must be required of the receiving handler when such milk is allocated to Class I, following "down allocation" to the extent it can be absorbed in lower priced uses.

In this order as in most other orders the producer-handler is exempt from the pooling and pricing provisions. This exemption is based on the principle that the producer-handler assumes the burden of disposing of his milk supplies in excess of his Class I milk needs. Being exempt from these provisions of the order makes it possible for the producer-handler to retain the full return from his Class I sales of milk on routes even though such sales are in competition with regulated handlers.

Producer-handlers are primarily engaged in the distribution of Class I milk. Normally they do not maintain facilities for processing and manufacturing any milk produced in excess of the Class I needs. Because of seasonality of milk production and for other reasons, producer-handlers will produce some milk in excess of their Class I needs. The best available outlets for this surplus milk usually are to fully regulated plant in the market. In view of a producer handler's limited capacity for utilizing excess supplies of milk, it is often economically advantageous for him to dis



pose of such excesses at surplus prices to regulated handlers. Such milk, therefore, would be available to regulated handlers at surplus prices. Under these circumstances, it would not be appropriate to allow the regulated handler credit from the producer-settlement fund at more than a surplus price for any such purchases.

Inasmuch as a producer-handler's appropriate competitive relationship with other handlers and with other producers depends upon the producer-handler assuming the burden of his own surplus, an equitable relationship among the several groups would not be achieved if a producer-handler were allowed to dispose of his surplus and obtain the uniform price for such surplus. As long as the producer-handler has the advantage of enjoying the full benefit of his own Class I route sales without sharing them with other producers he should not also receive Class I benefit from a market pool, at the expense of producers, for any of his milk which he is unable to sell in such way. Surplus milk purchases from producer-handlers operating under another order has the same potential for creating disorderly marketing conditions as surplus from producer-handlers operating under the same order. Therefore, no distinction in treatment for such milk should be provided.

The order should provide, therefore, that milk received from producer-handlers at a pool plant should first be assigned to Class II milk at the pool plant. If any is then assigned to Class I, a payment into the producer-settlement fund at the Class I surplus price difference should be applied. Such rate of payment on receipts by federally regulated handlers of milk from producer-handlers was ratified by Congress at the time provisions of the Agricultural Adjustment Act of 1933, as amended in 1935, authorizing the issuance of milk orders, were reenacted by the passage of the Agricultural Marketing Agreement Act of 1937. During the period between August 24, 1935, and June 3, 1937, the effective date of the latter Act, six Federal milk orders were issued under such Agricultural Adjustment Act. Two of such milk orders (Greater Kansas City, Mo., and Fall River, Mass.), placed in effect during this period, contained provisions requiring handlers who used bulk milk received from producer-handlers in other than the lowest priced classification to pay the difference between the class use price and the lowest class (surplus) price for such milk as part of the handler's total obligation for milk. Such payment was distributed, together with the classified value of producer milk of the handler, through the market pool.<sup>3</sup>

A surplus value likewise is properly assigned to reconstituted milk (for instance, the result of combining nonfat dry milk or condensed milk with water). The products used in such reconstitution process are made from milk which always carries a manufacturing, or surplus value. Producer milk used to produce such products is priced as surplus. Since the milk used to produce these products is originally priced as surplus milk, payment into the producer-settlement fund at the difference between the Class I and surplus price is necessary to insure competitive equity with producer milk when reconstituted milk is used in Class I. No recognition should be given to processing costs involved in the manufacture of the products derived from unregulated milk and used in reconstitution, since similar costs are incurred in processing producer milk into such products.

Nonfat dry milk and condensed milk also may be added to fluid milk products to increase the nonfat solids content thus making so-called "fortified" fluid milk products. The incentive for handlers to use nonfat milk solids to fortify fluid milk products arises from the specific demands of consumers. The increased emphasis on low-fat diets and the high nutritional value of nonfat solids in relation to their weight have contributed to the increased demand for added nonfat solids in fluid milk products.

Such products are distinguished from reconstituted products, however, in that the resulting volume of fluid product is not increased appreciably since no water is added. The essential economic difference in the use of milk solids for fortification of fluid milk products versus their use for reconstitution is recognized in the class use definitions. The class use definitions, which provide that the fluid equivalent of the added solids shall be Class II (excepting the minor quantity of increase in volume of the fortified product), and the allocation provisions which would assign the fluid equivalent of solids used to Class II milk, accomplish appropriate accounting and result in a proper obligation against the handler.

Milk of manufacturing grade is not eligible for fluid (Class I) uses under the requirements of the health authorities in the market. In dual-purpose plants, however, such milk could find its way into Class I in the pool plant. The appropriate value which attaches to such milk is the surplus price because such price accurately reflects its value as manufacturing milk only. The manufacturing value is the price which processors pay for this grade of milk. Receipts at a market pool plant of manufacturing grade milk, therefore, should be assigned first to use in Class II. But should any manufacturing grade milk be assigned to Class I, a payment into the producer-settlement fund at the dif-

ference between the Class I and surplus prices likewise would be necessary to remove the competitive advantage this milk would have in relation to producer milk. Health authorities require that the source of milk eligible for fluid consumption (Grade A milk) must be identified. Any receipts from unidentifiable sources must therefore be treated as milk of manufacturing grade.

*Receipts from other order plants.* The order should provide for the assignment to Class I (i.e., to be deducted from gross Class I milk in the receiving plant) of 98 percent of packaged fluid milk products received from a fully regulated plant under another order. The remaining 2 percent should be assigned to Class II. The 2 percent may be considered as a safeguard against possible "overassignment" of milk to Class I in the originating market (i.e., the assignment to such market of a transferred quantity which is greater, from a practical standpoint, than normally can be disposed of as Class I in the receiving market). Since it is reasonable to expect some route returns will be associated with intermarket transfers just as there are in connection with milk locally processed in the receiving market, a small allowance of 2 percent for such returns, which must fall into surplus use, should be included to avoid such overassignment in Class I.

Prior to amendments to orders effective August 1, 1964, a variety of classification methods had applied to intermarket transfers of bulk milk. Such a variety of methods could not achieve the objective of appropriately integrating into the respective regulatory schemes in a uniform and consistent way intermarket shipments of regulated milk. Following the pattern of such amendments, "surplus" classification (Class II milk) should apply whenever the parties involved agree that the shipment is for manufacturing use in the second market. A higher classification would result only when it is found, on verification, that some portion of the milk could not have been used for manufacturing uses. This portion would then be reclassified as Class I.

Interorder shipments of bulk milk which are not classified as Class II by agreement should be classified as Class I and Class II on the basis of the marketwide utilization of producer milk. Such classification should be limited, however, so that the quantity of milk assigned to Class II is not greater than the receiving handler has utilized as Class II.

The order should not provide for marketwide proration of milk received from another order plant when the receiving handler has a greater proportion of milk in Class II than the average in the receiving market. Marketwide proration of receipts of milk from other markets is designed to deal primarily with milk received by a handler who is supplementing his local supply for Class I use. Marketwide proration would tend to encourage unduly and uneconomically the importation of milk by a handler with a higher proportion of milk in Class II than the market average because it

<sup>3</sup> 7 U.S.C. sec. 672, which contains the codified language of sec. 4 of the Agricultural Marketing Agreement Act of 1937, as amended, states in paragraph (a) "Nothing in this Act shall be construed as invalidating any marketing agreement, license, or order, or any regulation relating to or any provision of, or any act of the Secretary of Agriculture in connection with any such agreement, li-

cense or order which has been executed, issued, approved, or done under sections 601-608, 608a, 608b, 608c, 608d-612, 613, 614-619, 620, 623, 624 of this title, but such marketing agreements, licenses, orders, regulations, provisions, and acts are expressly ratified, legalized and confirmed."



would assign a disproportionate share of local producers' milk to Class II.

The particular classification which is given to bulk transfers from other orders will be within the control of the receiving handler and there will be no monetary obligation placed on him for this milk by the receiving market order. Inasmuch as other Federal orders from which milk might be received have provisions corresponding to those herein adopted, the situation will not arise where milk transferred would be classified as Class I in the shipping market and Class II in this market since the same classification would apply in both markets.

Assigning the bulk receipts from other order plants to the handler's system utilization will prevent a handler with more than one plant from discriminating against either his own producers or those supplying the other Federal order market by importing milk not serving a bona fide need for Class I use. It should be provided, therefore, that assignments of interorder bulk milk should be made over all utilization of milk at all the handler's regulated plants in the receiving market. In this order allocation is on a plant-by-plant basis. Accordingly, provision is made herein that the allocation of bulk receipts from other orders at a plant shall be on a system basis, irrespective of individual-plant accounting for other purposes of the order.

Handlers who receive milk from other orders or from unregulated plants should be precluded from transferring such milk to regulated plants of other handlers at a utilization higher than would have resulted from a direct receipt at the second plant. Unless the order so provides it would be possible to use a plant with high Class I utilization as a conduit for receiving milk from plants subject to other orders and avoid the allocation provisions of the order which apply to milk received directly from other orders and from unregulated plants.

In any month in which bulk milk is received in the market (without agreement as to Class II classification on the part of the handlers involved in the transfer) it will be necessary that the administrator in the shipping market know the classification of such milk on or about the date when handler reports are due under that order. Since the reporting dates under orders are very similar, it is possible the market administrator may not have complete information to compute his exact marketwide utilization of producer milk by the time the classification of a transfer is needed by the administrator in the shipping market. It is provided, therefore, that, when necessary, the market administrator will estimate the marketwide utilization of producer milk for purposes of determining the allocation of bulk milk received from other orders. It is provided, that such estimate will be made and publicly announced to the nearest whole percentage and, for this purpose will be final.

Federal orders generally provide that the administrator of any order receiving bulk milk from an other Federal order will promptly notify the administrator

of the shipping market of the allocation of such milk so that a compatible classification on such milk may be applied under the shipping orders. Information as to the classification of such milk must be passed on by the respective administrators to the handlers involved so that handlers may know the basis of their obligation on such milk. This order should provide similarly for such interchange of information.

Situations may arise where plants subject to this and another Federal order ship milk back and forth during the same month (i.e., each plant ships milk to the other plant). If such shipments are of a similar nature (packaged milk, bulk milk designated for surplus disposal, or bulk milk not so designated) only transfers of milk between two plants which are not offset by an equal quantity of milk received from the second plant need be considered. Since the classification of this milk in the shipping market is based upon its allocation in the receiving market, only the net difference in transferred quantities (in terms of butterfat and skim milk separately as may be necessary) need be allocated in the receiving market. Otherwise, from a mechanical standpoint, neither market could allocate receipts of milk to classes until all milk had been classified, including the shipment to the other market.

(c) *Class prices.* Minimum class prices should be established at a level which will assure the maintenance of an adequate, but not excessive, supply of quality milk for the local fluid market, and at the same time assure the orderly disposition of the necessary market reserve supply.

The price for Class I milk should be computed by adding to a basic formula price \$1.39 during each of the months of August through November, \$0.99 during each of the months of March through June, and \$1.19 in other months, subject to the equivalent price factor of minus 24 cents equal to the supply-demand adjustment under the Chicago order at the time prior to the order's suspension. This pricing formula should be adopted on a temporary basis for the first 18 months for which the order is effective.

This method of determining the Class I price by adding seasonal differentials to a basic formula price gives appropriate reflection of the economic factors underlying changes in the general level of prices for milk and manufactured dairy products. Because the market for manufactured dairy products is nationwide, prices for such products and the milk used in them reflect to a large extent changes in general economic conditions affecting the supply and demand for milk. By using manufacturing milk prices as a formula factor in determining Class I prices it is possible to reflect such general economic factors automatically in the Class I price.

The basic formula price to be used in establishing the Class I price should be the average price paid for manufacturing grade milk in Minnesota and Wisconsin for the preceding month as reported

by the Department. Prices paid by a large number of plants in these two States are reported to the Department on the basis of the actual butterfat tests of milk received. The average price should be adjusted to a 3.5 percent butterfat test by a differential obtained by multiplying the Chicago butter price by 0.120. This butterfat differential is reflective of the value of butterfat at plants in this two-state region. This price series is now in general use in Federal order markets and its use here will facilitate alignment of prices in this market with prices in surrounding order markets.

A differential over manufacturing milk prices is necessary to cover the extra cost of meeting quality requirements in the production of milk and to compensate for transportation costs to the fluid market where such milk is consumed. The differential thus provides a necessary incentive for dairy farmers to produce and deliver an adequate supply of pure and wholesome milk to meet consumer demands.

The various proposals made at the hearing would provide a Class I price formula using such basic formula price plus varying amounts of differentials. The eight cooperative associations proposed a Class I price formula using the same differentials over basic formula as adopted herein, and including the Chicago order supply-demand adjustment. A Peoria handler proposed a price level 9 cents less.

The Class I price should be sufficiently higher than the basic formula price to induce farmers to produce an adequate supply of qualified milk for the market. The Class I price should also have a reasonable relationship to Class I price levels in other markets of the region. Because the sources of supply for this market in many instances are contiguous or overlapping with those of existing Federal order markets, there is a substantial intermarket relationship of supply and demand conditions, and therefore a close similarity of Class I price levels is desirable. Such other markets are outlets for many of the producers who would be supplying this market. Also, milk supplies priced under orders in nearby markets represent alternative sources of supply for this market. Accordingly, a comparison of the proposed Class I price level for the Central Illinois marketing area with Class I prices in surrounding Federal order markets gives a basis for judgment of an appropriate price level for this market. This comparison is made on the basis of an estimated cost of Class I milk priced under other orders and delivered to Peoria.

In the following table the estimated cost of milk which might be delivered to Peoria from other markets was arrived at by adding to the Class I prices of the other markets a transportation factor of 0.15 cents per hundredweight per 10 miles. This rate is the same as that on which the order location differentials are based. The same equivalent price factor, minus 24 cents, is presently effective in the Madison, Wis.; Quad Cities and Rock River orders as would be used in the



Central Illinois order. Official notice is taken of the determination of equivalent prices for use in computing prices for Class I milk issued April 8, 1966 (31 F.R. 5685).

Market	Annual average differential	Approximate mileage to Peoria, Ill. <sup>1</sup>	Transportation cost <sup>2</sup>	Total
Chicago, Ill.-----	\$1.00	152	(cents) 23	\$1.23
Madison, Wis.-----	.90	193	29	1.17
Quad Cities:				
at Rock Island-----	1.10	100	15	1.25
at Dubuque-----	1.00	168	26	1.26
Rock River at Rockford-----	.92	128	20	1.12

<sup>1</sup> Mileage based on "Standard Highway Guide" Rand McNally and Co., Copyright 1961.  
<sup>2</sup> Transportation cost based on 1.5 cents per hundred-weight for each 10 miles of distance.

From the comparisons shown in the table it is concluded that the annual average Class I price differential herein recommended for the proposed Central Illinois market would be in reasonable relationship to the annual average differentials in these other nearby markets.

The marketing conditions in the proposed Central Illinois marketing area are substantially related to the marketing conditions in the proposed Southern Illinois marketing area and the St. Louis marketing area. Several of the handlers regulated under each of the proposed Central Illinois and Southern Illinois orders dispose of substantial quantities of milk regulated under the other order. Also, supplies of milk are procured by Southern Illinois handlers from areas to the north and northwest of the Central Illinois marketing area. It is reasonable to expect that such supplies would also be available to Central Illinois handlers.

The recommended decision provided that the Central Illinois Class I price should not be less than the St. Louis order Class I price, less 21 cents. This tie to the St. Louis order would have reflected any plus supply-demand adjustments of the St. Louis order.

Producer interests and handlers in the Central Illinois market took exception to such a reflection of the St. Louis supply-demand adjustment. Exceptors stated that it is necessary that the Central Illinois Class I price be in alignment with the nearest markets to the north including Rock River Valley and Quad Cities-Dubuque. They pointed out that at this distance from St. Louis the influence of the markets to the north is greater than that of St. Louis; and there is considerable competition from handlers regulated under such orders and those previously regulated under the Chicago order. They requested, therefore, that the tie to St. Louis be eliminated.

In these circumstances it is concluded that the direct tie to the St. Louis price should be eliminated insofar as the supply-demand factor is concerned. It has been previously concluded in these findings that the other pricing factors should provide an appropriate differential between the Central Illinois Class I price and the Southern Illinois Class I price. This differential should be 14

cents aside from the effect of the St. Louis supply-demand adjuster.

The primary mover of price in the Class I milk pricing formulas of the two orders is the basic formula price. For the purpose of maintaining the intended price relationship (as discussed more fully under the above findings and in the findings on Class I pricing for the Southern Illinois order) it should be provided in the Central Illinois order that the basic formula price including any adjustments should be the same as under the Southern Illinois order.

The seasonal changes in the Class I differentials will be the same as in the St. Louis and Suburban St. Louis markets. Similar seasonal pricing is used in other nearby markets in Illinois, Wisconsin, and Iowa. This pricing, therefore, will be favorable to intermarket alignment as well as giving incentive to producers for even production. Class I price provisions for the Central Illinois order adopted herein should be effective for the first 18 months of the order. Prices for subsequent periods should be based upon a further examination of marketing conditions.

**Class II price.** The price for Class II milk should be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the U.S. Department of Agriculture adjusted to a 3.5 percent butterfat test. The Minnesota-Wisconsin price reflects the value of manufacturing milk in the major milk production areas of the United States. Because manufactured milk products compete on a national basis, it is important that the price for surplus use in the Central Illinois market be in close alignment with milk similarly used in other parts of the Nation.

The Class II price level should be high enough to reflect the full value of producer milk disposed of in manufacturing uses yet not exceed the level at which market reserve milk can be moved to manufacturing outlets in orderly fashion. Too high a Class II price will result in handlers' unwillingness to accept quantities of milk in excess of their Class I needs. Too low a Class II price on the other hand will encourage handlers to seek milk supplies solely for the purpose of converting them into Class II products.

In the proposed Central Illinois market cooperative associations control a large portion of the movement of milk supplies to handlers and arrange for the disposal of reserve milk. The cooperative associations proposed that the Class II price be set at the level of the Minnesota-Wisconsin manufacturing milk price series.

A Peoria handler proposed that the Class II price during the months of March through June be set at the Minnesota-Wisconsin price less 15 cents since somewhat greater volumes will have to be handled during this period.

It is expected that a substantial portion of the Class II utilization of the Central Illinois market will be in such products as cottage cheese and ice cream. The proprietary handler at Peoria who

proposed the 15-cent reduction in the Class II price during March through June indicated that difficulties might be encountered in disposing of producer milk during these months at the Minnesota-Wisconsin price level.

Numerous outlets for surplus milk exist in nearby Wisconsin. This handler testified that he has diverted surplus milk to Wisconsin plants in the months of flush production including affiliated cheese plants. It was also disclosed that a number of manufacturing facilities in the State of Illinois not only pay the Minnesota-Wisconsin price but also pay some premium for manufacturing milk. One of these plants is located nearby at Minonk, Ill., and another at Forrest, Ill. Still another outlet paying a substantial premium for surplus milk is located at Greenville, Ill., where such milk is utilized in dietary products.

At the hearing, none of the other handlers expected to be handling Class II milk objected to the use of the Minnesota-Wisconsin price series.

The Minnesota-Wisconsin price is the Class II price in a number of Federal milk orders. It has been adopted as the Class II price in the nearby markets of St. Louis and Suburban St. Louis. This price is also herein recommended for the proposed Southern Illinois order.

Official notice is taken of the Under Secretary's decision issued February 21, 1963 (27 F.R. 1802) describing the Wisconsin price series. The price for manufacturing grade milk in the two-State area of Minnesota and Wisconsin is issued by the State-Federal Crop Reporting Service on about the 5th day of each month for milk received at manufacturing plants in these States in the previous month. Plant operators report the total pounds of manufacturing grade milk received from farmers, the butterfat content, and total money paid to farmers for the milk. The two-State area is one in which there is a heavy concentration of manufacturing grade milk and where many plants are competing for such supply. In Minnesota about 83 percent of the milk sold off farms is manufacturing grade and in Wisconsin, about 58 percent. About 50 percent of the manufacturing grade milk sold off farms in the United States is produced in these two States.

The Minnesota-Wisconsin price series therefore provides a sound basis for determining the value of manufacturing milk. It is representative of prices paid to farmers for about half of the manufacturing grade milk produced in the country. It is a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. The system of reporting this price has been developed so that a reliable average price is available promptly.

The manufacturing milk price for the two-State area is reported by the Department as the price at actual butterfat test. The announced price is adjusted to the 3.5 percent butterfat test used in the orders by means of a butterfat differential equal to 0.12 times the average wholesale for 92-score butter at Chicago.



It is expected that the proponent cooperative associations as well as proprietary handlers will be able to dispose of reserve milk to nearby manufacturing plants at the resulting Class II prices. Adoption of this price formula will assure producers that they will be returned a full value for reserve milk.

**Butterfat differentials.** Milk in each class is priced to handlers at a basic test of 3.5 percent, subject to adjustment for variations in the proportions of skim milk and butterfat used in each class. This is accomplished by adjusting the class prices to each handler by appropriate butterfat differentials.

The value resulting from multiplying the Chicago butter price by 0.12 for Class I milk and 0.115 for Class II milk will provide an appropriate means for adjusting the prices in the market for each one-tenth percent variation in the butterfat content of milk used in various products. The Chicago butter price as a basis for establishing butterfat differentials will provide assurance for both producers and handlers that such differentials reflect changes in the butterfat values on the national market. The applicable factors of 0.12 and 0.115 have been found acceptable in nearby Suburban St. Louis and St. Louis markets as representing the value of butterfat in each class and would apply appropriately in this market. These butterfat differentials were supported at the hearing by the proponent cooperative associations without objection from handlers.

The butterfat differential used in making payments to producers should be calculated at the average value for use of producer butterfat in the two classes. This would be the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect changes in the use of their butterfat in each class. The producer butterfat differential does not affect a handler's obligation and its sole purpose is to prorate returns among producers to the extent their milk differs from the basic 3.5 percent butterfat test.

**Location adjustments.** The Class I and uniform prices should be adjusted based on the location of the plant at which the milk is received.

Fluid milk products, because of their bulky, perishable nature, incur a relatively high transportation cost. In the case of producer milk received at a plant distant from the market, the handler must incur the transportation cost in moving the milk to the market. Under these conditions, the value is thereby reduced compared to milk delivered to the market. Providing location differentials based on the cost of moving milk to the market is therefore necessary to equalize the cost of milk to handlers who receive milk at various distances from the market.

Within the State of Illinois and the areas south of the northernmost boundaries of the counties of Henderson, Warren, Knox, Stark, Marshall, Livingston, Ford, and Iroquois milk can move efficiently from farms directly to pool

plants distributing within the marketing area. It is not possible within this area to distinguish difference in value of milk due to cost of moving milk to market since the competitive procurement activities of handlers requires the same Class I price level. In this area, therefore, no location adjustment will be applicable. Further, since additional milk supplies would normally not be obtained from areas where milk is more costly, location deductions would not apply in the State of Illinois to the south of the marketing area.

For milk received at a plant located outside the State of Illinois, or in the State of Illinois but north of the northernmost boundaries of the counties of Henderson, Warren, Knox, Stark, Marshall, Livingston, Ford, and Iroquois location adjustments should be applicable. Such adjustments should apply to milk classified as Class I and to fluid milk products transferred from such plant to another pool plant as Class I milk. The Class I price applicable at such plants should be reduced 7.5 cents if such plant is 50 miles or more from the City Hall in Peoria, Ill., plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles. The location differential rates herein proposed represent the approximate cost of transporting milk to market by efficient means. The rate of 1.5 cents per 10 miles is a rate generally accepted for use in Federal milk orders. In addition, these location adjustments will be compatible with those herein recommended for the proposed Southern Illinois order, including the zone price structure herein recommended for that order. It will also provide prices at plants at various locations which are in alignment with prices in other nearby markets.

Uniform prices to be paid producers supplying plants at which location differentials are applicable should likewise be adjusted to reflect the value of the milk at the point to which the milk is delivered.

No location adjustment should apply to Class II milk. The cost involved in moving manufactured products is minor relative to the cost involved in moving whole milk. Manufactured dairy products are much less perishable and the components of manufactured products are usually in concentrated form. Accordingly, there is little value in the milk used for manufacturing purposes which can be equated to plant location.

Since the supply of Grade A milk at pool plants in the marketing area is not adequate at all times to supply the demand for fluid milk products, some tolerance should be allowed in the assignment to Class I of milk brought in from supply plants. In calculating the location adjustment, transfers may be assigned to Class I only to the extent that 105 percent of Class I disposition at the transferee plant exceeds the sum of receipts at such plant from producers and cooperative associations and the volume assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment to transferor

plants shall be made first to plants at which no location adjustment credit is applicable and then in sequence beginning with the plants at which the lowest rate of such adjustment credit would apply. For purposes of uniformity the same provision would apply to any shipment of bulk or packaged fluid milk products between pool plants.

It is not necessary to provide a greater tolerance as proposed by one handler and requested by cooperative associations in their exceptions for assignment of transferred milk to Class I disposition at the receiving plant. It should be possible with reasonably efficient procurement arrangements to avoid receipt of milk from regulated supply plants in a manner which would cause assignment of such milk to Class II to an extent which might be burdensome to the handler. Most milk in this market is received direct from farms rather than supply plants.

Producers proposed that the application of location credit give milk transferred from other pool plants priority over other order and unregulated supply plant milk. It was held that such assignment would give a broader application of the principle that milk from nearest available sources be considered as first in assignment to Class I of the receiving plant. This proposal is not adopted since it would contradict the pro rata assignment to Class I of milk from unregulated supply plants as provided in the allocation provisions. Removal of location credit on such milk could cause a variation in the application of rates of compensatory payment.

**Use of equivalent prices.** If for any reason a price quotation required by the order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such provision in the order will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and thereby will prevent any unnecessary interruption in the operation of the order.

(d) **Distribution of proceeds to producers.** The order should contain provisions which describe the means whereby payments made by handlers for milk at class prices are converted to uniform prices to be paid to producers. The provision should specify also the terms under which such payments must be made.

The order should provide for market-wide pooling of the value of producer milk used by all handlers. Under a marketwide pool, the total money obligation of all handlers in the market is combined to compute a uniform price applicable to all producer milk.

To accomplish this purpose it is necessary that there be an exchange of money among handlers such that each handler is enabled to pay the marketwide uniform price. The transfer of money would be made through a producer-settlement fund, as hereinafter



discussed, established by the market administrator. Each handler would pay into the producer-settlement fund any plus difference of the value of his producer milk at class prices over its value at the market uniform price. A handler whose producer milk has a lesser value at the class prices than at the market uniform price would receive payment at the difference from the producer-settlement fund. This arrangement enables each handler to pay the uniform price to producers. This operation of marketwide pooling as applicable in this market would be subject to a modification commonly known as a seasonal incentive plan or "Louisville plan" described elsewhere in these findings.

Marketwide pooling was proposed by the cooperative associations supporting the issuance of a Central Illinois order. They preferred marketwide pooling to insure that each producer supplying the market would receive his pro rata share of returns for the Class I and Class II utilization. Marketwide pooling was considered necessary to prevent unequal allocation of the burden of market reserves on certain groups of producers.

Under marketwide pooling each producer will receive a uniform price for his milk which will reflect the average utilization of all pool plants in the market. Each handler, however, will pay for milk in accordance with his own use at the applicable class prices.

The marketwide pooling of returns to producers will promote efficient handling of milk in the area. The proposed marketing area and its supply area encompass a wide geographical territory in which the supply of milk readily available for some plants varies considerably from the supply at others. Some plants disposing of milk in the proposed marketing area have little, if any, facilities for manufacturing reserve milk. Such plants normally limit their receipts of producer milk to the quantity needed for Class I in the flush production months and procure supplemental supplies for Class I use during the months of short production. Other plants have some manufacturing facilities and available outlets through which they can readily market surplus milk. Thus, these latter plants are able to carry adequate supplies of milk on a year-round basis. The marketwide pool will enable a handler with manufacturing facilities or a cooperative association to handle the reserve supplies and to pay producers the same price as is paid by handlers who do not assume the responsibility of carrying the necessary reserve.

A marketwide pool will make it possible for handlers, including cooperative associations, without sufficient manufacturing facilities to divert reserve milk supplies when these are not needed by pool plants and yet return to the producers of such milk the uniform price. A large part of the milk supply for handlers in this market is furnished by cooperative associations. In connection with arranging for delivery of member milk to handlers' plants in quantities the handlers desire, it is necessary also for a cooperative association to arrange for

diversion of reserve milk to nonpool plants for manufacturing. Without marketwide pooling, therefore, the burden of the Class II returns could fall upon members of cooperative associations. This handling of reserve milk is a necessary service to the market in insuring an adequate supply at all times.

A marketwide pool thus will result in equitable distribution among all producers of their lower returns from reserve milk rather than placing the burden of such milk on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk for the proposed market.

*Producer-settlement fund.* Inasmuch as all producers will receive payment at the marketwide uniform price each month (adjusted for "Louisville plan" payments during certain months) and because the payment due from each handler at the applicable class prices may be more or less than he is required to pay directly to his producers, a method of balancing these differences is necessary. For this purpose the market administrator shall establish and maintain a producer-settlement fund. A handler whose obligation at class prices according to his utilization is more than he is required to pay his producers, shall pay such difference into the producer-settlement fund. A handler who is required to pay less according to his utilization than he is required to pay his producers shall receive such difference from the producer-settlement fund.

For efficient functioning of the producer-settlement fund, a reasonable reserve should be set aside each month to cover such contingencies as the failure of a handler to pay his monthly billing promptly or additional payments which may be due a handler from the fund by reason of audit adjustments. The reserve would be operated as a revolving fund and be adjusted each month by withholding from the pool computation an amount equal to not less than 4 cents nor more than 5 cents per hundred-weight of producer milk. One-half of the reserve so accumulated would be added each month to the pool in computing the uniform price.

If the balance in the producer-settlement fund is insufficient to cover the payments due handlers, the market administrator should uniformly reduce payments per hundredweight to such handlers. The remaining amounts due such handlers should be paid as soon as the balance in the fund is sufficient to meet such payments. Producers in turn should receive full payment from handlers. In order to reduce the possibility of this occurring, milk received by any handler who has failed to make the required payments for the preceding month would not be included in the computation of the uniform price.

Any payments on partially regulated milk received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby

distributed to all producers on the market.

*Payments to producers and cooperative associations.* Each handler should pay each producer for milk received from him and for which payment is not made to a cooperative association, an amount equal to not less than the uniform price adjusted by butterfat and location differentials. This payment at the applicable uniform price should be made on or before the 20th day of the following month.

Provision should be made for a cooperative association, if it so desires, to receive payment for member producer milk which is received by a pool plant. The collection of payments for milk of its members will permit the cooperative association to reblend the proceeds from the sale of such milk, will facilitate the transfer of milk among handlers and aid in the orderly movement of reserve milk to other plants either by transfer or diversion for manufacturing use. Thus, a cooperative association will be assisted in discharging its responsibilities to its members and the market.

The Act provides for the payment by handlers to cooperative associations for milk delivered by their members and permits the reblending of all proceeds from the sale of member milk. Cooperative associations serving the Central Illinois market have contracts with their members which allow the associations to collect payment for member milk. Therefore, each handler, if so requested, should pay cooperative associations the full amount due for producers' milk in lieu of payments to individual producers. The associations, however, should provide for reimbursement of any loss incurred because of an improper claim. Handlers should be required to pay the association on or before the 18th day of the following month or 2 days before payment is required to be made to individual producers. This will give the cooperative association sufficient time to reblend its receipts and pay its members on the same date on which nonmembers are required to be paid.

A handler should also be required to pay a cooperative association for all milk purchased from such association in its capacity as a handler on or before the 18th day of the following month. In the case where the cooperative is the handler for producer member milk delivered from the farm to another handler's plant, such payment should be made at not less than the uniform price adjusted by the applicable butterfat and location adjustments. For other milk which a cooperative may deliver from its plant to another handler's plant, payment should be at the class prices according to the classification of milk transferred.

At the time settlement is made for milk received from producers the handlers should be required to furnish to each producer (or his cooperative association) a supporting statement. This statement should show the pounds and butterfat tests of milk received from such producers, the rate of payment for such milk and the description of any deduction claimed by the handler.



**Seasonal incentive plan.** A "Louisville seasonal incentive plan" was proposed by cooperative associations in the market. It was their position that such a plan, in addition to the seasonal Class I pricing, is necessary to furnish adequate incentive for even production.

The plan provides for deductions of 10 cents per hundredweight from payments to producers in the months of April, May, June, and July, and addition of such money to producer payments in the following months of October, November, and December at the rate of one-third of the total money in each month. The money withheld in the April-July period would be retained in the producer-settlement fund until paid out in the fall months.

Similar seasonal incentive plans are effective in the Suburban St. Louis and St. Louis markets. Adoption of a "Louisville plan" in this market is desirable from the viewpoint of similarity in pricing, since many of the producers may from time to time shift from one order to another. It is also desirable for the purpose of achieving adequate supply for the market at the time it is needed. It is concluded that the proposed plan should be adopted.

The plan should become effective beginning with payments for milk delivered in April 1967.

(e) **Administrative provisions.** Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purposes of the proposed regulation.

(1) **Terms and definitions.** In addition to the definitions discussed earlier in this decision which established the scope of regulation, certain other terms and definitions are desirable for the purpose of brevity and to assure that each usage of the term implies the same meaning. Such terms as defined in the proposed order are common to most other Federal orders.

(2) **Market administrator.** The order should provide for the appointment by the Secretary of a market administrator to administer the order and should set forth powers and duties of the market administrator.

(3) **Records and reports.** Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of milk and payments due producers for milk. Time limits must be prescribed for filing such reports and for making payments to producers. Dates must be established for the announcement of prices by the market administrator.

It is essential that handlers' reports be submitted to the market administrator not later than the 7th day of each month. The market administrator should announce the uniform price for the previous month's milk on or before the 12th day of each month. The market administrator should also notify handlers of the amount due on milk handled during the month on or before the 12th day after the end of the month to permit sufficient time for handlers to submit payments

due to the producer-settlement fund on or before the 15th day of the following month. The payroll report of each handler should be submitted to the market administrator on or before the 20th day of each month. It should include such information as weights, butterfat tests, payments for milk and authorized deductions.

Handlers should maintain and make available to the market administrator all records and accounts of their operations which are necessary to determine the accuracy of the information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled and to verify all payments required under the orders.

Detailed reports to the market administrator by all handlers would be used to determine whether the plants of such handlers qualify as pool plants.

The market administrator should report to each cooperative association, which so requests, the percentage of milk delivered by its members and utilized in each class at each pool plant receiving such milk. For the purpose of this report the percentage of members' milk in each pool plant should be prorated in the proportion that producer milk was utilized by that handler. These reports are necessary for cooperative associations to market their member milk most efficiently so that available producer milk will be channeled to available Class I uses.

It is necessary that handlers retain records to prove the utilization of the milk received and that proper payments were made therefor. Since the books of all handlers associated with the market cannot be audited immediately it is necessary that such records be kept for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the order should terminate. The obligations of any handler under the order shall terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless the handler fails or refuses to make available all required books and records or a handler's obligation involves fraud or willful concealment of a fact. The provisions made in this order are identical in principle to those adopted for all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). Official notice of such decision was taken on the record. The reasons for such provisions as are set forth in that decision are similarly applicable to the situation in this market and the provisions should be adopted in this order.

4. **Expense of administration.** The Act requires handlers to pay the cost of operating an order through an assessment on milk handled. Each handler operat-

ing a pool plant should be required to pay to the market administrator, as his proportionate share of the cost of administering the order, 5 cents, or such lesser amount as the Secretary may prescribe, on all receipts within the month of milk from producers including milk of such handler's own production, any other source milk allocated to Class I (except milk so assessed under another Federal order), and producer milk received from a cooperative association in its capacity as a handler on farm bulk tank milk.

The maximum rate of administrative assessment of 5 cents per hundredweight herein recommended is identical to the rate currently in effect under the Suburban St. Louis order and is appropriate for the proposed Central Illinois order. This rate appropriately provided funds for the market administrator to meet the necessary cost of administering the Suburban St. Louis order at the time of its promulgation. Since the funds from this rate of assessment have proved adequate for the expense of prior administration of that regulation, it is expected that this rate will likewise provide adequate funds to cover the initial administrative costs in establishing this regulation.

This order specifies minimum performance standards which must be met to obtain regulated status. With certain specified exceptions, operators of plants not meeting such standards would, under the provisions proposed in this decision, be required to either make specified payments into the producer-settlement fund on route distribution in the marketing area in excess of offsetting purchases of Federal order Class I milk, or otherwise pay into such fund and/or dairy farmers an amount not less than the full classified use value of receipts (computed as though such plant were a fully regulated plant).

The market administrator, in administering an order as it applies to the nonpool route distributor, must incur expenses in essentially the same manner as in applying the order to pool handlers. Partial regulation (as prescribed) of such distributor does not, however, provide the same benefits to such handler as accrue to the fully regulated handler i.e., the privilege of participation in the market pool and assurance of uniform price payments to his dairy farmers. If the nonpool route distributor elects to make a payment on his in-area sales at the difference between the Class I price and the uniform price for the market the expenses incurred by the market administrator in administering the terms of the order on such handler are nominal and payment of the administrative assessment on his in-area sales reasonable would constitute his pro rata share of administrative expense.

In the situation where such a distributor for any reason actually pays his dairy farmers the full use value of the milk (computed at order prices), it has in the past on the basis of substantial record evidence in promulgation hearings, been found necessary in many areas to require payment by such distributor of an administrative assessment on his total



receipts of milk in order to defray the costs of complete plant auditing to verify the utilization and payments as claimed. In large measure, such a distributor's operations are more comparable to those of a fully regulated handler and such assessment is substantially the same as for a fully regulated handler. There is reason to believe, however, that in some instances such an assessment might make possible a financial obligation under the order in excess of his total obligation through the alternative of electing to make a payment into the producer-settlement fund. From the financial standpoint such a situation provides little practical alternative to such handler but to pay the required pool payment. In order to give more meaningful effect to the choice of an alternative, the pro rata share of the administrative expense of the order should be the regular assessment rate applied to such milk as is actually disposed of as Class I in the regulated area that exceeds Class I milk received from other regulated plants or other order plants, irrespective of whether the option to pay into the producer-settlement fund is elected by the unregulated distributor.

In the case of unregulated milk which enters the market through a fully regulated plant for Class I use, it is the regulated handler who utilizes the unregulated milk and who must report to the market administrator the receipt and use of such milk as well as on all other milk received and utilized. Also, the receipts and utilization of all milk at his plant are subject to verification by the market administrator. It is concluded, therefore, that the regulated handler should be responsible for payment of the administrative assessment with respect to such unregulated milk.

The market administrator must have funds sufficient to enable him to administer the order. The order is designed to share this cost equitably among all handlers distributing milk in the proposed marketing area. However, to prevent duplication an assessment should not be made on other source milk on which an assessment was made under another Federal order.

Provision should be made so that the Secretary may reduce the amount of the administrative assessment without the necessity of amending the order. The rate can thus be reduced when experience indicates a lower rate will be sufficient to provide adequate funds for the administration of the order.

(5) *Marketing service.* Provisions should be made in the order for providing for marketing services to producers, such as the verification of tests and weights of producer milk and furnishing them with market information. The services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. A qualified cooperative association, approved for such activity by the Secretary, may perform such services for its member producers in lieu of such services by the market administrator.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producers' deliveries as reported by the handler are proved to be accurate.

An additional phase of this market service program is to furnish producers with current market information. Efficiency in the production, utilization and marketing of milk will be promoted by providing for the dissemination of current market information on a market-wide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 6 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. This is the same rate as previously provided in the Suburban St. Louis order and it has provided funds necessary to conduct the program under that regulation at the time of promulgation. If later experience indicates that marketing services can be performed at a lesser rate, provision is made in this order whereby the Secretary may adjust the rate downward without the necessity of a hearing. In the event a qualified cooperative association has been determined to be performing such marketing services for its members, handlers would be required to pay to the cooperative association such deductions as are authorized by its producer members.

6. *Interest payments on overdue accounts.* Provision is made for the payment of interest at a monthly rate of one-half of 1 percent on amounts due to the market administrator for each month or portion thereof that such obligation is overdue.

Prompt payment of amounts due to the market administrator is essential to the operation of order provisions. Interest charges will encourage payment of amounts due on or before the specified date. The rate provided herein is reasonable to compensate for the cost of borrowing money in accord with normal business practices.

Presently, the Suburban St. Louis order provides not only for such interest payments by handlers but also for the same interest charge on obligations owed by the market administrator to handlers. Since there would be no delay in payments by the market administrator to handlers unless monies properly due to him from handlers has not yet been received, there is no need to apply interest charges on obligations owed by the market administrator to handlers.

#### FINDINGS AND CONCLUSIONS WITH RESPECT TO SOUTHERN ILLINOIS MARKETING AREA

(a) (1) *Marketing area.* The Suburban St. Louis marketing area should be expanded to include 30 additional coun-

ties all in the State of Illinois. These will include:

Champaign.	Logan.
Christian.	Macon.
Clark.	McLean.
Clay.	Menard.
Coles.	Morgan.
Crawford.	Moultrie.
Cumberland.	Piatt.
Dewitt.	Richland.
Douglas.	Saline.
Edgar.	Sangamon.
Edwards.	Shelby.
Effingham.	Vermillion.
Hamilton.	Wabash.
Jasper.	Wayne.
Lawrence.	White.

The marketing area should include all territory within the present marketing area and within the above mentioned counties, together with all municipal corporations therein and all institutions owned or operated by the Federal, State, county or municipal governments located wholly or partially within such territory.

The expanded marketing area, including the present 19 and the additional 30 counties should be named the Southern Illinois marketing area. This enlarged marketing area would extend to the east and north of the present area, and would adjoin the proposed Central Illinois marketing area.

The sanitary requirements for Grade A milk produced for fluid distribution in this marketing area are patterned after the U.S. Public Health Ordinance and Code. Milk meeting the sanitary requirements of the State of Illinois is acceptable for distribution throughout the proposed marketing area. In view of the uniformity of health standards there are no differences in milk quality which would interfere with the single order regulation for the entire proposed area.

The marketing of milk in the area to be added is closely associated with the marketing of milk in the present marketing area. Handlers regulated under the Suburban St. Louis order presently dispose of milk on routes in much of the proposed new marketing area. Other Class I sales in the proposed area are very largely made by plants located in the proposed new area.

East of the present Suburban St. Louis "base zone" are nine of the proposed counties: Clay, Edwards, Hamilton, Lawrence, Richland, Saline, Wabash, Wayne, and White. The majority of the Class I sales in each of these counties is made by handlers now regulated under the Suburban St. Louis order. Additional sales are made in these counties by a plant at Olney, Ill., operated by one of the proponent cooperative associations which would be regulated under the proposed marketing area expansion. Sales by presently regulated handlers and the plant at Olney make up all but a small part of the total volume of sales in these counties.

A relatively minor percentage of the remaining sales in the nine counties is made by two plants at Evansville, Ind., regulated under the Louisville-Lexing-



ton-Evansville order, and by handlers regulated under the Indianapolis order.

These nine counties should be included in the marketing area to assure orderly marketing therein both for milk now regulated under Order No. 32 and milk which would thereby be brought under regulation.

Generally to the north of the aforementioned counties and the present marketing area are 10 additional proposed counties of: Christian, Clark, Coles, Crawford, Cumberland, Effingham, Jasper, Morgan, Sangamon, and Shelby. These counties are served by presently regulated handlers and by other fluid milk distributing plants located within the area. One of the plants, located at Mattoon in Coles County, is presently regulated under the order. The sales territory covered by this plant was reported by the handler in combination with sales by his unregulated plant at Champaign. The distribution area of the combination of the two plants includes Clark and Crawford Counties on the eastern boundary of Illinois and extends as far west as Sangamon and Morgan Counties. Included also are Cumberland, Jasper, Shelby, Effingham, Fayette, and Christian Counties. This 10-county area is served also by a distributing plant operated by Prairie Farms, one of the proponent cooperatives, located in Pana in Christian County. Another plant of a proprietary handler is located at Taylorville in Christian County and is partially regulated. These plants and associated plants of Prairie Farms have the majority of Class I distribution in these 10 counties.

Two plants which would be regulated under the Central Illinois order, located at Pekin and Peoria have a minor share of the sales in these 10 counties. It is estimated that not more than 20 percent of the Class I sales are by these two plants. In a few of the counties there are Class I sales by a plant identified with the Chicago market and one regulated under the Indianapolis order.

In the remaining 11 counties (Champaign, De Witt, Douglas, Edgar, Logan, Macon, McLean, Menard, Moultrie, Piatt, and Vermilion) comprising the northern part of the proposed marketing area, the places of major population are at Champaign and Urbana, in Champaign County; Danville, in Vermilion County; Decatur, in Macon County; and Bloomington, in McLean County. These counties are served by fluid milk distributing plants located in the counties and two plants at Peoria and Pekin, which would be regulated under the Central Illinois order. In each of the counties with major population centers, however, the majority of Class I milk distribution is by the plants which would be regulated under the Southern Illinois order, located at Champaign, Decatur, Monticello, Bloomington, plus plants operated by Prairie Farms at Carlinville, Pana, and Olney. Some sales in these counties are made also by a plant identified with the Chicago market and a plant regulated under the Indianapolis order.

All of these counties should be included in the proposed marketing area to assure orderly marketing of milk to be regulated. The marketing area is a territory within which handlers to be regulated compete extensively with overlapping areas of distribution. The entire territory is affected by similar supply and demand conditions.

It is concluded that all of the milk and milk products disposed of in the redefined marketing area (to be designated the Southern Illinois marketing area) is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

An analysis of the overlapping of sales areas by the Southern Illinois and Central Illinois distributors shows that the plants have their major distribution in the marketing area where they would be regulated. A number of plants with distribution areas in a few counties have virtually all of their sales within the marketing area of the order under which they would be regulated. The more extensive distribution by some other plants involves some overlapping from one marketing area into the other. The plant at Champaign was reported to have more than 60 percent of its sales in the proposed Southern Illinois area and about 13 percent in the Central Illinois area. The plant at Pekin, Ill., has about 50 percent of its sales in the proposed Central Illinois marketing area and about 40 percent in the proposed Southern Illinois marketing area.

Although some of the route distribution of handlers to be regulated extends beyond the boundaries of the counties proposed for regulation, it is neither practical nor reasonable to extend the regulated area to cover all of a handler's route disposition. Nor is it necessary to do so to accomplish effective regulation under the order. The marketing area herein proposed is such that it will encompass a substantial percentage of the fluid milk sales of most handlers to be regulated and result in only a minimum of such sales being made outside of the proposed marketing area. In most instances, sales of regulated handlers outside the proposed marketing area would be in large part within another Federal order marketing area. The findings previously made herein with respect to the proposed Central Illinois order as to the need for classified pricing of all producer milk handled at pool plants are equally applicable in this case for milk handled in pool plants to be regulated under the Southern Illinois order.

(a) (2) *Pool plant provisions.* No change should be made in pooling requirements for distributing plants. Supply plant requirements should be modified to require that shipments be made to distributing plants which have 50 percent Class I use of pooled milk in August through February and 40 percent in other months.

Certain proposals made at the hearing would require a distributing plant to have Class I disposition each month equal to 50 percent of its Grade A receipts from dairy farmers and cooperative associa-

tions as handlers. These proposals should not be adopted.

Presently the order requires Class I disposition of 50 percent of designated receipts only in the months of August through February, and requires 40 percent in March through July. The lower 40 percent requirement during March through July was made effective in the Suburban St. Louis order February 1, 1965. The necessity for the lower requirement was based on the need for handling the seasonally larger quantities of reserve milk at distributing plants during these months. Evidence on this record shows that such provision continues to be necessary for the handling of seasonally greater quantities of milk received from dairy farmers regularly associated with the market.

A proposal was made by producer associations to modify the supply plant provisions so that only in May and June a supply plant could remain pooled while not making shipments. Under this proposal the plant would qualify for pooling in May and June on the basis of shipments during the prior September through January period, equal to not less than 50 percent of its Grade A milk receipts from dairy farmers. The September through January period is the same as now provided in the order during which a supply plant may establish its qualification to remain pooled during the subsequent period of February through August. An additional effect of the proposal would be that the supply plant could not qualify in the months of February, March, April, July, and August, except on the basis of meeting the 50-percent shipping requirement in each month. The producer associations favored this modified supply plant provision for the purpose of preventing burdensome supplies of milk being included in the pool for only manufacturing purposes.

It is not evident that extending the number of months during which the supply plant would need to make shipments of 50 percent of its receipts to the market would, in fact, guard against burdening the pool with milk intended for manufacturing milk use. Further, the seasonal pattern of utilization which has been the experience in the Suburban St. Louis market does not suggest that extending the number of months in which a supply plant must ship 50 percent of its receipts would be in the interest of orderly and efficient marketing. The months of September through January are the months when highest average Class I utilization has occurred in previous years. February and August have in some years had considerably lower utilization. Extending the period when such shipments are required might accomplish little more than to encourage the shipping of milk when it is not needed.

The purpose of assuring an adequate supply for the market at times when it is needed for fluid use will be better served by a requirement that the supply plant shipments be made to distributing plants which have at least a specified Class I utilization of all pooled milk, in-



cluding that shipped from supply plants. The specified utilization should be 50 percent in the months of August through February and 40 percent in other months corresponding to the percentages contained in the pool distributing plant definition. This modification is adopted in the proposed amended order.

The supply plant provision in the recommended decision failed to reflect the conclusions as to the requirements in each month. The supply plant provision has been modified accordingly.

(a) (3) (i) *Producer milk.* The producer milk definition should include the milk received at a pool plant from a cooperative association acting as a bulk tank handler delivering such milk from producers' farms to the plant.

Presently, the order definition of producer milk includes the milk physically delivered from producers' farms to a pool plant but excludes milk so delivered by a cooperative as a bulk tank handler. It is convenient, however, for purposes of classification, accounting and payment for the milk so received from a cooperative association to be included in the term "producer milk".

The quantity of milk delivered to the pool plant in a truck load by the cooperative association may not be exactly the same as the total of quantities picked up at producers' farms in the same load, because of some loss during handling from farm to plant. Such loss, if any, is the concern of the cooperative association as a handler and must be accounted for to the pool as producer milk by the cooperative association. This quantity also should be specified in the definition of producer milk.

(a) (3) (iii) and (iv) *Milk diverted to other pool plants and other order plants.* Diversion between pool plants and to other order plants is presently provided in the Suburban St. Louis order and should be incorporated in the proposed Southern Illinois order. The diversion of a producer's milk to other pool plants or to other order plants is permitted for not more days production of producer milk by such producer than is physically received at a pool plant (s).

Such diversion provisions permit a handler to move unneeded quantities of milk to other pool plants or other order plants which have manufacturing facilities, and yet maintain such milk in producer milk status. This facilitates efficient handling of reserve milk of the market and aids in efficient allocation among plants of the market's fluid milk supply. This is done without interfering with the pooling qualification of a pool plant to which milk is diverted. Such diversion also permits the convenience of retaining the diverted producers on the payroll of the diverting plant operator for the entire month.

The order should provide for diversion to another order plant for disposal of reserve milk in Class II use. If milk from a dairy farmer were reported by a handler as diverted to an other order plant for Class I use, the milk would be properly producer milk under the other order. In this case it would be necessary that the report under this order be cor-

rected to eliminate such quantity, since it would not fit the definition of producer milk.

Since a cooperative association may act as a handler delivering milk to any pool plant, the new order does not provide for diversions between pool plants by a cooperative association. There may be occasions, however, when it is desirable for a cooperative association to divert milk of its members to an other order plant for its account. This is presently provided in the Suburban St. Louis order and would be continued in the revised order.

Appropriate pricing of the diverted milk is dealt with under the findings on location adjustments as hereinafter developed.

(a) (4) *Other definitions.* Certain definitions of the Suburban St. Louis order should be changed to better reflect the marketing situation expected to prevail in the proposed Southern Illinois order and to conform more closely with the provisions of the Central Illinois order.

The handler definition should be amended to designate the operator of an unregulated supply plant as a handler under the order.

The substantial marketing area expansion herein recommended could result in a number of distributing plants and their associated supply plants becoming newly regulated by the Southern Illinois market. Defining the operator of an unregulated supply plant as a handler will permit the market administrator to obtain necessary reports of receipts and utilization from such a plant and thereby enable the market administrator to determine the exact status of such plants under the order. A conforming change should also be made in the reporting section of the order to provide that such a handler be required to make such reports of receipts and utilization at such time and in such manner as the market administrator may prescribe.

The fluid milk product definition of the order should be revised to specify certain types of dairy products distributed in the marketing area, and to conform with the definition recommended for the Central Illinois order.

The definition should include fortified milk drinks as well as those not fortified. It should also include dietary milk products, and concentrated milk which is not in hermetically sealed containers. These are products intended for fluid consumption and for which milk from Grade A sources is required. They should be included in the fluid milk product definition so that disposition in this form will be clearly Class I milk.

The products to be excluded from the fluid milk product definition are those not required to be processed from Grade A milk and which may be marketed without a Grade A label. In addition to products now excluded, the definition should also exclude yogurt and cultured sour cream mixtures other than sour cream if not labeled Grade A. For purposes of clarification it should also exclude evaporated and condensed milk, and frozen storage cream. While

frozen cream is not a disposition while kept in storage, nevertheless, its ultimate use is ordinarily in Class II disposition. If in any case it were used by a handler in Class I, the handler would be obligated for a compensatory payment at the rate applicable to nonfluid products used in Class I.

The producer-handler definition should be modified with respect to possible use of reconstituted fluid milk products. If a producer-handler were allowed to dispose of fluid milk products in the marketing area which are reconstituted from nonfluid products, he would have an inequitable advantage compared to fully regulated handlers. Nonfluid milk products such as nonfat dry milk may be purchased at a cost based on manufacturing milk values. If the producer-handler could use such nonfluid milk products as a source for Class I disposition, his cost would be considerably less than for fully regulated handlers who pay the full Class I price for producer milk so used. Further, if any fully regulated handler disposes of reconstituted fluid milk products as Class I, he is obligated to the pool for compensatory payment at the rate which is the difference between surplus milk value and Class I milk value.

If a producer-handler receives nonfluid forms of other source milk solely for purposes of fluid milk product fortification, this would not be objectionable. Fully regulated handlers also used nonfluid milk products in preparation of fortified fluid milk products. The handlers are obligated for Class I classification only in an amount equal to the weight of an equal volume of unmodified product of the same nature and butterfat content.

To safeguard against the use by producer-handlers of nonfluid milk products for sale as reconstituted fluid milk products, it should be provided that a producer-handler's Class I disposition may not exceed his own farm production and receipts of fluid milk products from pool plants, allowing for inventory derived from such sources.

The definition of reload point should be revised to provide that the approval of any duly constituted health authority is acceptable. This change will make this provision correspond with a similar health authority requirement in the definition of producer.

(b) *Classification and allocation—Inventory.* Fluid milk products on hand in packaged form at the end of the month should be classified as Class I milk. This classification conforms with the ultimate utilization of most of the packaged fluid milk products in inventory. This results in less adjustment in classification and handlers' obligations than if classified in Class II. The order presently classifies all ending inventory of fluid milk products, both bulk and packaged, as Class II milk.

The adoption of the plan of classifying all fluid milk products on hand in packaged form at the end of the month as Class I milk will, in the long run, neither affect handlers' costs nor producers' returns. In the first month in which it is effective, it will increase handlers' costs



by the difference between the Class I and Class II prices on the volume of packaged milk classified as inventory. This difference will be recovered, however, since there will be no reclassification charge on inventory of packaged fluid milk products allocated to Class I milk in subsequent months.

To insure that all handlers pay the current month's Class I milk price for fluid milk disposed of during the month, it is provided that if the Class I milk price increases over the previous month, the handler will be charged the difference between the Class I milk price for the current month and the Class I milk price for the preceding month on the quantity of ending inventory assigned to Class I milk in the preceding month. Likewise, if the Class I milk price decreases, the handler will receive a corresponding credit.

The allocation section of the order should provide that inventory of such packaged fluid milk products on hand at the beginning of the month be subtracted from Class I milk utilization immediately after the allocation of shrinkage and packaged fluid milk products from other orders and before making the other assignments therein provided. Inventory of fluid milk products in bulk form would continue to be handled as under the present provisions of the order.

*Revision of shrinkage provisions.* The Suburban St. Louis order now provides a limitation of 1.5 percent shrinkage in Class II on receipts of milk in bulk tank lots from various sources, except that a shrinkage limitation does not apply to receipts for which Class II utilization is requested by the handler.

The 1.5 percent limitation should apply in case of receipts from a cooperative association acting as a bulk tank handler, bulk receipts from other pool plants, and bulk receipts from nonpool plants whether or not regulated by another order.

In the case of milk purchased at a pool plant from a cooperative association acting as a bulk tank handler delivering milk from members' farms, the cooperative association is allowed one-half percent shrinkage and the pool plant is allowed 1.5 percent shrinkage. The order should also provide that if the pool plant operator gives notice to the market administrator that he desires to purchase the milk from the cooperative on the basis of quantities measured at the farm and butterfat tests from samples taken at the farm, then the plant operator should be allowed two percent shrinkage. In this case no shrinkage allowance to the cooperative association would be applicable.

The order should provide a shrinkage allowance of one-half percent on milk diverted in bulk tank lots to nonpool plants. The handling of this milk is similar to the handling of other bulk tank milk moved from farms to pool plants. The shrinkage allowance should be the same, except that if the nonpool plant operator purchases the milk on the basis of quantities measured at the farm and butterfat tests of samples taken at

the farm, no shrinkage allowance would apply.

*Animal feed and dumped.* The order should be amended to allow classification in Class II of both the skim milk and butterfat in fluid milk products authorized by the market administrator to be dumped.

Presently the Suburban St. Louis order permits dumpage of only the skim milk portion of fluid milk products.

Permitting a handler to claim Class II on small quantities of butterfat in dumped products, however, would be proper in the case of products from which butterfat cannot practically be separated. This could include homogenized whole milk or route returns with low butterfat content.

Since dumping involves no transactions with others, the market administrator must have opportunity to verify the product and quantity, and such disposal should be only after his authorization.

The proposal to limit the skim milk and butterfat disposed of as animal feed during the month to the quantities of fluid milk products in route returns should not be adopted.

Presently the Suburban St. Louis order permits Class II classification for all skim milk and butterfat accounted for as disposed of for livestock feed. In most instances, it would be expected that fluid milk products disposed of for animal feed would be primarily nonsalvageable route returns. In some instances, however, there may be small quantities of skim milk and butterfat in fluid milk products which during processing becomes nonsalable for human consumption. It is reasonable that these quantities also be classified as Class II if disposed of as livestock feed. A plant operator should maintain sufficient records to establish in every instance the quantities of skim milk and butterfat involved, and show a written receipt for every sale as livestock feed.

*Surplus disposal area.* The surplus disposal area under the Suburban St. Louis order should be expanded to include that area within 500 miles of Vandalia, Ill.

Presently the order provides an area up to 450 miles from Vandalia within which handlers may dispose of reserve in Class II disposition. Previously this area had been considered sufficient for the orderly disposition of reserve milk. Beyond such mileage limit the order provided that disposition to nonpool plants would be Class I (except for cream under special labeling). Representatives of both producers and handlers supported an additional 50 miles as necessary for economic disposal of reserve milk.

The surplus disposal area proposed for the Central Illinois order is 350 miles from Peoria. Since Vandalia is about 150 miles from Peoria, the 500 miles herein recommended will result in virtually the same area.

An additional 50 miles will encompass an area within which are located a number of Wisconsin plants that producers and handlers stated serve as outlets for the markets' reserve supplies of milk.

Thus, the additional area will assure that all manufacturing outlets normally used by handlers will be available for disposal of reserve milk supplies of the proposed Southern Illinois marketing area.

(c) *Class I prices.* It is necessary that several levels of Class I prices apply within the parts of the proposed Southern Illinois marketing area. This is necessary to reflect the differences in competitive relationships to other Federal order markets and the relative distances from areas of large reserve milk supplies. This would be accomplished by establishing pricing zones within the marketing area. The Class I price at each pool plant within a zone would be the same. This pricing plan should be applicable for the first 18 months for which the order is effective.

The various Class I price proposals made by producers and handlers all would provide for pricing zones. Some of these zone pricing proposals were in terms of the entire territory to be regulated under both the Central and Southern Illinois orders. All of the proposal would establish a gradation of pricing which would be highest in the southernmost zone and lowest in the Peoria area. The spread between the Peoria Class I price level and that for the southernmost zone varied among the various proposals from 21 to 45 cents.

The distance from Peoria to Carbondale is approximately 230 road miles, and from Peoria to Harrisburg about 250 road miles. In consideration of the cost of moving milk over such distances, a difference in price between southern and northern points in the two regulated areas is reasonable and feasible. Milk is moved over extensive distances within the proposed areas to be regulated, both as milk supplies to processing plants and as packaged milk moving out of processing plants. The price level supported by producers at the hearing for the southern portion would be equal to the St. Louis order Class I price, and would be determined by adding a differential of \$1.40 to the basic formula price, and adjusting the result by the St. Louis order supply-demand adjustment. This price would be 10 cents per hundredweight higher than the Class I price now applicable in this area.

The proposed level of Class I price is in agreement with supply and demand conditions affecting the southern portion of the marketing area. This part of the proposed marketing area lies generally southeast of the St. Louis market in the direction of higher priced regulated areas and more distant from the area of reserve milk supplies. Milk supplies produced in the area are generally needed for Class I use by handlers. Its location in relation to other portions of the marketing area and surrounding markets, would naturally result in a higher cost of supplemental milk supplies than in areas to the north.

This price level equal to the St. Louis order Class I price should apply in the eight southernmost counties of the proposed marketing area including Randolph, Perry, Jackson, Franklin, Williamson, Hamilton, Saline, and White.



Within this zone there are five plants presently regulated under the Suburban St. Louis order. There are two plants at Carbondale and one each at Chester, Marion, and Harrisburg, Ill. While the price herein proposed to be applicable at these plants will be higher than presently applicable, such price will not place them at a disadvantage in relation to other regulated prices under surrounding regulated areas. The Class I pricing under the St. Louis order in areas across the Mississippi River is 15 cents higher. The Class I price formula under the Paducah order is also 15 cents over the St. Louis Class I price (official notice is taken of the amended order effective June 1, 1966 (31 F.R. 7963)). The annual Class I price differential under the Louisville-Lexington-Evansville order is 13 cents higher.

Because of the close relationship of the proposed Southern Illinois market to the St. Louis market, it is desirable that the price relationship described herein be maintained on a month-to-month basis. This would be most easily accomplished by expressing the Class I price for the Southern Illinois order in terms of the St. Louis order price subject to adjustment by specified differentials. While this was essentially provided in the recommended decision by use of price factors similar to those in the St. Louis order, a more direct method is appropriate at least for the initial 18-month period. This relationship would be provided by stating that the base zone Class I price in Southern Illinois shall be the St. Louis Class I price less 7 cents.

It is necessary that the Class I price levels for areas intervening between the eight southern counties in the Southern Illinois marketing area and Central Illinois be lower than the price in the eight southern counties and higher than the price at Peoria. This is necessary, as pointed out previously, because the plants to the north are nearer to the areas of reserve milk supply in Wisconsin and Iowa.

The intermediate Class I pricing should provide for two zones. This will result in smaller price differences compared to adjoining zones than would a single zone. Each step in price reduction toward the Central Illinois area should be 7 cents per hundredweight. This will result in a 7-cent difference also between the northern zone of the Southern Illinois order and the Class I price under the Central Illinois order.

One of these zones, herein called the base zone, would include the following counties: Bond, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Edwards, Effingham, Fayette, Greene, Jasper, Jefferson, Jersey, Lawrence, Macoupin, Madison, Marion, Monroe, Montgomery, Richland, St. Clair (except Scott Military Reservation, East St. Louis, Centerville, Canteen, and Stites Townships and the City of Belleville), Shelby, Wabash, Washington, and Wayne.

The remaining counties would constitute the northern zone. These include Champaign, De Witt, Douglas, Edgar, Logan, Macon, McLean, Menard, Mor-

gan, Moultrie, Piatt, Sangamon, and Vermilion.

Some of the plants included in the area herein designated as the base zone have been subject to location differential deductions under the present Suburban St. Louis order. The zone pricing, however, would establish the same level of class prices for broad bands of counties from west to east in the marketing area. This provides uniform pricing among handlers similarly situated as to supply and demand conditions.

A handler, in his exceptions, contended that the Class I price at Champaign, Ill., should not be higher than the Class I price established under the Central Illinois order at Peoria. This contention was based on a belief that the proposed 7-cent difference between the Class I prices at Peoria and Champaign does not reflect the actual cost in hauling milk from alternate sources in the State of Wisconsin.

Plans located in Champaign, Ill., are approximately 50 miles further from alternative supplies of milk in Wisconsin than are plants located in Peoria, Ill. Using the prescribed rate of location adjustment, as provided herein, there should be a difference of approximately 7.5 cents in the differential over the basic formula price in determining the Class I milk price for plants located at Peoria and Champaign, Ill. It is concluded that on the basis of the data available the differential in prices between these markets is reasonable.

(d) (1) *Location adjustments on milk received at pool plants directly from producer's farm.* No location adjustments should apply at plants located within the proposed Southern Illinois marketing area. Similarity of supply-demand conditions within each of the proposed pricing zones (northern zone, base zone, and southern zone) requires the same price level to all plants in each designated zone. The zone differentials on the Class I and uniform prices will properly reflect the relative value of milk received at various locations within the marketing area.

Location adjustments as now provided in the order should be revised to apply to milk which is received from producers at a pool plant located outside the marketing area and classified as Class I. It should be provided that the Class I price specified for the base zone be reduced 15 cents at a plant located 100 or more miles by the shortest highway distance from the nearer of the city or village limits of the following points: Alton, Ill.; Vandalia, Ill.; or Robinson, Ill. The Class I price should be reduced an additional 1.5 cents for each 10 miles or fraction thereof if such distance exceeds 110 miles.

Presently, location adjustments under the Suburban St. Louis order are measured from the nearest of the four basing points of either Alma, Alton, Benton, or Red Bud, Ill. The substantial marketing area expansion and the zone price structure herein recommended for the Southern Illinois order requires a change to the three basing points previously named. The use of Alton, Vandalia, and

Robinson will provide appropriate recognition of the location value of producer milk received at a pool plant located north of the marketing area or at a similar distance in other directions from the base zone. The City of Alton is located on the western edge of the base zone, Vandalia in the center and Robinson on the eastern edge. Within 100 miles to the north of these three points is nearly all of the proposed Southern Illinois marketing area. The location differentials would apply also in other directions wherever a plant might be located.

In order that the Class I price at a plant outside the marketing area, but in the western counties of the State of Illinois, be properly aligned with the price structure of the nearby northern zone, it should be provided that the applicable Class I price at such a plant under the Southern Illinois order be equal to the Class I price applicable at a northern zone pool plant.

In the case of transfers of fluid milk products between pool plants, the limitation on assignment to Class I in the second plant should be modified. This assignment should be not more than the quantity by which 105 percent of Class I disposition at the transferee plant exceeds its receipts of producer milk and Class I assigned to other order milk and unregulated supply plant milk. The reasons for such tolerance factor are explained in the findings and conclusions on the Central Illinois order.

(d) (3), (4), and (5) *Price applicable for milk diverted to another pool plant or to an other order plant.* Milk diverted to another pool plant should be priced at the location of the pool plant to which it is diverted. This is necessary to assure uniform class prices to handlers according to the location of the plant where the milk is received from farmers.

When milk of a producer is diverted from one pool plant to another, the Class I price at the second plant may be higher or lower because of location or zone differentials. In either case, if any of the milk is used in Class I at the second plant, the Class I price at that plant should determine the use value. Otherwise, uniform class pricing to handlers would not be assured.

Although the proper Class I price would be established at the location of the second plant where the milk is physically received, the first handler, who diverted the milk, would be responsible to the pool for payment at such Class I price for any of the milk so used. This is his responsibility because the milk was diverted for his account. Further, by diverting the milk to a plant where the Class I price is higher, he has caused the milk to have a higher value in Class I than if delivered for such use at his own plant. The handling of the milk from farm to plant is identical with the handling of milk of producers regularly delivering to the second plant, and should be similarly priced.

The producer's uniform price should be adjusted in the same manner to reflect the value of milk according to the location to which delivered. Such adjust-



ment would be at the rates established under this order to be applicable to producer uniform prices. In the case of milk diverted to an other order plant, the producer's uniform price should be adjusted to the location of the plant to which diverted.

(e) *Administrative provisions and conforming changes.* A specific provision concerning transportation rates has been deleted since such information will be reported on handler payrolls submitted each month.

For purposes of simplifying order payment provisions, payment to cooperative associations for milk delivered to pool plants for which the cooperative acts as the handler pursuant to § 1032.9(d) should be at the uniform price. This milk has been included in the modified definition of producer milk and would be subject to the same classification and allocation provisions as other producer milk. Payment for this milk at the uniform price will facilitate adjustments in payments if audit by the market administrator discloses an error in classification or other errors which change the handler's obligation. The payment of money due can then be handled through payments into and out of the producer-settlement fund. This avoids the added complications of billings and payments between the cooperative association and the handler.

It was proposed that the butterfat differential be changed for Class I purposes, to the level of the Class II butterfat differential. The use of the Class II butterfat differential should not be adopted because it would bring about a misalignment of prices with other markets which are closely associated with much of the proposed expanded marketing area. This would be particularly true for the nearby Central Illinois regulation since this proposal was not made for that order.

Although proponent suggested this would be an aid in the disposition of butterfat, it was not shown that any improvement in producer returns would result.

#### RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

#### GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the order (Part 1032) regulating the handling of milk in the Suburban St. Louis marketing

area and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the proposed order for the Central Illinois marketing area and the tentative marketing agreement and the order as hereby proposed to be amended for the Suburban St. Louis marketing area and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the proposed order for the Central Illinois marketing area and the tentative marketing agreement and the order as hereby proposed to be amended for the Suburban St. Louis marketing area will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of Industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

#### RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

#### MARKETING AGREEMENTS AND ORDERS

Annexed hereto and made a part hereof are four documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Central Illinois Marketing Area", and "Order Regulating the Handling of Milk in the Central Illinois Marketing Area", and "Marketing Agreement Regulating the Handling of Milk in the Southern Illinois Marketing Area", and "Order Regulating the Handling of Milk in the Southern Illinois Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreements be published in the *FEDERAL REGISTER*. The regulatory provisions of said marketing agreements are identical with those contained in the attached

orders which will be published with this decision.

#### REFERENDUM ORDERS; DETERMINATION OF REPRESENTATIVE PERIOD; AND DESIGNATION OF REFERENDUM AGENTS

It is hereby directed that referenda be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Southern Illinois marketing area and the order regulating the handling of milk in the Central Illinois marketing area, are approved or favored by the producers, as defined under the terms of the order as hereby proposed to be amended, and, in the case of Central Illinois, as proposed to be issued, and who during the representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

The month of August 1966 is hereby determined to be the representative period for the conduct of such referenda.

Edward T. Coughlin is hereby designated Agent of the Secretary to conduct the referendum for the order regulating the handling of milk in the Central Illinois marketing area, and Fred L. Shipley is hereby designated Agent of the Secretary to conduct the referendum for the Southern Illinois marketing area. Such referenda are to be conducted in accordance with the procedure for the conduct of referenda to determine producer approval of marketing orders (7 CFR 900.300 et seq.), such referenda to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on October 27, 1966.

JOHN A. SCHNITTKER,  
Acting Secretary.

#### Order<sup>1</sup> Regulating the Handling of Milk in the Central Illinois Marketing Area

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<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.



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1050.80	Time and method of payment for producer milk.
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1050.86	Adjustment of accounts.
1050.87	Expense of administration.
1050.88	Marketing services.
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## TERMINATION OF OBLIGATIONS

1050.90	Termination of obligations.
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## MISCELLANEOUS PROVISIONS

1050.100	Effective time.
1050.101	Suspension or termination.
1050.102	Continuing obligations.
1050.103	Liquidation.
1050.104	Agents.
1050.105	Separability of provisions.

**AUTHORITY:** The provisions of this Part 1050 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

## § 1050.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling

of milk in the Central Illinois marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(i) Producer milk (including such handler's own production);

(ii) Other source milk allocated to Class I pursuant to § 1050.45(a) (4) and (8) and the corresponding steps of § 1050.45(b); and

(iii) Class I milk disposed of on routes in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central Illinois marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

The provisions of §§ 1050.0 to 1050.105, both inclusive, of the proposed order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 29, 1966 (31 F.R. 9152; F.R. Doc. 66-7283) shall be and are the terms and conditions of this order and are set forth in full herein subject to the following revisions:

1. Section 1050.8(a) is revised.
2. Under § 1050.12, paragraphs (b) and (c) are revised.
3. Under § 1050.14, paragraph (b) (3), (4), and (5) is revised.
4. Section 1050.15(c) is revised.
5. Section 1050.16 is revised.
6. Section 1050.19 is revised.
7. Section 1050.33 is revised.
8. Under § 1050.45, paragraph (a) (8) and (9) is revised.

9. Section 1050.50 is revised.

10. Section 1050.51(a) is revised.

11. Section 1050.61(c) is revised.

12. Under § 1050.71 *Computation of the uniform price*, the fifth full paragraph listed as "(b)" should be "(d)".

13. Section 1050.71(e) (2) is revised.

14. Section 1050.80 is revised by adding a new paragraph (c) and changing present paragraph (c) to (d).

15. Section 1050.84(b) (2) is revised.

16. Under § 1050.87 *Expense of administration*, the introductory text and paragraph (b) are revised.

17. Section 1050.89 is revised.

## DEFINITIONS

## § 1050.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

## § 1050.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

## § 1050.3 Department.

"Department" means the U.S. Department of Agriculture.

## § 1050.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

## § 1050.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales, or marketing milk or its products for its members.

## § 1050.6 Central Illinois marketing area.

The "Central Illinois marketing area" hereinafter called the "marketing area" means all the territory within the following counties all of which are in the State of Illinois together with all municipal corporations therein and all institutions owned or operated by the Federal, State, county or municipal governments located wholly or partially within such counties:

Cass.	McDonough.
Ford.	Peoria.
Fulton.	Stark.
Knox.	Tazewell.
Livingston.	Warren.
Marshall.	Woodford.
Mason.	

## § 1050.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1050.14.



**§ 1050.8 Producer-handler.**

"Producer-handler" means a person who:

(a) Operates a distributing plant and processes milk from his own farm production and who distributes all or a portion of such milk in the marketing area on a route but who receives no milk from other dairy farmers or fluid milk products from nonpool plants: *Provided*, That the skim milk and butterfat disposed of in the form of fluid milk products designated as Class I milk pursuant to § 1050.41(a) does not exceed the skim milk and butterfat, respectively, in the form of milk from his own farm production, and in the form of fluid milk products from pool plants of other handlers, allowing for inventory derived from such sources; and

(b) Assumes as his personal enterprise and risk the processing and distributing of fluid milk products and the maintenance, care and management of dairy animals and other resources necessary to produce his own farm milk production.

**§ 1050.9 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to milk of its members diverted for its account from a pool plant to a nonpool plant pursuant to § 1050.14;

(d) Any cooperative association with respect to the milk of its members which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to such cooperative association. The cooperative association, prior to the 1st day of the month of delivery, shall notify in writing the market administrator and the handler to whose plant the milk is delivered, that it will be the handler for the milk. For purposes of location adjustments to producers, milk so delivered shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant to which it is delivered;

(e) Any person in his capacity as the operator of an unregulated supply plant; and

(f) A producer-handler, or any person who operates an other order plant described in § 1050.61.

**§ 1050.10 Distributing plant.**

"Distributing plant" means any plant at which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on a route(s) in the marketing area during the month.

**§ 1050.11 Supply plant.**

"Supply plant" means any plant at which Grade A milk is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

**§ 1050.12 Pool plant.**

"Pool plant" means:

(a) A distributing plant, other than that of a producer-handler or one described in § 1050.61, from which during the month:

(1) Disposition of fluid milk products in the marketing area on routes is equal to 10 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.9(d), or from which an average of not less than 7,000 pounds per day of fluid milk products is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products on routes is equal to 50 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.9(d) during the months of August through February and 40 percent during all other months;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1050.9(d) is moved to and received at a pool plant(s) described in paragraph (a) of this section which have at least 50 percent Class I use of the total of such supply plant milk and producer milk receipts in the months of August through February and 40 percent in other months;

(c) Any supply plant which qualified pursuant to paragraph (b) of this section in each of the immediately preceding months of September through January shall be a pool plant for the months of February through August unless the operator of such plant notifies the market administrator in writing before the first day of any such month of his intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant until it again meets the shipping requirements set forth in paragraph (b) of this section. For the months of February through August 1967, a supply plant may be a pool plant pursuant to this paragraph if it was a pool plant in each month from the effective date of this order through January 1967; and

(d) For purposes of determining pool plant status pursuant to this section, Grade A receipts from dairy farmers shall include all quantities of milk diverted pursuant to § 1050.14(b) (1), (2), and (3) by an operator of a pool plant.

**§ 1050.13 Nonpool plant.**

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which Grade A fluid milk products are shipped to a pool plant.

**§ 1050.14 Producer milk.**

"Producer milk" means all skim milk and butterfat produced by producers which is:

(a) Received during the month:

(1) At a pool plant from producers or from a cooperative association as a handler pursuant to § 1050.9(d): *Provided*, That milk received at a pool plant by diversion from a plant at which such milk is fully subject to the pricing and pooling under the terms or provisions of another order issued pursuant to the Act shall not be producer milk; and

(2) By a cooperative association as a handler pursuant to § 1050.9(d) but which is not delivered to a pool plant of another handler and constitutes shrinkage pursuant to § 1050.41(b)(7) or as Class I shrinkage; or

(b) Diverted by a handler who is the operator of a pool plant or by a cooperative association pursuant to the following conditions:

(1) Milk of a producer diverted from a pool plant for the account of the plant operator to another pool plant(s) for not more days of production of such producer's milk than is physically received at a pool plant(s) from which diverted;

(2) Milk of a producer diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer;

(3) Milk of a producer diverted as Class II milk from a pool plant to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provision of an other order issued pursuant to the Act on any day during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer: *Provided*, That the milk so diverted shall not be producer milk if, notwithstanding the provisions of this subparagraph, the milk is fully subject to the pricing and pooling provisions of the other order;

(4) For pricing purposes milk diverted pursuant to subparagraphs (2) and (3) of this paragraph shall be deemed to be received by the diverting handler at the location of the plant from which diverted: *Provided*, That milk diverted to a plant located more than 110 miles from the City Hall of Peoria, Ill. (by the shortest highway distance as determined by the market administrator), shall be deemed to be received by the



diverting handler at the location of the plant to which diverted; and

(5) For pricing purposes milk diverted pursuant to subparagraph (1) of this paragraph shall be deemed to be received by the diverting handler at the location of the plant to which diverted.

**§ 1050.15 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants;

(2) Producer milk; and

(3) Inventory of fluid milk products on hand at the beginning of the month;

(b) Products, other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products in a form in which they may be converted into a Class I product and which are not otherwise accounted for under this order.

**§ 1050.16 Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, plain or flavored milk and milk drinks (unmodified or fortified), including "dietary milk products" and reconstituted milk or skim milk; concentrated milk not in hermetically sealed containers, cream (sweet or sour), and mixtures of cream and milk or skim milk, but not including the following: Aerated cream products, frozen storage cream, sour cream and sour cream mixtures not labeled Grade A, eggnog, yogurt, frozen dessert mixes, evaporated or condensed milk, and sterilized fluid milk products in hermetically sealed containers.

**§ 1050.17 Route.**

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product to a retail or wholesale outlet (a) other than a pool plant or a nonpool plant, or (b) a commercial food processor pursuant to § 1050.41(b) (2).

**§ 1050.18 Chicago butter price.**

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

**§ 1050.19 Reload point.**

"Reload point" means a location at which facilities approved by a duly constituted health authority, only for the transfer of milk from one tank truck to another and for the washing of tank trucks and at which milk moved from the farm in a tank truck is commingled in a tank truck with milk from other tank

trucks before entering a milk plant: *Provided*, That reloading facilities on the premises of a plant having equipment for the receiving, cooling, storing and processing of milk, which equipment is in current use during the month, shall be considered a supply plant rather than a reload point.

**MARKET ADMINISTRATOR**

**§ 1050.20 Designation.**

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

**§ 1050.21 Powers.**

The market administrator shall have the following powers with respect to this part:

(a) Administer its terms and provisions;

(b) Receive, investigate, and report to the Secretary complaints of violations;

(c) Make such rules and regulations as are necessary to effectuate its terms and provisions; and

(d) Recommended amendments to the Secretary.

**§ 1050.22 Duties.**

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters on duty, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount, and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 1050.87, the cost of his bond and of the bonds of his employees, his own compensation and all other expenses, except those incurred under § 1050.88 that are necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary submit such books and records to examination by the Secretary and such other persons as the Secretary may designate;

(f) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this part as do not reveal confidential information;

(g) Verify all reports and payments of each handler by audit or such other investigation as may be necessary, of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) Publicly announce on or before:

(1) The 6th day of each month, the minimum price for Class I milk, pursuant to § 1050.51(a), and the Class I butterfat differential, pursuant to § 1050.52(a), both for the current month; and the minimum price for Class II milk, pursuant to § 1050.51(b), and the Class II butterfat differential, pursuant to § 1050.52(b), both for the preceding month; and

(2) The 12th day after the end of each month, the uniform price, pursuant to § 1050.71, and the producer butterfat differential, pursuant to § 1050.81.

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the class utilization of producer milk received by each handler from a cooperative association or from members of the association. For the purpose of this report, the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class;

(j) The 12th day after the end of each month, report to each handler the amount and value of producer milk, amounts payable to or payable from the producer-settlement fund, and amounts due the administrative assessment and marketing service accounts;

(k) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1050.45(a) (9) and the corresponding step of § 1050.45(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(l) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1050.45 pursuant to such report and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(m) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.



## REPORTS, RECORDS, AND FACILITIES

**§ 1050.30 Reports of receipts and utilization.**

Not later than the 7th day after the end of the month, each handler shall report to the market administrator, in the detail and on the forms prescribed by the market administrator, the following information for the preceding month:

(a) Each handler operating a pool plant(s) shall report separately for each pool plant:

(1) The quantities of skim milk and butterfat contained in:

(i) Milk received directly from producers showing separately any milk of the handler's own farm production;

(ii) Milk received from a cooperative association pursuant to § 1050.9(d);

(iii) Fluid milk products received from other pool plants; and

(iv) Other source milk;

(2) The inventories of skim milk and butterfat on hand at the beginning and the end of the month;

(3) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(4) The name and address of each producer from whom milk was received with statements showing dates on which such producer started shipping and the date on which milk shipments stopped; and

(5) Such other information with respect to the receipts and utilization of skim milk and milk products as the market administrator may require;

(b) Each cooperative association shall report with respect to milk for which it is the handler pursuant to either § 1050.9(c) or (d):

(1) The quantities of skim milk and butterfat received from producers;

(2) The utilization of skim milk and butterfat for which it is the handler pursuant to § 1050.9(c);

(3) The quantities of skim milk and butterfat delivered to each pool plant pursuant to § 1050.9(d); and

(4) Such other information with respect to receipts and utilization as the market administrator may prescribe;

(c) Each handler specified in § 1050.9(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk; and

(d) Each handler operating a nonpool supply plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

**§ 1050.31 Other reports.**

Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

**§ 1050.32 Payroll reports.**

(a) On or before the 20th day after the end of the month, each handler operating a pool plant for each of his pool plants and each cooperative association which is a handler pursuant to § 1050.9(c) or (d) shall report to the market administrator his producer payroll for that month, which shall show for each producer:

(1) His name and, if not previously reported, post office address and farm location (county) for each producer;

(2) The total pounds of milk received from such producer;

(3) The plant at which such milk was received;

(4) The days for which milk was received from such producer;

(5) The average butterfat content of such milk; and

(6) The net amount of the handler's payment to each producer and cooperative association, together with the price paid and the amount and nature of any deduction.

(b) Each handler operating a partially regulated distributing plant who does not elect to make payments as required pursuant to § 1050.62(b) shall report to the market administrator on or before the 20th day after the end of the month for each dairy farmer from whom milk was received, the same information as required pursuant to paragraph (a) of this section.

**§ 1050.33 Reports to cooperative associations.**

Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 1050.80(b) shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(a) On or before the 7th day after the end of the month (1) the total pounds of milk received from each producer together with the butterfat content of such milk, and (2) the amount or rate and nature of any deductions authorized by a cooperative association.

**§ 1050.34 Records and facilities.**

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data which are required to be reported pursuant to §§ 1050.30 through 1050.33 and the payments required to be made pursuant to §§ 1050.80 through 1050.88.

**§ 1050.35 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention

of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15) (A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

## CLASSIFICATION

**§ 1050.40 Skim milk and butterfat to be classified.**

All skim milk and butterfat to be reported by each handler pursuant to § 1050.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1050.41 through 1050.46.

**§ 1050.41 Classes of utilization.**

Subject to the conditions set forth in §§ 1050.42 to 1050.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2), (3), (4), and (6) of this section. Fluid milk products which have been fortified by the addition of nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content;

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not accounted for as Class II.

(b) *Class II milk.* Class II shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises;

(3) All skim milk and butterfat authorized by the market administrator to be dumped;

(4) All skim milk and butterfat accounted for as disposed of for livestock feed;

(5) The inventories of bulk fluid milk products on hand at the end of the month;

(6) The skim milk and butterfat contained in that portion of "fortified" fluid milk products not classified as Class I pursuant to paragraph (a)(1) of this section;

(7) Contained in shrinkage of skim milk and butterfat, respectively, reported pursuant to § 1050.46(b)(1) for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1050.9(c) and (d), not to exceed the quantities calculated pursuant to subdivisions (i) through (viii) of this subparagraph;

(i) Two percent of receipts of skim milk and butterfat from producers (in-



cluding receipts by a cooperative association pursuant to § 1050.9(d)) and milk diverted in bulk tank lots pursuant to § 1050.14; plus

(ii) One and one-half percent of fluid milk products received in bulk from other pool plants; plus

(iii) One and one-half percent of milk received in bulk from cooperative associations in their capacity as handlers pursuant to § 1050.9(d) except that if the handler operating the pool plant files with the market administrator, prior to the 1st day of the month, notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of bulk transfers of milk to a pool plant of another handler (in the case of a cooperative association selling milk to a handler on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph, the percentage shall be 2 percent); less

(vii) One and one-half percent of bulk transfers of milk to nonpool plants; less

(viii) One and one-half percent of milk diverted to nonpool plants (in the case of a nonpool plant receiving the milk on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph the percentage shall be 2 percent); and

(8) In shrinkage of skim milk and butterfat assigned pursuant to § 1050.46 (b) (2).

#### § 1050.42 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk and butterfat should be classified in another class: *Provided*, That in the case of milk delivered by a cooperative association in its capacity as a handler pursuant to § 1050.9(d) such responsibility shall be that of the plant operator receiving such milk; and

(b) Any skim milk or butterfat classified in one class shall be reclassified if verification by the market administrator reveals that such classification was incorrect.

#### § 1050.43 Transfers and diversions.

Skim milk or butterfat transferred or diverted in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by both handlers, otherwise as Class I milk, if transferred or diverted from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1050.45(a) (9) and the corresponding step of § 1050.45 (b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1050.45(a) (4) and the corresponding step of § 1050.45 (b), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1050.45(a) (8) and (9) and the corresponding steps of § 1050.45(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred in packaged form to a nonpool plant which is not an other order plant;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 350 miles by the shortest highway distance as determined by the market administrator from the City Hall of Peoria, Ill., except that cream so transferred may be classified as Class II if the handler claims Class II use and establishes that such cream was transferred to a nonpool plant without Grade A certification and that each container was labeled or tagged to indicate that the contents were for manufacturing use and that the shipment was so invoiced;

(e) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 350 miles, by the shortest highway distance as determined by the market administrator, from the City Hall in Peoria, Ill., unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1050.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk; and

(f) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and the transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pur-



suant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II;

(6) If the form in which any fluid milk product is transferred or diverted to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1050.41; and

(g) As Class II if diverted to an other order plant if the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators and sufficient Class II utilization (or comparable utilization under such other order) is available in the other order plant for such assignment after assignment of milk transferred pursuant to paragraph (f) of this section subject to the rules of allocation of the other order.

#### § 1050.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1050.30(a) and (b) and compute the total pounds of skim milk and butterfat, respectively, in each class: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids. Such computations shall be as follows:

(a) If any fluid milk products to be allocated pursuant to § 1050.45(a) (8) or (9) were received at any pool plant of a handler, there will be computed for such handler the total pounds of skim milk and butterfat, respectively, in each class at all of his pool plants combined, exclusive of any classification based upon movements between such plants, and allocation pursuant to § 1050.45 and computation of obligation pursuant to § 1050.70 shall be based upon the combined utilization so computed;

(b) If no fluid milk products to be allocated pursuant to § 1050.45(a) (8) or (9) were received at any pool plant of a handler, the total pounds of skim milk and butterfat, respectively, in each class will be computed for each pool plant of such handler, and allocation pursuant to § 1050.45 shall be made separately for each pool plant of the handler; and

(c) There will be computed for each cooperative association reporting pursuant to § 1050.30(b) the total pounds of skim milk and butterfat, respectively, in producer milk pursuant to § 1050.14 (a) (2) and (b) (2) and (3). The amounts so determined shall be those used for computation pursuant to § 1050.45(c).

#### § 1050.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1050.44, the market administrator shall determine the classification of producer milk for each handler at all his pool plants (or at each pool plant, when § 1050.44(b) applies) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1050.41(b) (7).

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25; and

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II, if Class II utilization was requested by the transferee handler and the operator of the transferor plant requests such utilization;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month the order is effective the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (5) (i) and (ii) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (5) (iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1050.22(k); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (1) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers (and of the same handler, when § 1050.44(b) applies) according to the classification assigned pursuant to § 1050.43(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and



(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section and § 1050.44(c) into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§ 1050.46 Shrinkage.

The market administrator shall:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant; and

(b) If other source milk is received at the pool plant, shrinkage at such plant shall be prorated between:

(1) Skim milk and butterfat, respectively, in the amounts of receipts used in the computations pursuant to § 1050.41(b)(7); and

(2) Skim milk and butterfat in other source milk in bulk fluid form, exclusive of that specified in § 1050.41(b)(7).

MINIMUM PRICES

§ 1050.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. However, for the purpose of computing the Class I price for each month from the effective date of this order through March 1967, the basic formula price shall not be less than \$4.

§ 1050.51 Class prices.

The respective minimum prices per hundredweight to be paid by each handler, f.o.b. his plant, for milk received from producers or from a cooperative association during the month shall be as follows:

(a) *Class I price.* The Class I price applicable at plants at which no location adjustment pursuant to § 1050.53 is applicable, shall, for the first 18 months beginning with the effective date of this provision, be the basic formula price for the preceding month plus \$1.39 during each of the months of August through November, \$0.99 during each of the months of March through June and plus \$1.19 in other months: *Provided*, That such price shall be reduced 24 cents by the Class I equivalent price factor (determined April 10, 1966, 31 F.R. 5685) applicable pursuant to Part 1062 of this chapter (St. Louis);

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

§ 1050.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.5 percent butterfat, the class price calculated pursuant to § 1050.51 shall be increased or decreased, respectively, for each one-tenth of a percent of butterfat at a rate, rounded

to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 1050.53 Location adjustments to handlers.

(a) For producer milk and other source milk which is classified as Class I at a pool plant located outside the State of Illinois, or in the State of Illinois but north of the northernmost boundaries of the counties of Henderson, Warren, Knox, Stark, Marshall, Livingston, Ford, and Iroquois, the price specified in § 1050.51(a) shall be reduced 7.5 cents if such plant is 50 or more miles by the shortest highway distance, as determined by the market administrator from the City Hall in Peoria, Ill., plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles; and

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant only to the extent that 105 percent of Class I disposition at the transferee plant exceeds the sum of receipts at such plant from producers and cooperative associations pursuant to § 1050.9(d), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1050.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1050.60 Producer-handlers.

Sections 1050.40 through 1050.54 and 1050.61 through 1050.90 shall not apply to a producer-handler.

§ 1050.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A distributing plant qualified pursuant to § 1050.12(a) which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid

milk products is disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order than as Class I route disposition in the Central Illinois marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this paragraph;

(b) A distributing plant qualified pursuant to § 1050.12(a) which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk is disposed of during the month in the Central Illinois marketing area as Class I route disposition than as Class I route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation even though such plant has greater Class I route disposition in the marketing area of the Central Illinois order; and

(c) Any plant qualified pursuant to § 1050.12(c) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1050.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1050.30(c) and 1050.32(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1050.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts of such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount



specified in § 1050.70(f) and a credit in the amount specified in § 1050.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1050.30(c) and 1050.32(b) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1050.12(b) and (c), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher.

#### DETERMINATION OF UNIFORM PRICE TO PRODUCERS

##### § 1050.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (for each pool plant when § 1050.44(b) applies) during each month shall be a sum of money computed by the market administrator as follows:

(a) With respect to producer milk received by a pool handler (excluding milk received by diversion from another pool plant), multiply the quantity in each class as computed pursuant to § 1050.45(c) by the applicable class prices (adjusted pursuant to §§ 1050.52 and 1050.-

53) excluding in the case of a cooperative association as a handler pursuant to § 1050.9(d), milk received by it and delivered to the pool plant of another handler;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1050.45(a)(11) and the corresponding step of § 1050.45(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1050.45(a)(6) and the corresponding step of § 1050.45(b);

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1050.45(a)(3) and the corresponding step of § 1050.45(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount;

(e) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1050.45(a)(4) and the corresponding step of § 1050.45(b); and

(f) Add an amount equal to the value at the Class I price, adjusted for location at the nearest nonpool plant(s) from which an equivalent volume was received with respect to skim milk and butterfat subtracted from Class I pursuant to § 1050.45(a)(8) and the corresponding step of § 1050.45(b). With respect to skim milk and butterfat which is subtracted from Class I pursuant to § 1050.45(a)(8) and the corresponding step of § 1050.45(b), add an amount equal to its value at the Class I price applicable at the pool plant.

##### § 1050.71 Computation of the uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content which is received from producers at plants at which no location adjustment pursuant to § 1050.-53 is applicable as follows:

(a) Combine into one total the values computed pursuant to § 1050.70 for all handlers who filed the reports prescribed by § 1050.30 for the month and who made the payments pursuant to §§ 1050.80 and 1050.84 for the preceding month;

(b) Add an amount equal to the sum of the location and zone differentials computed pursuant to § 1050.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of

such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1050.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1050.70(f);

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price," and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract during each of the months of April, May, June, and July, an amount equal to 10 cents per hundredweight on the total hundredweight of producer milk specified in paragraph (e)(1) of this section;

(i) Add during each of the months of October, November, and December, one-third of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

##### § 1050.72 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The uniform price computed pursuant to § 1050.71 and the butterfat differential computed pursuant to § 1050.81; and

(c) The amounts to be paid by such handler pursuant to §§ 1050.84, 1050.87, and 1050.88 and the amount due such handler pursuant to § 1050.85.

#### PAYMENTS

##### § 1050.80 Time and method of payment for producer milk.

(a) On or before the 20th day of the following month, each handler shall make payment to each producer for milk received from such producer during such month:

(1) An amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the



month, subject to the following adjustments:

(i) Less marketing service deductions made pursuant to § 1050.88;

(ii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iii) Less proper deductions authorized in writing by such producer: *Provided*, That, if by such date, such handler has not received full payment from the market administrator pursuant to § 1050.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) Payments required in paragraph (a) of this section shall be made to a cooperative association, qualified under § 1050.5 or its duly authorized agent, which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing. Such handler shall, on or before the 18th day of the following month pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount equal to not less than the amount due such producer-members as determined pursuant to paragraph (a) of this section, less any deductions authorized in writing by such association: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) On or before the 18th day after the end of each month, each handler shall pay to each cooperative association for milk the handler receives from a pool plant(s) operated by such association, not less than the minimum prices for milk in each class, subject to the applicable location and butterfat differentials; and

(d) On or before the 18th day of the following month, each handler, in his capacity as operator of a pool plant, who receives milk for which a cooperative association is the handler pursuant to § 1050.9(d) shall pay such cooperative association for such milk at the uniform price adjusted by applicable butterfat and location adjustments.

#### § 1050.81 Butterfat differential to producers.

In making payments for milk received from producers pursuant to § 1050.80 the uniform price shall be adjusted by adding or subtracting, respectively, for each one-tenth of 1 percent by which the average butterfat content of such milk is more or less than 3.5 percent, respectively, an amount determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for

such class as determined by § 1050.52, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

#### § 1050.82 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be adjusted according to the location of the pool plant at the rates set forth in § 1050.53; and

(b) For purposes of computations pursuant to §§ 1050.84 and 1050.85 the weighted average price shall be adjusted at the rates set forth in § 1050.53 applicable at the location of the nonpool plant from which the milk was received.

#### § 1050.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," which shall function as follows: (a) All payments made by handlers pursuant to §§ 1050.62, 1050.84, and 1050.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1050.85 and 1050.86: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler; and (b) all amounts subtracted pursuant to § 1050.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1050.80 in accordance with the requirements of § 1050.71(i).

#### § 1050.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The sum of the net pool obligation computed pursuant to § 1050.70 for such handler;

(b) The sum of:

(1) The value of producer milk received by such handler at the applicable uniform prices specified in § 1050.80 excluding in the case of a cooperative association as a pool handler pursuant to § 1050.9(d) the value of milk delivered to pool plants of other handlers; and

(2) The value at the weighted-average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1050.70(f).

#### § 1050.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1050.84(b) exceeds the amount computed pursuant to § 1050.84(a). The market administrator shall offset any payment due any handler against payments due from such handler.

#### § 1050.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

#### § 1050.87 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1050.9(d) with respect to milk delivered to pool plants) shall pay to the market administrator on or before the 20th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1050.45(a) (4) and (8) and the corresponding steps of § 1050.45(b); and

(c) Class I milk disposed of on routes in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

#### § 1050.88 Marketing services.

(a) *Deduction of marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers, pursuant to § 1050.80, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers (excluding such handler's own production) during the month, and shall pay such deductions to the market administrator on or before the 20th day after the end of such month. Such monies shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide them with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section each handler, in lieu of the deduction specified in paragraph (a) of this section, shall make such marketing service deductions as are authorized by producer-members, and pay the money so deducted to the cooperative association on or before the 20th day after the end of the month.



### § 1050.89 Adjustment of overdue accounts.

Any unpaid obligation of a handler pursuant to § 1050.84, § 1050.87, or § 1050.88 shall be increased one-half of 1 percent for each month or portion thereof that such payment is overdue.

### TERMINATION OF OBLIGATIONS

#### § 1050.90 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator, or his representative all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received

if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c(15) (A) of the Act, a petition claiming such money.

### MISCELLANEOUS PROVISIONS

#### § 1050.100 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1050.101.

#### § 1050.101 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

#### § 1050.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

#### § 1050.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

#### § 1050.104 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

#### § 1050.105 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or

circumstances shall not be affected thereby.

### Order<sup>1</sup> Amending the Order Regulating the Handling of Milk in the Southern Illinois Marketing Area

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<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



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**AUTHORITY:** The provisions of this Part 1032 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1032.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Illinois marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity speci-

fied in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundred-weight or such lesser amount as the Secretary may prescribe, with respect to:

(i) Producer milk (including such handler's own production);

(ii) Other source milk allocated to Class I pursuant to § 1032.45(a) (4) and (8) and the corresponding steps of § 1032.45(b); and

(iii) Class I milk disposed of on routes in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southern Illinois marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 29, 1966, and published in the FEDERAL REGISTER on July 2, 1966 (31 F.R. 9152; F.R. Doc. 66-7283), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions:

1. Under § 1032.8, paragraph (a) is revised.
2. Under § 1032.12, paragraphs (b) and (c) are revised.
3. Under § 1032.14(b), subparagraphs (4) and (5) are revised.
4. Under § 1032.15, paragraph (c) is revised.
5. Section 1032.16 is revised.
6. Section 1032.19 is revised.
7. Under § 1032.45, paragraph (a) (8) and (9) is revised.
8. Section 1032.50 is revised.
9. Section 1032.51(a) is revised.
10. Under § 1032.61, paragraphs (b) and (c) are revised.
11. Section 1032.71(e) (2) is revised.
12. Section 1032.80(c) is revised.
13. Section 1032.84(b) (2) is revised.
14. Under § 1032.87 *Expense of administration*, the introductory text and paragraph (b) are revised.
15. Section 1032.89 is revised.

DEFINITIONS

§ 1032.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1032.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1032.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1032.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1032.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 1032.6 Southern Illinois marketing area.

"Southern Illinois marketing area" hereinafter called the "marketing area" means all the territory within the following counties all of which are in the State of Illinois together with all municipal corporations therein and all institutions owned or operated by the Federal, State, county, or municipal governments located wholly or partially within such counties:

BASE ZONE

Bond.	Macoupin.
Calhoun.	Madison.
Christian.	Marion.
Clark.	Monroe.
Clay.	Montgomery.
Clinton.	Richland.
Coles.	St. Clair (except
Crawford.	Scott Military Res-
Cumberland.	ervation, East St.
Edwards.	Louis, Centerville,
Effingham.	Canteen and Stites
Fayette.	Townships and the
Greene.	city of Belleville).
Jasper.	Shelby.
Jefferson.	Wabash.
Jersey.	Washington.
Lawrence.	Wayne.

NORTHERN ZONE

Champaign.	Menard.
De Witt.	Morgan.
Douglas.	Moultrie.
Edgar.	Piatt.
Logan.	Sangamon.
Macon.	Vermillion.
McLean.	

SOUTHERN ZONE

Franklin.	Randolph.
Hamilton.	Saline.
Jackson.	White.
Perry.	Williamson.

§ 1032.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a)



received at a pool plant, or (b) diverted as producer milk pursuant to § 1032.14.

#### § 1032.8 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a distributing plant and processes milk from his own farm production and who distributes all or a portion of such milk in the marketing area on a route but who receives no milk from other dairy farmers or fluid milk products from nonpool plants: *Provided*, That the skim milk and butterfat disposed of in the form of fluid milk products designated as Class I milk pursuant to § 1032.41(a) does not exceed the skim milk and butterfat, respectively, in the form of milk from his own farm production, and in the form of fluid milk products from pool plants of other handlers, allowing for inventory derived from such sources; and

(b) Assumes as his personal enterprise and risk the processing and distribution of fluid milk products and the maintenance, care and management of dairy animals and other resources, necessary to produce his own farm milk production.

#### § 1032.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to milk of its members diverted for its account from a pool plant to a nonpool plant pursuant to § 1032.14;

(d) Any cooperative association with respect to the milk of its members which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to such cooperative association. The cooperative association, prior to the first day of the month of delivery, shall notify in writing the market administrator and the handler to whose plant the milk is delivered, that it will be the handler for the milk. For purposes of location adjustments to producers, milk so delivered shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant to which it is delivered;

(e) Any person in his capacity as the operator of an unregulated supply plant; and

(f) A producer-handler, or any person who operates an other order plant described in § 1032.61.

#### § 1032.10 Distributing plant.

"Distributing plant" means any plant at which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on a route(s) in the marketing area during the month.

#### § 1032.11 Supply plant.

"Supply plant" means any plant at which Grade A milk is received from dairy farmers and from which fluid milk

products are moved to a distributing plant.

#### § 1032.12 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than that of a producer-handler or one described in § 1032.61, from which during the month:

(1) Disposition of fluid milk products in the marketing area on routes is equal to 10 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.9(d), or from which an average of not less than 7,000 pounds per day of fluid milk products is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products on routes is equal to 50 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.9(d) during the months of August through February and 40 percent during all other months;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1032.9(d) is moved to and received at a pool plant(s) described in paragraph (a) of this section which have at least 50 percent Class I use of the total of such supply plant milk and producer milk receipts in the months of August through February and 40 percent in other months;

(c) Any supply plant which qualified pursuant to paragraph (b) of this section in each of the immediately preceding months of September through January shall be a pool plant for the months of February through August unless the operator of such plant notifies the market administrator in writing before the first day of any such month of his intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant until it again meets the shipping requirements set forth in paragraph (b) of this section. For the months of February through August 1967, a supply plant may be a pool plant pursuant to this paragraph if it was a pool plant in each month from the effective date of this order through January 1967; and

(d) For purposes of determining pool plant status pursuant to this section, Grade A receipts from dairy farmers shall include all quantities of milk diverted pursuant to § 1032.14(b) (1), (2), and (3) by an operator of a pool plant.

#### § 1032.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which Grade A fluid milk products are shipped to a pool plant.

#### § 1032.14 Producer milk.

"Producer milk" means all skim milk and butterfat produced by producers which is:

(a) Received during the month:

(1) At a pool plant from producers or from a cooperative association as a handler pursuant to § 1032.9(d): *Provided*, That milk received at a pool plant by diversion from a plant at which such milk is fully subject to the pricing and pooling under the terms or provisions of another order issued pursuant to the Act shall not be producer milk; and

(2) By a cooperative association as a handler pursuant to § 1032.9(d) but which is not delivered to a pool plant of another handler and constitutes shrinkage pursuant to § 1032.41(b) (7) or as Class I shrinkage; or

(b) Diverted by a handler who is the operator of a pool plant or by a cooperative association pursuant to the following conditions:

(1) Milk of a producer diverted from a pool plant for the account of the plant operator to another pool plant(s) for not more days of production of such producer's milk than is physically received at a pool plant(s) from which diverted;

(2) Milk of a producer diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer;

(3) Milk of a producer diverted during the month as Class II milk from a pool plant to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act for not more days of production of producer milk by such producer than is received at a pool plant(s) pursuant to paragraph (a) of this section: *Provided*, That milk so diverted shall not be producer milk if, notwithstanding the provisions of this subparagraph, the milk is fully subject to the pricing and pooling provisions of the other order;

(4) For pricing purposes, milk diverted pursuant to subparagraphs (2) and (3) of this paragraph shall be deemed to be received by the diverting handler at the location of the plant to which diverted: *Provided*, That milk diverted pursuant to subparagraph (2) to a plant located less



than 50 miles (by the shortest highway distance as determined by the market administrator) from the pool plant from which diverted, shall be deemed to be received by the diverting handler at the location of the plant from which diverted; and

(5) For pricing, purposes milk diverted pursuant to subparagraph (1) of this paragraph shall be deemed to be received by the diverting handler at the location of the plant to which diverted.

#### § 1032.15 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants;

(2) Producer milk; and

(3) Inventory of fluid milk products on hand at the beginning of the month;

(b) Products, other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products in a form in which they may be converted into a Class I product and which are not otherwise accounted for under the order.

#### § 1032.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, plain or flavored milk and milk drinks (unmodified or fortified), including "dietary milk products" and reconstituted milk or skim milk, concentrated milk not in hermetically sealed containers, cream (sweet or sour), and mixtures of cream and milk or skim milk, but not including the following: Aerated cream products, frozen storage cream, sour cream and sour cream mixtures not labeled Grade A, eggnog, yogurt, frozen dessert mixes, evaporated or condensed milk, and sterilized fluid milk products in hermetically sealed containers.

#### § 1032.17 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product to a retail or wholesale outlet (a) other than a pool plant or a non-pool plant, or (b) a commercial food processor pursuant to § 1032.41(b)(2).

#### § 1032.18 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

#### § 1032.19 Reload point.

"Reload point" means a location at which facilities approved by a duly constituted health authority, only for the transfer of milk from one tank truck to another and for the washing of tank

trucks and at which milk moved from the farm in a tank truck is commingled in a tank truck with milk from other tank trucks before entering a milk plant: *Provided*, That reloading facilities on the premises of a plant having equipment for the receiving, cooling, storing, and processing of milk, which equipment is in current use during the month, shall be considered a supply plant rather than a reload point.

#### MARKET ADMINISTRATOR

#### § 1032.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

#### § 1032.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) Administer its terms and provisions;

(b) Receive, investigate, and report to the Secretary complaints of violations;

(c) Make such rules and regulations as are necessary to effectuate its terms and provisions; and

(d) Recommend amendments to the Secretary.

#### § 1032.22 Duties.

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters on duty, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount, and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 1032.87, the cost of his bond and of the bonds of his employees, his own compensation and all other expenses, except those incurred under § 1032.88 that are necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary submit such books and records to examination by the Secretary and such other persons as the Secretary may designate;

(f) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information

concerning the operation of this part as do not reveal confidential information;

(g) Verify all reports and payments of each handler by audit or such other investigation as may be necessary, of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) Publicly announce on or before:

(1) The 6th day of each month, the minimum price for Class I milk, pursuant to § 1032.51(a), and the Class I butterfat differential, pursuant to § 1032.52(a), both for the current month; and the minimum price for Class II milk, pursuant to § 1032.51(b), and the Class II butterfat differential, pursuant to § 1032.52(b), both for the preceding month; and

(2) The 12th day after the end of each month, the uniform price, pursuant to § 1032.71, and the producer butterfat differential, pursuant to § 1032.81.

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the class utilization of producer milk received by each handler from a cooperative association or from members of the association. For the purpose of this report, the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class;

(j) The 12th day after the end of each month, report to each handler the amount and value of producer milk, amounts payable to or payable from the producer-settlement fund, and amounts due the administrative assessment and marketing service accounts;

(k) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1032.45(a)(9) and the corresponding step of § 1032.45(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(l) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1032.45 pursuant to such report and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(m) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classifica-



tion arising in the verification of such report.

#### REPORTS, RECORDS, AND FACILITIES

##### § 1032.30 Reports of receipts and utilization.

Not later than the 7th day after the end of the month, each handler shall report to the market administrator, in the detail and on the forms prescribed by the market administrator, the following information for the preceding month:

(a) Each handler operating a pool plant(s) shall report separately for each pool plant:

(1) The quantities of skim milk and butterfat contained in:

(i) Milk received directly from producers showing separately any milk of the handler's own farm production;

(ii) Milk received from a cooperative association pursuant to § 1032.9(d);

(iii) Fluid milk products received from other pool plants; and

(iv) Other source milk;

(2) The inventories of skim milk and butterfat on hand at the beginning and the end of the month;

(3) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(4) The name and address of each producer from whom milk was received with statements showing dates on which such producer started shipping and the date on which milk shipments stopped; and

(5) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may require;

(b) Each cooperative association shall report with respect to milk for which it is the handler pursuant to either § 1032.9(c) or (d):

(1) The quantities of skim milk and butterfat received from producers;

(2) The utilization of skim milk and butterfat for which it is the handler pursuant to § 1032.9(c);

(3) The quantities of skim milk and butterfat delivered to each pool plant pursuant to § 1032.9(d); and

(4) Such other information with respect to receipts and utilization as the market administrator may prescribe;

(c) Each handler specified in § 1032.9(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk; and

(d) Each handler operating a non-pool supply plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

##### § 1032.31 Other reports.

Each producer-handler shall make reports to the market administrator at

such time and in such manner as the market administrator shall request.

##### § 1032.32 Payroll reports.

(a) On or before the 20th day after the end of the month, each handler operating a pool plant for each of his pool plants and each cooperative association which is a handler pursuant to § 1032.9(c) or (d) shall report to the market administrator his producer payroll for that month, which shall show for each producer:

(1) His name and, if not previously reported, post office address and farm location (county) for each producer;

(2) The total pounds of milk received from such producer;

(3) The plant at which such milk was received;

(4) The days for which milk was received from such producer;

(5) The average butterfat content of such milk; and

(6) The net amount of the handler's payment to each producer and cooperative association, together with the price paid and the amount and nature of any deduction.

(b) Each handler operating a partially regulated distributing plant who does not elect to make payments as required pursuant to § 1032.62(b) shall report to the market administrator on or before the 20th day after the end of the month for each dairy farmer from whom milk was received, the same information as required pursuant to paragraph (a) of this section.

##### § 1032.33 Reports to cooperative associations.

Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 1032.80(b) shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(a) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month;

(b) On or before the 7th day after the end of the month (1) the total pounds of milk received from each producer together with the butterfat content of such milk, and (2) the amount or rate and nature of any deductions authorized by a cooperative association.

##### § 1032.34 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data which are required to be reported pursuant to §§ 1032.30 through 1032.33 and the payments required to be made pursuant to §§ 1032.80 through 1032.88.

##### § 1032.35 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained

by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15) (A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

#### CLASSIFICATION

##### § 1032.40 Skim milk and butterfat to be classified.

All skim milk and butterfat to be reported by each handler pursuant to § 1032.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1032.41 through 1032.46.

##### § 1032.41 Classes of utilization.

Subject to the conditions set forth in §§ 1032.42 to 1032.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraphs (b) (2), (3), (4), and (6) of this section. Fluid milk products which have been fortified by the addition of nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content;

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not accounted for as Class II.

(b) *Class II milk.* Class II shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises;

(3) All skim milk and butterfat authorized by the market administrator to be dumped;

(4) All skim milk and butterfat accounted for as disposed of for livestock feed;

(5) The inventories of bulk fluid milk products on hand at the end of the month;

(6) The skim milk and butterfat contained in that portion of "fortified" fluid milk products not classified as Class I pursuant to paragraph (a)(1) of this section;

(7) Contained in shrinkage of skim milk and butterfat, respectively, reported pursuant to § 1032.46(b)(1) for



each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1032.9 (c) and (d), not to exceed the quantities calculated pursuant to subdivisions (i) through (viii) of this subparagraph:

(i) Two percent of receipts of skim milk and butterfat from producers (including receipts by a cooperative association pursuant to § 1032.9(d)) and milk diverted in bulk tank lots pursuant to § 1032.14; plus

(ii) One and one-half percent of fluid milk products received in bulk from other pool plants; plus

(iii) One and one-half percent of milk received in bulk from cooperative associations in their capacity as handlers pursuant to § 1032.9(d) except that if the handler operating the pool plant files with the market administrator, prior to the 1st day of the month, notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of bulk transfers of milk to a pool plant of another handler (in the case of a cooperative association selling milk to a handler on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph, the percentage shall be 2 percent); less

(vii) One and one-half percent of bulk transfers of milk to nonpool plants; less

(viii) One and one-half percent of milk diverted to nonpool plants (in the case of a nonpool plant receiving the milk on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph the percentage shall be 2 percent); and

(8) In shrinkage of skim milk and butterfat assigned pursuant to § 1032.46 (b) (2).

#### § 1032.42 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk and butterfat should be classified in another class: *Provided*, That in the case of milk delivered by a cooperative association in its capacity as a handler pursuant to § 1032.9(d) such responsibility shall be that of the plant operator receiving such milk; and

(b) Any skim milk or butterfat classified in one class shall be reclassified if verification by the market administrator reveals that such classification was incorrect.

#### § 1032.43 Transfers and diversions.

Skim milk or butterfat transferred or diverted in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by both handlers, otherwise as Class I milk, if transferred or diverted from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1032.45 (a) (9) and the corresponding step of § 1032.45 (b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1032.45 (a) (4) and the corresponding step of § 1032.45 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1032.45 (a) (8) and (9) and the corresponding steps of § 1032.45 (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred in packaged form to a nonpool plant which is not an other order plant;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 500 miles by the shortest highway distance as determined by the market administrator from the city hall of Vandalia, Ill., except that cream so transferred may be classified as Class II if the handler claims Class II use and establishes that such cream was transferred to a nonpool plant without Grade A certification and that each container was labeled or tagged to indicate that the contents were for manufacturing use and that the shipment was so invoiced;

(e) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 500 miles, by the shortest highway distance as determined by the market administrator, from the city hall of Vandalia, Ill., unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1032.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk; and

(f) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and the transferee plants so request in the reports of receipts and utilization filed with their respective market



administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II;

(6) If the form in which any fluid milk product is transferred or diverted to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1032.41; and

(g) As Class II if diverted to an other order plant if the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators and sufficient Class II utilization (or comparable utilization under such other order) is available in the other order plant for such assignment after assignment of milk transferred pursuant to paragraph (f) of this section subject to the rules of allocation of the other order.

#### § 1032.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1032.30 (a) and (b) and compute the total pounds of skim milk and butterfat, respectively, in each class: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids. Such computations shall be as follows:

(a) If any fluid milk products to be allocated pursuant to § 1032.45(a) (8) or (9) were received at any pool plant of a handler, there will be computed for such handler the total pounds of skim milk and butterfat, respectively, in each class at all of his pool plants combined, exclusive of any classification based upon movements between such plants, and allocation pursuant to § 1032.45 and computation of obligation pursuant to § 1032.70 shall be based upon the combined utilization so computed;

(b) If no fluid milk products to be allocated pursuant to § 1032.45(a) (8) or (9) were received at any pool plant of a handler, the total pounds of skim milk

and butterfat, respectively, in each class will be computed for each pool plant of such handler, and allocation pursuant to § 1032.45 shall be made separately for each pool plant of the handler; and

(c) There will be computed for each cooperative association reporting pursuant to § 1032.30(b) the total pounds of skim milk and butterfat, respectively, in producer milk pursuant to § 1032.14 (a)(2) and (b) (2) and (3). The amounts so determined shall be those used for computation pursuant to § 1032.45(c).

#### § 1032.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1032.44, the market administrator shall determine the classification of producer milk for each handler at all his pool plants (or at each pool plant, when § 1032.44(b) applies) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1032.41(b) (7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II;

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25; and

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II, if Class II utilization was requested by the transferee handler and the operator of the transferor plant requests such utilization;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month the order is effective the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (5) (i) and (ii) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (5) (iii) of this paragraph pursuant to the following procedure;

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1032.22(k); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers (and of the same handler, when § 1032.44(b) applies) according to the classification assigned pursuant to § 1032.43(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any



amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section and § 1032.44(c) into one total for each class and determine the weighted average butterfat content of producer milk in each class.

#### § 1032.46 Shrinkage.

The market administrator shall:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant; and

(b) If other source milk is received at the pool plant, shrinkage at such plant shall be prorated between:

(1) Skim milk and butterfat, respectively, in the amounts of receipts used in the computations pursuant to § 1032.41 (b) (7); and

(2) Skim milk and butterfat in other source milk in bulk fluid form, exclusive of that specified in § 1032.41 (b) (7).

#### MINIMUM PRICES

#### § 1032.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. However, for the purpose of computing the Class I price for each month from the effective date of this order through March 1967, the basic formula price shall not be less than \$4.

#### § 1032.51 Class prices.

The respective minimum prices per hundredweight to be paid by each handler, f.o.b. his plant, for milk received from producers or from a cooperative association during the month shall be as follows:

(a) *Class I price.* (1) The Class I price applicable at plants located in the base zone shall, for the first 18 months beginning with the effective date of this provision, be the Class I price of Part 1062 of this chapter (St. Louis) minus 7 cents;

(2) At pool plants located in the southern zone, the Class I price shall be 7 cents greater than the price computed pursuant to subparagraph (1) of this paragraph; and

(3) At plants located in the northern zone, the Class I price shall be 7 cents less than the price computed pursuant to subparagraph (1) of this paragraph; and

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

#### § 1032.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.5 percent butterfat, the

class prices calculated pursuant to § 1032.51 shall be increased or decreased, respectively, for each one-tenth of 1 percent of butterfat at a rate rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

#### § 1032.53 Location adjustments to handlers.

(a) For producer milk and other source milk which is classified as Class I at a pool plant located outside the marketing area, the price specified in § 1032.51(a) (1) for the base zone, shall be reduced 15 cents if such plant is 100 or more miles by the shortest highway distance, as determined by the market administrator from the nearer of the city or village limits of Alton, Robinson, or Vandalia, Ill., plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles: *Provided*, That the Class I price at a pool plant outside the marketing area and in the State of Illinois south of the northernmost boundaries of the Illinois counties of Adams and Schuyler shall be the Class I price applicable at a pool plant located in the northern zone; and

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant only to the extent that 105 percent of Class I disposition at the transferee plant exceeds the sum of receipts at such plant from producers and cooperative associations pursuant to § 1032.9(d), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

#### § 1032.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

#### APPLICATION OF PROVISIONS

#### § 1032.60 Producer-handlers.

Sections 1032.40 through 1032.54 and 1032.61 through 1032.90 shall not apply to a producer-handler.

#### § 1032.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow

verification of such reports by the market administrator.

(a) A distributing plant qualified pursuant to § 1032.12(a) which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products is disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order than as Class I route disposition in the Southern Illinois marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this paragraph;

(b) A distributing plant qualified pursuant to § 1032.12(a), which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk is disposed of during the month in the Southern Illinois marketing area as Class I route disposition than as Class I route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation even though such plant has greater Class I route disposition in the marketing area of the Southern Illinois order; and

(c) Any plant qualified pursuant to § 1032.12(c) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

#### § 1032.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1032.30(c) and 1032.32(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1032.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts of such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall



be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1032.70(f) and a credit in the amount specified in § 1032.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1032.30(c) and 1032.32(b) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1032.12 (b) and (c), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher.

#### DETERMINATION OF UNIFORM PRICE TO PRODUCERS

##### § 1032.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (for each pool plant when § 1032.44(b) applies) during each month shall be a sum of money computed by the market administrator as follows:

(a) With respect to producer milk received by a pool handler (excluding milk received by diversion from another pool plant), multiply the quantity in each class, as computed pursuant to § 1032.45(c) by the applicable class prices (adjusted pursuant to §§ 1032.52 and 1032.53) excluding in the case of a co-operative association as a handler pursuant to § 1032.9(d), milk received by it and delivered to the pool plant of another handler;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1032.45(a)(11) and the corresponding step of § 1032.45(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1032.45(a)(6) and the corresponding step of § 1032.45(b);

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1032.45(a)(3) and the corresponding step of § 1032.45(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount;

(e) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1032.45(a)(4) and the corresponding step of § 1032.45(b); and

(f) Add an amount equal to the value at the Class I price, adjusted for location at the nearest nonpool plant(s) from which an equivalent volume was received with respect to skim milk and butterfat subtracted from Class I pursuant to § 1032.45(a)(8) and the corresponding step of § 1032.45(b). With respect to skim milk and butterfat which is subtracted from Class I pursuant to § 1032.45(a)(8) and the corresponding step of § 1032.45(b), add an amount equal to its value at the Class I price applicable at the pool plant.

##### § 1032.71 Computation of the uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content which is received from producers at plants located in the "base zone" as follows:

(a) Combine into one total the values computed pursuant to § 1032.70 for all handlers who filed the reports prescribed by § 1032.30 for the month and who made the payments pursuant to §§ 1032.80 and 1032.84 for the preceding month;

(b) Add an amount equal to the value of the net location and zone differentials (reductions minus increases) applicable

to the uniform price pursuant to § 1032.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1032.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1032.70(f);

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price," and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract during each of the months of April, May, June, and July, an amount equal to 10 cents per hundred weight on the total hundredweight of producer milk specified in paragraph (e)(1) of this section;

(i) Add during each of the months of October, November, and December, one-third of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

##### § 1032.72 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The uniform price computed pursuant to § 1032.71 and the butterfat differential computed pursuant to § 1032.81; and

(c) The amounts to be paid by such handler pursuant to §§ 1032.84, 1032.87, and 1032.88 and the amount due such handler pursuant to § 1032.85.

#### PAYMENTS

##### § 1032.80 Time and method of payment for producer milk.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, each



handler shall make payment for milk received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph;

(2) On or before the 20th day of the following month to each producer, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 1032.88;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized in writing by such producer: *Provided*, That, if by such date, such handler has not received full payment from the market administrator pursuant to § 1032.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) Payments required in paragraph (a) of this section shall be made to a cooperative association, qualified under § 1032.5 or its duly authorized agent, which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing. Such handler shall, on or before the 18th day of the following month pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount equal to not less than the amount due such producer-members as determined pursuant to paragraph (a) of this section, less any deductions authorized in writing by such association: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) On or before the 18th day after the end of each month, each handler shall pay to each cooperative association for milk the handler receives from a pool plant(s) operated by such association, not less than the minimum prices for

milk in each class, subject to the applicable location and butterfat differentials;

(d) On or before the 18th day of the following month, each handler, in his capacity as operator of a pool plant, who receives milk for which a cooperative association is the handler pursuant to § 1032.9(d) shall pay such cooperative association for such milk at the uniform price adjusted by applicable butterfat and location adjustments; and

(e) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5) (F) of the Act from making payment for milk to its producers in accordance with such provision of the Act.

#### § 1032.81 Butterfat differential to producers.

In making payments for milk received from producers pursuant to § 1032.80 the uniform price shall be adjusted by adding or subtracting, respectively, for each one-tenth of 1 percent by which the average butterfat content of such milk is more or less than 3.5 percent, respectively, an amount determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined by § 1032.52, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

#### § 1032.82 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk, received at a pool plant located outside the marketing area, shall be reduced according to the location of the pool plant at the rates set forth in § 1032.53;

(b) In making payments pursuant to § 1032.80, the uniform price per hundredweight for producer milk received at pool plants located:

(1) In the southern zone shall be increased 7 cents; and

(2) In the northern zone shall be reduced 7 cents; and

(c) For purposes of computations pursuant to §§ 1032.84 and 1032.85 the weighted average price shall be adjusted at the rates, set forth in § 1032.53 or paragraph (b) of this section, applicable at the location of the nonpool plant from which the milk was received.

#### § 1032.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," which shall function as follows: (a) All payments made by handlers pursuant to §§ 1032.62 (a) and (b), 1032.84, and 1032.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1032.85 and 1032.86: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler; and (b) all amounts subtracted pursuant to § 1032.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1032.80 in accordance with the requirements of § 1032.71(i).

#### § 1032.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The sum of the net pool obligation computed pursuant to § 1032.70 for such handler;

(b) The sum of:

(1) The value of producer milk received by such handler at the applicable uniform prices specified in § 1032.80 excluding in the case of a cooperative association as a pool handler pursuant to § 1032.9(d) the value of milk delivered to pool plants of other handlers; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1032.70(f).

#### § 1032.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1032.84(b) exceeds the amount computed pursuant to § 1032.84(a). The market administrator shall offset any payment due any handler against any payments due from such handler.

#### § 1032.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator, from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

#### § 1032.87 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1032.9(d) with respect to milk delivered to pool plants) shall pay to the market administrator on or before the 20th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1032.45(a) (4) and (8) and the corresponding steps of § 1032.45(b); and

(c) Class I milk disposed of on routes in the marketing area from partially reg-



ulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

#### § 1032.88 Marketing services.

(a) *Deduction of marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to § 1032.80, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers (excluding such handler's own production) during the month, and shall pay such deductions to the market administrator on or before the 20th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide them with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers cooperative association.* In the case of producers for whom a cooperative association is actually performing as determined by the Secretary, the services set forth in paragraph (a) of this section each handler, in lieu of the deduction specified in paragraph (a) of this section, shall make such marketing service deductions as are authorized by producer-members, and pay the money so deducted to the cooperative association on or before the 20th day after the end of the month.

#### § 1032.89 Adjustment of overdue accounts.

Any unpaid obligation of a handler pursuant to § 1032.84, § 1032.87, or § 1032.88 shall be increased one-half of 1 percent for each month or portion thereof that such payment is overdue.

#### TERMINATION OF OBLIGATIONS

#### § 1032.90 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator

notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator, or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the 1st day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

#### MISCELLANEOUS PROVISIONS

#### § 1032.100 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1032.101.

#### § 1032.101 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

#### § 1032.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

#### § 1032.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

#### § 1032.104 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

#### § 1032.105 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other person, or circumstances shall not be affected thereby.

[F.R. Doc. 66-11881; Filed, Nov. 1, 1966 8:45 a.m.]



























# FEDERAL REGISTER

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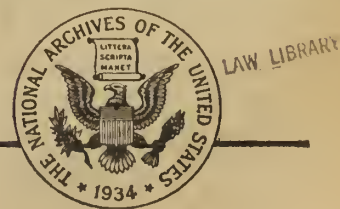
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Pages 14073-14104

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Agency for International Development  
Agricultural Stabilization and  
Conservation Service  
Civil Aeronautics Board  
Civil Service Commission  
Consumer and Marketing Service  
Federal Power Commission  
Federal Reserve System  
Fish and Wildlife Service  
Immigration and Naturalization  
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Land Management Bureau  
Maritime Administration  
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Rural Electrification Administration  
Securities and Exchange Commission  
Small Business Administration  
Wage and Hour Division

Detailed list of Contents appears inside.





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### of the

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

#### Department of the Interior

Section 213.3112 is amended to show that the positions of the General Manager and the Assistant General Manager of the Alaska Railroad will remain excepted under Schedule A after December 31, 1966, when the Schedule A exception covering positions on the Alaska Railroad, generally, is scheduled to expire. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (h) of § 213.3112 is amended and subparagraphs (2) and (3) are added as set out below.

#### § 213.3112 Department of the Interior.

(h) *The Alaska Railroad.* (1) Until December 31, 1966, positions in Alaska, other than the positions of the General Manager and the Assistant General Manager, and four technical positions in Seattle, Wash.

(2) The General Manager.

(3) The Assistant General Manager.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954-58 Comp., p. 218)

#### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
*Executive Assistant to  
the Commissioners.*

[F.R. Doc. 66-11994; Filed, Nov. 2, 1966;  
8:47 a.m.]

### PART 213—EXCEPTED SERVICE

#### Department of Commerce

Section 213.3314 is amended to show that the positions of the two Associate Directors and their Private Secretaries in the Office of Regional Economic Development are no longer excepted under Schedule C and that the position of Assistant Director for Program Planning in the Office of Regional Economic Development is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (q) is amended by revoking subparagraphs (23) and (24) and adding subparagraph (25) as set out below.

#### § 213.3314 Department of Commerce.

(q) *Office of the Assistant Secretary for Economic Development.*

(23) [Revoked].

(24) [Revoked].

(25) One Assistant Director for Program Planning, Office of Regional Economic Development.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

#### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
*Executive Assistant to  
the Commissioners.*

[F.R. Doc. 66-11993; Filed, Nov. 2, 1966;  
8:47 a.m.]

## Title 7—AGRICULTURE

### Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

#### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

#### PART 722—COTTON

#### Subpart—1967 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

##### COUNTY PROJECTED YIELDS

*Basis and purpose.* This amending document is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

The purpose of this amendment is to establish revised county projected yields under section 301(b) (13) (L) of the act for upland cotton of the 1967 crop for counties in Florida. The revisions are required because of corrections in official data used in establishing the yields as previously published (31 F.R. 13168).

Since the yields established by this amendment require immediate action by the Agricultural Stabilization and Conservation State and county committees, it is essential that they be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest, and this document shall be effective upon filing with the Director, Office of the Federal Register.

The tabulation of yields for all counties in Florida set forth in paragraph (f) of § 722.470 is amended to read as follows:

#### FLORIDA

County	Projected yields (pounds per acre)	County	Projected yields (pounds per acre)
Alachua	310	Lafayette	317
Baker	250	Leon	286
Bay	317	Levy	273
Calhoun	328	Liberty	277
Clay	438	Madison	300
Columbia	220	Nassau	361
Dixie	311	Okaloosa	391
Escambia	506	Putnam	283
Gadsden	305	Santa Rosa	528
Gilchrist	259	Suwannee	223
Hamilton	246	Taylor	236
Holmes	366	Union	272
Jackson	358	Walton	364
Jefferson	312	Washington	317

(Secs. 301(b) (13) (L), 79 Stat. 1197; 7 U.S.C. 1301(b) (13) (L))

*Effective date.* Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 31, 1966.

H. D. GODFREY,  
*Administrator, Agricultural Sta-  
bilization and Conservation  
Service.*

[F.R. Doc. 66-12000; Filed, Nov. 1, 1966;  
12:40 p.m.]

### Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

#### PART 991—HOPS OF DOMESTIC PRODUCTION

#### Date on Which Excess Hops Become Reserve and Date on Which Hop Inspection and Identification Shall Be Completed; 1966 Crop

Notice was published in the October 15, 1966, issue of the FEDERAL REGISTER (31 F.R. 13394) regarding a proposal to extend the time from November 1, to November 15, 1966, when hops baled, packaged, processed, or otherwise prepared for market, that are in excess of an effective individual producer annual allotment or the total of such allotments to members of a cooperative marketing association and are held by any producer-handler or association become reserve hops. This extension of time is pursuant to § 991.39 of Marketing Order No. 991 (31 F.R. 9713, 10072) regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written



data, views, or arguments with respect to the proposal. Subsequent to publication of the aforementioned notice, the Hop Administrative Committee recommended that a corresponding change to § 991.32 be made to extend the time for completion of inspection and identification of all hops from November 15, to prior to December 1, 1966. This extension of time is necessary so as to permit adequate time, subsequent to November 15, 1966 (the time when hops in excess of annual allotments for the 1966 crop become reserve hops) for identification of reserve hops.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Hop Administrative Committee and other available information, it is hereby found that the time when 1966 crop hops in excess of annual allotments for such crop become reserve hops pursuant to § 991.39, and the time when inspection and identification of all 1966 crop hops, pursuant to § 999.32, shall be completed shall be as follows:

§ 991.202 1966 crop; date on which excess hops become reserve hops and date when inspection and identification of all hops shall be completed.

(a) *Date on which excess hops become reserve hops.* Pursuant to § 991.39, hops of the 1966 crop, baled, packaged, processed, or otherwise prepared for market that are in excess of an effective individual producer's annual allotment or the total of such allotments to members of a cooperative marketing association and are held by any producer-handler or association on November 15, 1966, shall be reserve hops.

(b) *Date when inspection and identification of all 1966 crop hops shall be completed.* Pursuant to § 991.32, the inspection and identification requirements prescribed in the fourth sentence of such section for 1966 crop hops may be completed prior to December 1, 1966.

It is found that good cause exists for not postponing the effective time of § 991.202(a) and (b), in that it is impracticable, unnecessary, and contrary to public interest to give preliminary notice and engage in public rule making procedure with respect to the provisions of § 991.202(b), and that good cause exists for making the provisions effective not later than the time hereinafter specified and not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003 (a) and (c)) in that: (1) This action will extend from November 1, to November 15, 1966, the date on which excess hops become reserve hops and subject to the reserve hop limitations of this part and from November 15, to prior to December 1, 1966, the date when inspection and identification of all hops are to be completed; (2) the extensions will provide the necessary time to ascertain which hops are reserve hops, as certain producers will

not be issued their final allotment bases until late October, and will provide additional time so that all hops may be properly inspected and identified; (3) this action will afford additional time within which producers may fill production deficiencies of salable hops and provide an additional period after hops become reserve hops for compliance with inspection and identification requirements; and (4) this action relieves restrictions on the handling of hops and was unanimously recommended by the Committee which administers the marketing order program; and producers, handlers, or associations require no additional advance notice to conduct their operations accordingly.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 31, 1966.

PAUL A. NICHOLSON,  
Acting Director,  
Fruit and Vegetable Division.

[F.R. Doc. 66-12001; Filed, Nov. 2, 1966;  
8:48 a.m.]

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

#### MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

#### PART 324—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: WOMEN WHO HAVE LOST UNITED STATES CITIZENSHIP BY MARRIAGE

Section 324.11 is amended to read as follows:

§ 324.11 Former citizen at birth or by naturalization.

A former citizen of the United States of the class described in section 324(a) of the Act shall submit an application to file a petition for naturalization on Form N-400 and supplemental Form N-400A. The petition for naturalization of such person shall be filed on Form N-405, in duplicate. There shall be inserted after averment 15 of Form N-405 at the time of the filing an averment of the petitioner's loss of citizenship as follows:

(If petition filed under section 324(a)) I was formerly a citizen of the United States who lost citizenship by or through marriage to an alien. I have not acquired another nationality by an affirmative act other than by marriage. If not lawfully admitted for permanent residence, I have resided continuously in the United States since the date of my marriage.

#### PART 327—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WHO LOST UNITED STATES CITIZENSHIP THROUGH SERVICE IN ARMED FORCES OF FOREIGN COUNTRY DURING WORLD WAR II

Section 327.1 is amended to read as follows:

##### § 327.1 Petition.

A former citizen of the United States of the class described in section 327 of the Act shall submit an application to file a petition for naturalization Form N-400 and supplemental Form N-400A. The petition for naturalization of such person shall be filed on Form N-405, in duplicate. There shall be inserted after averment 15 a Form N-405 at the time of the filing an averment of the petitioner's loss of citizenship, as follows:

(If petition filed under section 327) While a citizen of the United States, I entered the armed forces of (country) whereby I lost my U.S. citizenship by reason of entering or serving in such armed forces or by taking an oath or obligation in connection therewith.

Upon naturalization, two copies of the original petition for naturalization containing the oath of allegiance duly attested and certified by the clerk, shall be forwarded by the clerk to the district director. The district director shall file one copy with the service record and transmit the other copy to the Department of State. The petitioner shall pay to the clerk of the naturalization court at the time of filing the petition a fee of \$10, unless exempted therefrom under section 344(h) of the Act.

#### PART 328—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WITH 3 YEARS SERVICE IN ARMED FORCES OF THE UNITED STATES

Section 328.3 *Petition* is amended by deleting the fifth sentence.

#### PART 329—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VETERANS OF THE UNITED STATES ARMED FORCES WHO SERVED DURING WORLD WAR I OR WORLD WAR II OR ENLISTED UNDER ACT OF JUNE 30, 1950, AS AMENDED

Section 329.2 *Petition* is amended by deleting the fourth sentence thereof.

#### PART 330—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SEAMEN

Section 330.1 *Petition* is amended by deleting the third sentence thereof.

#### PART 332a—OFFICIAL FORMS

##### § 332a.2 [Amended]

1. Section 332a.2 *Official forms prescribed for use of clerks of naturalization*



zation courts is amended by deleting the following forms and references thereto:

Form No.	Title and description
N-405A	Affidavit in Support of Petition for Naturalization (by a former citizen, under sec. 327 of the Immigration and Nationality Act).
N-421	Affidavit in Support of Petition for Naturalization (by a seaman, under sec. 330, Immigration and Nationality Act).

2. Section 332a.13 *Alteration of forms of petitions or applications for naturalization* is amended by adding a paragraph (h) to read as follows:

§ 332a.13 *Alteration of forms of petitions or applications for naturalization.*

(h) *Previous filing of another petition.* Whenever the petitioner has previously filed another petition for naturalization the word "not" shall be stricken from the appropriate allegation.

## PART 499—NATIONALITY FORMS

Section 499.1 *Prescribed forms* is amended by deleting the following forms and references thereto:

Form No.	Title and description
N-405A	Affidavit in Support of Petition for Naturalization (by a former citizen, under sec. 327 of the Immigration and Nationality Act).
N-421	Affidavit in Support of Petition for Naturalization (by a seaman, under sec. 330, Immigration and Nationality Act).

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: October 28, 1966.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[F.R. Doc. 66-11998; Filed, Nov. 2, 1966; 8:48 a.m.]

## Title 22—FOREIGN RELATIONS

### Chapter II—Agency for International Development, Department of State

[A.I.D. Reg. 1]

### PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

#### Miscellaneous Amendments

Part 201 of Chapter II, Title 22 (A.I.D. Reg. 1), is amended as follows:

PARAGRAPH 1. Paragraph (a) of § 201.52 is amended as follows:

a. In the first sentence the phrase "subparagraphs (1) through (6)" is amended to read "subparagraphs (1) through (8)". Subparagraph (6) is revised to read:

(6) *Supplier's Certificates.* An original and two copies of the Supplier's Certificate executed by

(i) The supplier of the commodity for the cost of the commodity and any commodity-related services furnished by the commodity supplier;

(ii) The carrier for the cost of ocean or air transportation;

(iii) The insurer for the cost of marine insurance if such cost exceeds \$50.

b. The following new subparagraphs (7) and (8) are added:

(7) *Certificate regarding concerted pricing.* One signed original of the Certificate and Agreement Regarding Concerted Pricing (A.I.D. Form 285) executed by

(i) The supplier of the commodity; and

(ii) The producer of the commodity, if the supplier indicates in paragraph (1) (a) of the Certificate that he is not also the producer.

This subparagraph (7) shall apply only when the letter of commitment (in cases of A.I.D. financing under a letter of commitment to a bank) or other implementing document (in cases of A.I.D. financing by direct reimbursement of a borrower/grantee) limits the source of procurement to the United States (A.I.D. Geographic Code 000) and the supplier supplies any of the following commodities: Phosphatic fertilizers (Commodity Codes 2354, 2355, and 2356); potassic fertilizers (Commodity Codes 2332, 2333, and 2334); mixed chemical fertilizers (Commodity Code 2343); carbon black (Commodity Code 3903, Schedule B Nos. 513.2710, 513.2720, and 513.3720); paper, pulp, and paper board (Commodity Codes 5911, 5912, 5919, and 5921); rubber products (Commodity Codes 8913 and 8914); and sulphur (Commodity Code 6406).

(8) *Producer's invoice.* Whenever the supplier indicates in paragraph (1) (a) of the Certificate and Agreement Regarding Concerted Pricing (A.I.D. Form 285) that he is not also the producer, one copy of the producer's invoice covering the same commodities which are described in the supplier's invoice.

c. The following new paragraph (c) is added to read:

(c) *Execution of Certificates.* The original of each Supplier's Certificate (A.I.D. Form 281) and each Certificate and Agreement regarding Concerted Pricing (A.I.D. Form 285) shall be signed by hand and shall bind the person or organization on whose behalf the execution is made. Any person or organization on whose behalf another purports to sign a Certificate which is submitted by such person or organization shall in all respects be bound thereby, notwithstanding that the person so signing acted without express authority.

PAR. 2. The following new Appendix D is added to Part 201:

#### APPENDIX D—CERTIFICATE AND AGREEMENT REGARDING CONCERTED PRICING

(A.I.D. Form 285)

In consideration of the receipt of funds made available by the United States under the Foreign Assistance Act of 1961, as amended, in payment, in whole or in part, of the sum indicated on the accompanying invoice as claimed to be due and owing, the undersigned, acting on behalf of the firm whose name appears on line 5 below (the supplier or the producer of the commodities) and authorized to bind such firm, agrees with and certifies to A.I.D. as follows:

(1) The firm whose name appears on line 5 below—

a. Is the A.I.D.-financed supplier, but is not the producer of the goods described by the attached invoice which the supplier has executed.

b. Is the A.I.D.-financed supplier and is also the producer of the goods described by the attached invoice which the supplier has executed.

c. Is not the A.I.D.-financed supplier, but is the producer of the goods described by the attached invoice which the producer has executed.

[Check the appropriate box.]

(2) The price and quantity terms of the sale described by the attached invoice have been arrived at independently by the firm on whose behalf this Certificate is executed, without consultation or agreement, direct or indirect, concerning any matter relating to such price or quantity with any other bidder, offeror, competitor, or any member of an Export Trade Association (an Association within the meaning of 15 U.S.C. §§ 61-65), and without reliance upon any price established or recommended by any such Association.

(3) If the undersigned has checked box (1) (a) of this Certificate, he has also appended an invoice executed by the producer of the commodities described in the supplier's invoice and a Certificate and Agreement Regarding Concerted Pricing (A.I.D. Form 285) executed by the producer of such commodities.

(4) Invoice No. \_\_\_\_\_

(5) A.I.D. No. \_\_\_\_\_

(6) Name of firm \_\_\_\_\_

(7) Name of undersigned and position in firm \_\_\_\_\_

(8) Signature \_\_\_\_\_

(9) Date \_\_\_\_\_

INSTRUCTIONS: "Firm" means the supplier or producer on whose behalf this Certificate and Agreement Regarding Concerted Pricing is executed. The supplier of the commodity shall execute this Certificate in every case in which he is required to do so as a condition for receiving payment. If the supplier indicates in box (1) (a) that he is not also the producer of the commodities (through manufacture, processing, mining, growth, or assembly), he shall attach to his invoice the invoice of the producer (covering the same commodities described in the supplier's invoice) and an additional Certificate and Agreement Regarding Concerted Pricing (A.I.D. Form 285) executed by the producer of the commodities. On line 4, the supplier or the producer shall insert the serial number or other number which he has assigned to his invoice. On line 5 the supplier or the producer shall insert the A.I.D. implementation number which identifies the transaction.

PAR. 3. The following sentence is added to § 201.87: "Section 201.52(a) (6)-(8) and (c) as well as the provisions of Appendix D shall become effective on Jan-



uary 1, 1967, but will not be applicable to claims for reimbursement from or payments made to a supplier pursuant to letters of credit issued, confirmed, or advised, or payment instructions received, prior to January 1, 1967."

WILLIAM S. GAUD,  
Administrator, Agency for  
International Development.

OCTOBER 28, 1966.

[F.R. Doc. 66-11987; Filed, Nov. 2, 1966;  
8:47 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. MC-C-258]

#### PART 170—COMMERCIAL ZONES

##### Kansas City, Mo.-Kansas City, Kans., Commercial Zone

At a session of the Interstate Commerce Commission, Division 1, acting as an Appellate Division, held at its office on the 11th day of October 1966.

It appearing, that on November 12, 1965, the Commission, Division 1, made and filed its fifth report on further consideration in this proceeding, 100 M.C.C. 75, and order redefining the limits of the zone adjacent to and commercially a part of Kansas City, Mo.-Kansas City, Kans., contemplated by section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8));

It further appearing, that by petition filed February 21, 1966, and supplement thereto filed April 11, 1966, the city of Lenexa, Kans., requests leave to file a petition for reconsideration; that 12 rail carriers, interveners herein, oppose the relief sought; that the same rail carriers, by petition filed December 20, 1965, seek clarification of the said report; and that on January 17, 1966, Heart of America Council of Chambers of Commerce, petitioner, filed a reply to the latter petition; and good cause appearing therefor:

*It is ordered*, That said petition of the city of Lenexa, Kans., be, and it is hereby, denied, for the reason that the ambiguity recited therein may appropriately be noticed and corrected without further petitions by the parties to this proceeding.

*It is further ordered*, That said petition for clarification, to the extent it seeks relief other than that granted herein, be, and it is hereby, denied.

*It is further ordered*, That said proceeding be, and it is hereby, reopened for further consideration on our own motion.

*It is further ordered*, That the order entered in this proceeding November 12, 1965 (49 CFR 170.8) be, and it is hereby,

vacated and set aside, and § 170.8 is hereby revised as follows:

##### § 170.8 Kansas City, Mo.-Kansas City, Kans.

The zone adjacent to and commercially a part of Kansas City, Mo.-Kansas City, Kans., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)), includes and is comprised of all points in the area bounded by a line as follows:

Beginning on the north side of the Missouri River at the western boundary line of Parkville, Mo., thence along the western and northern boundaries of Parkville to the Kansas City, Mo., corporate limits, thence along the western, northern, and eastern corporate limits of Kansas City, Mo., to its junction with U.S. Bypass 71 (near Liberty, Mo.), thence along U.S. Bypass 71 to Liberty, thence along the northern and eastern boundaries of Liberty to its junction with U.S. Bypass 71 south of Liberty, thence south along U.S. Bypass 71 to its junction with the Independence, Mo., corporate limits, thence along the eastern Independence, Mo., corporate limits to its junction with the Lees Summit corporate limits, thence along the eastern Lees Summit corporate limits to the Jackson-Cass County line, thence west along Jackson-Cass County line to the eastern corporate limits of Belton, Mo., thence along the eastern, southern, and western corporate limits of Belton to the western boundary of Richards-Gebaur Air Force Base, thence along the western boundary of said air force base to Missouri Highway 150, thence west along Missouri Highway 150 to the Kansas-Missouri State line, thence north along the Kansas-Missouri State line to 110th Street, thence west along 110th Street to its junction with U.S. Highway 69, thence north along U.S. Highway 69 to its junction with 103d Street, thence west along 103d Street to its junction with Quivera Road (the corporate boundary of Lenexa, Kans.), thence along the eastern, southern, western, and northern boundaries of Lenexa to Pflumm Road, thence north along Pflumm Road to its junction with Kansas Highway 10, thence west on Kansas Highway 10 to its junction with Kansas Highway 7, thence north on Kansas Highway 7 to Bonner Springs, Kans., thence along the southern and eastern boundaries of Bonner Springs to its junction with Kansas Highway 32, thence east on Kansas Highway 32 to its junction with 65th Street, thence north along 65th Street to its junction with U.S. Highway 24, thence east along U.S. Highway 24 to its junction with 64th Street Terrace, thence north along 64th Street Terrace to Parallel Road, thence west along Parallel Road to 81st Street, thence north along 81st Street to its junction with Kansas Highway 5, thence east along Kansas Highway 5 to 77th Street, thence north along 77th Street and its continuation, Pomeroy Drive, northwesterly to its junction with 79th Street, thence along 79th Street to its junction with Wolcott Drive at Pomeroy, Kans., thence due west 1.3 miles to its junction with an unnamed road, thence north along such unnamed road to the entrance to the Powell Port facility, thence due north to the south-

ern bank of the Missouri River, thence east along the southern bank of the Missouri River to a point directly across from the western boundary of Parkville, Mo., thence across the Missouri River to point of beginning.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303)

*It is further ordered*, That this order shall become effective on November 25, 1966, and shall continue in effect until the further order of the Commission.

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 1, acting as an Appellate Division.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-11988; Filed, Nov. 2, 1966;  
8:47 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 32—HUNTING

##### Upper Mississippi River Wildlife and Fish Refuge, Illinois et al.; Correction

In F.R. Doc. 66-11139, appearing on page 13240 of the issue for Thursday, October 13, 1966, the following paragraphs should read as follows:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

##### UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Deer hunting shall be subject to the following special conditions:

(1) All deer hunting shall be within the outside dates of the applicable State seasons as follows:

##### ILLINOIS

Bow and arrow seasons from date of publication 1966 through November 15, 1966; and November 21, 1966, through December 5, 1966; and December 13, 1966, through December 31, 1966. Shotgun season November 18 through November 20, 1966; and December 9, 1966, through December 11, 1966.

DONALD V. GRAY,  
Refuge Manager.

[F.R. Doc. 66-11983; Filed, Nov. 2, 1966;  
8:46 a.m.]



# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

#### [ 7 CFR Part 52 ]

#### CANNED ORANGE JUICE

##### Standards for Grades<sup>1</sup>

Notice is hereby given that the U.S. Department of Agriculture is considering an amendment to the U.S. Standards for Grades of Canned Orange Juice (7 CFR 52.1551-52.1562) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same in duplicate not later than 30 days after publication hereof in the FEDERAL REGISTER with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

*Statement of consideration leading to the proposed amendment.* The matter of an upper limit of Brix-acid ratio for processed orange juices which would separate orange juice of very good flavor from that of less desirable flavor has been given careful study in the Department for a number of years. Packers who produce large volumes of the nation's pack of canned orange juice urge that the maximum Brix-acid levels, where specified in the standards, be increased to 19½ to 1. They contend that canned orange juice meets excellent consumer acceptance up to this maximum.

In consideration of the foregoing matters it is now proposed to increase permitted maximum Brix-acid ratios in U.S. Grade A and U.S. Grade B from 18:1 to 19.5:1.

The proposed amendment is as follows:

1. In § 52.1559 the tables in paragraph (a) (1) and (a) (2) would be revised to read as follows:

(1) Without sweetener.

	Minimum	Maximum
Brix (degrees).....	10.5.....	
Acid (per 100 ml.):		
California or Arizona.....	0.75 gm.....	1.45 gms.
Outside California or Arizona.....	0.65 gm.....	1.45 gms.
Brix-acid ratio:		
If Brix less than 11.5°.....	10:1.....	19.5:1.
If Brix 11.5° or more.....	9:1.....	19.5:1.

<sup>1</sup> Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

(2) With sweetener.

	Minimum	Maximum
Brix (degrees).....	10.5.....	
Acid (per 100 ml.):		
California or Arizona.....	0.75 gm.....	1.45 gms.
Outside California or Arizona.....	0.65 gm.....	1.45 gms.
Brix-acid ratio:		
If Brix less than 15°.....	12:1.....	19.5:1.
If Brix 15° or more.....	9:1.....	19.5:1.

2. In § 52.1559 the table in paragraph (b) (2) would be revised to read as follows:

(2) With sweetener.

	Minimum	Maximum
Brix (degrees).....	10.5.....	
Acid (per 100 ml.):		
California or Arizona.....	0.65 gm.....	1.65 gms.
Outside California or Arizona.....	0.60 gm.....	1.65 gms.
Brix-acid ratio:		
If Brix less than 15°.....	12:1.....	19.5:1.
If Brix 15° or more.....	9:1.....	19.5:1.

(Secs. 202-208, 60 Stat. 1087, as amended, 7 U.S.C. 1621-1627)

Dated: October 28, 1966.

G. R. GRANGE,  
Deputy Administrator,  
Marketing Services.

[F.R. Doc. 66-11984; Filed, Nov. 2, 1966; 8:45 a.m.]

#### [ 7 CFR Part 989 ]

#### RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

##### Notice of Extension of Time for Filing of Written Data, Views, or Arguments

Pursuant to the provisions of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), a notice of proposed rule making was published in the October 20, 1966, issue of the FEDERAL REGISTER (31 F.R. 13552), regarding proposed amendment of certain provisions of the Subpart—Administrative Rules and Regulations, including those provisions with respect to definitions, and the inspection, identification, transfer, disposition, substitution, and reporting of raisins. The notice afforded interested persons a 10-day period to submit written data, views, or arguments with respect thereto. Request for extension of time for filing comments has been made on behalf of the Raisin Administrative Committee by Lee Jackson, Manager. It is necessary that this request be granted so as to afford interested persons an opportunity to further consider the proposal and to file written comment thereon.

Notice is hereby given that the time for filing written data, views, or arguments on the proposal with the Hearing Clerk,

U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, is extended until midnight, November 10, 1966.

Dated: October 31, 1966.

PAUL A. NICHOLSON,  
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-12002; Filed, Nov. 2, 1966; 8:48 a.m.]

#### [ 7 CFR Part 1103 ]

[Docket No. AO-346-A3]

#### MILK IN MISSISSIPPI MARKETING AREA

##### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Jackson, Miss., on September 13, 1966, pursuant to notice thereof issued on August 18, 1966 (31 F.R. 11153).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator, Consumer and Marketing Service, on October 14, 1966 (31 F.R. 13476; F.R. Doc. 66-11355) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Qualifying standards for pool plants.
2. Diversion provisions and producer status of new dairy farmers entering the market.
3. Inventory classification.
4. Classification of transfers from pool plants to nonpool plants.
5. An appropriate Class I price level after October 1966.
6. Location differentials.
7. Miscellaneous and conforming changes.

The recommended decision indicated that since the Class I milk price provisions expire at the end of October 1966, a separate decision on the issue of Class I pricing was contemplated. To assure the continuation of an appropriate Class I milk price beyond that date, this decision deals only with Issue No. 5 and reserves the remaining issues for a later decision.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:



5. *Class I milk price.* The Class I differential should be \$2.35 for the months of November 1966 through and including February 1967, and beginning in March 1967 should be \$2.27 each month. The Class I price should be subject to a supply-demand adjustment based on the relationship of producer milk supplies and Class I sales of handlers.

Producers through their cooperative associations proposed that the Class I differential be \$2.35 in all months of the year. While seasonal differentials stated in the order average \$2.267, annually, proponents supported the higher level based on economic conditions in the market. In favor of the higher price they cited (1) the upward trend of milk sales in Mississippi in recent years, (2) higher costs for milk production, (3) increased economic activity in the State, which would support an upward trend in milk sales, and (4) increased opportunities for farmers to move into other enterprises.

Proponents would also eliminate the seasonal variation of the Class I differentials. They contended that the base plan provides sufficient encouragement for more level production.

The Mississippi milk order was made effective May 1, 1965. The marketing area is constituted of marketing areas previously regulated by the prior Mississippi Delta and Central Mississippi orders and part of the area which was regulated by the Gulf Coast order. The Class I differentials in the new order expire at the end of October 1966, which is the end of the initial 18-month period. It is necessary at this time, therefore, to establish a price level after October so as to maintain an adequate, but not excessive, supply of quality milk for the market.

The milk supply for the Mississippi market is produced primarily within the State. For the first 6 months of 1966, State milk production, including both Grade A and manufacturing grade milk, increased 1.6 percent compared to a year before. A producer witness testified that Grade A milk production in the State increased 4.5 percent in the first 6 months of 1966 over the same period last year. While these data reflect production in the State, not all of such milk production is associated as producer milk with this market.

Producer milk supply under the order increased 2.5 percent during the May-August period in 1966 compared with the same period last year. These are the only months for which comparison can be made under the new order.

Class I sales under the Mississippi order this year in the May-August period were 4.1 percent higher than last year. The percentage of producer milk used in Class I increased slightly, from 65.4 percent to 66.4 percent for the two periods. At no time since the order was made effective has the supply been less than fully adequate. Class I sales tend to change seasonally being highest in the school months of September through May. In 6 of these months, the percent of producer milk used in Class I ex-

ceeded 77 percent, the highest being 81 percent in February.

The milk supply situation for the Mississippi market is significantly related to the supply situation of the New Orleans market. The southern part of the production area for the market joins the production area for the New Orleans market. To a considerable degree, the milk supplies in this area are interchangeable between the two markets.

A producer representative, whose members primarily supply handlers regulated by the New Orleans order, testified that he shifts producers between the Mississippi and New Orleans markets in response to differences in blend prices between the markets. At times during the past year, the movement has been into the Mississippi market. The supply of reserve milk in the New Orleans market, therefore, is an important factor relating to the supply available for the Mississippi market.

The proportion of reserve milk in the New Orleans market has been greater than in the Mississippi market in each of the 12 months ending August 1966. For that period, the Class I utilization averaged 69 percent, 4 percentage points lower than the Class I utilization of the Mississippi market.<sup>1</sup>

The competition of the Memphis market for milk supplies in the State of Mississippi is evident in some northern areas of the State. A considerable portion of the Memphis marketing area lies within the State of Mississippi and joins the northern boundary of the Mississippi marketing area. The competition for supplies has been relatively local, and total milk supply throughout the Mississippi marketing area is sufficiently mobile to assure that adequacy of supply in this area is not jeopardized.

In view of the foregoing considerations, it is concluded that the milk supply available for the market is adequate both currently and prospectively.

The Class I price in the Mississippi order is established at Gulf Coast locations, with appropriate adjustments for other locations in the market. The price levels at the particular locations represent a continuation of the price levels of the former Gulf Coast, Central Mississippi, and Mississippi Delta orders. The Class I differentials at the Gulf Coast locations are \$2.15 per hundred-weight for the months of March through July and \$2.35 in other months. The price is reduced 10 cents and 26 cents, respectively, for areas corresponding to the prior Central Mississippi and Mississippi Delta marketing areas.

Modifications of the Class I price formula for temporary periods since the inception of the order were made to reflect particular situations. For the first 3 months of the order, May, June, and July 1965, the lower seasonal differential was not used, so as to provide

proper transitional pricing for the Delta area, which had not had seasonal pricing. For the period March 1966 through July of this year, the seasonal decline was abated due to emergency action of the Department on a national basis.

Since that time, the Class I formula has provided a higher level of prices due to the action of the basic formula price. The Class I price of \$6.61 for September exceeds the Class I price of a year earlier by \$1.01.<sup>2</sup> This price represents a higher level than any prior period of regulation. In view of the advance in the price produced by the Class I formula of the order, and the adequacy of supply, it is concluded that the higher price requested would not be appropriate.

The action of the basic formula price, which presently is well above the Department's support price for manufacturing milk, further sustains the Class I price level by the provision that such basic formula price shall be not less than \$4 for the months through March 1967.

The Class I price differential should be continued at the present seasonal differential of \$2.35 for the period November 1966 through February 1967. Beginning in March 1967 the Class I price each month should be established by adding a level differential of \$2.27 to the basic formula price. The latter differential approximates the average, on an annual basis, of the seasonal differentials now in the order. It will provide, as near as is possible to determine, the same returns to producers as the seasonal differentials now stated in the order, and thus would establish a level of pricing which will assure the market of an adequate supply of milk. Producer representatives asserted that level Class I pricing rather than seasonal pricing would facilitate the marketing of their milk. They stated that level pricing would not present any problem in matters of relationship with other markets. Seasonal pricing has not applied in actual prices under Federal orders in Mississippi in recent years.

*Supply-demand adjustor.* It is anticipated that the Class I price provisions proposed herein will continue to assure the market of an adequate supply of quality milk. It is conceivable, however, that changes may occur in the relationship of milk supply to Class I sales. Thus, when milk supplies are more than adequate in relation to Class I sales, the Class I price should be lowered. Conversely, when the milk supply is less than adequate in relation to Class I sales, the Class I milk price should be increased.

A supply-demand adjustor is provided herein to make appropriate adjustments in relation to changes in supplies and sales. It will make price adjustments promptly and automatically without the need for a public hearing each time an adjustment is warranted. Such adjustment is consistent with the criteria of the Agricultural Marketing Agreement

<sup>1</sup> Official notice is hereby taken of the "Statistical Summary and Comparison of Milk Receipts and Utilization" issued monthly by the New Orleans market administrator for the period September 1965 through August 1966.

<sup>2</sup> Official notice is hereby taken of the September 1966 Class I price announcement issued by the market administrator in which the basic formula price for August 1966 is reported as \$4.26.



Act, which requires that the prices established under the Act be reasonable in view of market supply and demand conditions, assure a sufficient quantity of pure and wholesome milk and be in the public interest. The automatic adjustment of Class I milk prices in response to changes in the relation between milk supplies and Class I sales is designed to carry out, in the market, the price objective of the Act through encouragement of supplies at the levels needed for fluid requirements.

The supply-demand adjustor provided herein:

(1) Reflects the pattern of production related to Class I sales for the market during the 15 months ending July 1966.

(2) Limits the monthly changes in the supply-demand adjustment, in specified months, to prevent contraseasonal price changes.

(3) Bases the adjustments on production and Class I sales data for the most recent three 2-month periods.

The contraseasonal provision was requested by a producer representative to prevent substantial price adjustments which are contrary to the usual seasonal movement of prices. This is a proper modification of the supply-demand adjustment to assure that any temporary adjustment is not inconsistent with normal seasonal movement of prices. In addition, the provision basing the adjustments on three 2-month periods will reflect current changes in the relationship between milk supplies and Class I sales. At the same time, it will provide a basis for identifying persistent changes from the "normal" relationship between milk supplies and Class I sales. In general, the mechanics provided herein are similar to those provided in the supply-demand adjustors of a number of other Federal milk orders.

The adjustor provides for a "current utilization percentage" by dividing the total pounds of producer milk in the second and third months preceding the pricing month by the total pounds of Class I milk. This computation, however, excludes interhandler transfers, and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk. In the operation of the supply-demand adjustor, the deviation of the current utilization percentage from a "standard utilization percentage" is the basis for price adjustment. The standard utilization percentage is based on the relationship of milk supplies to sales since the inception of the order.

Any amount by which the current utilization percentage is less than the "minimum standard utilization percentage" specified in the order is a "minus deviation percentage". Conversely, any amount by which the current utilization percentage exceeds the "maximum standard utilization percentage" specified in the order is a "plus deviation percentage". The range between the maximum and minimum standard utilization percentages is centered on utilization percentages for each month, which are computed from receipts of producer milk and

total Class I sales for 2-month periods since the inception of the order.

For a minus deviation percentage, the Class I price should be increased, and for a plus deviation percentage it is decreased. The rate of adjustment for variations from the standard utilization percentages provided herein would be nominal when such variations first appear, but would be increased progressively as a variation of like direction and amount persisted through two or three consecutive 2-month periods. Such provision will avoid substantial price changes based on minor or nonrecurring deviations from the established norms.

Substantial price adjustment will, however, occur when undersupply or oversupply representing significant deviations from the established norms persist for a period of time. An exception to this is provided for the months of September, October, and November when the supply-demand adjustment for any of those months shall not be lower by more than 5 cents, than such adjustment for the immediately preceding month. For any month of April, May, or June, the supply-demand adjustment would not be higher, by more than 5 cents, than such adjustment for the immediately preceding month. This will avoid abrupt contraseasonal swings in the amount of the supply-demand adjustment.

The adjustment provisions are accomplished by providing that for each unit of deviation from the standard range the price shall be adjusted by 1 cent, plus 1 cent for each such percentage point for which there was a deviation of like extent and character in each of the first and second 2-month periods next preceding. Thus, the effect of the departure from the stated norms would be cumulative. The proposed adjustor would also bring the adjustment back to zero promptly, whenever the ratio of supply to sales again falls within the normal range.

Since the standard utilization percentages are based on actual data since May 1965, the proposed supply-demand adjustor would have made no adjustment in the Class I price since the inception of the order if it had been effective.

The attached order provides the adjustment would not be effective until October 1967. This will allow a period of observation of its action before its effective time.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously

made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Mississippi Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Mississippi Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered.* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of September 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Mississippi marketing area, is approved or favored by producers, as defined under the terms of



the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on October 28, 1966.

JOHN A. SCHNITTKER,  
Under Secretary.

*Order Amending the Order Regulating the Handling of Milk in the Mississippi Marketing Area*

§ 1103.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the

minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended and as hereby amended, as follows:

Section 1103.51(a) is revised to read as follows:

§ 1103.51 Class prices.

(a) Class I milk price. The minimum Class I milk price for the month shall be the basic formula price for the preceding month, plus \$2.27 each month, plus or minus a supply-demand adjustment beginning in October 1967 computed pursuant to subparagraphs (1), (2), and (3) of this paragraph: *Provided*, That the Class I price for each of the months of December 1966 and January and February 1967 shall be the basic formula price for the preceding month plus \$2.35.

(1) Divide the total pounds of producer milk in the second and third month preceding by the total pounds of Class I milk (excluding interhandler transfers and including any net transfers between Federal order markets) in the same months of handlers fully regulated under this part, multiply the results by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus deviation percentage".

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January.....	October-November.....	124	128
February.....	November-December.....	129	133
March.....	December-January.....	130	134
April.....	January-February.....	123	127
May.....	February-March.....	123	127
June.....	March-April.....	131	135
July.....	April-May.....	141	145
August.....	May-June.....	150	154
September.....	June-July.....	148	152
October.....	July-August.....	147	151
November.....	August-September.....	135	139
December.....	September-October.....	124	128

(3) For a "minus deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows: *Provided*, That the supply-demand adjustment for any month of September, October, or November shall not be lower, by more than 5 cents, than such adjustment for the immediately preceding month; and for any month of April, May, or June of each year shall not be higher, by more than 5 cents, than such adjustment for the immediately preceding month:

(i) One cent times each such percentage unit of deviation; plus

(ii) One cent times the lesser of:

(a) Each percentage unit of deviation, or

(b) Each percentage unit of deviation of like direction (plus or minus, with any deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(a) Each percentage unit of deviation; (b) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; or

(c) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

[F.R. Doc. 66-11985; Filed, Nov. 2, 1966; 8:46 a.m.]

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



# Notices

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### RELIEF FROM EXCESS PROFITS TAX BECAUSE OF AN INADEQUATE EX- CESS PROFITS CREDIT

#### Allowances During Fiscal Year Ended June 30, 1966

As required by section 6105 of the 1954 Internal Revenue Code the following list, containing one case in which relief under section 722 of the 1939 Code has been allowed, shows the name and address of the corporation to which relief has been allowed, business engaged in, taxable years involved, excess profits credit allowed, decrease in excess profits tax, and increase in income tax. The allowance

pursuant to a decision entered by the Tax Court of the United States has been made in the docketed case shown in the list with appropriate notations.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the FEDERAL REGISTER as follows:

Fiscal year ended	Volume	Number	Date
June 30, 1942.....	9	194	Sept. 28, 1944
June 30, 1943.....	9	194	Do.
June 30, 1944.....	9	219	Nov. 2, 1944
June 30, 1945.....	10	224	Nov. 15, 1945
June 30, 1946.....	11	196	Oct. 8, 1946
June 30, 1947.....	12	197	Oct. 8, 1947
June 30, 1948.....	13	206	Oct. 21, 1948
June 30, 1949.....	14	201	Oct. 18, 1949
June 30, 1950.....	15	205	Oct. 21, 1950
June 30, 1951.....	16	211	Oct. 30, 1951
June 30, 1952.....	17	175	Sept. 6, 1952
June 30, 1953.....	18	164	Aug. 21, 1953
June 30, 1954.....	19	185	Sept. 23, 1954
June 30, 1955.....	20	219	Nov. 9, 1955
June 30, 1956.....	21	183	Sept. 20, 1956
June 30, 1957.....	22	173	Sept. 6, 1957
June 30, 1958.....	23	168	Aug. 27, 1958
June 30, 1959.....	24	175	Sept. 5, 1959
June 30, 1960.....	25	181	Sept. 16, 1960
June 30, 1961.....	26	165	Aug. 26, 1961
June 30, 1962.....	27	187	Sept. 26, 1962
June 30, 1963.....	28	195	Oct. 5, 1963
June 30, 1964.....	29	230	Nov. 25, 1964
June 30, 1965.....	30	245	Dec. 21, 1965

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE

FISCAL YEAR ENDED JUNE 30, 1966

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subchap- ter E) tax re- sulting from the operation of section 722	Gross increase in the income (chap- ter 1) tax resulting from the opera- tion of section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
DALLAS: The Shamrock Oil & Gas Corp., Post Office Box 631, Amarillo, Tex.	Processing, refining, and sale of oil and gas.	11-30-43 <sup>1</sup> 11-30-44 <sup>1</sup>	\$537,209.90 428,779.08	\$1,010,449.35 1,118,880.17	\$134,103.18 242,534.00	\$132,806.69 234,483.48	\$59,025.20 99,164.23

<sup>1</sup> Allowance in accordance with a decision of the Tax Court of the United States based on agreed settlement of parties on section 722 issue. No previous allowance by Commissioner. Due to appeal on concomitant nonsection 722 issues in which

Tax Court findings were affirmed the decision did not become final until November 1, 1965.

[SEAL]

SHELDON S. COHEN,  
Commissioner of Internal Revenue.

[F.R. Doc. 66-11986; Filed, Nov. 2, 1966; 8:45 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[New Mexico 0560202]

#### NEW MEXICO

#### Notice of Classification of Lands

OCTOBER 28, 1966.

Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the area described below, together with any lands therein that may become public lands in the future, are classified for multiple use management. The described public lands are segregated from appropriation under the Homestead, Desert Land, and Allotment laws (43 U.S.C. p. 7, 43 U.S.C. p. 9, and 25 U.S.C. 334), and from sale under 2455 of the Revised Statutes (43 U.S.C. 1171).

There were no comments received following publication of the notice of proposed classification (31 F.R. 9881). No adverse comments were received at the

public hearing on the proposed classification which was held September 1, 1966. The record showing endorsements of the classification made by members of the public attending the hearing is on file and can be examined in the Roswell District Office and the Land Office, Santa Fe, N. Mex. The public lands affected by this classification are located within the following described area and are shown on maps on file in the Roswell District Office, Roswell, N. Mex., and on maps and records in the New Mexico Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, South Federal Place, Santa Fe, N. Mex.

#### NEW MEXICO PRINCIPAL MERIDIAN

T. 16 S., R. 30 E.,  
Sec. 33, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 34, S $\frac{1}{2}$ ;  
Sec. 35, E $\frac{1}{2}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ ;  
Sec. 36, W $\frac{1}{2}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ .  
T. 16 S., R. 31 E.,  
Sec. 21, S $\frac{1}{2}$ ;  
Sec. 22, S $\frac{1}{2}$ ;  
Secs. 25 to 28, inclusive;  
Sec. 31, S $\frac{1}{2}$ ;  
Sec. 32, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Secs. 33 to 36, inclusive.

T. 17 S., R. 29 E.,  
Sec. 22, S $\frac{1}{2}$ ;  
Sec. 23, S $\frac{1}{2}$ ;  
Sec. 24, S $\frac{1}{2}$ ;  
Secs. 26 and 27;  
Secs. 34, 35, and 36.  
T. 17 S., R. 30 E.,  
Secs. 1 to 4, inclusive;  
Sec. 5, E $\frac{1}{2}$ ;  
Sec. 8, E $\frac{1}{2}$ ;  
Secs. 9 to 16, inclusive;  
Sec. 17, E $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Sec. 19, E $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Secs. 20 to 36, inclusive.  
T. 17 S., R. 31 E.,  
T. 17 S., R. 32 E.,  
Secs. 7 to 10, inclusive;  
Secs. 15 to 23, inclusive;  
Secs. 26 to 35, inclusive.  
T. 18 S., R. 29 E.,  
Secs. 1 to 3, inclusive;  
Secs. 10 to 15, inclusive;  
Secs. 22 to 27, inclusive;  
Secs. 33 to 36, inclusive.  
T. 18 S., R. 30, 31, and 32 E.,  
T. 18 S., R. 33 E.,  
Secs. 5 to 8, inclusive;  
Sec. 9, S $\frac{1}{2}$ ;  
Secs. 13 to 36, inclusive.  
T. 18 S., R. 34 E.,  
Sec. 18, W $\frac{1}{2}$ ;  
Sec. 19, W $\frac{1}{2}$ ;  
Secs. 29 to 32, inclusive.



T. 19 S., R. 27 E.,  
Secs. 32 to 36, inclusive.

T. 19 S., R. 28 E.,  
Secs. 31 to 36, inclusive.

T. 19 S., R. 29 E.,  
Secs. 31 to 36, inclusive.

T. 19 S., Rs. 30, 31, 32, and 33 E.,  
T. 19 S., R. 34 E.,  
Secs. 4 to 9, inclusive;  
Sec. 14, S $\frac{1}{2}$ ;  
Secs. 15 to 36, inclusive.

T. 20 S., R. 27 E.,  
Secs. 1 to 6, inclusive;  
Sec. 7, N $\frac{1}{2}$ ;  
Secs. 8 to 17, inclusive;  
Secs. 20, 21, 28, and 29.

T. 20 S., R. 28 E.,  
Secs. 1 to 18, inclusive;  
Secs. 20 to 29, inclusive;  
Secs. 31 to 36, inclusive.

T. 20 S., Rs. 29, 30, 31, 32, and 33 E.,  
T. 20 S., R. 34 E.,  
Secs. 1 to 12, inclusive;  
Secs. 14 to 23, inclusive;  
Secs. 26 to 35, inclusive.

T. 21 S., R. 27 E.,  
Secs. 1 to 5, inclusive;  
Secs. 8 to 17, inclusive;  
Secs. 22 to 24, inclusive.

T. 21 S., Rs. 28, 29, 30, 31, and 32 E.,  
T. 22 S., R. 28 E.,  
Secs. 1 to 28, inclusive;  
Secs. 33 to 36, inclusive.

T. 22 S., Rs. 29, 30, 31, and 32 E.,  
T. 23 S., R. 28 E.,  
Sec. 1.

T. 23 S., R. 29 E.,  
Secs. 1 to 6, inclusive;  
Secs. 10 to 15, inclusive;  
Sec. 20, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 21, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Secs. 22 to 29, inclusive;  
Sec. 30, E $\frac{1}{2}$ ;  
Sec. 31, E $\frac{1}{2}$ ;  
Secs. 32 to 36, inclusive.

T. 23 S., Rs. 30, 31, and 32 E.,  
T. 24 S., R. 28 E.,  
Secs. 24, 25, and 36.

T. 24 S., R. 29 E.,  
Secs. 1 to 5, inclusive;  
Sec. 6, E $\frac{1}{2}$ ;  
Sec. 7, E $\frac{1}{2}$ ;  
Secs. 8 to 17, inclusive;  
Secs. 19 to 36, inclusive.

T. 24 S., Rs. 30, 31, and 32 E.,  
T. 25 S., R. 28 E.,  
Secs. 1 and 2;  
Secs. 11 to 14, inclusive;  
Secs. 23 to 26, inclusive;  
Sec. 35, E $\frac{1}{2}$ ;  
Sec. 36.

T. 25 S., Rs. 29, 30, 31, 32, and 33 E.,  
T. 25 S., R. 34 E.,  
Secs. 3 to 10, inclusive;  
Sec. 11, S $\frac{1}{2}$ ;  
Sec. 12, S $\frac{1}{2}$ ;  
Secs. 13 to 36, inclusive.

T. 25 S., R. 35 E.,  
Sec. 7, S $\frac{1}{2}$ ;  
Secs. 13 to 36, inclusive.

T. 25 S., R. 36 E.,  
Secs. 19, 30, and 31.

T. 26 S., R. 28 E.,  
Sec. 1;  
Sec. 2, E $\frac{1}{2}$ ;  
Sec. 11, E $\frac{1}{2}$ ;  
Secs. 12 and 13;  
Sec. 14, E $\frac{1}{2}$ ;  
Sec. 23, E $\frac{1}{2}$  and S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Secs. 24, 25, 26, 35, and 36.

T. 26 S., Rs. 29, 30, 31, 32, 33, 34, 35, and 36 E.,  
T. 26 S., R. 37 E.,  
Secs. 6, 7, 18, 19, 30, and 31.

The public lands in the areas described aggregate approximately 920,600 acres.

For a period of 30 days from date of publication of this notice in the FEDERAL

REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c.

MORRIS A. TRAGSTAD,  
*Acting State Director.*

[F.R. Doc. 66-11974; Filed, Nov. 2, 1966;  
8:45 a.m.]

## OREGON

### Notice of Proposed Withdrawal and Reservation of Land

OCTOBER 26, 1966.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number Oregon 498, for the withdrawal of the public lands described below, from all forms of appropriation under the mining laws (Ch. 2, 30 U.S.C.) but not from leasing under the mineral leasing laws.

The applicant desires the land in order to protect the outstanding scenic recreational area for public use and to safeguard the Government's present and future investments in the area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned office of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized office of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

SISKIYOU NATIONAL FOREST

Lower Rogue River Recreational Area  
Addition

T. 35 S., R. 12 W.,  
Sec. 20, portions of lots 3 and 4 and  
NE $\frac{1}{4}$ SW $\frac{1}{4}$  described as follows:

Beginning at a cross chipped on a large boulder at mouth of Tommy East Creek on north bank of Rogue River, which boulder is sometimes described as being 13.16 chains N. and 33.54 chains E. of SW corner of said section 20; thence up center of Tommy East Creek to point 850' N. and 700' W. of said cross; thence (var. 20° E.) S. 59° E., 44 feet; thence following old County Trail S. 30° 20' E., 171.1 feet; thence S. 75° 20' E., 104.3 feet; thence S. 70° 45' E., 195.4 feet; thence S. 70° 30' E., 174.3 feet; thence N. 50° E., 57.4 feet; thence N. 26° E., 151.3 feet; thence N. 17° 20' E., 271.0 feet; thence leaving said County Trail N. 37° 50' E., 460 feet to a cross marked on a rock in middle of a creek; thence SE following center of said creek 900 feet, more or less, to north bank of Rogue River; thence SW following said north bank of Rogue River 1,600 feet, more or less, to place of beginning, except that parcel conveyed to Wayne H. Adams, Deed 67, pp. 448-9, Deed Records, Curry County, Oreg., containing 1.7 acres, more or less, lying in Lot 4, described as follows:

Beginning at a boulder at mouth of Tommy East Creek and marked with an "X" described as being 868.6 feet N. and 2,213.6 feet E. of SW corner of said section 20; thence N. 18° 30' E., 254.0 feet; thence N. 47° 0' W., 149.0 feet to an iron pipe; thence N. 47° 0' W., 118.6 feet to an iron pipe; thence S. 60° 0' W., 88.8 feet to an iron pipe; thence S. 34° 45' W., 150.1 feet to center of Tommy East Creek; thence S. 22° 15' E., 68.0 feet; thence S. 89° 0' E., 101.0 feet; thence S. 38° 18' E., 243.5 feet to point of beginning, except any portion of the above-described tract that may lie below ordinary high-water line of the Rogue River.

The area described aggregates 19.29 acres.

ERLING A. OLSON,  
*Chief, Lands Adjudication Section.*

[F.R. Doc. 66-11975; Filed, Nov. 2, 1966;  
8:46 a.m.]

## Fish and Wildlife Service

[Docket No. C-253]

CLARK D. PERMAR

### Notice of Loan Application

OCTOBER 31, 1966.

Clark D. Permar, 1120 Hearst Avenue, Berkeley, Calif. 94702, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 48-foot registered length vessel to engage in the fishery for salmon, albacore, Dungeness crab, sole, and rockfishes.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determina-



tion that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

HAROLD E. CROWTHER,  
*Acting Director,*  
*Bureau of Commercial Fisheries.*

[F.R. Doc. 66-11973; Filed, Nov. 2, 1966;  
8:45 a.m.]

## DEPARTMENT OF AGRICULTURE

### Rural Electrification Administration

#### VARIOUS OFFICIALS

#### Delegations of Authority Regarding Powers of Administrator

Notice on Delegations of Authority Regarding Powers of Administrator (31 F.R. 12107-12110) is revised as follows:

Section B thereof is revised by (i) adding thereto the following paragraph and (ii) renumbering paragraph 5 to paragraph 6:

5. When required by loan contract, the determination that a borrower's financial and operating condition requires the reimbursement with loan funds of general funds used by the borrower for construction.

Section C thereof is revised to have paragraph 6 read as follows:

6. Subject to section B, paragraph 5, the use and reimbursement of general funds for construction purposes exceeding \$50,000 or 10 percent of a borrower's total assets, whichever is the lesser, when approval is required, except for facilities subject to power supply survey and requiring certification by the Administrator.

Section D thereof by (i) adding thereto the following paragraph and (ii) renumbering paragraph 4 to paragraph 5:

4. Schedules submitted by a borrower pursuant to loan contract covering construction and the use of the borrower's general funds and loan funds therefor and the modification of such schedules.

Section F thereof is revised by (i) adding thereto the following paragraph and (ii) renumbering paragraph 6 to paragraph 7:

6. Schedules submitted by a borrower pursuant to a loan contract covering construction and the use of the borrower's general funds and loan funds therefor and the modification of such schedules.

Section H thereof is revised to have paragraph 7 read as follows:

7. Subject to section B, paragraph 5, the use or reimbursement of general funds for construction purposes not exceeding \$50,000 or 10 percent of a borrower's total assets, whichever is the lesser, when approval is required, except for facilities subject to power supply survey and requiring certification by the Administrator.

Section M thereof is revised to have paragraph 6 read as follows:

6. Subject to section B, paragraph 5, the use or reimbursement of general funds for construction purposes not exceeding \$50,000 or 10 percent of a borrower's total assets, whichever is the

lesser, when approval is approved, except for facilities subject to power supply survey and requiring certification by the Administrator.

These delegations supersede all prior delegations with reference to these matters.

Issued this 29th day of October 1966.

NORMAN M. CLAPP,  
*Administrator.*

[F.R. Doc. 66-12003; Filed, Nov. 2, 1966;  
8:48 a.m.]

## DEPARTMENT OF COMMERCE

### National Bureau of Standards

#### NATIONAL BUREAU OF STANDARDS RADIO STATIONS

#### Notice of U.S. Standard Frequency and Time Broadcasts

In accordance with the National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be an adjustment in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo. On December 1, 1966, the clock at the station will be retarded by 200 ms at 0000 hours UT (7 p.m., e.s.t., of November 30, 1966). The successive time pulses emitted from station WWVB are 1 second apart. The carrier frequency is 60 kHz and is broadcast without offset.

Notice is also hereby given that there will be no adjustment in the phases of time signals emitted from radio stations WWV, Fort Collins, Colo. (prior to December 1, 1966, located at Greenbelt, Md.), and WWVH, Maui, Hawaii, on December 1, 1966. During 1966, the pulses will occur at intervals which are longer than 1 second by 300 parts in  $10^{10}$ , due to the offset to be maintained in carrier frequencies, as coordinated by the Bureau International de l'Heure (BIH).

Phase adjustments, when made, insure that the emitted pulses from all stations will remain within about 100 ms of the UT2 scale. They are made necessary because of changes in the speed of rotation of the earth with which the UT2 scale is associated. Daily UT2 information is obtained from weekly forecasts of UT2 provided by the U.S. Naval Observatory in accordance with the close cooperation maintained between the two agencies.

A. V. ASTIN,  
*Director.*

OCTOBER 31, 1966.

[F.R. Doc. 66-12052; Filed, Nov. 2, 1966;  
10:11 a.m.]

### Maritime Administration

#### ALASKA STEAMSHIP CO.

#### 3 C1-M-AV1 Type Government-Owned Vessels

#### CONTINUANCE OF BAREBOAT CHARTERS

Notice of the above-captioned matter appeared in the FEDERAL REGISTER issue

of October 15, 1966 (31 F.R. 13396), in which interested persons were given permission to file written objections or request a hearing by October 21, 1966. Notice is hereby given that no objections nor requests for a hearing were received; therefore, the findings of the Acting Maritime Administrator are now final.

Dated: October 31, 1966.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,  
*Secretary.*

[F.R. Doc. 66-11995; Filed, Nov. 2, 1966;  
8:47 a.m.]

### MELLON NATIONAL BANK AND TRUST CO.

#### Notice of Approval of Applicant as Trustee

Notice is hereby given that the Mellon National Bank and Trust Co., a national banking association organized and existing under the laws of the United States with offices at Mellon Square, Pittsburgh, Pa., 15230, has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: October 25, 1966.

M. I. GOODMAN,  
*Chief, Office of Ship Operations.*

[F.R. Doc. 66-11996; Filed, Nov. 2, 1966;  
8:47 a.m.]

### DELTA STEAMSHIP LINES, INC.

#### Notice of Application

Notice is hereby given that Delta Steamship Lines, Inc., has filed application dated October 11, 1966, to modify a waiver previously granted under the provisions of section 804 of the Merchant Marine Act, 1936, as amended (which waiver now permits Delta to furnish husbanding agency services, excluding the solicitation or booking of cargo or passengers, at U.S. Gulf Coast ports to the foreign-flag vessels of The Booth Steamship Co., Ltd., and Lamport & Holt Line, Ltd.) in such a way as to permit Delta to provide agency services (including, among others, booking and solicitation) for Booth and Booth-Lamport in connection with the carriage of passengers on Booth-Lamport and/or Booth vessels operating as described in Federal Maritime Commission Agreement No. 9216, as heretofore amended to the date of this notice.

Any person, firm, or corporation having an interest in this application, who desires to offer views and comments thereon for consideration by the Maritime Administration, should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C., by the close of business on November 10, 1966. The Maritime Administration will consider these views and comments and take such ac-



tion with respect thereto as may be deemed appropriate.

Dated: October 31, 1966.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,  
Secretary.

[F.R. Doc. 66-11997; Filed, Nov. 2, 1966;  
8:48 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 16503; Order No. E-24343]

### AIR TRANSPORT ASSOCIATION

#### Order Regarding Charge for In-Flight Entertainment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of October 1966.

Agreement adopted by certain members of the Air Transport Association relating to a charge for in-flight entertainment on flights between points within the continental United States, Docket No. 16503, Agreement CAB 18922.

Pursuant to a request from American Airlines, Inc., the Board on September 2, 1966, postponed oral argument in this docket to a date to be later assigned. By letter filed October 17, 1966, American states that it has no objection to a rescheduling of oral argument. In addition, American advises that it has decided to purchase a new in-flight entertainment system from Consolidated Electrodynamics Corp. and that the proposed \$2 charge is still appropriate.

By motion filed October 17, 1966, Inflight Motion Pictures, Inc., requests that the Board (1) require American to file with the Board at least 15 days prior to oral argument, supplemental comments setting out the cost data on which it now relies; and (2) permit the other parties to file within 10 days after the filing by American of its supplemental comments, supplemental reply comments limited in scope to (a) matters raised by American's supplemental comments and (b) pertinent developments in in-flight entertainment since September 7, 1966. In support thereof Inflight relies upon Board Order E-23859, June 24, 1966, requiring the carriers to submit data showing the current costs of providing various types of in-flight entertainment, and to recently published reports of international airlines concerning their experience under the \$2.50 IATA agreed entertainment charge.

Inflight's motion will be granted. While American has filed cost data relating to its Sony entertainment system, which apparently will be abandoned, nothing has been filed relating to the cost of the system developed by Consolidated Electrodynamics Corp. In addition to the cost data, American should include a description of the new system it is adopting. All parties will be permitted to file reply comments directed to American's supplemental comments and any pertinent developments in in-flight entertainment since September 7, 1966.

A new date for oral argument will be fixed by separate notice to the parties.

Accordingly, pursuant to the Federal Aviation Act of 1958,

It is ordered, That:

1. American Airlines, Inc., shall, within 10 days from the date of service of this order, file supplemental comments in this docket containing a description of its in-flight entertainment system developed by Consolidated Electrodynamics Corp., and data showing its cost of providing in-flight entertainment with this system in total as well as the costs per seat, per passenger, and per user; and

2. Within 10 days after the filing of supplemental comments in accordance with paragraph 1, above, any air carrier party or any interested person may file supplemental reply comments which shall be limited in scope to (a) matters raised by American's supplemental comments and (b) pertinent developments in in-flight entertainment since September 7, 1966.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-11992; Filed, Nov. 2, 1966;  
8:47 a.m.]

## FEDERAL POWER COMMISSION

[Docket Nos. CP66-336, CP67-62]

### ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

#### Notice of Consolidation and Date of Hearing

OCTOBER 26, 1966.

Notice of the application filed in Docket No. CP66-336 was issued by the Secretary of the Commission on May 2, 1966, and published in the FEDERAL REGISTER on May 7, 1966 (31 F.R. 6845). Applicant therein requests authority to increase its lateral pipeline capacity in order to render additional natural gas service to the city of Corinth, Miss., an existing customer, upon condition that Corinth enter into certain contractual arrangements with Alabama-Tennessee Natural Gas Co. (Alabama-Tennessee), all as set forth in said application.

On August 11, 1966, the Secretary of the Commission issued a notice setting the date of hearing on said application on September 27, 1966, which notice was published in the FEDERAL REGISTER on August 19, 1966 (31 F.R. 11043). Thereafter, on September 20, 1966, a notice was issued by the Secretary postponing said hearing date to November 29, 1966 (31 F.R. 12652).

On September 20, 1966, the Secretary of the Commission issued a notice of application in Docket No. CP67-62, which was published in the FEDERAL REGISTER on September 27, 1966 (31 F.R. 12652). By its application in said docket, the city of Corinth, Miss., seeks an order of the Commission directing Tennessee Gas

Pipeline Co. to establish physical connection, of its transportation facilities with the facilities of Corinth, and sell to Corinth, directly, a supply of natural gas for resale to Corinth's consumers.

These related applications should be heard upon a consolidated record and are hereby consolidated for hearing to be held on November 29, 1966, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by said applications.

Take notice that the city of Corinth is required to serve and file its direct evidence in Docket No. CP67-62 and also its answering evidence in Docket No. CP66-336 on or before November 15, 1966. Alabama-Tennessee Natural Gas Co. and Tennessee Gas Pipeline Co., a division of Tenneco Inc., shall each serve and file its answering evidence, in Docket No. CP67-62 on or before November 28, 1966; and the Commission Staff shall serve and file its evidence in each of said dockets on or before November 28, 1966.

JOSEPH H. GUTRIE,  
Secretary.

[F.R. Doc. 66-11963; Filed, Nov. 2, 1966;  
8:45 a.m.]

[Docket No. E-7316]

### BANGOR HYDRO-ELECTRIC CO.

#### Notice of Application

OCTOBER 27, 1966.

Take notice that on October 17, 1966, Bangor Hydro-Electric Co. (Bangor), filed an application with the Federal Power Commission seeking an order pursuant to section 203 of the Federal Power Act authorizing it to acquire all of the electric facilities of Hampden and Newburg Light and Power Co. (Hampden).

Bangor is incorporated under the laws of the State of Maine with its principal business office in Bangor, Maine, and is engaged in the electric utility business in the Maine counties of Penobscot, Hancock, Washington, and Piscataquis and serves over 58,000 customers in this area.

Hampden is an electric utility organized under the laws of the State of Maine with its principal business office at Newburg, Maine, and serves approximately 750 customers in four towns in Penobscot County and one town in Waldo County all within the State of Maine. Hampden has no generating or transmission facilities of its own. It is interconnected with Bangor which furnishes the entire requirements of its system.

According to the application the transaction contemplates the acquisition by Bangor of the entire electric operating property of Hampden. Most of the facilities are distribution property typically found in an electric utility. The facilities are currently and will continue to be used in the distribution of electric energy or sale at retail. Bangor intends to utilize all of the electric operating property purchased.

According to Bangor the book cost of the operating property to be acquired



from Hampden is \$147,934. As consideration for the properties to be acquired, Bangor proposes to exchange that number of its shares of common stock that will allow each holder of Hampden's capital stock to receive one share of Bangor Common Stock in exchange for each full share so held of the capital stock of Hampden. This transaction will require approximately 4,393 shares of Bangor's Common Stock.

Bangor represents that the integrating of the small electric utility system of Hampden into the larger system of Bangor, which is interconnected with the New England Grid, will result in assuring an adequate supply of electric energy in the territory now served by Hampden at the generally lower rates of Bangor.

Any person desiring to be heard or to make any protest with reference to the application should on or before November 17, 1966, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-11964; Filed, Nov. 2, 1966;  
8:45 a.m.]

[Docket No. CP65-341]

## COLORADO INTERSTATE GAS CO.

### Notice of Petition To Amend

OCTOBER 27, 1966.

Take notice that on October 24, 1966, Colorado Interstate Gas Co. (Petitioner), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP65-341 a petition to amend the order issued in said docket on July 6, 1965, by requesting authorization to make sales of natural gas on a long term basis to Western Gas Service Co. (Western), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued in the instant proceeding on July 6, 1965, Petitioner was authorized to construct and operate facilities to sell and deliver gas on a short-term basis to Western at two points on Petitioner's 20-inch Fourway to Kit Carson pipeline. The sale of natural gas to Western was to be made under Petitioner's Rate Schedule X-24.

Western has informed Petitioner that since Western's other supplies are insufficient to serve present customers it now desires a long-term agreement with gas deliveries under Petitioner's Rate Schedules PR-1 and IS-2. Accordingly, Petitioner specifically requests that the order in the instant proceeding be amended to permit sales of natural gas to Western under Petitioner's Rate Schedules PR-1 and IS-2.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice

and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 25, 1966.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-11965; Filed, Nov. 2, 1966;  
8:45 a.m.]

[Project 2607]

## DUKE POWER CO.

### Notice of Application for License for Constructed Project

OCTOBER 26, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act by Duke Power Co. (correspondence to: Carl Horn, Jr., Vice President, Duke Power Co., Post Office Box 2178, Charlotte, N.C. 28201) for constructed Project No. 2607, known as Spencer Mountain Station, located on South Fork of Catawba River in the region of the city of Gastonia and towns of Lowell, Ranlo, and Stanley, in Gaston County, N.C.

The existing Spencer Mountain Station project consists of: (1) A rubble masonry overflow dam about 12 feet high and 636 feet long with a 4-foot wide sluiceway and timber gate; (2) a reservoir at elevation 634.7 feet about 6 miles long with a surface area of about 68 acres and a usable power storage of about 3,000 acre-feet; (3) headworks about 66 feet wide with 4 timber gates 6 feet wide and 7 feet high; (4) a 3,644-foot canal, about 30 feet wide, controlled by a rubble masonry overflow spillway about 54 feet long, thence by earth dyke 330 feet to a 4-foot sluiceway with timber gate, thence by earth dyke to a 75-foot timber-concrete retaining wall with a 3-foot bypass gate and conduit; (5) a concrete-brick powerhouse containing two 320-kw generating units, totaling 640 kw; (6) an outdoor substation with a step-up transformer rated at 2.3-44 kv; (7) a 44-kv transmission feeder line 3,300 feet long to point of junction with Applicant's interconnected transmission system; and (8) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 19, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-11966; Filed, Nov. 2, 1966;  
8:45 a.m.]

[Project No. 2616]

## NIAGARA MOHAWK POWER CORP.

### Notice of Application for License for Constructed Project

OCTOBER 26, 1966.

Public notice is hereby given that application for license has been filed under

the Federal Power Act (16 U.S.C. 791a-825r) by Niagara Mohawk Power Corp. (correspondence to: Lauman Martin, Vice President and General Counsel, Niagara Mohawk Power Corp., 300 Erie Boulevard West, Syracuse, N.Y. 13202) for constructed Project No. 2616, known as the Hoosic River Project, located on Hoosic River, towns of Schaghticoke and Pittstown, Rensselaer County, and towns of Cambridge, White Creek, and Hoosick, Washington County, both in the State of New York.

The existing Hoosic River Project consists of two developments described as follows: (a) Johnsonville development consisting of (1) a concrete gravity dam about 600 feet long and 47 feet high, (2) a 211 acre reservoir, and (3) a powerhouse constructed of concrete housing two identical hydroelectric units, each turbine with a 3,400 hp design capacity and each generator rated at 2,400 kw under a design head of 38 feet and discharge of 1,000 cfs; and the Schaghticoke development consisting of (1) a concrete gravity dam about 700 feet long and 28 feet high, (2) a 122 acre reservoir from which water is drawn through the intake structure to (a) an open canal 2,300 feet long to a forebay, and thence (b) through a 12.5-foot steel pipeline 900 feet to a surge tank, and (c) from the surge tank through three steel penstocks 6 feet in diameter to (3) a powerhouse constructed of concrete and brick housing four identical hydroelectric units, each turbine with a 5,000 hp design capacity and each generator rated at 3,280 kw under a design head of 146 feet and discharge of 1,250 cfs.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 20, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-11969; Filed, Nov. 2, 1966;  
8:45 a.m.]

## FEDERAL RESERVE SYSTEM

### FIRST NATIONAL BANK OF TAMPA AND UNION SECURITY & INVESTMENT CO.

#### Order Approving Applications Under Bank Holding Company Act

In the matter of the applications of The First National Bank of Tampa and Union Security & Investment Co. for approval of the acquisition of voting stock of First National Bank of Brooksville, Brooksville, Fla.

There has come before the Board of Governors, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), as amended by Public Law 89-485, and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), applications on behalf of The First Na-



tional Bank of Tampa and Union Security & Investment Co., both registered bank holding companies located in Tampa, Fla., for the Board's approval of the acquisition by Union Security & Investment Co. of 55 percent of the 20,000 voting shares to be issued by First National Bank of Brooksville, Brooksville, Fla., a proposed new bank.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the applications and requested his views and recommendation. The Comptroller recommended approval of the applications.

Notice of receipt of the applications was published in the FEDERAL REGISTER on August 11, 1966 (31 F.R. 10704), which provided an opportunity for submission of comments and views regarding the proposed acquisition. Time for filing such comments and views has expired and all those filed with the Board have been considered by it.

It is ordered, For the reasons set forth in the Board's Statement<sup>1</sup> of this date, that said applications be and hereby are approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date, and provided further that the First National Bank of Brooksville shall be opened for business not later than 6 months after said date.

Dated at Washington, D.C., this 26th day of October 1966.

By order of the Board of Governors.<sup>2</sup>

[SEAL] KENNETH A. KENYON,  
Assistant Secretary.

[F.R. Doc. 66-11971; Filed, Nov. 2, 1966; 8:45 a.m.]

## VIRGINIA COMMONWEALTH CORP.

### Order Extending Period of Time Prescribed by Proviso in Order of Approval

In the matter of the application of Virginia Commonwealth Corp., Richmond, Va., for approval of the acquisition of voting shares of The First Valley Bank, Weber City, Va.

Whereas, by order dated July 28, 1966, the Board of Governors, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a), as amended) and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), approved an application on behalf of Virginia Commonwealth Corp., Richmond, Va., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent, or more

of the voting shares of The First Valley Bank, Weber City, Va., a proposed new bank; and said order was made subject to the proviso "that the acquisition so approved shall not be consummated \* \* \* (b) later than 3 months after said date [of order]"; and "that The First Valley Bank shall be opened for business within 6 months [of the date of the Board's order]"; and

Whereas, Virginia Commonwealth Corp. has applied to the Board for an extension of the time within which the approved acquisition may be consummated and within which The First Valley Bank is to be opened for business; and it appearing to the Board that reasonable cause has been shown for the extensions of time requested, and that such extensions would not be inconsistent with the public interests;

It is hereby ordered, That the Board's order of July 28, 1966, as published in the FEDERAL REGISTER on August 4, 1966 (31 F.R. 10485), be and it hereby is amended so that the proviso relating to the dates by which the acquisition approved shall be consummated, and The First Valley Bank opened for business, shall read: "(b) later than March 15, 1967, and provided, further, that The First Valley Bank shall be opened for business no later than April 1, 1967."

Dated at Washington, D.C., this 19th day of October 1966.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,  
Assistant Secretary.

[F.R. Doc. 66-11972; Filed, Nov. 2, 1966; 8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

### CONTINENTAL VENDING MACHINE CORP.

#### Order Suspending Trading

OCTOBER 28, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 29, 1966, through November 7, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 66-11977; Filed, Nov. 2, 1966; 8:46 a.m.]

## LINCOLN PRINTING CO.

### Order Suspending Trading

OCTOBER 28, 1966.

The common stock, 50 cents par value, and the \$3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 30, 1966, through November 8, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 66-11978; Filed, Nov. 2, 1966; 8:46 a.m.]

[812-2009]

## MASSACHUSETTS INVESTORS GROWTH STOCK FUND, INC.

### Notice of Application for Order Exempting Sale by Open-End Company of Shares at Other Than Public Offering Price in Exchange for Assets of Closely Held Company

OCTOBER 28, 1966.

Notice is hereby given that Massachusetts Investors Growth Stock Fund, Inc. ("Applicant"), 200 Berkeley Street, Boston, Mass., a Massachusetts corporation which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, has filed an application pursuant to section 6(c) of the Act. Applicant requests an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of The Rauh Company ("Rauh"). Since the sale of Applicant's stock will be other than at the public offering price, which normally includes sales charges, an exemption is deemed necessary. All interested persons are referred to the application as filed with the Commission for a statement of the representations therein which are summarized below.

Rauh is a personal holding company, the shares of which are held by eight individuals and three trusts.

<sup>1</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

<sup>2</sup> Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Mitchell, and Brimmer. Absent and not voting: Governors Daane and Malsel.



As of September 9, 1966, the net assets of Applicant amounted to approximately \$814,741,208, and the net assets of Rauh amounted to approximately \$1,083,185.

Pursuant to an agreement between Applicant and Rauh, substantially all the assets of Rauh will be transferred to Applicant in exchange for stock of Applicant which, in turn, will be distributed to shareholders of Rauh upon Rauh's liquidation. Neither Rauh nor any of its shareholders have any present intention of redeeming the shares of the Applicant which they will acquire on Rauh's liquidation.

The application states in substance that (1) the amount of stock of Applicant to be delivered to Rauh will be determined on the basis of the net asset value of Applicant's shares and the net value of the assets of Rauh as of the close of business on the New York Stock Exchange on the business day first preceding the date of closing and (2) provision is made for an adjustment for potential Federal income taxes payable upon the realization of appreciation in the value of the securities of Rauh to the extent that the appreciation in the value of securities of Rauh proportionately exceeds the appreciation in the value of the securities of Applicant at the time of closing. Subject to such adjustment, Applicant will deliver to Rauh such a number of its shares as shall have an aggregate net asset value equal to the net value of the assets of Rauh transferred, assigned and delivered to Applicant. Applicant does not anticipate that such an adjustment will be required in view of the fact that the securities of Rauh have a net unrealized appreciation of about 2 percent of their cost while the securities of the Applicant have net unrealized appreciation of about 44 percent of their cost. Subsequent to acquisition, Applicant intends to sell securities acquired from Rauh, having a market value of about \$281,982 as of September 9, 1966.

Notice is further given that any interested person may, not later than November 17, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon

said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 66-11979; Filed, Nov. 2, 1966;  
8:46 a.m.]

[811-685]

### REGENCY FUND, INC.

#### Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 28, 1966.

Notice is hereby given that The Regency Fund, Inc. ("Applicant"), c/o Sherman Krawitz, 350 Fifth Avenue, New York, N.Y., a New York corporation and a management open-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company. All persons are referred to the application on file with the Commission for a statement of the facts which are summarized below.

At a meeting of the shareholders duly called and held on June 23, 1966, the shareholders adopted a plan of liquidation and dissolution. On July 19, 1966 a Certificate of Dissolution was filed with the New York Department of State. Applicant states it has ceased operations except for the purpose of winding up its affairs. Applicant has assets of \$46,229.65, principally in cash. It is anticipated that this entire amount will be available for distribution, subject to certain specified expenses.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 23, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At

any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 66-11980; Filed, Nov. 2, 1966;  
8:46 a.m.]

### UNITED SECURITY LIFE INSURANCE CO.

#### Order Suspending Trading

OCTOBER 28, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 30, 1966, through November 8, 1966, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 66-11981; Filed, Nov. 2, 1966;  
8:46 a.m.]

### SMALL BUSINESS ADMINISTRATION

[License No. 05-0063]

#### CALADESI CAPITAL CORP.

##### Order Revoking License

Whereas, Caladesi Capital Corp. was incorporated under the laws of the State of Florida solely to perform the functions of a small business investment company;

Whereas, Caladesi Capital Corp. was licensed by the Small Business Administration as a small business investment company;

Whereas, section 308 of the Small Business Investment Act of 1958, as amended, provides that the license of a small business investment company may be forfeited if said small business investment company is determined and adjudged by a Court of the United States to have violated, or failed to comply with, the provisions of the Small Business Investment Act;

Whereas, the Federal District Court for the Middle District of Florida by its order dated September 20, 1966, in United



States of America v. Caladesi Capital Corp., Civil Action No. 66-139, determined and adjudged noncompliance with and violations of the Act and the regulations promulgated thereunder by Caladesi Capital Corp.,

Now therefore, as Administrator of the Small Business Administration, by the authority vested in me by the Small Business Investment Act of 1958, as amended, I hereby revoke License No. 05-0063 issued to Caladesi Capital Corp., and cause notice of this revocation to be published in the FEDERAL REGISTER.

Dated: October 20, 1966.

BERNARD L. BOUTIN,  
Administrator.

[F.R. Doc. 66-11982; Filed, Nov. 2, 1966;  
8:46 a.m.]

**DEPARTMENT OF LABOR**  
**Wage and Hour Division**  
**CERTIFICATES AUTHORIZING EM-**  
**PLOYMENT OF LEARNERS AT**  
**SPECIAL MINIMUM RATES**

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 595 (28 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Amory Garment Co., Inc., Drawer 120, Amory, Miss.; 10-1-66 to 9-30-67 (men's pants and shorts).

Annesco, Inc., Anderson, S.C.; 10-1-66 to 9-30-67; 10 learners (men's shirts).

Apco Manufacturing Co., 1501 West Seventh Avenue, Broadhead, Wis.; 10-11-66 to 10-10-67; 10 learners (children's and infants' shirts and pajamas).

Covington Manufacturing Co., 1019 Washington Street, Covington, Ind.; 10-1-66 to 9-30-67; 10 learners (men's and boys' outerwear jackets).

Cowden-Morehead Co., 800 West Main Street, Morehead, Ky.; 10-1-66 to 9-30-67 (work clothes).

Ephrata Apparel Co., Fulton Street, Ephrata, Pa.; 10-6-66 to 10-5-67 (children's dresses).

Gross Galesburg Co., 152-162 East Ferris Street, Galesburg, Ill.; 10-1-66 to 9-30-67; 5 learners (men's and boys' dungarees).

Kellwood Co., Southern Division, Alamo, Tenn.; 10-9-66 to 10-8-67 (foundation garments).

Kent Sportswear, Inc., Curwensville, Pa.; 9-28-66 to 9-27-67 (men's outerwear jackets).

Kent Uniforms, Inc., Burkesville, Ky.; 10-2-66 to 10-1-67 (nurses' and waitresses' uniforms).

Lexington Sportswear Co., South Lake Drive, Lexington, S.C.; 10-3-66 to 10-2-67 (men's and boys' outerwear jackets).

Miss Mary Fashions, Inc., 62 South Main Street, Carbondale, Pa.; 9-29-66 to 9-28-67; 10 learners (ladies' dresses).

Red Hill Apparel Co., Main Street, Red Hill, Pa.; 10-6-66 to 10-5-67 (children's dresses).

Saltillo Manufacturing Co., Division of Henry I. Siegel Co., Inc., Saltillo, Tenn.; 9-27-66 to 9-26-67 (men's, boys', ladies' and girls' shirts).

Henry I. Siegel Co., Inc., Eloy, Ariz.; 9-28-66 to 9-27-67 (men's and boys' pants).

Southland Manufacturing Co., Inc., 1510 South Third Street, Wilmington, N.C.; 10-3-66 to 10-2-67 (men's and boys' shirts).

Standard Romper Co., Inc., 321 Canco Road, Portland, Maine; 10-4-66 to 10-3-67 (children's outerwear garments).

Sullcraft Manufacturing Co., Inc., Dushore, Pa.; 10-4-66 to 10-3-67 (boys' pajamas).

Sunstate Sportswear of Vienna, Inc., East Pine Street, Post Office Box 386, Vienna, Ga.; 10-9-66 to 10-8-67; 10 learners (men's walk shorts and pants).

Susan Garment, Inc., Bethel, Pa.; 9-29-66 to 9-28-67; 10 learners (ladies' blouses and dresses).

Susan Garment, Inc., 425 Crowell Street, Lebanon, Pa.; 9-29-66 to 9-28-67 (ladies' blouses and dresses).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Apco Manufacturing Co., 1501 West Seventh Avenue, Broadhead, Wis.; 9-30-66 to 3-29-67; 15 learners (infants' and children's shirts and pajamas).

Oshkosh B'Gosh, Inc., Columbia Division, Post Office Box 408, Columbia, Ky.; 9-30-66 to 3-29-67; 25 learners (men's and boys' dungarees).

The Warner Bros. Co., Thomasville, Ga.; 9-28-66 to 3-27-67; 75 learners (corsets and brassieres).

Glove Industry Lerner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Burham-Edlna Manufacturing Co., Edina, Mo.; 10-2-66 to 10-1-67; 5 learners for normal labor turnover purposes (work gloves).

Haynesville Manufacturing Co., Inc., Haynesville, La.; 9-28-66 to 3-27-67; 20 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Great American Knitting Mills, Inc., Bechtelsville, Bally & Norristown, Pa.; 10-1-66 to 9-30-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Harriman Hosiery Co., Siluria Street, Harriman, Tenn.; 10-1-66 to 9-30-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Morganton Hosiery Mills, Inc., Morganton, N.C.; 10-1-66 to 9-30-67; 5 percent of the

total number of factory production workers for normal labor turnover purposes (full-fashioned).

Ragan Knitting Co., 7 Cox Avenue, and Liberty Drive, Thomasville, N.C.; 9-29-66 to 9-28-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Benham Corp., Post Office Box 250, Scottsboro, Ala.; 10-1-66 to 9-30-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' woven underwear).

Russell Mills, Inc., Alexander City, Ala.; 10-1-66 to 9-30-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (knit underwear and sleepwear).

Safford Manufacturing Corp., Safford, Ariz.; 9-30-66 to 3-29-67; 30 learners for plant expansion purposes in the manufacturing of women's knitted garments (women's and misses' knitted underwear, nightwear and negligees).

Each learner certificate has been issued upon the representations of the employer, which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 21st day of October 1966.

ROBERT G. GRONEWALD,  
Authorized Representative  
of the Administrator.

[F.R. Doc. 66-11976; Filed, Nov. 2, 1966;  
8:46 a.m.]

**INTERSTATE COMMERCE**  
**COMMISSION**

[Notice No. 985]

**MOTOR CARRIER, BROKER, WATER**  
**CARRIER, AND FREIGHT FOR-**  
**WARDER APPLICATIONS**

OCTOBER 28, 1966.

The following applications are governed by Special Rule 1.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30

<sup>1</sup> Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.



days after date of notice of filing of the application is published in the **FEDERAL REGISTER**. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d) (4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the **FEDERAL REGISTER** issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1042 (Sub-No. 6) (Amendment), filed May 19, 1966, published **FEDERAL REGISTER** issue of June 23, 1966, amended October 24, 1966, and republished as amended, this issue. Applicant: C.P.T. FREIGHT, INC., 2600 Calumet Avenue, Hammond, Ind. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill.

60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials and supplies*, used in the manufacture or processing of iron and steel articles, between Burns Harbor and Portage, Ind., Chicago Heights, Joliet, and Waukegan, Ill., points in the Chicago, Ill., commercial zone as defined by the Commission, and points in Kankakee and Will Counties, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. **NOTE:** The purpose of this republication is to change the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 1222 (Sub-No. 29), filed October 20, 1966. Applicant: THE REINHARDT TRANSFER COMPANY, a Corporation, 1410 10th Street, Portsmouth, Ohio 45662. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, (except in bulk), from points in Hamilton Township, Lawrence County, Ohio, to points in Indiana, Kentucky, West Virginia, and that part of Pennsylvania on and west of U.S. Highway 219. **NOTE:** Applicant states it presently holds authority to transport foam, cellular, expanded, or sponge plastic articles, and materials, except in bulk, from Dow Chemical Co. in Hamilton Township, Lawrence County, Ohio, to the same destination territory sought herein. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 1630 (Sub-No. 9), filed October 20, 1966. Applicant: D. D. JONES TRANSFER & WAREHOUSE COMPANY, INCORPORATED, 630 Poindecker Street, Chesapeake, Va. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, and molding* and in connection therewith, *accessories used in the installation thereof*, from Chesapeake and Norfolk, Va., and Charleston, S.C., to points in Pennsylvania, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Mississippi, and the District of Columbia, and *returned shipments* on return. **NOTE:** Applicant states that it intends to tack at Norfolk, Va., with present authority in MC 1630, serving Richmond, Va., and points in eastern North Carolina. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 2452 (Sub-No. 8) (Amendment), filed May 19, 1966, published **FEDERAL REGISTER** issue of June 9, 1966, amended October 24, 1966, and republished as amended, this issue. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. Applicant's representative: Eugene

L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies*, used in the manufacture or processing of iron and steel articles, between Burns Harbor and Portage, Ind., Chicago Heights, Joliet, and Waukegan, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, and Ohio. **NOTE:** The purpose of this republication is to amend the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 8948 (Sub-No. 73), filed October 17, 1966. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058. Applicant's representative: Lloyd R. Guerra (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen, liquid nitrogen, liquid hydrogen, liquid argon, and liquid helium*, in bulk, in tank vehicles, between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 10761 (Sub-No. 203), filed October 6, 1966. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: L. G. Naidow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone to points in Michigan, Ohio, Wisconsin, Pennsylvania, Indiana, and Iowa. **NOTE:** Applicant states it intends to tack at points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, to provide service to points (unspecified) authorized under MC 10761 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 10761 (Sub-No. 205), filed October 17, 1966. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits and vegetables*, not frozen, and *fruit juices*, frozen or other than frozen, from plantsites and warehouses of the Seneca Grape Juice Co., located at or near Dundee, Penn Yan, and Williamson, N.Y., to points in Ohio, Michigan, Indiana, Kentucky, Illinois, Wisconsin, Missouri, Iowa, Kansas, Nebraska, Oklahoma, and Texas. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.



No. MC 11603 (Sub-No. 6), filed October 11, 1966. Applicant: BASSE TRUCK LINE, INC., 3410 Belgium Lane, San Antonio, Tex. Applicant's representative: Dan Felts, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods and commodities in bulk), (1) between Kerrville and Hunt, Tex.; from Kerrville over Texas Highway 27 to Ingram, Tex., thence over Texas Highway 39 to Hunt, and return over the same route, serving all intermediate points, and all campsites located off said route, as off route points, and (2) between Ingram and Mountain Home, Tex., over Texas Highway 27, and return over the same route, serving all intermediate points. NOTE: Applicant states this proposed authority is to be coordinated with applicant's existing authorized authority. If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 13123 (Sub-No. 40), filed October 14, 1966. Applicant: WILSON FREIGHT COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in that part of Michigan on and south of Michigan Highway 21 as off-route points in connection with applicant's authorized regular route operations between Cleveland and Toledo, Ohio, Fort Wayne, Ind., and Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Toledo, Ohio.

No. MC 13123 (Sub-No. 41), filed October 17, 1966. Applicant: WILSON FREIGHT COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between the plantsite of Bethlehem Steel Corp., Burns Harbor Plant, located in Porter County, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it could or would tack in Ohio, Kentucky, and Pennsylvania to permit service to and from applicant's regular route service points in North Carolina, Virginia, West Virginia, New Jersey, Delaware, New York, Connecticut, Massachusetts, Rhode Island, Maryland, and the District of Columbia. If a hear-

ing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 13235 (Sub-No. 17), filed October 17, 1966. Applicant: CENTRALIA CARTAGE CO., a corporation, 650 West Noleman Street, Centralia, Ill. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Bloomington, Ill., and St. Louis, Mo., over U.S. Highway 66, as an alternate route for operating convenience only, serving no intermediate points and serving Bloomington, Ill., for the purpose of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 22195 (Sub-No. 126), filed October 17, 1966. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from the site of the pipeline terminal of the Mid-America Pipeline Co. at or near Whiting (Monona County) Iowa, to points in Minnesota, Nebraska, North Dakota, and South Dakota. NOTE: Applicant states it could tack the proposed authority with its present authority at points in Pennington County, S. Dak., to provide service to points in Montana and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Sioux Falls, S. Dak.

No. MC 26088 (Sub-No. 8), filed October 14, 1966. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., INC., 301 North, Allendale, S.C. Applicant's representative: William Addams, Room 406, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete building blocks, hollow or briquette, slag or cinders, and Portland cement combined*, from Augusta, Ga., to points in South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Columbia, S.C.

No. MC 29079 (Sub-No. 30) (Amendment), filed May 19, 1966, published FEDERAL REGISTER issue of June 9, 1966, amended October 24, 1966, and republished as amended, this issue. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1200 Home Avenue, Kokomo, Ind. 46901. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *iron and steel, and iron and steel articles, and equipment materials and supplies* used in the manufacture or processing of iron and steel articles, between Burns Harbor and Portage, Ind., Chicago, Chicago Heights, Joliet, and

Waukegan, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. NOTE: The purpose of this republication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30504 (Sub-No. 13) (Amendment), filed May 19, 1966, published FEDERAL REGISTER issue of June 23, 1966, amended October 24, 1966, and republished, as amended, this issue. Applicant: TUCKER FREIGHT LINES, INC., 1415 South Olive Street, South Bend, Ind. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies, used in the manufacture or processing of iron and steel articles*, between Burns Harbor and Portage, Ind., Chicago Heights, Joliet, and Waukegan, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, and Ohio. NOTE: The purpose of this republication is to change the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 35469 (Sub-No. 39), filed October 17, 1966. Applicant: MODERN TRANSFER CO., INC., 1300 Hanover Avenue, Allentown, Pa. 18001. Applicant's representative: Christian V. Graf, 407 North Froth Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Elizabeth, N.J., and Baltimore, Md., to Schenley, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 35484 (Sub-No. 69), filed October 17, 1966. Applicant: VIKING FREIGHT COMPANY, a corporation, 1525 South Broadway, St. Louis, Mo. 63104. Applicant's representative: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Candy, confectioneries, advertising materials, and related articles, equipment, machinery, materials, and supplies used or useful in the manufacture, production and sale of processed milk, candy and confectioneries*, (1) between Dallas and Sulphur Springs, Tex., over U.S. Highway 67 (Interstate Highway 30); and (2) between Sulphur Springs, Tex., and junction U.S. Highway 69 and U.S. Highway 75 (at or near Denison, Tex.); from Sulphur Springs over U.S. Highway 67 (Interstate Highway 30) to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 75 (at



or near Denison), and return over the same route, serving the junction U.S. Highway 69 and U.S. Highway 75 (at or near Denison, Tex.) for purposes of joinder only. Restriction: Applicant states that the authority sought will be restricted against transportation of the named commodities between Sulphur Springs, and Dallas, Tex., where such transportation is for destination or interchange at either named point, unless applicant has transported or will transport same on its own authority beyond Dallas, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 40719 (Sub-No. 5), filed October 14, 1966. Applicant: R. A. PAYNE, ROY PAYNE AND TROY PAYNE, a partnership, doing business as PAYNE FREIGHT LINES, 104½ Adams Street, Post Office Box 562, Mount Ayr, Iowa. Applicant's representative: Stephen Robinson, 412 Equitable Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Des Moines and Mount Ayr, Iowa, from Des Moines over Iowa Highway 60 to junction Interstate Highway 35, thence south over Interstate Highway 35 to junction Iowa Highway 92, thence west over Iowa Highway 92 to junction U.S. Highway 169, thence south over U.S. Highway 169 to Mount Ayr, and return over the same route, serving the intermediate point of Lorimer, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 41406 (Sub-No. 17) (Amendment), filed May 26, 1966, published in FEDERAL REGISTER issue of June 9, 1966, and republished as amended, this issue. Applicant: J. Artim & Sons, Inc., 7105 Kennedy Avenue, Hammond, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies*, used in the manufacture or processing of iron and steel articles, between Chicago Heights, Waukegan, Joliet, and Chicago, Ill.; and points in the Chicago, Ill., commercial zone, as defined by the Commission, and those in Porter County, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. NOTE: Applicant states no duplicating authority is sought. The purpose of this republication is to show the amendment broadens the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 42710 (Sub-No. 9), filed October 14, 1966. Applicant: BENJAMIN A. RYDER, JAMES B. RYDER, JOSEPH B. RYDER, AND JOHN H. RYDER, a partnership, doing business as BEN'S TRANSFER & STORAGE, 2d and Valley Streets, Baker, Ore. Applicant's representative: Earle V. White, 2130 Southwest Fifth Avenue, Portland, Ore. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Wing, Ore., to points in Washington, Idaho, Montana, and that part of Nevada in and north of Douglas, Lyon, Churchill, Lander, Eureka, and White Pine, Nev. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Ore., or Boise, Idaho.

No. MC 44932 (Sub-No. 16) (Amendment), filed May 19, 1966, published in FEDERAL REGISTER issue of June 16, 1966, amended October 24, 1966, and republished as amended, this issue. Applicant: W. W. YOUNG & SON, INC., 11861 South Cottage Grove Avenue, Chicago, Ill. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between Burns Harbor and Portage, Ind., Chicago Heights, Joliet, and Waukegan, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, and Wisconsin. NOTE: The purpose of this republication is to broaden the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52110 (Sub-No. 100), filed October 19, 1966. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa 50314. Applicant's representative: Homer E. Bradshaw, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies used in the manufacturing or processing of iron and steel articles* between Joliet and Waukegan, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it proposes to tack regular routes authorized in its Sub 84, to the proposed operations at Chicago, Ill., to provide service between regular route points in Michigan and Indiana, on the one hand, and, on the other, points in Kansas, Minnesota, Missouri, Nebraska, and South Dakota. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 53965 (Sub-No. 54), filed October 13, 1966. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th Street, Salina, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Topeka, Kans., and Plattsmouth, Nebr., over U.S. Highway 75, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Topeka, Kans., and Omaha, Nebr. NOTE: Applicant states the operation sought herein is to be restricted against the transportation of traffic moving between points in the Kansas City, Mo., commercial zone, as defined by the Commission, and points beyond Kansas City, Mo., on the one hand, and, on the other, points in the Omaha, Nebr., commercial zone as defined by the Commission, and points beyond Omaha, Nebr. If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans., or Kansas City, Mo.

No. MC 59117 (Sub-No. 26), filed October 17, 1966. Applicant: ELLIOTT TRUCK LINE, INC., Post Office Box No. 1, Vinita, Okla. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, between points in Craig, Ottawa, Rogers, and Muskogee Counties, Okla., on the one hand, and, on the other, points in Arkansas, Louisiana, Texas, Mississippi, Tennessee, Kansas, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 59117 (Sub-No. 27), filed October 17, 1966. Applicant: ELLIOTT TRUCK LINE, INC., Post Office Box No. 1, Vinita, Okla. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum gases, including anhydrous ammonia*, from points in that part of Kansas on and east of U.S. Highway 281, to points in Oklahoma and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 60229 (Sub-No. 10), filed October 18, 1966. Applicant: FERACO, INC., 469 North American Street, Philadelphia, Pa. 19123. Applicant's representative: Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* as described in appendix VI to the report



in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and materials used in the manufacture of such building materials (except liquid commodities, in bulk in tank vehicles), between the plantsite of the Bestwall Gypsum Division of Georgia Pacific Corp., at Wilmington, Del., on the one hand, and, on the other, points in Connecticut, Maryland, Virginia, West Virginia, Pennsylvania, New York, Massachusetts, Rhode Island, and New Jersey. NOTE: Applicant states the proposed authority will be in lieu of the presently authorized authority now held by it in MC 60229, Subs 5 and 9 which is as follows: Sub 5: "Building materials as described in appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquid commodities, in bulk, in tank vehicles), from the plantsite of the Bestwall Gypsum Co., at Wilmington, Del., to points in Connecticut, Maryland, Virginia, West Virginia, Pennsylvania, and New York.

Restriction: The authority granted herein shall not be tacked or joined with any other authority held by said carrier", and Sub 9: "Building materials as described in appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquid commodities, in bulk, in tank vehicles), from the plantsite of the Bestwall Gypsum Co., located at Wilmington, Del., to points in Massachusetts and Rhode Island. Applicant further states that The Bestwall Gypsum Co., including its plant at Wilmington, Del., has been acquired by the Georgia Pacific Corp. One of the purposes of this application is to correct the plantsite description, as to designate it as "the plantsite of the Bestwall Gypsum Division of Georgia Pacific Corp." The authority sought, to transport "materials used in the manufacture of such building materials," and the authority sought, to transport to points in New Jersey, and inbound from the various States to the plantsite, would be authority in addition that now held under Subs 5 and 9. Applicant further states tacking could and would be performed only to the extent that it can now do so under Sub 9 rights and authority which it holds under lead certificate to transport building and construction materials between points in New Jersey, Delaware, and the District of Columbia, and that part of Pennsylvania and Maryland within 125 miles of Philadelphia, including Philadelphia. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 61231 (Sub-No. 23), filed October 13, 1966. Applicant: ALKIRE TRUCK LINES, INC., 1600 Genesee, Kansas City, Mo. 64102. Applicant's representative: John T. Pruitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in the Chicago, Ill., commercial zone as defined by the Commission to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan,

Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61396 (Sub-No. 167), filed October 17, 1966. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bag, from the plantsite of Dundee Cement Co. in Minneapolis, Minn., to points in Wisconsin, Iowa, South Dakota, North Dakota, and the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Omaha, Nebr., or Chicago, Ill.

No. MC 87720 (Sub-No. 54), filed October 3, 1966. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground limestone*, in bulk, from Florence and Chester, Vt., to Burlington, N.J., (2) *resin*, in bulk, from Flemington, N.J., to Watkinsville, Ga., (3) *ground clay*, in bulk, from Gordon and Sandersville, Ga., to Burlington, N.J., restricted to service for Tenneco Manufacturing Co., (4) *paper*, in rolls, from Berlin, N.H., to Flemington, N.J., restricted to a service for Bemis Co., Inc., and returned, rejected or damaged shipments, on return in (1), (2), (3), and (4) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 97357 (Sub-No. 16), filed October 17, 1966. Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles, Calif. 90059. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid argon, liquid helium, liquid hydrogen, liquid nitrogen, and liquid oxygen*, between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 103435 (Sub-No. 191), filed October 17, 1966. Applicant: UNITED BUCKINGHAM FREIGHT LINES, East 915 Springfield Avenue, Spokane, Wash. 99220. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between Joliet and Waukegan, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Ken-

tucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it intends to tack with authorities presently authorized in Subs 104 and 158 (not specified). If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 343), filed October 18, 1966. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 North Sheridan Road, Tulsa, Okla. 74151. Applicant's representative: Richard O. Battles (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Stanford, Ky., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106644 (Sub-No. 75), filed October 13, 1966. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Chattahoochee Station, Atlanta, Ga. 30321. Applicant's representative: Otis E. Stovall, Post Office Box 17050, Chattahoochee Station, Atlanta, Ga. 30321. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton gin machinery; parts and accessories for cotton gin machinery; equipment, materials and supplies used in the construction, operation, and maintenance of cotton gin plants*, from Columbus, Ga., and Prattville, Ala., to points in Arizona, California, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 106943 (Sub-No. 89), filed October 19, 1966. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving the site of the Kinney Shoe Corp. plant, located at or near the intersection of Brandy Lane and Old Silver Spring Road, Mechanicsburg, Pa., as an off-route point in connection with carrier's regular route operations to and from Harrisburg, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107002 (Sub-No. 322) (Amendment), filed July 21, 1966, published FEDERAL REGISTER issues of August 18, 1966, and September 1, 1966, respectively amended October 10, 1966, and republished as amended, this issue. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Highway 80 West, Post Office Box 1123, Jackson, Miss. Applicant's



representatives: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006, and Harold D. Miller, Jr., Post Office Box 1250, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Geismar, La., and points within 15 miles thereof except Baton Rouge, La.), to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that it will tack any of its present authority, in which it is authorized to operate in points in the United States, designating traffic to Geismar, La., and points within 15 miles thereof (except Baton Rouge, La., and Plaquemine, La.), with the authority sought herein. The purpose of this publication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107107 (Sub-No. 376) (Amendment), filed August 11, 1966, published in FEDERAL REGISTER issue of September 1, 1966, amended October 17, 1966, and republished, as amended, this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat pack-houses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk, in tank vehicles), from the plant-site of Aurora Packing Co., located at or near North Aurora, Ill., to points in Alabama, Georgia, Florida, North Carolina, and South Carolina. Restricted to traffic originating at said plantsite. NOTE: The purpose of this republication is to show the origin as the plantsite of Aurora Packing Co., located at or near North Aurora, Ill., in lieu of North Aurora Packing Co., located at or near Aurora, Ill., as previously published. If hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107403 (Sub-No. 696), filed October 13, 1966. Applicant: MATLACK, J.C., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Geismar, La., and points within 15 miles thereof, to points in the United States, except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109397 (Sub-No. 148), filed October 3, 1966. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. 64802. Applicant's representative: Max G. Mor-n, 450 American National Building, Oklahoma City, Okla. Applicant states is authorized to transport, over irregular routes, explosives, between Louviers, Mo., and points within 5 miles thereof, on the one hand, and, on the other, points in California, under its certificate No. MC

109397 Sub 71; and from Oakland, Calif., and points within 20 miles thereof, and from Creed, Calif., to points in Washington under its Subs 84 and 86. By the instant application applicant seeks to eliminate the Creed and Oakland gateways on *explosives* when moving on government bills of lading from Louviers, Colo., and points within 5 miles, to Bangor and Bremerton, Wash., and points within 5 miles of each. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Kansas City, Mo.

No. MC 109689 (Sub-No. 181), filed October 20, 1966. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia acids and chemicals, ammonium nitrate, urea* (all grades), *phosphates* (all grades), *fertilizer, fertilizer compounds, fertilizer materials and ingredients, insecticides, herbicides, and pesticides*, between the ports of entry on the international boundary line between the United States and the Province of Manitoba, Canada, located in Minnesota and North Dakota, on the one hand, and, on the other, points in Montana, Idaho, Oregon, Utah, Washington, North Dakota, South Dakota, and Wyoming. NOTE: Applicant states it has authority to transport chemicals and acids from points in Utah to points in California, Nevada, Arizona, Colorado, and New Mexico which could be joined to the extent practicable. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 110525 (Sub-No. 805), filed October 19, 1966. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street, NW., Madison Building, Washington, D.C. 20005, and Edwin H. van Duesen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, in tank vehicles, (1) from points in Michigan (except Alma, Charlotte, Detroit, Grand Rapids, Ionia, Jackson, Riga, and Trenton), to points in Indiana and Ohio, and (2) from Van Wert and Spencerville, Ohio, to points in Illinois and Indiana (except Kentland and Remington). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111069 (Sub-No. 39), filed October 12, 1966. Applicant: COLDWAY CARRIERS, INC., Box 38, Clarksville, Ind. Applicant's representative: Rudy Yessin, Box 457, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, (1) from Louisville, Ky., Atlanta, Ga., and New Albany, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Flor-

ida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, Montana, North Dakota, South Dakota, and the District of Columbia, and (2) from East Greenville, Pa., to Atlanta, Ga., New Albany, Ind., and points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Montana, North Dakota, South Dakota, and the District of Columbia under contract with the Pillsbury Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 112520 (Sub-No. 152), filed October 13, 1966. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Avondale, La., to points in Alabama and Georgia. NOTE: Applicant states it would tack the proposed authority with its present authority and subs. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Atlanta, Ga., or New Orleans, La.

No. MC 113459 (Sub-No. 39), filed October 20, 1966. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Drawer 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except tractors used in pulling commercial, highway trailers), *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders, road rollers, off-highway trucks*, and (2) *parts, attachments, and accessories* for the commodities described in (1) above, from Aurora, Joliet, Mossville, Decatur, Morton, and Peoria, Ill., and points within 15 miles of Peoria, Ill., to points in Texas, Oklahoma, Arkansas, Kansas, Missouri, New Mexico, Louisiana, Colorado, Wyoming, Montana, Nebraska, North Dakota, South Dakota, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Peoria or Chicago, Ill., or Oklahoma City, Okla.

No. MC 113843 (Sub-No. 123), filed October 17, 1966. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of the Kitchens of Sara Lee at Dearfield, Ill., and storage facilities and warehouses utilized by the Kitchens



of Sara Lee at Chicago, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114004 (Sub-No. 63), filed October 11, 1966. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes or trailers* designed to be drawn by passenger automobiles, in secondary movements, from points in Arkansas (except Newport and 9 miles thereof, and Jacksonville), to points in the United States including Alaska, but excluding Hawaii. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 114019 (Sub-No. 166), filed October 17, 1966. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor, over irregular routes, transporting: *Candy and confectionery*, from Duryea, Pa., to points in Michigan, Iowa, Kentucky, Missouri, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 114045 (Sub-No. 258), filed October 14, 1966. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared and preserved foodstuffs*, from points in Oregon, Washington, Idaho, and California, to points in Texas, Oklahoma, Kansas, Louisiana, Arkansas, Missouri, Alabama, Georgia, and Mississippi. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Los Angeles, Calif.

No. MC 114211 (Sub-No. 106), filed October 17, 1966. Applicant: WARREN TRANSPORT, INC., 213 Wltry Street, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and fiberboard*, from Belle Fourche, S. Dak., and Colloid Spur, Wyo., to points in the United States, except Alaska and Hawaii. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 114273 (Sub-No. 21), filed October 17, 1966. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar

Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses and such commodities* as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers, as described in appendix I, groups A, B, and C, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Cedar Rapids, Iowa, on the one hand, and, on the other, points in Illinois, excluding Chicago, Ill., and the Chicago, Ill., commercial zone as defined by the Commission. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114365 (Sub-No. 3), filed October 17, 1966. Applicant: RAY ACKERMAN, 283 Roosevelt Street, Kingsford, Mich. 49801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, namely beer and ale, beer tonics, porter, and stout, in straight and mixed shipments, (1) from La Crosse, Wis., to Norway, Mich., (2) from Oconto, Wis., to Norway and Escanaba, Mich., and (3) from Sheboygan and Milwaukee, Wis., and Chicago, Ill., to Escanaba, Mich., under contracts with Lardenoit Distributing Co., Inc., Johnson Distributing Co., and Central West Distributing Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 114725 (Sub-No. 30), filed October 13, 1966. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All commercial chemicals and fertilizers normally transported in bulk tanks* (special equipment), from points in Woodbury County, Iowa, and Dakota County, Nebr., to points in Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Wyoming, Montana, and Colorado. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 115036 (Sub-No. 20), filed October 14, 1966. Applicant: VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, Kans. 66762. Applicant's representative: Herbert V. Eskelin, 4545 Montgall Avenue, Kansas City, Mo. 64103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, retail, and chain groceries, and food business houses, and in connection therewith *equipment, materials, and supplies* used in the conduct of such business, between points in Illinois, Iowa, Minnesota, Nebraska, and Wisconsin, on the one hand, and, on the other, plant and warehouse sites, stores, and facilities of Foodtown Stores, Inc., a wholly owned subsidiary of Red Owl Stores, Inc., located in

Arkansas, Kansas, Missouri, and Oklahoma, under contract with Foodtown Stores, Inc. **NOTE:** Applicant is also authorized to conduct operations as a *common carrier* in certificate No. MC 119630 Subs 1, 2, 3, and 4, thereof, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Tulsa or Oklahoma City, Okla., or St. Louis, Mo.

No. MC 115162 (Sub-No. 139), filed October 17, 1966. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. Applicant's representative: Robert E. Tate, Suite 2025, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plantsites of the Georgia-Pacific Corp., located at or near Gloster and Louisville, Miss., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Missouri, Iowa, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115162 (Sub-No. 140), filed October 17, 1966. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. Applicant's representative: Robert E. Tate, Suite 2025-2028, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, wood flooring, wood siding, paneling, wallboard, and accessories, including molding and paint stain* used in the installation of the above commodities, from Charlotte, N.C., to points in Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Tennessee. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 115410 (Sub-No. 5), filed October 19, 1966. Applicant: HAWKES TRANSPORTATION CO., INC., 1526 South 600 West, Salt Lake City, Utah 84104. Applicant's representative: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment for loading, unloading, or transporting and of *related parts* when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment for loading, unloading, or transporting, from Boise, Idaho, to points in Washington. **NOTE:** Applicant states it would tack the proposed authority with its present authority to transport building materials which fall within the commodity description of this application at Boise, Idaho, on shipments originating at Great Falls and Black Eagle Mont. If a hearing is deemed necessary



applicant requests it be held at Salt Lake City, Utah, or Boise, Idaho.

No. MC 115523 (Sub-No. 133), filed October 17, 1966. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah. Applicant's representative: Franklin D. Johnson, 422 Continental Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, acids and chemicals, ammonium nitrate, urea, phosphates, fertilizer, fertilizer compounds, materials and ingredients, insecticides, herbicides, and pesticides*, from ports of entry on the international boundary line between the United States and Canada to points in Montana, Wyoming, Utah, Idaho, Washington, Oregon, California, Nevada, Colorado, New Mexico, North Dakota, South Dakota, and Arizona, and *refused, rejected, and damaged shipments*, on return. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 115523 (Sub-No. 134), filed October 18, 1966. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah. Applicant's representative: Franklin D. Johnson, 422 Continental Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses and molasses base feed supplements*, from Kimberly, Idaho, to points in Nevada and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, San Francisco, Calif., or Portland, Oreg.

No. MC 115917 (Sub-No. 16), filed October 13, 1966. Applicant: UNDERWOOD & WELD COMPANY, INC., Box 348, Crossnore, N.C. Applicant's representative: Wilmer A. Hill, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, restricted to traffic which has had an immediately prior movement by rail, (1) between points in North Carolina, and (2) between points in North Carolina, on the one hand, and, on the other, points in South Carolina and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte or Raleigh, N.C.

No. MC 116077 (Sub-No. 208), filed October 13, 1966. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527, Houston, Tex. 77011. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Geismar, La., and points within 15 miles thereof, to points in the United States (including Alaska, but excluding Hawaii). NOTE: Applicant states that it intends to tack at Geismar, La., with its present authority in Subs 6, 43, 134, 135, 173, 180, 192, wherein it is authorized to operate in Alabama, Arkansas, California, Connecticut, Delaware, Florida,

Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Tennessee, Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 116626 (Sub-No. 3), filed October 13, 1966. Applicant: C. W. EANES, R.F.D. 1, Box 5, Gretna, Va. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from points in Virginia to points in North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 157), filed October 19, 1966. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Motor Route No. 3, Carlisle, Pa. 17013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products*, between points in Huntingdon County, Pa., on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119422 (Sub-No. 42), filed October 17, 1966. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln Streets, East St. Louis, Ill. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Marquette Cement Manufacturing Co. at St. Louis, Mo., to points in Madison, St. Clair, Bond, and Clinton Counties, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Chicago, or Springfield, Ill.

No. MC 119441 (Sub-No. 13), filed October 13, 1966. Applicant: BAKER HI-WAY EXPRESS, INC., Post Office Box 44, Stone Creek, Ohio 43840. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from points in Athens, Carroll, Columbiana, Franklin, Holmes, Medina, Perry, Stark, Summit, Tuscarawas, Wyandot, and Wayne Counties, Ohio, to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119547 (Sub-No. 12) (Correction), filed July 21, 1966, published in the FEDERAL REGISTER issue of August 25, 1966, corrected October 24, 1966, and republished as corrected this issue. Applicant: EDGAR W. LONG, Route 4, Zanesville, Ohio. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common car-*

*rier*, by motor vehicle, over irregular routes, transporting: *Plumbers goods, water heaters, radiators, boilers, and articles used in the installation and assembly thereof* from Zanesville, Ohio, to points in the United States (excluding Alaska and Hawaii), and *materials, equipment, and supplies* used in the manufacture and assembly of the above-described commodities, on return. NOTE: The purpose of this republication is to correct the commodity description as shown in the FEDERAL REGISTER. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119767 (Sub-No. 186), filed October 13, 1966. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared food-stuffs*, in vehicles equipped with mechanical refrigeration (except in bulk in tank vehicles), from New Albany, Ind., and Louisville, Ky., to points in Illinois, on and north of U.S. Highway 36, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Pennsylvania, restricted to traffic originating at plantsites and warehouses of the Pillsbury Co., located at or near New Albany, Ind., and Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Minneapolis, Minn.

No. MC 119934 (Sub-No. 132) (Correction), filed October 3, 1966, published FEDERAL REGISTER issue of October 20, 1966, and republished as corrected, this issue. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink*, in bulk, in tank vehicles, from Buffalo, N.Y., Jacksonville and Orlando, Fla., Atlanta and Huber, Ga., and New Orleans, La., to Sylacauga, Ala. NOTE: The purpose of this republication is to correctly set forth the authority requested. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 123393 (Sub-No. 168), filed October 14, 1966. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo. 65803. Applicant's representative: Harley E. Laughlin, Post Office Box 948, Commercial Station, Springfield, Mo. 65803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses*, from Chicago, Lemont, and Joliet, Ill., to points in Missouri, Ohio, Alabama, Florida, Georgia, New York, New Jersey, Pennsylvania, Iowa, Kansas, Oklahoma, Nebraska, Colorado, Virginia, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.



No. MC 123393 (Sub-No. 169), filed October 17, 1966. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo. 65803. Applicant's representative: Harley E. Laughlin, Post Office Box 948, Commercial Station, Springfield, Mo. 65803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from Lewes, Del., to points in Kansas, Missouri, Indiana, Michigan, and Illinois and (2) from Baltimore, Md., and Macon, Ga., to points in Michigan, Ohio, Indiana, Kentucky, Tennessee, and Louisiana. **NOTE:** Common control may be involved. Applicant states that it would be possible to tack the authority here sought with its presently held authority in Sub 33, wherein it is authorized to operate from California, Mo., to points in Connecticut, Colorado, Delaware, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee (except Memphis, Tenn.), and the commercial zone thereof, as defined by the Commission), Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Baltimore, Md., Philadelphia, Pa., or Washington, D.C.

No. MC 123407 (Sub-No. 29) (Amendment) filed August 4, 1966, published in *FEDERAL REGISTER* issue of August 25, 1966, amended October 19, 1966, and republished as amended, this issue. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building, roofing, and insulating materials, and related articles; cement and asbestos products; conduit or pipe, cement containing asbestos, and accessories for installation*, from Waukegan, Ill., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Mississippi, Ohio, Pennsylvania, Tennessee, Wisconsin, Minnesota, Iowa, Nebraska, South Dakota, and North Dakota; and, (2) *building, roofing, and insulating materials*, from Rockdale, Ill., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Mississippi, Ohio, Pennsylvania, Tennessee, Wisconsin, Minnesota, Iowa, Nebraska, South Dakota, and North Dakota. **NOTE:** The purpose of this republication is to broaden the authority sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 30), filed October 14, 1966. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron*

*and steel, iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago, Ill., commercial zone, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin, and (2) *iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between Portage, Ind., on the one hand, and, on the other, points in Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Michigan, Wisconsin, Illinois, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, and Florida. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 251), filed October 17, 1966. Applicant: SCHWERTMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica flour, silica sand, and silica sand with additives*, from Guion, Ark., to points in Alabama, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. **NOTE:** Applicant states the proposed authority herein can be joined with its presently authorized authority in MC 124078 Subs 51, 67, and 127, at Guion, Ark., to provide service to points in Iowa, Illinois, Indiana, and Kentucky. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 124212 (Sub-No. 40), filed October 18, 1966. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plants of the Lehigh Portland Cement Co. located at Mason City, Iowa, to points in Dakota County, Nebr. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124775 (Sub-No. 3), filed October 19, 1966. Applicant: HRIBAR TRUCKING, INC., 1521 Waukeshu Road, Caledonia, Wis. Applicant's representative: Frank M. Coyne, 1 West Main Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent (used) foundry sand and foundry sweepings*, in bulk, in dump vehicles, from points in Iowa, Minnesota, Indiana, Illinois, and Michigan to points in Wisconsin. **NOTE:** If a hearing is

deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 124813 (Sub-No. 30), filed October 12, 1966. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plant-site and warehouse facility of Monsanto Co., near Muscatine, Iowa (approximately 3½ miles south of the Muscatine city limits) to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. **NOTE:** Applicant holds contract carrier authority in MC 118468 Subs 16 and 17, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124926 (Sub-No. 4), filed October 19, 1966. Applicant: DIXON BROTHERS, a corporation, Post Office Box 636, Newcastle, Wyo. 82701. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, on flatbed equipment only, from Newcastle, Wyo., to points in Iowa, under contract with Berman Forest Products, Newcastle, Wyo. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Cheyenne, Wyo.

No. MC 125254 (Sub-No. 4), filed October 12, 1966. Applicant: DONALD L. MORGAN, doing business as MORGAN TRUCKING CO., 1907 Oneida Avenue, Muscatine, Iowa 52761. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plant site and warehouse facility of Monsanto Co., near Muscatine, Iowa (approximately 3½ miles south of the Muscatine city limits), to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125777 (Sub-No. 105), filed October 19, 1966. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 46323. Applicant's representative: Edw. G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, between Cincinnati, Ohio, and points in its commercial zone thereof, on the one hand, and, on the other, points in Boone, Kenton, and Campbell Counties, Ky., points in Wayne, Henry, Union, Fayette, Rush, Franklin, Dearborn, Ohio, Ripley, Switzerland, and Jefferson Counties,



Ind., and points in Preble, Montgomery, Greene, Butler, Warren, Clinton, Highland, Hamilton, Clermont, and Brown Counties, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126474 (Sub-No. 1), filed October 14, 1966. Applicant: C. M. CARPENTER, doing business as CARPENTER TRUCKING COMPANY, Annville, Ky. 40402. Applicant's representative: Fred F. Bradley, 213 St. Claire Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, limestone, gravel, aggregate and agricultural lime*, from the site of Smith's Branch Stone Co., Inc., U.S. 60, Carter County, Ky., to points in Lawrence, Scioto, and Gallia Counties, Ohio, and Cabell, Putnam, Wayne, Kanawha, and Lincoln Counties, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Frankfort, Lexington, or Louisville, Ky.

No. MC 126890 (Sub-No. 3), filed October 17, 1966. Applicant: FRANCIS L. ARGENT, doing business as ROY ARGENT, 1491 Islington Street, Portsmouth, N.H. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *commodities* namely fresh fruits, vegetable, and berries, the transportation of which is partially exempt under the provisions of section 203(b) (6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with commodities named in (1) above, from Boston, Mass., New York, N.Y., Port Newark and Weehawken, N.J., ports of entry on the international boundary line between the United States and Canada at Bar Harbor, Calais,ANCEBORO, and Houlton, Maine, and Ouses Point, N.Y., restricted to shipments destined for delivery in the provinces of New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127050 (Sub-No. 2), filed October 13, 1966. Applicant: CUSTOMER DELIVERY SERVICE, INC., Rural Delivery No. 1, Montgomery, N.Y. Applicant's representative: John J. Brady, Jr., State Street, Albany, N.Y. 12207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, crated*, transported in flatbed dump trucks, (1) from Middletown, Orange County, N.Y., to points in Wayne and Ke Counties, Pa., Sussex, Passaic, Bergen, Morris, Essex, Somerset, Union, and Middlesex Counties N.J. and Litchfield and Fairfield Counties, Conn., and (2) interplant operations, between the plants of Wickes Lumber & Building Supply Co., located in the towns of Montgomery and Middletown, N.Y., on the one hand, and, on the other, plants lo-

cated at Southington, Conn., and Succasunna and Phillipsburg, N.J., under a contract with Wickes Lumber & Building Supply Co., Division of Wickes Corporation of Saginaw, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 127064 (Sub-No. 3), filed October 19, 1966. Applicant: E. J. PETER TRUCKING, INC., Route No. 2, Athens, Wis. 54411. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feed, poultry feed, and feed ingredients* in bags and in bulk, from Minneapolis, St. Paul, Hastings, and Red Wing, Minn., to points in Medford Township, in Taylor County, and points in Langlade County and points east of U.S. Highway 51 in Marathon County, Wis., and, (2) *soybean meal* in bags and in bulk, from Savage, Minn., to points in Clark, Taylor, Wood, and Langlade Counties, Wis., and points east of U.S. Highway 51 in Marathon County, Wis. NOTE: Applicant states that it intends to tack with its present authority in MC 127064, in which it is authorized to operate in Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Minneapolis, Minn.

No. MC 127253 (Sub-No. 34), filed October 21, 1966. Applicant: GRACE LEE CORBETT, doing business as R. A. CORBETT TRANSPORT, Post Office Box 86, Lufkin, Tex. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed grade molasses*, in bulk, in tank vehicles, (a) from Hereford, Tex., to points in New Mexico, Arizona, Oklahoma, Arkansas, and Louisiana, and (b) from Freeport, Tex. to points in New Mexico, Oklahoma, and Mississippi, (2) *chemicals*, in bulk, in tank vehicles, from points in St. Marys Parish, La., to points in Arkansas, Mississippi, Louisiana, and Texas, and (3) *coal tar and coal tar pitch* (other than coal tar chemicals), in bulk, from Houston, Tex., to points in Louisiana, Arkansas, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport or New Orleans, La.

No. MC 127705 (Sub-No. 6), filed October 17, 1966. Applicant: KREVDABROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, and fiberboard boxes* when moving in mixed loads with glassware and glass containers, from Burlington, Wis., to points in Indiana, Ohio, Michigan, Kentucky, West Virginia, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, and Maryland, and *damaged and rejected shipments*, on return. NOTE: Applicant holds contract carrier authority under MC 123934 and Subs therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests

it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 127856 (Sub-No. 2), filed October 19, 1966. Applicant: JACK BLOSS TRUCKING, INC., Route 2, Salem, Wis. Applicant's representative: Frank M. Coyne, 1 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent (used) foundry sand and foundry sweepings*, in bulk in dump vehicles, from points in Illinois, Iowa, Minnesota, Michigan, and Indiana to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 128246 (Sub-No. 2), filed October 14, 1966. Applicant: JOE ELDON WEAVER, doing business as R & J TRANSPORT, 5133 Maywood Avenue, Maywood, Calif. 90270. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic or fiberglass figures and displays*, from Venice, Calif., to points in the United States (except Alaska and Hawaii), under contract with International Fiberglass, Venice, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Las Vegas, Nev.

No. MC 128442 (Sub-No. 1), filed July 21, 1966. Applicant: GOOD MECHANIC AUTO COMPANY, INC., doing business as G & M AUTO COMPANY, 7224 Euclid Avenue, Cleveland 3, Ohio. Applicant's representative: Charles E. Creager, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, inoperative, stolen, and repossessed trucks, tractors, trailers* (excluding mobile homes or house trailers designed to be drawn by passenger automobiles), and *passenger automobiles and replacements for such vehicles*, in truckaway service using wrecker equipment, between Cleveland, Ohio (including points in the commercial zone as defined by the Commission), and points in Summit County, Ohio, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128447 (Sub-No. 1), filed August 25, 1966. Applicant: REVELL MOVING AND STORAGE, INC., 125 North Harrison, Topeka, Kans. 66603. Applicant's representative: Donald L. Deam, 917 Topeka Boulevard, Topeka, Kans. 66612. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized and uncrated household goods*, (1) between points in Allen, Anderson, Atchison, Bourbon, Brown, Chase, Coffey, Dickinson, Doniphan, Douglas, Franklin, Geary, Greenwood, Jackson, Jefferson, Johnson, Leavenworth, Linn, Lyon, Miami, Morris, Nemaha, Osage, Riley, Shawnee, Wabunsee, Woodson, and Wyandotte, Counties, Kans., and (2) between points



in Andrew, Benton, Buchanan, Caldwell, Carroll, Cass, Clay, Clinton, De Kalb, Henry, Jackson, Johnson, Lafayette, Pettis, Platte, Ray, and Saline Counties, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka or Kansas City, Kans.

No. MC 128476 (Sub-No. 1), filed October 17, 1966. Applicant: U & ME TRANSFER, INC., 621 First Street, Post Office Box 2525, West Palm Beach, Fla. 33402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies* having a prior or subsequent movement in Interstate Commerce, between West Palm Beach, Fla., and points in Palm Beach, Glades, Hendry, and Broward Counties, Fla., under contract with Western Electric Co., Inc., New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at West Palm Beach or Miami, Fla.

No. MC 128571 (Sub-No. 1), filed October 17, 1966. Applicant: CARDINAL VAN & STORAGE, a corporation, 73365 Twentynine Palms Highway, Twentynine Palms, Calif. 92227. Applicant's representative: Carl H. Fritze, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in San Bernardino and Riverside Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 128574 (Sub-No. 1), filed October 19, 1966. Applicant: WILLIAM R. DRAKE, 1500 Northwest Avenue L, Post Office Box 181, Belle Glade, Fla. Applicant's representative: John C. Vogt, Jr., Post Office Box 231, 506 First National Bank Building, Orlando, Fla. 32802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Raw sugar*, in bulk, from points in Palm Beach County, Fla., to the following railroad sidings: (a) Atlantic Coast Line Railroad siding, Cane, Fla., (b) Florida East Coast Railroad siding, South Bay, Fla., (c) Florida East Coast Railroad siding, Belle Glade, Fla., and (d) Florida East Coast Railroad siding, Pelican Lake, Fla., all under contract with Florida Sugar Corp. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami or Orlando, Fla.

No. MC 128635, filed October 3, 1966. Applicant: HAROLD E. ULRICK, doing business as ULRICK TRUCKING, Route 1, Scandia, Minn. 55073. Applicant's representative: Robert E. Swanson, 1211 South 6th Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, butter, cottage cheese, liquid mix, orange drinks, powered milk, and dairy supplies*, (1) from Stillwater and Minneapolis, Minn., to points in Wisconsin north of Interstate Highway 94, and (2) between Stillwater and Minneapolis, Minn., and Marine on St. Croix, Taylors Falls, Lind-

strom, Center City, Chisago City, and Scandia, Minn., under contract with Maple Island Dairies, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128652, filed October 10, 1966. Applicant: LARSON TRANSFER & STORAGE CO., INC., 1901 Fifth Street SE., Minneapolis, Minn. 55414. Applicant's representative: Donald B. Taylor, 3164 Minnehaha Avenue South, Minneapolis, Minn. 55406. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Internal combustion engines*, from New Holstein and Grafton, Wis., to Windom, Minn., under contract with Toro Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128653, filed October 11, 1966. Applicant: DURWARD GLASEN, doing business as HOOVER'S MOVERS, Box 318, Cordova, Alaska. Applicant's representative: John M. Stern, Jr., Post Office Box 1672, Anchorage, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in those parts of Alaska (1) within 25 miles of either side of the Alaska Marine Highway System extending from Cordova to Valdesh, Alaska, and (2) within 25 miles of either side of Alaska Highway 10 extending from Cordova to Mile Post 50, Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cordova or Anchorage, Alaska.

No. MC 128659, filed October 17, 1966. Applicant: ORBITAL TRANSPORT, INC., 207 Main Street, East Rockaway, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by manufacturers of plastic boxes, loose, setup, not packaged, and materials, supplies and equipment, used in the conduct of such business*, between the site of shipper's plant in Oyster Bay Township, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, under contract with Tedruth Plastics Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 128660, filed October 18, 1966. Applicant: G. C. HAUSER, doing business as HAUSER CARTING COMPANY, R.F.D. Gowanda, N.Y. 14070. Applicant's representative: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products; wood and wood products, faced with metal or otherwise; cabinets; doors; cement asbestos products, faced with wood, metal or otherwise; plastic products, faced with metal or otherwise; aluminum and aluminum products, faced with metals or other; and materials, supplies,*

*machinery, and equipment used in the manufacture of paper, wood, plastic, aluminum, and cement asbestos products, faced with metal or otherwise*, between the plantsite of the United States Plywood Corp. located at Cattaraugus, N.Y., on the one hand, and, on the other, points in Alabama, California, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, under contract with the United States Plywood Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 29839 (Sub-No. 4), filed October 17, 1966. Applicant: EVERGREEN STAGE LINE, INC., 2000 Columbia Way, Vancouver, Wash. Applicant's representative: John M. Hickson, 825 Failing Building, Portland, Ore. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (1) between Portland, Ore., and Washougal, Wash., from Portland over U.S. Highway 99, to Vancouver, Wash., thence over Evergreen Boulevard to Washougal, and return over the same route serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 47495 (Sub-No. 8) (Correction) filed August 4, 1966, published in the FEDERAL REGISTER issue of September 1, 1966, corrected and republished this issue. Applicant: MOUNTAIN VIEW COACH LINES, INC., Route 9-W, West Cocksackie, N.Y. Applicant's representative: James G. Glavin III, 69 Second Street, Post Office Box 40, Waterford, N.Y. 12188. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (1) between Albany, N.Y., and Hannacroix, N.Y., over U.S. Highway 9-W, serving all intermediate points, and (2) between junction New York Highway 385 and U.S. Highway 9-W and Catskill, N.Y., over U.S. Highway 9-W, serving all intermediate points. NOTE: The purpose of this republication is to identify the U.S. Highway used in (2) above in the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 47495 (Sub-No. 9) (Correction), filed August 4, 1966, published FEDERAL REGISTER issue of September 1, 1966, under No. MC 47497 (Sub-No. 9) and corrected and republished, this issue. Applicant: MOUNTAIN VIEW COACH LINES, INC., 36 Lafayette Avenue, Route 9-W, West Cocksackie, N.Y. Applicant's representative: James H. Glavin, III, 69



Second Street, Post Office Box 40, Waterford, N.Y. 12188. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Hudson, N.Y., and Poughkeepsie, N.Y., over U.S. Highway 9, serving all intermediate points. NOTE: The purpose of this republication is to show the correct docket No. MC 47495 (Sub-No. 9) in lieu of No. MC 47497 (Sub-No. 9) as previously published. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 128329 (Sub-No. 1), filed October 12, 1966. Applicant: SINGERMAN BUS CORP., 3 Railroad Place, Maspeth, N.Y. 11378. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, for the account of Fedders Corp. employees, between the plantsite of Fedders Corp., Maspeth, N.Y., and the plantsite of Fedders Corp., Edison, N.J. NOTE: Applicant holds common carrier authority under MC 115880 Sub 1. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128582, filed September 7, 1966. Applicant: SUFFOLK CITY TRANSIT LINES, INCORPORATED, 222 Jackson Street, Suffolk, Va. 23434. Applicant's representative: Thomas L. Woodward, 153 East Washington Street, Suffolk, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, from points in Virginia in the area bounded on the south by the Virginia-North Carolina State line, on the east by the Atlantic Ocean and Chesapeake Bay, on the north and northeast by a line drawn from Gloucester Point to Petersburg, and, on the west by U.S. Highway 301, to points in North Carolina, South Carolina, Georgia, Florida, Maryland, Pennsylvania, New Jersey, New York, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Norfolk, Portsmouth, or Suffolk, Va.

No. MC 128617, filed September 28, 1966. Applicant: L. C. EDMONSON and E. L. INSCHO, a partnership, doing business as MOGOLLON STAGE LINE, 1032 North Beeline Highway, Payson, Ariz. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, baggage, and express*, in the same vehicle with passengers, between Phoenix, Ariz., and Winslow, Ariz., from Phoenix over combined U.S. Highways 60, 70, and 80 through Tempe to Mesa, Ariz., thence over Arizona Highway 87 to Payson, Ariz., and thence over combined Arizona Highways 87 and 65 to Winslow, and return over the same route, serving all intermediate points, with no passengers, baggage, or express to be transported between Phoenix, Tempe, and Mesa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

#### APPLICATIONS FOR BROKERAGE LICENSES

No. MC 130019, filed October 6, 1966. Applicant: CONLON TRAVEL, INC., doing business as CONLON TRAVEL, 163 North Mechanic Street, Cumberland, Md. For a license (BMC 5) to engage in operations as a broker at Cumberland, Md., in arranging for the transportation by motor vehicle in interstate or foreign commerce, of *passengers and their baggage*, in groups, destined for the same destination, in round trip all inclusive pleasure or vacation type tours, beginning and ending at Cumberland, Md., and extending to points in the United States.

No. MC 130020, filed October 13, 1966. Applicant: EDUCATIONAL TOURS OF CALIFORNIA, INC., 3748C North Palm Avenue, Fresno, Calif. Applicant's representative: Thomas A. MacMichael, 904 Guarantee Savings Building, Fresno, Calif. 93721. For a license (BMC 5) to engage in operations as a *broker* at Fresno, Calif., in arranging for the transportation by motor vehicle in interstate or foreign commerce, of *passengers and their baggage*, in groups, in round trip student tours during the summer vacations, beginning and ending at Fresno, Calif., and extending to points in the United States.

No. MC 130021, filed October 13, 1966. Applicant: MARY LOUISE ADAMS AND RUTH S. MOORE, a partnership, doing business as LEISURE GUIDE SERVICE, 723 Clearview Avenue, Woodbury Heights, N.J. Applicant's representative: William R. Farr, No. 10 White Horse Pike, Haddon Heights, N.J. 08035. For a license (BMC 5) to engage in operations as a *broker* at Woodbury Heights, N.J., in arranging for transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, in round trip, charter and special operations, beginning and ending at points in New Jersey and extending to points in the United States (including Hawaii and Alaska).

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 113024 (Sub-No. 60), filed October 26, 1966. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom and washroom fixtures, sinks, and accessories and attachments therefor*, from Camden, N.J., and New Castle, Pa., in split pickups from the two points, to Lawrenceville, Ga., Jacksonville, Fla., Greensboro, N.C., Columbia, Tenn., and Harrisonburg, Newport News, Norfolk and Richmond, Va., under contract with Universal-Rundle Corp.

No. MC 124078 (Sub-No. 252), filed October 20, 1966. Applicant: SCHWERTMAN TRUCKING CO., a corporation, 611

South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from North Chattanooga, Tenn., to points in Christian, Simpson, Trigg, Todd, Logan, and Warren Counties, Ky.

No. MC 126727 (Sub-No. 2), filed October 14, 1966. Applicant: GARDNER CARTAGE COMPANY, a corporation, 2662 East 69th Street, Cleveland, Ohio 44104. Applicant's representative: Bernard S. Goldfarb, 1625 Illuminating Building, 55 Public Square, Cleveland, Ohio 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast structural concrete products and accessories and installation equipment as part of one construction job on same or separate vehicles*, from Cleveland, Ohio, to points in New York on and west of a line beginning at a point in New York State at Lake Ontario due north of New York State Highway 21 and junction U.S. Highway 104; thence south on New York Highway 21 to Cohocton, N.Y.; thence south from Cohocton, on U.S. Highway 15 to the New York-Pennsylvania line; to points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania line at junction U.S. Highway 15; thence southerly on U.S. Highway 15 in Pennsylvania to Williamsport, Pa.; thence southerly from Williamsport, on U.S. Highway 220 to junction Pennsylvania-Maryland line; to points in West Virginia on and north of a line beginning at junction Pennsylvania-Maryland and West Virginia line along the West Virginia-Maryland line to junction U.S. Highway 220; thence southerly on U.S. Highway 220 in West Virginia to junction West Virginia-Virginia line; thence southerly along the West Virginia-Virginia line to junction West Virginia-Virginia line and U.S. Highway 60; thence westerly along U.S. Highway 60 in West Virginia to junction West Virginia-Kentucky line; thence along the West Virginia-Kentucky line to junction Ohio line; thence to points in Indiana on and north of a line beginning at junction Ohio-Kentucky and Indiana lines; thence northerly on the Ohio-Indiana line to junction Interstate Highway 74; thence along Interstate Highway 74 to junction Interstate Highway 465; thence westerly and northerly on Interstate Highway 465 to junction Interstate Highway 74; thence westerly along Interstate Highway 74 to the Illinois-Indiana line; thence to points in Michigan on and east of a line beginning at junction Indiana-Michigan line and Lake Michigan; thence proceeding along the shoreline of Lake Michigan to Holland, Mich., on Michigan Highway 21 to Grand Rapids, Mich., thence from Grand Rapids, on Michigan Highway 21 to St. Johns, Mich.; thence from St. Johns, northerly on U.S. Highway 27 to Harrison, Mich.; thence westerly from Harrison, on Michigan Highway 61 to Standish, Mich.; thence along an imaginary line from Standish, due east to Saginaw Bay in Lake Huron, and damaged and rejected products and installation equipment, on



return, under contract with Cleveland Builders Supply Co., Inc.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-11922; Filed, Nov. 2, 1966;  
8:45 a.m.]

[Notice 1436]

### MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 31, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Com-

merce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69179. By order of October 28, 1966, the Transfer Board approved the transfer to M & Y Freight System, Inc., Topeka, Ind., of the operating rights in permit No. MC 126532 issued October 12, 1965, to Raymond W. Ullery, Plymouth, Ind., authorizing the transportation, of: Corrugated paper boxes, from La Porte, Ind., to specified points and areas in Illinois and Michigan. Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 47711, attorney for applicants.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-11991; Filed, Nov. 2, 1966;  
8:47 a.m.]

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter XVIII—Farmers Home Administration, Department of Agriculture

#### CODIFICATION CHANGES

Chapter III of Title 6 entitled "Farmers Home Administration, Department of Agriculture" of the Code of Federal Regulations is transferred to Title 7 as Chapter XVIII. As so transferred and renumbered the text of the regulations is set forth below without substantive change.

FRED A. JILLSON,  
Chief, Organization and Development Branch, Business Services Division, FHA.

#### SUBCHAPTER A—GENERAL REGULATIONS

#### PART 1800—ADMINISTRATIVE PROVISIONS

##### Subpart A—Organization and General Functions of the Farmers Home Administration

- Sec.  
1800.1 General.  
1800.2 National Office.  
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##### Subpart B—Assignment of Functions

- 1800.11 Functions assigned to the Farmers Home Administration.  
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- 1800.21 General.  
1800.22 National Office Staff and State Directors.  
1800.23 State Office Staff and County Office employees.  
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1800.25 Effect on other regulations.

##### Subpart A—Organization and General Functions of the Farmers Home Administration

**AUTHORITY:** The provisions of this Subpart A issued under 5 U.S.C. 1002 and in conformity with Orders of Sec. of Agr., Nov. 27, 1964, Dec. 3, 1964 (29 F.R. 16210, 16840).

#### § 1800.1 General.

The Farmers Home Administration was established by Order of the Secretary of Agriculture, dated August 14, 1946 (11 F.R. 9007). Its organization consists of a National Office located in the South Building of the United States Department of Agriculture in Washington, D.C.; a National Finance Office located in St. Louis, Mo.; 42 State Offices (some serving more than one State); and approximately 1,500 local County Offices. This Agency is responsible for loan, grant, and other assistance programs, including Farm Operating, Farm Ownership, Soil and Water, Rural Housing, Emergency, Watershed, Rural Areas Development,

and Rural Renewal programs and, in conjunction with the Office of Economic Opportunity, certain loan programs under the Economic Opportunity Act of 1964, and the servicing of similar type loans made by predecessor agencies. The foregoing programs are administered in accordance with regulations and delegations of authority and assignments of functions published in the FEDERAL REGISTER. The regulations are codified in Chapter III, Title 6, Code of Federal Regulations. A general description of the functions of the offices and divisions of the National Office and of the State and County Offices is contained in §§ 1800.2–1800.4.

#### § 1800.2 National Office.

(a) *Administrator and Deputy Administrator*—(1) *Administrator*. Responsible for the development of policies and procedures and general direction and supervision of programs assigned to the Farmers Home Administration, under the general direction of the Assistant Secretary for Rural Development and Conservation.

(2) *Deputy Administrator*. Assists the Administrator in formulating and administering the policies and programs of the Farmers Home Administration. Serves as Acting Administrator in the absence of the Administrator.

(b) *Assistant Administrators*. Assist the Administrator in the direction and supervision of the Farmers Home Administration programs as follows:

(1) *Assistant Administrator (Operating Loans)*. Responsible for the activities of the Operating and Emergency Loan Divisions.

(2) *Assistant Administrator (Real Estate Loans)*. Responsible for the activities of the Farm Ownership and Rural Housing Loan Divisions.

(3) *Assistant Administrator (Community Services)*. Responsible for the activities of the Association and Rural Renewal Loan Divisions.

(4) *Assistant Administrator (Management)*. Responsible for the activities of the National Finance Office, and the Budget, Personnel, and Business Services Divisions.

(5) *Assistant Administrator (Insured Loan Funds)*. Responsible for the insured loan funds activities.

(c) *Staff Offices*. Assist the Administrator in the direction and supervision of the following functions:

(1) *Farm Planning and Supervision Staff*. Responsible for the overall program of farm and home planning and supervision under the several loan programs.

(2) *Program Development and Administrative Coordination Staff*. Responsible for program planning, scheduling and evaluation; developing, coordinating and evaluating training programs; evaluating workloads and staff-

ing; reports and statistical information, and coordination of the review of internal audit reports in the National Office.

(d) *Staff Division*. The Information Division reports directly to the Administrator and is responsible for informational activities. It develops and recommends policies and procedures with respect to such activities, and provides technical advice and assistance to field personnel.

(e) *Program Divisions Under the Direction of the Assistant Administrator (Operating Loans)*. Each of the following Divisions is responsible to the Assistant Administrator (Operating Loans) for developing and recommending policies and procedures, for providing advice and assistance to field personnel, and for otherwise assisting in administering programs under its jurisdiction.

(1) *Operating Loan Division*. Responsible for operating loan program, and delegated responsibility for section 302 loans to individuals under the Economic Opportunity Act of 1964 and servicing of similar type loans made by Farmers Home Administration and predecessor agencies.

(2) *Emergency Loan Division*. Responsible for Emergency loan program, and servicing of similar type loans made by Farmers Home Administration and predecessor agencies.

(f) *Program Divisions Under the Direction of the Assistant Administrator (Real Estate Loans)*. Each of the following Divisions is responsible to the Assistant Administrator (Real Estate Loans) for developing and recommending policies and procedures, for providing advice and assistance to field personnel, and for otherwise assisting in administering programs under its jurisdiction.

(1) *Farm Ownership Loan Division*. Responsible for the Farm Ownership and individual Soil and Water loan programs and servicing of similar type loans made by Farmers Home Administration and predecessor agencies.

(2) *Rural Housing Loan Division*. Responsible for Rural Housing loan and grant programs.

(g) *Program Divisions Under the Direction of the Assistant Administrator (Community Services)*. Each of the following Divisions is responsible to the Assistant Administrator (Community Services) for developing and recommending policies and procedures, for providing advice and assistance to field personnel, and for otherwise assisting in administering programs under its jurisdiction:

(1) *Rural Renewal Division*. Responsible for Rural Renewal and Resource Conservation and Development programs and Rural Areas Development activities of the Farmers Home Administration, for coordination of Rural Renewal project activities of all agencies of



the Department of Agriculture, and for otherwise assisting in the Rural Areas Development program of the Department of Agriculture. Also maintains liaison with other agencies of the Executive Branch in connection with these activities.

(2) *Association Loan Division.* Responsible for Soil and Water association and Watershed programs of loans and advances, including delegated responsibility for loans to cooperative associations under section 303 of the Economic Opportunity Act of 1964, and servicing of similar type loans made by Farmers Home Administration and predecessor agencies.

(h) *The National Finance Office and the Service Divisions of the National Office.* Each of the following Divisions is responsible to the Assistant Administrator (Management) for developing and recommending policies and procedures, for providing advice and assistance to field personnel, and for otherwise assisting in administering functions under its jurisdiction.

(1) *National Finance Office.* Responsible for fiscal and accounting activities and providing service to field offices in connection with supplies, space, property, and purchasing.

(2) *Budget Division.* Responsible for the budget activities, including those pertaining to the State Rural Rehabilitation Corporations.

(3) *Personnel Division.* Responsible for personnel activities, including employment, classification, salary administration, employee relations and development, training, safety, health, and disciplinary actions.

(4) *Business Services Division.* Responsible for business services, including rules and regulations, forms control, organization, management improvement, property and space management, travel authorizations, and communications, and records management.

#### § 1800.4 State Offices.

Each State Office is under the supervision of a State Director who is responsible to the Administrator, in accordance with established policies and delegated authorities, for the Farmers Home Administration programs in one or more States. State Advisory Committees serve in an advisory capacity to the State Directors on all phases of the Farmers Home Administration programs.

#### § 1800.4 County Offices.

Each County Office is under the direction of a County Supervisor who is responsible to the State Director, in accordance with established policies and procedures, for the Farmers Home Administration programs in one or more counties. Usually, this office is located in a county seat; however, depending upon the volume of business in certain counties, the County Office located in one county may also serve one or more adjoining counties. The local County Office is the normal channel through which the public is expected to seek information, make application for assistance, and conduct business with the

Farmers Home Administration. County or Area Committees, composed of three individuals residing in the county or area, all of whom at the time of appointment shall be farmers, review applications for Farmers Home Administration assistance, make certifications and recommendations with respect to loans, grants, debt settlement, and release from personal liability, and advise on all phases of the Farmers Home Administration programs in the county or area.

#### Subpart B—Assignment of Functions

**AUTHORITY:** The provisions of this Subpart B issued under Secretary's Order of Dec. 3, 1964 (29 F.R. 16840).

#### § 1800.11 Functions assigned to the Farmers Home Administration.

In the above authority the Secretary of Agriculture assigned and transferred to the Farmers Home Administration all of the functions, powers, duties, and assets under or with respect to:

(a) The Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), except those contained in section 342 of said Act (7 U.S.C. 1013a). These assigned functions, powers, duties, and assets pertain to programs authorized under said Act as well as to prior programs and authorities of the Farmers Home Administration and its predecessor agencies; the Farm Security Administration, the Emergency Crop and Feed Loan Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporation of Washington, D.C. The Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), was made effective on October 15, 1961 (20 F.R. 10031), except (1) the authorization to make and sell insured loans which was made effective by regulations issued on September 13, 1961 (26 F.R. 9307), and (2) the provision of Title IV of the Bankhead-Jones Farm Tenant Act requiring mineral reservations in lands disposed of under Title III of the Act which remained effective until December 7, 1961 (26 F.R. 10031).

(b) Title V of the Housing Act of 1949 (42 U.S.C. 1471), except those pertaining to research.

(c) The Rural Rehabilitation Corporation Trust Liquidation Act (40 U.S.C. 440), and under the trust, liquidation and other agreements entered into pursuant thereto.

(d) Section 8, and those with respect to repayment of the obligations under section 4, of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1006a, 1004).

(e) Rural Areas Development Program activities consisting of (1) furnishing technical information and services in initiating and implementing projects, (2) certifying individual overall economic development programs in rural areas as being consistent with the general objectives of the economic development of rural areas of the United States, and (3) certifying industrial and commercial water facility projects and community facility projects as being consistent with approved overall economic development programs for the areas in-

volved. The foregoing are part of the functions, powers, and duties under the Area Redevelopment Act (42 U.S.C. 2501), delegated by the Secretary of Commerce to the Secretary of Agriculture (26 F.R. 9933).

(f) Rural Renewal Program activities consisting of making loans, making advances for technical assistance, coordination, direction, and supervision of Rural Renewal Projects, and assistance in planning, developing, and carrying out such projects under section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)).

(g) Section 51(a) of the Alaska Omnibus Act (Note preceding 48 U.S.C. 21).

(h) Loan programs under Part A of Title III and the necessarily related functions in Title VI of the Economic Opportunity Act of 1964 (42 U.S.C. 2841-2845, 2942, 2946) delegated by the Director of the Office of Economic Opportunity to the Secretary of Agriculture (29 F.R. 14764).

(i) Servicing, collection, settlement, and liquidation of:

(1) Deferred land purchase obligations of individuals under the Wheeler-Case Act of August 11, 1939, as amended (16 U.S.C. 590y), and under the item, "Water Conservation and Utilization Projects" in the Department of the Interior Appropriation Act, 1940 (53 Stat. 719), as amended.

(2) Puerto Rican Hurricane Relief loans under the Act of July 11, 1956 (70 Stat. 525).

(j) Disposal of surplus property under the jurisdiction of the Farmers Home Administration which the Secretary of Agriculture is authorized to dispose of by the Administrator of the General Services Administration (40 U.S.C. 486).

#### § 1800.12 Functions reserved by the Secretary of Agriculture.

The following functions relating to the assignments described in § 1800.11 have been reserved by the Secretary in the above cited authorities:

(a) Making and issuing notes to the Secretary of the Treasury for the purposes of the Agricultural Credit Insurance Fund as authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1929), and Title V of the Housing Act of 1949 (42 U.S.C. 1484, 1485(b)), and requesting advances of funds evidenced by said notes and any similar notes executed under prior authorities (including 7 U.S.C. 1005b(j), 1005c(b), 1006e(a), 16 U.S.C. 590x-3 (d)); where such notes or requests for advances thereunder would cause the aggregate outstanding unpaid principal balances thereon to exceed \$135,000,000, or to exceed \$25,000,000 thereof for domestic farm labor housing, or \$10,000,000 thereof for rental housing for elderly persons and families.

(b) With respect to the functions assigned in § 1800.11(h):

(1) Prescribing rules and regulation jointly with the Director of the Office of Economic Opportunity.

(2) Requesting the Director of the Office of Economic Opportunity to make advances to the revolving fund estab-



lished pursuant to section 606 of the Economic Opportunity Act of 1964.

(3) Requesting reimbursement from the Director of the Office of Economic Opportunity for the performance of such assigned functions.

(c) Designating areas in which emergency loans may be made (7 U.S.C. 1961).

### Subpart C—Delegations of Authority

**AUTHORITY:** The provisions of this Subpart C issued under Orders of Sec. of Agr., Nov. 27, 1964, Dec. 3, 1964 (29 F.R. 16210, 16840); 7 U.S.C. 1006a, 1006b, 1011(e), 1921, 16 U.S.C. 1004, 1006a, 40 U.S.C. 440, 486, 42 U.S.C. 1471, 2841-2854, 2942, 2946, 43 U.S.C. 451f, Note preceding 48 U.S.C. 21.

#### § 1800.21 General.

The authorities contained in this Subpart C apply to all assets, functions, and programs now or hereafter administered or serviced by the Farmers Home Administration, including but not limited to those relating to indebtedness, security, and other assets obtained or contracted through the Secretary of Agriculture, Resettlement Administration, Farm Security Administration, Emergency Crop and Feed Loan Offices of the Farm Credit Administration, Soil Conservation Service in connection with water conservation and utilization projects, Puerto Rico Hurricane Relief Commission and successor agencies in connection with Puerto Rican Hurricane Relief loans to individuals, State Rural Rehabilitation Corporations, the United States of America or its officials as trustee of the assets of State Rural Rehabilitation Corporations, Regional Agricultural Credit Corporations, Defense Relocation Corporations, land leasing and purchasing associations, and other similar associations, corporations, and agencies, and whether the interest of the United States in the indebtedness, instrument of debt, security, security instrument, or other assets is that of obligee, owner, holder, insurer, assignee, mortgagee, beneficiary, trustee or other interest.

#### § 1800.22 National Office Staff and State Directors.

The following officials of the Farmers Home Administration, in accordance with applicable laws, are severally authorized, for and on behalf of and in the name of the United States of America or the Farmers Home Administration, to do and perform all acts necessary in connection with making and insuring loans, making grants and advances, servicing loans and other indebtedness, and obtaining, servicing, and enforcing security and other instruments related thereto: The Deputy Administrator; the Assistant Administrator (Operating Loans); the Assistant Administrator (Real Estate Loans); the Assistant Administrator (Community Services); the Director, National Finance Office; each Deputy Director and the Insured Loan Officer, National Finance Office; the Director, Operating Loan Division; the Director, Emergency Loan Division; the Director, Rural Renewal Division; the Director, Farm Ownership Loan Division; the Director, Rural Housing Loan Division; the Director, Association

Loan Division; and each State Director within the area of his jurisdiction; and in the absence or disability of any such official, the person acting in his position; and the delegates of any such official. This authority includes but is not limited to authority to:

(a) Effect the assignment of, or the declaration of trust with respect to, insured security instruments to place them in trust with the United States of America as trustee for the benefit of any holder of the promissory note or bond secured by such security instrument.

(b) Acknowledge receipt of notice of sale or assignment of insured loans and security instruments.

(c) Appoint or request the appointment of substitute trustees in deeds of trust.

(d) Execute proofs of claim in bankruptcy, death, and other cases.

(e) Sell or otherwise dispose of real estate or interests therein, and execute and deliver quitclaim deeds, easements, right-of-way conveyances, and other instruments to effectuate such sale or disposition.

(f) Compromise, adjust, cancel, release, charge off, and liquidate indebtedness, including modification of contracts and other instruments.

(g) Consent to sale or assignment of, or sell or assign, direct or insured loans and security instruments, and execute any necessary assignments, endorsements, reinsurance agreements, or other instruments in connection therewith.

(h) Approve and accept transfers of security property or interests therein to the United States of America, and approve and consent to transfers of security property or interests therein to other parties.

(i) Accelerate and declare entire real estate indebtedness due and payable, foreclose or request foreclosures of real estate security instruments by exercise of power of sale or otherwise, and bid for and purchase at any foreclosure or other sale or otherwise acquire real property pledged, mortgaged, conveyed, attached, or levied upon to collect indebtedness, and accept title to any property so purchased or acquired.

(j) Execute agreements to insure and reinsure, and to purchase and repurchase insured loans and security instruments.

(k) Request loan checks from lenders for loans to be insured, insure loans by execution of insurance endorsements, and endorse promissory notes in connection with insurance of loans.

(l) Execute and deliver or approve in writing, suspensions, releases or terminations of assignments of income, renewals, extensions, partial and full releases and satisfactions of security and personal or indemnity liability for indebtedness, waivers, subordination agreements, severance agreements, affidavits, acknowledgments, certificates of residence, evidence of consent, and other instruments or documents.

(m) Require and accept further or additional security.

(n) Accelerate and declare entire non-real estate indebtedness due and payable,

and foreclose or request foreclosure of chattel security instruments by exercise of power of sale or otherwise.

(o) Bid for and purchase at any foreclosure or other sale, or otherwise acquire personal property pledged, mortgaged, conveyed, attached, or levied upon to collect indebtedness, and accept title to any property so purchased or acquired.

(p) Take possession of, maintain, and operate security or acquired real or personal property or interests therein, sell or otherwise dispose of such personal property, and execute and deliver contracts, caretaker's agreements, leases, and other instruments in connection therewith, as appropriate.

(q) Execute proofs of loss on insurance contracts and endorse without recourse less payment drafts and checks.

(r) Issue, publish and serve notices and other instruments.

(s) File or record instruments, whether separate instruments, or by making marginal entries, or by use of other methods permissible under State law.

#### § 1800.23 State Office Staff and County Office employees.

The following officials and employees of the Farmers Home Administration, in accordance with applicable laws, for and on behalf of and in the name of the United States of America or the Farmers Home Administration, are also severally authorized within the area of their respective jurisdictions to perform the acts specified in paragraphs (k) to (s), both inclusive, of § 1800.22: Chief, Program Operations; Chief, Real Estate Loans; Chief, Operating Loans; Program Loan Officer; Real Estate Loan Officer; Operating Loan Officer; and State Supervisor; each Area Supervisor, County (including Parish) Supervisor, Assistant County Supervisor, Emergency Loan Supervisor, Assistant Emergency Loan Supervisor, or other supervisor or assistant supervisor; and in the absence or disability of any such official or employee, the person acting in his position.

#### § 1800.24 Ratification.

All written instruments affecting title to real or personal property, including but not limited to deeds, releases, satisfactions, subordination agreements, severance agreements, consents, waivers, assignments, declarations of trust, and heretofore executed by officials or employees of the agencies or other entities referred to in § 1800.21 to carry out any purpose authorized by law, incident to the administration of programs under the jurisdiction of said agencies or other entities, are hereby approved, confirmed, and ratified.

#### § 1800.25 Effect on other regulations.

This Subpart C does not revoke or modify any other delegation or redelegation; instruction, procedure, or regulation issued by, or under authority of, the Administrator of the Farmers Home Administration.



## PART 1801—RECEIVING AND PROCESSING APPLICATIONS

Sec.

- 1801.1 General.
- 1801.2 Receiving applications.
- 1801.3 Processing applications.
- 1801.4 Reaching an understanding.
- 1801.5 Persons entitled to veterans' preference.

**AUTHORITY:** The provisions of this Part 1801 issued under R.S. 161, secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 510, 63 Stat. 437, sec. 10, 68 Stat. 735; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 42 U.S.C. 1480, 16 U.S.C. 590x-3. Provisions interpreted or applied are cited to text in parentheses.

### § 1801.1 General.

This part prescribes the policies and procedures for receiving and processing loan applications and for informing applicants and other interested individuals relative to the services of the Farmers Home Administration and credit available from other credit sources.

(a) The County Supervisor is responsible for seeing that all persons making inquiry about Farmers Home Administration services are given information relative to such services.

(b) Wherever the term "applicant" appears herein, it shall be construed to mean applicant family.

(c) Receiving and processing applications for subsequent Operating loans, Soil and Water Conservation loans to associations, and subsequent Emergency loans, will be handled in accordance with Parts 1831, 1823, Subpart B, and 1832, respectively, of this chapter.

### § 1801.2 Receiving applications.

Applications for Farmers Home Administration assistance will be filed in the County Office serving the area in which the farm to be operated or improved is located; however, if an applicant for an Emergency loan will operate two or more farm units in different counties, his application ordinarily will be filed in the County Office serving the county in which he resides.

(a) The filing of written applications should be encouraged even though funds may not be currently available since applications will be considered in the order received.

(b) Form FHA-197, "Application for FHA Services," will be used by all applicants unless otherwise provided in the authorities referred to in paragraph (c) of § 1801.1.

(c) Supervisory personnel will discuss with each applicant the type(s) of assistance that appears best suited to his particular needs. If after discussing with the applicant his credit needs it appears that he may be able to obtain credit to meet his needs from some other credit source, the County Supervisor should inform him of the availability of such credit and provide him with needed assistance in contacting the credit agency.

### § 1801.3 Processing applications.

(a) Applications will be investigated and submitted to the County Committee for consideration and otherwise processed in the order received except as modified by veterans' preference policies.

The County Supervisor will verify the information furnished by the applicant and assemble additional information needed to evaluate properly the applicant's qualifications and credit needs. The County Supervisor will furnish the County Committee before the application is considered, as a minimum, information on the following:

(1) The applicant's reputation for honesty and meeting his obligations. This will include specific information as to the experiences and opinions of others concerning the applicant and the sources of the information.

(2) The applicant's financial condition in relation to the requirements of local creditors, and the efforts that have been made and the results of the applicant's efforts to obtain credit to meet his needs from other credit sources. If the applicant has obtained financing from other creditors in substantial amounts, careful consideration should be given to the possibility of his being able to continue to obtain credit from such sources.

(3) If the applicant will operate the farm, specific information concerning his farm training and experience.

(4) For Operating loans, the size and quality of the particular farm which the applicant will operate, the approximate acreages of crop and pasture lands, the types and conditions of buildings, and the suitability of the farm for the proposed type farming operations. For other types of loans, any available information as to the suitability of the applicant's farm.

(5) The other resources available to the applicant and the approximate amount of credit which will be required.

(6) Any adverse health conditions.

(b) The County Supervisor will analyze the applicant's loan request, giving careful consideration to his experience, abilities, resources, and credit needs, and will tentatively determine which type(s) of Farmers Home Administration loans will most effectively meet the applicant's needs.

(c) After tentatively determining which type(s) of loan(s) will most effectively meet the applicant's needs, the County Supervisor will present the application to the County Committee for consideration. The Committee will interview applicants whenever it is considered necessary for arriving at proper recommendations. This will be done by having the applicant appear at the Committee meeting. After the interview with the applicant is completed and all pertinent facts have been considered, the Committee, in the absence of the applicant, will take action on the application.

(d) The County Supervisor will take the following action immediately after the County Committee's decision regarding the applicant's qualifications:

(1) If the Committee action is favorable, the County Supervisor will proceed promptly in accordance with the applicable loan processing instructions. When favorable action has been taken on an application, the applicant will be notified. Care should be exercised to be sure that the applicant understands that Committee action does not constitute approval of his loan. In notifying the applicant of

favorable Committee action, the County Supervisor also, when practicable, will arrange a meeting with the family to proceed with developing the loan docket.

(i) In the case of a Farm Ownership applicant who has not selected a farm but who, in the opinion of the County Committee, is otherwise eligible, the County Supervisor will notify the applicant that preliminary action has been taken on his application but final action will be delayed until he has located and obtained an option on a satisfactory farm. In such a case further loan processing actions will not be taken until the applicant has located a farm.

(ii) In the case of tenant applicants for Operating and Emergency loans, who have not yet leased a farm at the time the application is presented to the Committee, but who, in the opinion of the Committee, are otherwise qualified, the County Supervisor will notify the applicant that final Committee action will be delayed until further information is received concerning the farm to be operated.

(2) When the applicant has been determined eligible for assistance but it is found that a sound loan cannot be made, the discussion between the County Supervisor and the applicant should result in a clear understanding of the reasons why a loan cannot be made. A brief letter confirming the discussion and conclusions should be sent.

(3) If the Committee's action is unfavorable, the County Supervisor will notify the applicant in writing specifically of the actions taken and the reasons therefor and will extend an invitation to call at the County Office for the purpose of discussing in detail with the County Supervisor the reasons for the rejection and, when appropriate, the corrective actions the applicant may take to qualify.

(e) Those applications received when loan funds are not available for processing loans will be investigated and presented to the County Committee for consideration. Applicants who are ineligible will be advised accordingly. Those for whom Committee action is favorable will be notified that funds are presently exhausted but that their applications will be held for consideration until funds are available. When funds become available for processing loans to such applicants, they will be notified by letter that funds are available. Such notice to the applicant will also provide that he should advise the County Office within 15 days if he is still interested in obtaining the loan originally applied for; otherwise, his application may be withdrawn. If the applicant still indicates a desire to obtain a loan, the County Supervisor will review the application with him and if there have been any significant changes that would affect the eligibility of the applicant, the County Supervisor will obtain necessary current information and present the application to the County Committee for reconsideration.

(f) Applications will remain in effect until withdrawn, disapproved, expired, or the loan is made. An applicant may voluntarily withdraw his application at



any time. When a loan will not be made for such reasons as the applicant's obtaining credit from another source, lack of further interest on the part of the applicant, or similar justifiable reasons, the applicant will be so notified and advised that his application will be considered withdrawn unless the County Office receives a notice within 15 days that he desires further consideration.

(g) Applications for Farm Ownership loans received during any fiscal year will remain active during the remainder of that financial year and the subsequent fiscal year unless withdrawn or disapproved or unless the loan is closed. During June of each year, the County Committee in consultation with the County Supervisor will select from the expiring applications those applicants who appear to be eligible and who may wish to renew their applications. The County Supervisor will notify the applicant that it will be necessary to file a new application if he wishes further consideration for a Farm Ownership loan.

#### § 1801.4 Reaching an understanding.

Farmers Home Administration lending experience has clearly demonstrated that success in helping farm families depends in large measure on reaching a thorough understanding with each applicant before a loan is approved. A proper understanding will be obtained with all applicants with respect to the basic loan making and servicing policies, the responsibilities of borrowers, and the benefits that may be expected from Farmers Home Administration assistance.

#### § 1801.5 Persons entitled to veterans' preference.

Veterans' preference will be extended to any person applying for a Farm Ownership, Farm Housing, Soil and Water Conservation, or Operating loan who has been discharged or released from the active forces of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard under conditions other than dishonorable, and served in any of such forces during (a) the period April 6, 1917, through March 31, 1921, or (b) the period December 7, 1941, through January 31, 1955. For Farm Housing loans, the spouses and children of deceased servicemen also will be given preference. "Deceased servicemen" means men or women who died in service during one of the periods specified in this section.

(Sec. 1, 50 Stat. 522, as amended, 7 U.S.C. 1001; sec. 507, 63 Stat. 436, as amended, 42 U.S.C. 1477)

## PART 1802—SUPERVISION AND YEAR-END ANALYSIS

Sec.

1802.1 Supervision.

1802.2 Determining needs for supervisory assistance.

1802.3 Year-end analysis.

**AUTHORITY:** The provisions of this Part 1802 issued under R.S. 161, secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 510, 63 Stat. 437, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 735; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 42 U.S.C. 1480,

40 U.S.C. 442, 16 U.S.C. 590x-3; Order of Acting Sec. Agr., 19 F.R. 74, 22 F.R. 8188.

#### § 1802.1 Supervision.

(a) The Farmers Home Administration will provide supervision to each borrower to the extent necessary to achieve the objectives of the loan and to protect the interests of the Government.

(b) The terms "supervision" and "supervisory assistance" as used by the Farmers Home Administration include the broad scope of management services available through the agency to families utilizing Farmers Home Administration credit. The primary objectives of supervision are to assist farm families in making profitable adjustments and improvements that are necessary to place their farming operations on a sound basis, to assist them in the wise use of adequate credit, to assist them to graduate to other sources of credit within a reasonable period of time, and to help protect the interests of the Government.

(c) In order for supervisory assistance to be effective, a thorough understanding must be reached with each applicant at the outset concerning the credit and supervisory assistance which is provided through the Farmers Home Administration, his responsibilities in properly carrying out the proposed farm and home operations, and his responsibilities in caring for and accounting for security property.

(d) The supervisory methods used by the Farmers Home Administration will include long-time farm and home planning, annual farm and home planning, farm family records, year-end analysis and subsequent farm and home planning, farm and home visits, and credit counseling.

#### § 1802.2 Determining needs for supervisory assistance.

The Farmers Home Administration County Supervisor will carefully analyze the need for supervision with each family and determine the extent of supervision that will be required to achieve the objectives of the loan and protect the Government's interest.

(a) *Intensive supervision.* Intensive supervision consists of long-time and annual farm and home planning, farm family records, an average of three to five effective farm and home visits per year with one visit preferably within 30 days after the loan is closed, and year-end analysis and subsequent farm and home planning each year. Families who will depend primarily upon farming for their livelihood and who will be making major adjustments and improvements in their farm and home operations ordinarily will receive intensive supervision at least during the first years of their loans. Intensive supervision may be discontinued and only limited supervision given a family which has completed the major adjustments and improvements needed, has adopted the necessary farm and home and money management practices, is meeting its debt payments and other financial obligations satisfactorily, and is otherwise making satisfactory progress. In addition, intensive supervision may be discontinued when a de-

cision has been made to take liquidation action or it is clearly evident that the further extension of such supervision will not benefit the family.

(b) *Limited supervision.* Limited supervision consists of annual farm and home planning in connection with the making of the loan and for subsequent years, if needed; farm family records; at least one supervisory or inspection visit per year, depending upon the family's needs; and, when the loan is delinquent, making personal contacts for the purpose of collection and developing specific written agreements for removing the delinquency. Families which will not be depending primarily on farming for their livelihoods, or will not be making major adjustments and improvements in their farm and home operations, ordinarily will receive only limited supervision. However, intensive supervision should be given such families when it is necessary to achieve the objectives of the loan and protect the Government's interest.

#### § 1802.3 Year-end analysis.

Borrowers from the Farmers Home Administration who are receiving intensive supervision as prescribed by § 1802.2 of this part will, with the assistance of the County Supervisor, analyze their farm and home operations at the close of each year as a basis for improving those operations for the following year. This analysis will be made in the County Office or some other convenient meeting place selected by the County Supervisor in connection with the completion of the farm and home plan for the succeeding year. Such analysis is in fact an integral part of subsequent planning. The record book and inventory, Forms FHA-195 or FHA 432-1 and FHA-195A or FHA 432-2; the past year's Farm and Home Plan, Form FHA-14 or FHA 431-2; Form FHA 431-1, "Long-Time Farm and Home Plan"; and when available, Forms FHA 432-3 to 432-8, "Enterprise Analysis Sheets," will provide the basic sources of information for the analysis.

(a) *Purposes of year-end analysis.* The year-end analysis is a process by which the family, with the assistance of the County Supervisor, reviews and evaluates the past year's farm and home operations to determine those phases of their operations which were carried out successfully, as well as those which need further improvement. This involves an analysis of such factors as financial progress, production efficiency and effectiveness in carrying out improved management practices.

(b) *When to make the analysis.* Analysis of the past year's operations in conjunction with the completion of the farm and home plan for the next year will take place after the crop year is completed and will cover the full crop year, except when there are borrowers whose business for the year is sufficiently complete to permit an estimate of the year's income and expenses prior to the end of the year with sufficient accuracy to permit a meaningful analysis.

(c) *Preparation for the analysis.* Before the end of the crop year, the County



Supervisor will send each family a notice of the date, time and place for meeting to make the year-end analysis and will furnish them with a new record book and, if required, a new five-year inventory. The County Supervisor also will instruct the family to prepare for the analysis by:

(1) Completing all business transactions and settling all accounts, so far as practicable, before closing the year's records.

(2) Completing all records and summaries in their past year's record book.

(3) Entering the inventory for the next year on Form FHA-195A or FHA 432-2 as of the end of the crop year.

(4) Entering the financial statement, Table A, of their next year's farm and home plan in the new record book.

(5) Completing the "Actual" columns of the past year's farm and home plan, Tables B to K, and lines 4 to 7 on page 1.

(6) Thinking through their farm and home operations and reaching tentative decisions concerning their plan for the next year. All families should be encouraged to make tentative entries in Tables B, C, and E of the farm and home plan for the next year and some families may also be asked to make entries in the budget tables F through K of the farm and home plan. Such entries should be made in pencil for possible revision during the analysis.

(d) *Making the analysis.* The analysis will consist of a review and evaluation by the family and County Supervisor of the strong and weak points in the farm and home operations. It is the responsibility of the County Supervisor to see that the family understands that the aim of the year-end analysis is to provide a basis for making further improvements in the organization of the farm and home business, increasing production efficiency, and improving money management. As decisions are reached during the analysis discussion, they will be recorded in the farm and home plan for the next crop year.

(e) *Completing next year's farm and home plan.* Since the chief purpose of the analysis is to improve the family's farm and home operations for the next year through better planning, completion of the next year's farm and home plan will be an integral part of the analysis. The year-end analysis provides the occasion for completing the continuous planning that has been carried on throughout the year by the family and supervisor. The long-time farm and home plan and the tentative entries made by the family on the next year's farm and home plan should be examined in the light of conclusions and decisions agreed upon during the analysis. The subsequent farm and home plan also will be completed.

## PART 1803—SUPERVISED BANK ACCOUNTS

- Sec.  
1803.1 General.  
1803.2 Use of supervised bank accounts.  
1803.3 Establishing accounts.  
1803.4 Authority to countersign checks.

- Sec.  
1803.5 Deposits and withdrawals.  
1803.6 Unexpended loan funds.  
1803.7 Closing accounts.

**AUTHORITY:** The provisions of this Part 1803 issued under R.S. 161, secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 510, 63 Stat. 437; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 42 U.S.C. 1480.

### § 1803.1 General.

Supervised bank accounts, as referred to in this part, are those required to be established by borrowers in banks of their choice under a deposit agreement entered into by the borrower, the bank, and the Government on Form FHA-192, "Deposit Agreement." Under such agreements, the deposits are assigned to the Government as security for repayment of the indebtedness of the borrower, and withdrawals are permitted only by order of the borrower and the countersignature of a representative of the Government. The primary purpose of such accounts is to protect the interest of the Government in the disbursement of loan funds.

### § 1803.2 Use of supervised bank accounts.

The deposit of funds in a supervised bank account will be governed by the following:

(a) *Borrowers with Operating, Emergency, Special Livestock, or other production-type loans.* (1) Operating, Emergency, Special Livestock, or other production-type loan funds will be deposited in a supervised bank account when the County Supervisor determines that the use of the supervised bank account is necessary to assure the correct expenditure of all or any portion of the loan funds.

(2) Funds representing the proceeds from the sale of mortgaged property, including the proceeds of insurance on mortgaged property and the proceeds of assignments of agricultural income, will be deposited in the supervised bank account when:

(i) Such funds have been released under the provisions governing servicing security for loans in accordance with Part 1871 of this chapter and are to be expended in carrying out major farm and home maintenance, improvements or practices, or for the replacement of mortgaged livestock or farm and home equipment, and the County Supervisor determines that it is necessary to use the supervised bank account to assure that the funds will be available for such purposes; or

(ii) The borrower also is indebted for a Farm Ownership or a Farm Housing loan and deposits of income are made in the supervised bank account as provided in this section.

(a) Any deposits of income which are to be applied as a payment on the borrower's Operating, Emergency, Special Livestock, or other production-type loan indebtedness will be withdrawn immediately and applied to the account in accordance with provisions governing collections.

(b) *Borrowers with Farm Ownership and Farm Housing loans.* (1) Insured Farm Ownership and direct Farm

Ownership or Farm Housing loan funds will be deposited in a supervised bank account on the date of loan closing after it has been determined that the loan can be closed except when all of the proceeds of the check are distributed at the time of loan closing. Funds representing a borrower's down payment or cash contribution also will be deposited in a supervised bank account prior to or at the time of loan closing. When the title is held jointly with the right of survivorship, a joint supervised bank account will be established from which either the husband or wife can withdraw funds.

(2) In exceptional cases, where a borrower with either an insured Farm Ownership loan or a direct Farm Ownership or Farm Housing loan has demonstrated inability to accumulate funds sufficient for the prompt payment of taxes, assessments, property insurance premiums, and maintenance costs, the County Supervisor may request such a borrower to deposit sufficient income in a supervised bank account for these purposes. In order for such deposits to be made from the proceeds of assignments of agricultural income, it will be necessary that assignment checks be drawn jointly to the order of the borrower and the Farmers Home Administration.

(3) A borrower with either an insured Farm Ownership loan approved after September 17, 1954, or a direct Farm Ownership or Farm Housing loan will not accumulate income in a supervised bank account for payment on such loans. However, when assignments are taken to make payments on loans and payments on taxes, assessments, property insurance premiums, and maintenance costs, the entire assignment check may be deposited in a supervised bank account, provided such check is drawn jointly to the order of the borrower and the Farmers Home Administration. A check will be drawn immediately on the supervised bank account in the amount to be paid on the loan and will be forwarded to the Finance Office.

(4) A borrower with an insured Farm Ownership loan approved on or before September 17, 1954, generally will not deposit income in a supervised bank account as a means of accumulating funds for payment on his loan. However, such a borrower who makes small payments frequently should be encouraged to use a supervised bank account to accumulate funds for a substantial payment before such funds are transmitted to the Finance Office, so that remittances to the note holder will be less frequent. In order for such deposits to be made from the proceeds of assignment of agricultural income, it will be necessary that assignment checks be drawn either jointly to the order of the borrower and the Farmers Home Administration or to the order of the bank in which the supervised bank account is established.

(5) When a borrower agrees to deposit income in a supervised bank account he will sign a letter of request. If the County Supervisor believes that an assignment is desirable he will have the borrower and the purchaser sign an original and two copies of Form FHA-80, "Assignments of Proceeds from the Sale



of Agricultural Products," or other assignment form approved by the Attorney in Charge.

(6) Property insurance loss funds will be deposited in the supervised bank account in accordance with § 1806.5 of this chapter.

(c) *Borrowers with Soil and Water Conservation loans*—(1) *Loans to individuals.* Insured or direct Soil and Water Conservation loan funds advanced to an individual will be deposited in a supervised bank account on the date of loan closing after it has been determined that the loan can be closed, unless the loan funds will be spent soon after loan closing and the County Supervisor is satisfied that the borrower will use the funds for the purposes for which the loan was made. If the loan funds are to be deposited in the supervised bank account, any funds furnished by the borrower to supplement his loan also will be deposited in the supervised bank account if required by the loan approval official.

(2) *Loans to associations.* Insured or direct Soil and Water Conservation loan funds advanced to an association will be deposited in a supervised bank account on the date of loan closing after it has been determined that the loan can be closed, unless the loan funds will be spent soon after loan closing. If the loan funds are to be deposited in the supervised bank account, any funds furnished by the borrower to supplement the loan also will be deposited in the supervised bank account not later than the date of loan closing.

(d) *Other deposits.* Deposits in supervised bank accounts other than those specifically authorized under this section will not be permitted.

#### § 1803.3 Establishing accounts.

While each borrower will be given an opportunity to choose the bank in which his supervised bank account will be established, unless otherwise authorized in writing by the Administrator, supervised bank accounts will be established only in banks whose deposits are insured by the Federal Deposit Insurance Corporation. Ordinarily, a borrower who obtains an insured loan will be expected to establish such account with the lender who furnished the loan funds, if the lender is a local banking institution. In making arrangements with banks, only one supervised bank account will be maintained for any one borrower regardless of the amount or source of funds. However, in those instances in which a borrower with a supervised bank account receives an insured loan from another bank and the bank furnishing the funds requests the borrower to deposit the loan funds in that bank, the borrower may maintain two accounts provided only one supervised account will be maintained after the insured loan funds are expended. For each account, an original and two copies of Form FHA-192 will be executed by the borrower, the bank, and the County Supervisor. Authority to execute Form FHA-192 on behalf of the Government may be redelegated by County Supervisors to persons under their supervision. If an agreement is already in existence and addi-

tional funds are to be deposited, a new agreement on Form FHA-192 is not required unless requested by the bank.

#### § 1803.4 Authority to countersign checks.

County Supervisors are authorized to countersign checks drawn on supervised bank accounts and may redelegate this authority to persons in bonded positions under their supervision, provided that such persons are considered capable of exercising countersigning authority.

#### § 1803.5 Deposits and withdrawals.

(a) *Deposits.* (1) A borrower will be notified immediately of loan check or any other deposits made and will be furnished a copy of the deposit slip.

(2) Personnel of the Farmers Home Administration will accept funds from a borrower for deposit in a supervised bank account ONLY in the form of a check or money order endorsed by the borrower "For Deposit Only." In addition to the endorsement by the borrower, joint checks received for deposit will be endorsed by the County Supervisor as provided in regulations governing collections. A check made payable solely to the Government, or any agency thereof, and a joint check where the Treasurer of the United States is a joint payee, may not be deposited in a supervised bank account.

(b) *Withdrawals.* (1) A check will be issued payable to the appropriate payee who, in justifiable circumstances, may be the borrower. However a check will never be issued payable to "Cash." The purpose of the expenditure will be indicated on the face of the check.

(2) Ordinarily, a check will be countersigned before it is delivered to the payee. However, in justifiable circumstances such as when excessive travel on the part of the borrower or the Government would be involved, or the consummation of good purchases would be prevented, and the County Supervisor is assured the borrower can select goods and services in accordance with the plans, a check may be delivered to the payee by the borrower before being countersigned. When a check is delivered to the payee before being countersigned, the County Supervisor must make it clear to the borrower, and, when possible, clear to the payee, that such check will be countersigned only if the quantity and quality of items purchased are in accordance with approved plans. When a check is delivered to the payee before it is countersigned, it will bear the following legend in addition to the legend for countersignature: "Valid only upon Countersignature of Farmers Home Administration." In such case, the check must be presented by the payee or his representative to the County Office of the Farmers Home Administration servicing the account for the required countersignature. Such a check must be accompanied by a bill of sale, invoice, or receipt signed by the borrower, clearly showing the goods or services purchased by the borrower and the cost thereof or similar information must be indicated on the check. Such a check is not valid unless countersigned and should not be

placed in banking channels before the countersignature is affixed.

(3) For real estate loans or grants the number and date of the check will be inserted on all bills of sale, invoices, receipts, and itemized statements for materials, equipment, and services. For such loans or grants, the bills of sale, invoices, receipts, and itemized statements will be given to the borrower or grantee after the bill has been paid or they may be filed in his case folder until all items of development have been completed, at which time they will be returned to him. For all other types of loans they will be returned to borrowers after review by a County Office employee authorized to countersign checks.

(4) Checks to be drawn on a supervised bank account will bear the legend: Countersigned, not as co-maker or endorser.

*Farmers Home Administration.*

(Sec. 339, 75 Stat. 318, sec. 510, 63 Stat. 437; 7 U.S.C. 1989, 42 U.S.C. 1480; Order of Secretary of Agriculture, 19 F.R. 74, 26 F.R. 8403 27 F.R. 5005, 9957)

#### § 1803.6 Unexpended loan funds.

After completion of authorized loan fund expenditures, any unexpended loan funds will be applied promptly on the borrower's loan account as a refund.

#### § 1803.7 Closing accounts.

Supervised bank accounts also will be closed upon the death of a borrower, except joint survivor accounts; when a borrower is in default and it is determined that no further assistance will be given; and when a borrower is no longer classified as "active."

(a) *Deceased borrowers.* Upon the death of a borrower, the County Supervisor ordinarily will request the State Director to make demand upon the bank for the balance on deposit in the borrower's supervised bank account. Funds in the supervised bank account of a deceased borrower normally will not be used for any purpose other than payment of the borrower's indebtedness. The deceased borrower's family ordinarily will be considered as a new case and the needs of the family should be met through the normal channels of the Farmers Home Administration program. However, there may be exceptions to this rule as, for example, when commitments have been made on the basis of the deceased borrower's approved plans and the borrower has received goods or services as a result. In such cases, upon the recommendation of an authorized representative of the estate of the deceased borrower, and with the approval of the Attorney in Charge as to the legality of each such transaction, the State Director is authorized to approve the use of deposited funds for the payment of such commitments.

(b) *Borrowers in default.* Whenever it is not possible or practicable to get a borrower who is in default and whose supervised bank account is to be closed to sign a check, the County Supervisor will request the State Director to make demand upon the bank for the balance on deposit in the borrower's supervised bank account.



(c) *Reclassified borrowers.* Supervised bank accounts of borrowers who are no longer classified as "active" will be closed in the manner set out in the preceding paragraph, except that when a balance remains in the supervised bank account of a borrower who has repaid his indebtedness, the County Supervisor simply will notify the bank in writing that the Government cancels its rights under the "Deposit Agreement," including its countersignature authority.

## PART 1804—PLANNING AND PERFORMING DEVELOPMENT WORK

### Sec.

- 1804.1 General.
- 1804.2 Definitions.
- 1804.3 Policy for planning development.
- 1804.4 Responsibilities for planning development.
- 1804.5 Salvage or disposition of surplus structures and use or sale of timber, sand, and stone.
- 1804.6 Performing development.

**AUTHORITY:** The provisions of this Part 1804 issued under secs. 333, 339, 75 Stat. 314, 318, secs. 509, 510, 63 Stat. 436, 437; 7 U.S.C. 1982, 1989, 42 U.S.C. 1479, 1480; Orders of Sec. of Agr. 19 F.R. 74, 26 F.R. 8403, 27 F.R. 5005, 9957, except as otherwise noted.

### § 1804.1 General.

(a) This part prescribes the policies, methods, and responsibilities with respect to planning and performing development work for a Farmers Home Administration real estate loan or grant. In connection with Rural Housing loans these provisions concerning planning and performing development may not apply to multiple-unit projects that are more extensive in scope. In these instances the Farmers Home Administration may require compliance with other methods of planning and performing development.

(b) The Farmers Home Administration booklet, "A Guide for the Construction of Farm Buildings," will assist program personnel, particularly those who are responsible for advising the applicant in planning construction, approving plans and specifications, and inspecting construction.

### § 1804.2 Definitions.

(a) "Development" means construction and land development.

(b) "Construction" means such work as erecting, repairing, remodeling, relocating, adding to, or salvaging any building or structure, and the installation or repair of, or addition to, heating and electric systems, farmstead wells and water systems, sewage disposal systems, walks, steps, driveways, and landscaping.

(c) "Land development" means items such as terracing, clearing, leveling, fencing, drainage and irrigation systems, ponds, forestation, permanent pastures, perennial hay crops, basic soil amendments, and other items of land improvements which conserve or permanently enhance productivity.

### § 1804.3 Policy for planning development.

(a) *Extent of development.* For a Farm Ownership loan, the plans for

development will include the items necessary to put the farm in a livable and operable condition at the outset consistent with the planned farm and home operations. For other types of loans, the plans will include those items essential to achieving the objectives of the loan. In the case of grants, the plans will include those items of minor repair and improvement as agreed upon between the applicant and the County Supervisor.

(1) *Construction.* New dwellings and service buildings included in the development plan should be adequate but modest in size and cost. Dwellings and other buildings which are excessive in size to the needs of the family and the farm, or which are elaborately or expensively designed or which are significantly more expensive than adequate but modest buildings will not be approved. (See Part 1822 of this chapter for more specific guides covering new or partially completed buildings.) All new buildings to be constructed and all alterations and repairs to buildings will be planned to conform with good construction practices. All improvements to the property will conform to applicable laws, ordinances, and regulations which relate to safety and sanitation of the buildings. Adequate plans, specifications, and estimates will be provided to fully describe the work. See Section 300 of Farmers Home Administration booklet, "A Guide for the Construction of Farm Buildings," for information that should be included in the plans and specifications.

(2) *Land development.* Land development will be planned by the applicant with the advice of the County Supervisor after giving consideration to the practices recommended by Agricultural Colleges, Extension Service, Soil Conservation Service, or other recognized agricultural authorities. Adequate plans and descriptive material will be provided to fully describe the work. In planning land development with the applicant, the County Supervisor will encourage him to use any cost-sharing assistance consistent with his plans that may be available to him through Agricultural Conservation Programs.

(b) *Method for performing development work.* Development work may be planned to be performed by the contract method, the borrower method, or a combination of both the contract and borrower methods. Every effort should be made to perform all major items of development by the contract method. All contract work should be performed by the person, firm, or company qualified to provide the service. Development work may be performed by the borrower method only when (1) it is not practicable to do the work by the contract method, (2) the borrower possesses the necessary skill and managerial ability to complete the work satisfactorily, (3) such work will not interfere seriously with the borrower's farming operation, and (4) the County Supervisor is available to properly advise the borrower and inspect the work.

(c) *Completion of development work.* All work included in the development

plan will be scheduled for completion as quickly as practicable and no later than 15 months from the date of loan closing, except that an item of land development, or a portion thereof, may be scheduled for completion at a later date when more than the 15 months' completion time would be required to establish such land development practices for the area. However, the completion time for land development should not exceed 24 months.

(d) *Funds for development work.* The total cash cost of all planned development will be shown on Form FHA 424-1, "Development Plan." Planned development will be financed by funds provided in the loan, cash on hand before loan closing, Agricultural Stabilization and Conservation Service program payments, or the sale of property in accordance with § 1804.5 of this Part 1804. Income to be earned after loan closing will not be considered for financing items of development planned on Form FHA 424-1.

### § 1804.4 Responsibilities for planning development.

Planning construction and land development and obtaining technical services in connection with plans, specifications, and cost estimates are the responsibility of the applicant, with such assistance from the County Supervisor as may be necessary to insure that the development is properly planned.

#### (a) *Responsibility of the applicant.*

(1) When technical services are required, the applicant will arrange for obtaining these services from qualified technicians, tradesmen and recognized plan services. He will be responsible for furnishing the County Supervisor with sufficient information to describe fully the planned improvements and the manner in which they will be accomplished.

(2) When items of construction or land development require plans and specifications, the applicant will provide the County Supervisor with one copy of the plans and specifications. Approval will be indicated on all sheets of the plans and at the end of the specifications, and both instruments will be a part of the loan docket. After the loan is approved, the borrower will provide himself and the contractor with conformed copies of the approved plans and specifications. After the work is completed the approved copy may be returned to the borrower. Items not requiring plans and specifications may be described in narrative form.

(i) Section 300 of the "Guide for the Construction of Farm Buildings" shows the drawings that should be included in the plans for dwellings and other farm building construction.

(ii) Plans for land leveling, irrigation, or drainage should include a map of that portion of the farm to be improved showing the existing conditions with respect to soil, topography, elevations, depth of topsoil, kind of subsoil, and natural drainage, together with the proposed land development.

(iii) When land development consists of, or includes, the conservation and use of water for irrigation or domestic pur-



poses, the information submitted to the County Supervisor will include a statement as to the source of the water supply, right to the use of the water, and the adequacy and quality of the supply. In States which do not have laws governing the use of water for domestic or irrigation purposes, the applicant will be required to furnish evidence to meet the requirements governing the use of water specified in Part 1821 of this chapter.

(3) Whenever possible, the applicant will pay with personal funds any charges made for technical services in connection with his proposed development. If this cannot be done, the cost of such services may be included in the loan.

(b) *Responsibility of the County Supervisor.* (1) Visit each farm or site to be improved for the purpose of seeing the farm or site on which the development is proposed. In case of a Farm Ownership loan, the County Supervisor and the applicant will determine the items of development necessary to put the farm in a livable and operable condition at the outset.

(2) Discuss with the applicant the Farmers Home Administration's requirements with respect to good construction and land development practices.

(3) Advise the applicant regarding plans, specifications, estimates, and other related material which the applicant must submit to the County Supervisor for review before the loan can be developed. He should outline to the applicant the information that will be included in the plans, how the cost estimates should be prepared, the number of sets of plans, specifications, and cost estimates required, and the necessity for furnishing such information promptly. He should advise the applicant regarding the specification forms, FHA 424-2, "Dwelling Specifications," and FHA 424-3, "Service Building Specifications," which are available to the applicant through the Farmers Home Administration.

(4) Advise the applicant regarding publications, plans, engineering data, and other technical advice and assistance available through local, State, and Federal agencies, and private individuals and organizations.

(5) When appropriate, offer suggestions as to how plans and specifications might be altered to improve the facility and better serve the needs of the borrower. The County Supervisor may assist the borrower in making revisions to the plans. For revisions that require technical determinations which the County Supervisor is not able to make, the applicant will be requested to obtain additional technical assistance.

(6) Review the proposed method of doing the work and determine whether the work can be performed satisfactorily under the proposed method.

(7) Arrive at an understanding with the applicant as to the date each item of development will be started and completed.

(8) Prepare Form FHA 424-1 in accordance with the Forms Manual Insert after a complete understanding has been reached between the borrower and the

County Supervisor regarding the improvements to be made. After Form FHA 424-1 has been prepared and the County Supervisor is reasonably sure that the loan can be made, he will request an appraisal of the farm or non-farm tract, if one is required.

(9) Instruct the applicant not to incur any debts prior to loan closing for materials or labor or make any expenditures for such purpose with the expectation of being reimbursed from loan funds.

(c) *Responsibility of the Area Supervisor or the employee who makes the appraisal.* The employee who will make the appraisal will review Form FHA 424-1, plans, specifications, and the cost estimates to determine whether or not they are sufficiently complete to describe the work and are the types of improvements that appropriately can be financed with a Farmers Home Administration loan. He should determine that sufficient drawings are available, whether or not complete specifications and cost estimates are available, and whether or not they appear to be reasonably complete. He should also determine whether or not the plans, specifications, and cost estimates were prepared by competent and reliable persons. In the case of Farm Ownership loans, he should see that the planned farm development will place the farm in a livable and operable condition at the outset and that adequate facilities for the planned farming operation will be available. When appropriate, he will make suggestions for improving the plans and cost estimates. Generally, the applicant will be contacted by the employee who will make the appraisal of the farm or nonfarm tract to review the proposed development.

§ 1804.5 Salvage or disposition of surplus structures, and use or sale of timber, sand, and stone.

(a) In planning the development, the applicant and the County Supervisor, to the extent practicable, should use salvage from old buildings, and timber, sand, gravel, and stone from the property.

(b) In cases where real estate is taken for security, the borrower may sell surplus buildings, timber, sand, gravel, or stone that is not to be used in performing planned development and use the net proceeds in paying the costs of performing planned development work.

(1) When it is agreed that the applicant will dispose of materials, such agreement will be recorded in the narrative of Form FHA 424-1, which as a minimum will identify the property to be sold, show the estimated net proceeds to be received, and indicate the approximate date by which the property will be sold and also provide that the borrower will deposit the net proceeds in the supervised bank account and apply any excess net proceeds as an extra payment on the loan.

(2) The agreement will be considered by the Government as modifying the mortgage contract to the extent of authorizing and requiring the Government to release the identified property subject to the conditions stated in the agreement without payment or other consideration at the time of release, regardless of

whether or not the mortgage specifically refers to Form FHA 424-1 or the agreement to release. (Sec. 331, 75 Stat. 312, 7 U.S.C. 1981.)

(3) In case the loan will be secured by a junior lien, before the loan is approved, any prior mortgagee must give written consent to the proposed sale and the use of the net proceeds.

(4) Releases requested by the borrower or the buyer will be prepared in accordance with applicable release procedure.

#### § 1804.6 Performing development.

All development work planned and agreed upon will be performed as expeditiously as possible after the closing of the loan.

(a) *Review prior to performing work.* After loan closing and prior to beginning development work, the County Supervisor will review planned development with the borrower. Adequacy of the plans and specifications as well as the estimates will be checked to make sure the work can be completed within the time limits previously agreed upon and with available funds; also, check items and quantities of materials the borrower has agreed to furnish and dates by which each item of development should be started in order that the work may be completed on schedule. If any changes in the plans and specifications are proposed, they should be within the general scope of the work as originally planned. Changes must be approved and processed in accordance with paragraphs (b) (6) and (e) of this § 1804.6. The appropriate procedure for performing development should be explained to the borrower. Copies of Farmers Home Administration Forms that will be used during the period of construction should be given to the borrower. He should be advised as to the purpose of each form and at what period during construction the form will be used.

(b) *Development performed by contract method.* The contract method means performance of the work in accordance with an executed contract other than a lump-sum agreement made under the borrower method in accordance with paragraph (c) (1) (i) of this § 1804.6. Form FHA 424-6, "Construction Contract," will be used, except that for jobs involving the construction of wells, sprinkler irrigation systems, pumps, and similar items, other contract forms may be used, provided such forms customarily are used in the area and adequate provision has been made for the protection of the borrower with respect to compliance with the plans and specifications, payments for work, inspections, acceptance and completion of the work, and so forth. The United States (including Farmers Home Administration) will not become a party to a construction contract or incur any liability thereunder.

(1) *Surety bond.* (i) Surety bond will be furnished in any case where, in the opinion of the County Supervisor, a surety bond appears advisable in order to protect the borrower against default of the contractor; or the borrower requests a surety bond; or the contract provides for partial payments in the



amount of 90 percent of the value of the work in place and the value of materials suitably stored at the site.

(ii) Any surety bond required in connection with a contract will guarantee both performance and payment in a penalty amount equal to the amount of the contract. A surety bond will be obtained from a bonding company legally doing business in the State where the land is located. Such a bond properly executed will be furnished by the contractor prior to the signing of the contract by the borrower and will be filed in the borrower's case folder. Form FHA 424-8, "Performance and Payment Bond," may be used at the option of the borrower. Any other form of performance and payment bond must be acceptable to the County Supervisor. It must run in favor of the United States of America, acting through the Farmers Home Administration as trustee for the borrower, and must contain substantially all the terms and conditions set forth in Form FHA 424-8. The United States (including Farmers Home Administration) will incur no liability under any performance and payment bond provided in connection with a construction contract.

(2) *Obtaining bids.* The borrower will be advised to obtain bids on the development work to be performed by the contract method from as many qualified contractors, dealers, or tradesmen, as practicable, either by inviting bids or by direct negotiations. If competitive bidding is practicable, Form FHA 424-5, "Invitation for Bid (Construction Contract)," or other similar invitation bid form may be used. All contractors from whom bids are requested should be informed regarding time and place for opening bids, surety bond requirements, time or performance of the work, liquidated damages, and the method of payment. When applicable, a copy of Form FHA 424-6 also should be provided for their information.

(3) *Selection of contractor and awarding the contract.* When bids on the farm development work have been obtained, the borrower, with the assistance of the County Supervisor, will consider the bids and the contractor's qualifications to perform the work. On the basis of these considerations, the borrower will select a contractor and award the contract.

(4) *Acceptance of the contract and method of payment.* Contracts found to be acceptable will be approved by the County Supervisor and a copy signed by the borrower and the contractor will be retained by the Farmers Home Administration until the work is complete. When Form FHA 424-6 is used, the appropriate payment clause will be inserted in the contract. When other contract forms are used, the payment clause customarily used by the contractor may be used provided the method of payment conforms generally with one of the methods authorized by the Farmers Home Administration.

(5) *Estimating partial payments.* When partial payments are to be made, the contractor will prepare and submit,

for approval of the borrower and the County Supervisor, an estimate of the value of the work in place for each partial payment. When the contract provides for partial payments for materials at the site, the contractor also may prepare and submit, for the approval of the borrower and the County Supervisor, an estimate of the value of any materials suitably stored at the site. On major items of construction, the contractor, prior to receiving his first partial payment, may be required to submit a breakdown of the contract price into its major components, such as foundation, framing, roofing, siding, millwork, painting, plumbing, heating, electrical, and so forth. This breakdown is for use by the borrower and the County Supervisor in estimating the partial payments.

(6) *Effecting changes in the contract.* Changes in the contract may be made only at the request of the borrower, upon approval of the County Supervisor, and upon acceptance by the contractor. Form FHA 424-7, "Contract Change Order," will be executed by all three parties before such changes are put into effect by the contractor.

(7) *Payments for contract work.* Prior to making final payment on any contract where a surety bond is not used, the County Supervisor will have in his possession Form FHA 424-9, "Certificate of Contractor's Release" (form letter from the contractor certifying full payment of all materials and labor, and releasing the borrower from any claims), executed by the contractor, and Form FHA 424-10, "Release by Claimants," executed by all persons who furnished materials or labor in connection with the contract, unless a State Instruction has been issued which makes the use of Form FHA 424-10 unnecessary. The borrower should furnish the contractor with a copy of this form at the beginning of the work in order that the contractor may obtain these releases as the work progresses. The State Director may permit exceptions which:

(i) Will not require the use of Form FHA 424-10, if, under existing State statutes, the furnishing of labor and materials gives no right to a lien against the property, or

(ii) Will make the use of Form FHA 424-10 optional in those cases where, because of the nature of the work and the reputation of the contractor, the County Supervisor and the borrower have reason to believe that no claims or liens will be made against the borrower or the property. When Form FHA 424-10 is not used, the contractor will execute Form FHA 424-9 with the last paragraph deleted.

(c) *Development work performed by borrower method—(1) Ways of performing the work.* The borrower will use one or more of the following methods of performing work:

(i) Purchase the material and equipment and do the work himself.

(ii) Utilize lump-sum agreements for minor items or minor portions of items of development, the total cost of which does not exceed \$2,000, such as labor, material, or labor and material for small

service buildings, repair jobs, or land development; or for material and equipment which involve a single trade and will be installed by the seller, such as the purchase and installation of heating facilities, electric wiring, wells, painting, liming, or sodding. Generally, such agreements will be in writing; however, if circumstances warrant, the County Supervisor may waive this requirement when the agreement involves a relatively small amount.

(2) *Acceptance and storage of material on site.* The County Supervisor will advise the borrower that the acceptance of material as delivered to the site and the proper storage of the material will be his responsibility. The County Supervisor will advise the borrower regarding insurance of material.

(3) *Payment for work done by the borrower method—(i) Payments for labor.* Before the County Supervisor countersigns checks for payment of labor, he will require the borrower to submit a completed Form FHA 424-11, "Statement of Labor Performed," for each hired workman performing labor during the pay period. Ordinarily, checks drawn in payment for labor will be made payable to the workman involved. However, under justifiable circumstances, when the borrower has made payment for labor with personal funds and has obtained signatures of the workmen on Form FHA 424-11 as having received payment, the County Supervisor may countersign a check made payable to the borrower reimbursing him for these expenditures. Under no circumstances will the County Supervisor permit funds to be withdrawn from the supervised bank account to pay the borrower for his own labor or labor performed by any member of the borrower's household.

(ii) *Payment for equipment or materials.* Before the County Supervisor countersigns checks in payment for equipment or materials, he ordinarily will have in his possession an invoice from the seller covering the equipment or materials to be purchased. In case an invoice from the seller is not available at the time the check is issued, an itemized statement of equipment or materials to be purchased may be substituted for such an invoice until a paid invoice from the seller is furnished the County Supervisor, at which time the itemized statement may be destroyed. When an invoice includes equipment or materials for more than one item of farm development, the appropriate part of the cost to be charged against each item of farm development will be indicated on the invoice by the borrower, with the assistance of the County Supervisor. When an invoice from the seller is available at the time the check is drawn, there will be indicated on the check the invoice number as well as the purpose of the expenditure. If the invoice is unnumbered the invoice date will be inserted on the check. The appropriate number and date of the check will be inserted on all invoices and itemized statements. Ordinarily, checks drawn in payment for equipment or materials will be made payable to the seller.



Under justifiable circumstances, when the borrower has made payment for equipment or materials with personal funds and furnishes a paid invoice from the seller, the County Supervisor may countersign a check made payable to the borrower to reimburse him for these expenses.

(iii) *Payments made under lump-sum agreements.* Payments under lump-sum agreements will be made only when all items of equipment and materials have been furnished, labor has been performed as agreed upon, and the work has been accepted by the borrower and the Farmers Home Administration.

(iv) *Additional requirements applicable to payments made under borrower method.* (a) The check number and date of payment will be indicated on each paid Form FHA 424-11, invoice, itemized statement for materials, and written lump-sum agreement.

(b) Each paid Form FHA 424-11, invoice, itemized statement for material, and written lump-sum agreement will be given to the borrower after the bill has been paid or they may be filed in the borrower's case folder until all items of farm development have been completed, at which time they will be returned to the borrower.

(c) Whenever the County Supervisor or the borrower has reason to believe that there may be any possibility of claims or liens attaching against the property, the borrower will be required to obtain the signatures of appropriate claimants on Form FHA 424-10.

(d) *Inspection of development work.* The following policies will govern the inspection of all development work:

(1) *Responsibility for inspection.* Periodic and final inspections of all development work will be made by the County Supervisor and Assistant County Supervisor. On jobs involving more difficult technical problems, the County Supervisor may request the assistance from the State Office. Qualified technicians from the Extension Service or the Soil Conservation Service may be requested to assist on any such jobs.

(2) *Frequency of inspections.* The County Supervisor or Assistant County Supervisor will inspect development work as frequently as necessary to assure that construction and land development conform with the plans and specifications. He will make a final inspection at the earliest possible date after completion of the planned development. When several major items are involved he will make final inspection upon completion of each item.

(i) For major new buildings and major additions to existing buildings, inspections should be made at the following stages of construction and at such other stages of construction as determined by the County Supervisor.

(a) Stage 1. When foundation excavations are complete and footing forms or trenches are ready for pouring concrete and subsurface installations are roughed-in.

(b) Stage 2. When building is enclosed, structural members still exposed, and, when applicable, roughing-in for

heating, plumbing, and electrical work is in place and visible.

(c) Stage 3. When the structure has been completed.

(ii) When irrigation equipment and materials are to be purchased and installed, a performance test under actual operating conditions by the person or firm making the installation should be required before final acceptance is made. The test should be conducted in the presence of the borrower, a qualified technician, and, when practicable, the County Supervisor. If the County Supervisor is not present at the performance test, he should request the technician to furnish him a report as to whether or not the installation meets the requirements of the plans and specifications.

(iii) For irrigation and drainage construction where part or all of the work will be buried or backfilled, interim inspections should be made at such stages of construction that compliance with plans and specifications can be determined.

(3) *Recording inspections and correction of deficiencies.* All periodic and final inspections will be recorded on Form FHA 424-12, "Inspection Report." It will be the responsibility of the County Supervisor to follow-up on the correction of deficiencies reported on Form FHA 424-12. If the borrower or the contractor refuses to correct the deficiencies, the County Supervisor will report the facts to the State Director who will determine the action to be taken. No inspection will be recorded as a final inspection until all deficiencies have been corrected.

(e) *Making changes in development plan.* Changes in the development planned on Form FHA 424-1 may be made at the request of the borrower in accordance with this paragraph.

(1) *Authority of the County Supervisor.* The County Supervisor is authorized to approve changes in Form FHA 424-1 provided:

(i) The change is for the purpose for which loan funds for the type of loan involved can be used.

(ii) Sufficient funds are deposited in the borrower's supervised bank account to cover the contemplated changes when the change involves additional funds to be furnished by the borrower.

(iii) The change will not adversely affect the soundness of the operation or the Government's security. If the County Supervisor is uncertain as to the probable effect the change would have on the soundness of the operation or the Government's security, he should obtain the advice of the State Director prior to approving the change.

(2) *Limitation of County Supervisor's authority.* In justified cases the State Director may limit the authority of County Supervisors for approving certain kinds of changes in the use of loan funds.

(3) *Recording changes on Form FHA 424-1.* Changes in the development plan, except extensions of time, will be recorded in the narrative of Form FHA 424-1. However, when Form FHA 424-7 is used it will not be necessary to record

the changes in the narrative. Changes made in the narrative will be initialed by the borrower and the County Supervisor.

(i) Any changes which involve an increase or decrease in the cash cost, transfer of funds between items, or the addition or deletion of items of development will be summarized on the front of Form FHA 424-1, by striking through the original figures or items and writing in the changes.

(ii) Extensions of time will be shown only on the front of Form FHA 424-1 by striking out the existing date and writing in the new date.

## PART 1805—VOLUNTARY DEBT ADJUSTMENT

Sec.	
1805.1	General.
1805.2	Methods.
1805.3	Processing applications for voluntary debt adjustment.

**AUTHORITY:** The provisions of this Part 1805 issued under sec. 4, 64 Stat. 100, secs. 337, 339, 75 Stat. 316, 318; 40 U.S.C. 442; 7 U.S.C. 1987, 1989; Order of Sec. of Agr., 19 F.R. 74, 22 F.R. 8188, 26 F.R. 7888, 8403.

### § 1805.1 General.

(a) When the adjustment of debts appears necessary to establish a sound financial position and to carry on a sound farming operation, voluntary debt adjustment assistance will be provided in accordance with the provisions of this part to a farmer or rancher upon request to the County Supervisor, including applicants for loans from the Farmers Home Administration. However, assistance will not be given to any farmer or rancher in avoiding the payment of an obligation within his reasonable ability to pay. It is expected that adjustments will be made on the basis that each debtor will meet his obligations to the full extent of his ability to pay considering his assets, income, and the demands on his income.

(b) Debts owed to the Farmers Home Administration will not be adjusted pursuant to this part but will be considered for settlement in accordance with Parts 1864 and 1872 of this chapter.

### § 1805.2 Methods.

After a determination is made that a debtor's financial situation and debt paying ability is such that adjustment of his debts is necessary, attempts to assist the debtor in adjusting his debts will be made along the following lines as the situation demands:

(a) *Rearrangement of payment terms.* If the debt is not in excess of the debtor's ability to pay over a reasonable period of time, an effort will be made to get the creditor(s) to extend the time for repayment so as to enable the debtor to retire the debt in an orderly manner. This may require such changes as reamortization, rearrangement of payment dates, or suspension of payments during periods of low income. It may be desirable in some situations for a debtor to refinance his present indebtedness with other creditors in order to effect terms



that can be met or to consolidate his debts.

(b) *Reduction of debts.* If, all debts considered, the debtor cannot be expected to pay his creditor(s) in a reasonable period of time, an amount which can be repaid will be determined by the County Supervisor and the applicant and, as needed, with the advise of the County Committee. An effort will then be made to get the creditor(s) to reduce the indebtedness in line with this determination, taking into consideration the priority of liens involved, the security for the debts, and other pertinent factors.

(c) *Other methods.* It may be necessary in some cases to reduce interest rates, to transfer to a creditor some property not needed in the farm business in exchange for a full or partial release from an obligation, or to work out various other arrangements with creditors. The most equitable method for all parties of interest should be chosen so long as it brings the total indebtedness within the debtor's ability to pay in an orderly manner.

(d) *Combination of methods.* The more complex cases may require a variety of methods or combinations of methods in accomplishing an adjustment which will be reasonable and equitable to all parties of interest.

#### § 1805.3 Processing applications for voluntary debt adjustment.

(a) Applications for voluntary debt adjustment will be made on Form FHA 410-1, "Application for FHA Services." The applicant will be required to give complete information concerning his assets, debts, farming or ranching operations, and any other information which has a bearing on his debt paying ability. This will be accomplished by the use of Form FHA 431-2, "Farm and Home Plan," plus any other documents and supplemental information as needed in the individual case.

(b) If the information developed as outlined in paragraph (a) of this section shows a need for an adjustment of debts, and a proposed method and amount of adjustment is determined, the information will be made known to the creditors involved who will be invited to make proposals for the adjustment of the debts they hold. This preliminary contact with creditors may be made by the debtor or the County Supervisor, depending on the circumstances in the case. If the proposals made in response to this contact are adequate for a reasonable and equitable adjustment, the proposals will be formalized into written agreements in accordance with paragraph (d) of this section. If the original proposals are not acceptable, additional negotiations with the individual creditors may be advisable.

(c) When a satisfactory adjustment cannot be reached in accordance with paragraph (b) of this section, it usually will be advisable to invite part or all of such creditors to attend a meeting with the debtor, the County Supervisor, and if determined advisable, the County Committee for the purpose of discussing the debtor's situation and attempting to

arrive at appropriate adjustments. Any satisfactory arrangements reached at this meeting will be formalized into written agreements in accordance with paragraph (d) of this section.

(d) Each satisfactory agreement reached for the adjustment of a debt will be documented on Form FHA 440-11, "Debt Adjustment Agreement," and executed by the creditor and the debtor. Revisions will be made in Form FHA 440-11 when necessary to reflect the agreement reached between the creditor and the debtor. Any such revision will be initiated by both parties. Form FHA 440-11 will be prepared and executed in an original and two copies. The original will be delivered to the debtor, one copy will be delivered to the creditor, and the other copy will be filed in the County Office files.

### PART 1806—REAL PROPERTY INSURANCE

Sec.	
1806.1	General.
1806.2	Companies and policies.
1806.3	Coverage requirements.
1806.4	Examining and servicing of insurance.
1806.5	Losses.
1806.6	Property Insurance with Stock Company Association.

**AUTHORITY:** The provisions of this Part 1806 issued under sec. 41, 50 Stat. 528, as amended, sec. 510, 63 Stat. 437, sec. 10, 68 Stat. 735; 7 U.S.C. 1015, 42 U.S.C. 1480, 16 U.S.C. 590x-3. Interpret or apply secs. 3, 43, 50 Stat. 523, as amended, 530, as amended, sec. 12, 60 Stat. 1076, as amended, sec. 502, 63 Stat. 433, secs. 9, 10, 68 Stat. 735; 7 U.S.C. 1003, 1017, 1005b, 42 U.S.C. 1472, 16 U.S.C. 590x-2, 590x-3.

#### § 1806.1 General.

(a) *Authority.* This part applies to property insurance on buildings on farms securing the interest of the United States of America in connection with Farm Ownership, Farm Housing, Other Real Estate, and Soil and Water Conservation loans secured by real estate mortgages.

(b) *Borrower to furnish insurance.* The real estate mortgage executed by the borrower provides that he will furnish and continually maintain and pay for insurance on buildings situated or constructed on the farm, in companies, in amounts, and on terms and conditions satisfactory to the Farmers Home Administration for the term of the loan.

(c) *Borrower's selection of company.* The borrower will be given free choice in selecting the insurance company from which he desires to obtain his insurance, provided that the insurance issued by such company complies in all respects with all of the requirements set forth in this part.

(d) *Failure of borrower to provide insurance.* Upon failure of the borrower to furnish and pay for insurance in accordance with the requirements of this part, the Farmers Home Administration will secure the necessary insurance and charge the cost to the borrower's account.

(e) *Responsibility.* The County Supervisor is responsible for taking all actions in connection with insurance as may be

necessary to protect the security interest of the Farmers Home Administration.

#### § 1806.2 Companies and policies.

Property insurance policies or other evidence of insurance will be accepted from borrowers when the requirements outlined herein are complied with fully.

(a) *Companies.* The companies must be licensed to do business in the particular State or territory, or specifically authorized by State law to transact business within the State or territory where the property is located.

(b) *Standard policies.* The policies must be the standard fire insurance policy and be so identified. The standard policy is the one containing "Standard Provisions" adopted or recommended by legislative action or by order of the supervising insurance authorities of the State or territory in which the security is located. The original policy must be submitted to the County Supervisor by the borrower, except that a certificate of insurance, a copy of the policy, or other evidence of insurance is acceptable for loans which are secured by other than a first lien if the mortgage clause includes the name(s) of prior mortgagee(s).

(1) *Binders.* Whenever there is a justifiable reason for not issuing a policy or endorsement, as required, a written binder will be acceptable for a period not to exceed 30 days from the effective date of the insurance. The written binder must have attached the approved form of mortgage clause. Such a binder will be submitted to the County Supervisor in lieu of an insurance policy or endorsement and the insurance policy or endorsement will be submitted on or before the expiration date of the binder.

(c) *Loss or damage covered.* Properties must be insured against loss or damage by fire, lightning, windstorm, hail, explosion, riot, civil commotion, aircraft, vehicles, and smoke.

(d) *Effective date of insurance.* If there are insurable buildings located on the farm, the borrower will arrange with his agent or company to have adequate insurance in force at the time of loan closing so that the policy will properly insure the borrower and the mortgagee(s). When new buildings are erected or major improvements are made to existing buildings, such insurance will be made effective as of the date materials are delivered to the property. The County Supervisor will make no payments from loan funds for labor or materials until the borrower has furnished adequate insurance to protect the interest of the Farmers Home Administration in the property including the buildings being erected or improved.

(e) *Term.* The borrower will be required to furnish insurance for a term of not less than one year.

(f) *Mortgage clause.* The standard mortgage clause (without contribution) must be attached to or printed in the policy or Form FHA 426-2, "Property Insurance Mortgage Clause (Without Contribution)," must be attached to the policy. If the use of a mortgage clause, other than the standard mortgage clause



(without contribution) has been made mandatory by the laws or insurance regulations of any state, such form will be acceptable to the Farmers Home Administration upon prior approval by the National Office. Whenever a new mortgage clause including the interest of the Farmers Home Administration is issued after the policy has been in force, the new mortgage clause must be signed by an authorized agent or officer of the company that issued the policy.

(1) The United States of America (Farmers Home Administration) and all other mortgagees whose interests are insured by the policy will be shown in the mortgage clause in the order of priority of their mortgages.

(2) The name "United States of America (Farmers Home Administration)" will be named payee in the mortgage clause for direct and insured loan mortgages naming the Farmers Home Administration as mortgagee, whether in its own right or as trustee under a 2(f) agreement pursuant to the Rural Rehabilitation Corporation Trust Liquidation Act (40 U.S.C. 440).

(3) The name "United States of America (Farmers Home Administration) as First Mortgagee or as Statutory Agent and Insurer of Such Mortgagee," will be named payee in the mortgage clause for insured Farm Ownership mortgages naming the lender as mortgagee, whether the mortgage is held by the original or a subsequent lender or by the insurance fund or by the Farmers Home Administration under a trust assignment or declaration of trust.

(4) In case of real estate mortgages securing more than one type of Farmers Home Administration loan to the same borrower, the United States of America (Farmers Home Administration) will be named in the mortgage clause appropriately for each type of loan.

(g) *Evidence of premium payment.*

(1) When Form FHA-878 is attached to the policy, no evidence of premium or assessment payment is required.

(2) When a mortgage clause other than Form FHA-878 is used, the borrower will be required to furnish, with the policy, proper evidence that the premium has been paid for the full term of the policy. The evidence of premium payment may be a receipted bill, the policy stamped "Premium Paid," the endorsement renewing or continuing the policy stamped "Premium Paid" or letter or statement signed by the agent or company stating the premium has been paid. In case the policy is written by an assessment mutual insurance company on an annual assessment basis, proper evidence will accompany the policy to show that the most recent annual assessment has been paid. When Form FHA-878 cannot be used in a state, evidence of premium payments may be waived upon determination by the National Office of the probability that the Government will not be required to pay defaulted premiums.

(h) *Policy restrictions* Any insurance having restrictions which limit the amount of collectible insurance to less

than Farmers Home Administration requirements, must have such restrictions eliminated or modified to afford the required protection; otherwise, the policy will not be accepted. Policies will not be accepted if, under the terms of the policies or local laws, contributions or assessments may be made against the Farmers Home Administration, nor when, by the terms of the policy or other conditions, loss payments are contingent upon action by the Board of Directors, the policyholders, or the members.

#### § 1806.3 Coverage requirements.

The County Supervisor should encourage the borrower for his own protection to insure for their depreciated replacement value (actual cash value) all buildings which are essential to the operation of the farm or the repayment of the loans. The minimum insurance to be furnished on insurable buildings located on land taken as security for the loan, which insurance will be distributed among the most essential buildings, is prescribed below:

(a) *Loans secured by a first lien.* (1) When the unpaid balance of the loan is equal to or greater than the depreciated replacement value of the buildings that are essential to the operation of the farm and any other buildings that have significant security value, all such buildings will be insured for their depreciated replacement value or the cost of essential buildings adequate for the farm which can be built for amounts less than the depreciated replacement values of the existing buildings. Insurance will not be required on buildings that are not essential for the operation of the farm and do not have significant security value, or are in such a state of disrepair that the cost of insurance would be prohibitive.

(2) When the unpaid balance of the loan is less than the depreciated replacement value of the buildings that are essential for the operation of the farm and any other buildings that have significant security value, the total amount of insurance must be at least equal to the unpaid balance of the loan, or the cost of essential buildings adequate for the farm which can be built for amounts less than the depreciated replacement values of the existing buildings.

(3) When, by use of loan funds or otherwise, buildings are erected or substantial improvements are made to essential buildings, or to other buildings which have a substantial security value, insurance will be provided in accordance with subparagraphs (1) or (2) of this paragraph, whichever is applicable.

(b) *Loans secured by other than first liens.* The amount of insurance on buildings in the case of Farmers Home Administration loans secured by other than a first lien shall be the same as required in paragraph (a) of this section with the understanding that the unpaid balance of the loan shall be deemed for this purpose to be the amount of the total real estate mortgage indebtedness owed all prior mortgagees named in the mortgage clause, and the Farmers Home Administration's debt secured by the real estate mortgage.

(c) *Exception of buildings from insurance.* Upon written request of the borrower, the County Supervisor may approve the following exceptions:

(1) Insurance need not be carried on any buildings if the hazards are so slight because of the character and construction of the building, or the cost of the insurance so high in comparison with the value of the building that, according to common standards of judgment, it should not be insured, including but not limited to windmills, wind pumps and their towers, silos, fire-cured tobacco barns, potato or root cellars, and stone smokehouses.

(2) In cases where the unpaid balance of the Farmers Home Administration loans and any prior liens have been reduced to \$1,000, or less, all property insurance may be dispensed with provided the County Supervisor determines that the value of the farmland itself is sufficient to protect the Farmers Home Administration in its collection of the amount of the outstanding indebtedness.

#### § 1806.4 Examining and servicing of insurance.

(a) *Examination by County Office of policies, evidence of insurance, endorsements, and binders.* Upon receipt in the County Office of a policy, evidence of insurance, endorsement, or binder submitted by a borrower, it will be examined promptly by the County Supervisor for compliance with the requirements of this part. If the insurance is found to be acceptable, it will be placed in the borrower's case folder.

(1) *Unacceptable policies.* (i) When the borrower furnishes any policy or evidence of insurance which does not meet the requirements of this part, such policy or evidence of insurance will be returned to the borrower with the reasons why it is not acceptable.

(ii) If the borrower does not furnish acceptable insurance within 15 days from the date the unacceptable insurance was returned, the County Supervisor will submit a completed Form SCA-1, "Insurance Order," to the Stock Company Association.

(2) *Release of mortgage interest.* Where the borrower's loan has been paid in full and the satisfaction or release of the mortgage has been executed, the County Supervisor will execute the following Release of Mortgage Interest on the mortgage clause attached to the policy, or evidence of insurance, and transmit it with the paid-in-full note and satisfaction:

It is understood and agreed that the interest of the United States of America in the property insured hereunder ceased as of (date of final payment), and that the Government shall have no interest in any loss or damage to such property occurring thereafter.

(3) *Lost or misplaced policies.* When an unexpired insurance policy or evidence of insurance is lost or misplaced, it will be necessary to obtain a replacing policy or evidence of insurance. The County Supervisor is authorized to sign a Lost Policy Receipt on behalf of the Farmers Home Administration.



(4) *Disposition of expired policies.* All expired policies or evidences of insurance held by the Farmers Home Administration for borrowers will be returned to borrowers one year following expiration, except that such policies or evidences of insurance will be delivered to the borrower, upon request, within one year after expiration.

(b) *Special servicing of insurance—*

(1) *Vacancy or unoccupancy.* If the County Supervisor has knowledge that a farm is vacant or unoccupied, or that the occupancy has changed from owner to tenant, he will examine the policy to determine whether the policy permits such conditions. Unless the insurance permits such condition, the County Supervisor will immediately notify, in writing, the company or agent. In any case where there is an additional premium due because of vacancy, unoccupancy, or tenant occupancy, and upon demand to the Farmers Home Administration from the company or agent because the borrower cannot, or will not, pay the additional premium, it may be paid by Standard Form 1034, "Public Voucher for Purchases and Services other than Personal," to the company or agent.

(2) *Transfer of farm.* If the County Supervisor has knowledge that a borrower's farm is being transferred during the term of the insurance, the County Supervisor must be supplied immediately with an endorsement signed by the company or agent, changing the name of the assured to that of the transferee; or the transferee must obtain other insurance acceptable to the Farmers Home Administration. If other insurance is obtained, the old policy or record of insurance will be returned to the transferor, unless there is an unsettled loss. If there is an unsettled loss, the policy or evidence of insurance will not be returned until the claim has been settled satisfactorily. Acceptance of the new policy or endorsement from an ineligible person will not constitute consent by the Government to the transfer.

(3) *Voluntary conveyance of farm to Government and foreclosure.* After a foreclosure sale has been held or after a deed of conveyance to the Government in lieu of foreclosure has been filed for record, the County Supervisor will return the insurance policy to the borrower for cancellation; however, if there is an unsettled loss with respect to the property, the policy will not be returned until such loss has been settled. When the borrower receives the policy, he may cancel the insurance and obtain the unearned premium check from the insurance company.

#### § 1806.5 Losses.

(a) *General.* In case of loss covered by insurance, the County Supervisor is authorized to take such steps as are necessary to protect the interest of the Farmers Home Administration in the property against further damage and to collect the amount of the loss. When serious problems arise with respect to protecting the property from further damage, or an amicable settlement cannot be reached, or when legal action

appears to be necessary, the matter will be referred to the State Director. The State Director is authorized to execute Proofs of Loss, and other forms as may be required in connection with Proofs of Loss, for the Farmers Home Administration when borrowers will not, or cannot, execute such forms.

(1) *Reporting loss.* It is the responsibility of the borrower, under his policy, to notify immediately the company or agent of any loss or damage to insured property. The borrower also should notify the County Supervisor. When requested, the County Supervisor will inform the borrower of all insurance in force covering the risk according to Farmers Home Administration records. If the borrower will not, or cannot, report the loss to the insurance company, the County Supervisor will notify the company or agent.

(2) *Protective repairs.* The borrower must immediately take the required steps to protect his property temporarily from further damage from any causes after a loss, regardless of the estimated amount of such loss. It will be the responsibility of the County Supervisor to determine whether the emergency protection is being made. In unusual cases when the borrower cannot, or will not, arrange adequate protection for the property, the County Supervisor will arrange for the emergency protection. Such costs will be paid from the insurance loss funds when received from the company.

(3) *Completing adjustment.* The borrower must complete the adjustment of loss with the company or its authorized representatives. The County Supervisor, upon request of the borrower, may consult with the borrower regarding the loss adjustment, but will not enter into negotiations with insurance adjusters or company representatives relative to the adjustment or settlement of losses on borrower property, or make any commitments, or sign any forms in connection with the adjustment of the loss. Under no circumstances will the Farmers Home Administration waive any rights which it may have against the company.

(4) *Reinstatement after loss.* In cases where insurance in the amount of the loss is not reinstated automatically by the provisions of the policy, it will be the responsibility of the County Supervisor to have the borrower reinstate as much of the insurance as may be necessary to fulfill the requirements of the Farmers Home Administration.

(b) *Loss drafts—when loan is secured by a first mortgage.* (1) A loss draft which in the opinion of the County Supervisor represents a satisfactory adjustment of the loss will be endorsed immediately without recourse and deposited in the borrower's supervised bank account, except:

(i) When the amount of the loss is \$500 or less and the borrower will use the funds for repairing or replacing the building, the loss draft may be endorsed without recourse and given to the borrower upon satisfactory proof that the repairs or replacements have been made, or upon satisfactory assurance that the work will be performed.

(ii) Where the buildings are not to be repaired or replaced, and other suitable buildings are not to be erected, the insurance funds will be applied as an extra payment to the borrower's real estate loan account unless authorized by the National Office for other disposition in accordance with the general principles applicable to the use of proceeds from the sale of a part of the security under Part 1872 of this chapter.

(iii) Where the records show that the real estate indebtedness has been paid in full, the loss draft will not be endorsed but will be returned to the company or agent, accompanied by a statement that the borrower's real estate indebtedness has been satisfied.

(c) *Loss drafts—when loan is secured by other than first mortgage.* (1) When the loss draft does not include the interest of a prior mortgagee, it will be processed as provided in paragraph (b) of this section.

(2) When the loss draft includes the interest of a prior mortgagee, the County Supervisor is authorized to endorse and process the draft as follows:

(i) When the prior mortgagee will permit the use of such loss funds to repair or restore the damaged building, the draft may be endorsed without recourse upon satisfactory proof that the repairs or replacements have been made or upon satisfactory assurance that the work will be performed.

(ii) When the amount of the draft does not exceed the amount of the indebtedness then secured by the prior mortgage as stated in writing by the holder of the prior mortgage, and the holder of the prior mortgage has agreed in a written statement to the County Supervisor that he will apply such funds as a payment on the borrower's prior mortgage indebtedness, the draft may be endorsed without recourse.

(iii) When the amount of the draft exceeds the amount of the indebtedness then secured by the prior mortgage, as stated in writing by the holder, and he has agreed in writing to pay such indebtedness from the loss funds, the draft will be endorsed without recourse only after all parties named as payees in the draft have signed an agreement to deliver the draft "in escrow" to a bank acceptable to the named parties. The agreement will specify the manner in which the funds will be disbursed by the bank, as escrow agent, to the several mortgagees named in the draft. After the loss funds have been collected by the bank, it will issue cashier's checks in the manner prescribed in the escrow agreement.

(iv) Drafts which have been endorsed by other payees will be endorsed immediately without recourse. Such drafts or other loss funds will be processed in accordance with the methods described in paragraph (b) of this section.

(d) *Repairs and replacements.* When any loss payments have been deposited in the borrower's supervised bank account, all repairs or replacements done by or under the direction of the borrower, or by contract, will be planned, performed, inspected, and paid for in the same man-



ner as improvements financed with loan funds. Any balance remaining from such loss proceeds after all repairs and replacements, and other authorized disbursements, have been made will be applied as an extra payment on the borrower's real estate loan account unless authorized by the National Office for other disposition in accordance with the general principles applicable to the use of proceeds from the sale of a part of the security under Part 1872 of this chapter.

**§ 1806.6 Property insurance with Stock Company Association.**

(a) *Insurance ordered by the Farmers Home Administration.* Upon failure to the borrower to provide and maintain insurance acceptable to the Farmers Home Administration, the County Supervisor immediately will request insurance from the Stock Company Association for the protection of the security interest of the Farmers Home Administration in the property. The request will be made on Form SCA-1, furnished by the Stock Company Association.

(1) After completing Form SCA-1 in accordance with the requirements set forth in § 1806.3, the original and one copy will be sent to the Stock Company Association, 1422 K Street, N. W., Washington 5, D. C., unless otherwise directed.

(2) Insurance ordered from the Stock Company Association will be for the protection of the borrower(s) and the Farmers Home Administration, and will not include the name of any other mortgagee who might have a prior or subsequent lien on the property. The County Supervisor will not collect the premium from the borrower or issue a Standard Form 1034. In all cases where the insurance is ordered by the Farmers Home Administration from the Stock Company Association, the premium will be paid by the Finance Office and charged to the borrower's account for the loan secured by the real estate mortgage.

(b) *Losses—Stock Company Association.* Any loss or damage to property insured by the Stock Company Association will be subject to the provisions of § 1806.5 except as follows:

(1) It will be the responsibility of the borrower to notify the County Supervisor promptly of any loss or damage to property insured by the Stock Company Association. Immediately following such notification, the County Supervisor will prepare a Form FAR 2, "Notice of Loss." The original and one copy should be sent to the Stock Company Association at the address shown in paragraph (a) (1) of this section, unless otherwise directed.

(2) The loss draft, when issued by the Stock Company Association, will be sent to the County Office servicing the particular loan and the County Supervisor will process such loss draft in accordance with § 1806.5.

(3) It will be the responsibility of the borrower to make his own adjustment with a representative of the Stock Company Association, and the amount of loss when adjusted shall be paid to the borrower and the Government as their interest may appear.

**PART 1807—TITLE CLEARANCE AND LOAN CLOSING**

- Sec. 1807.1 General.
- 1807.2 Initial loan cases.
- 1807.3 Office of the General Counsel—Initial loan case.
- 1807.4 Subsequent loans not in connection with transfers or credit sales.
- 1807.5 Additional requirements in connection with loans to homestead entrymen, contract purchasers of farm units from the Bureau of Reclamation, and certain Indians.
- 1807.6 Cancellation of loan.

**AUTHORITY:** The provisions of this Part 1807 issued under secs. 307, 339, 75 Stat. 308, 318, secs. 502, 510, 63 Stat. 433, as amended, 437, sec. 4, 64 Stat. 100; 7 U.S.C. 1927, 1989, 42 U.S.C. 1472, 1480, 40 U.S.C. 442; Orders of Sec. of Agr., 19 F.R. 74, 26 F.R. 8403, 27 F.R. 5005, 9957.

**§ 1807.1 General.**

(a) *Farm Ownership, Rural Housing, and Individual Soil and Water Conservation loans.* This part contains the title clearance and loan closing authorities, policies, and procedures for all Farm Ownership, Rural Housing, and individual Soil and Water Conservation loans, except loans in connection with transfers and assumption agreements or credit sales by the Farmers Home Administration.

(b) *Other types of loans and transactions.* Title clearance and closing of all other loans and transactions involving real estate security will be handled as provided in regulations applicable thereto.

(c) *Definition of terms.* As used in this part "title clearance" includes title examination and title insurance; "mortgage" includes deed of trust and deed to secure debt; "borrower" means the loan applicant; "title insurance company" includes its local representatives, agents, and attorneys; and "Farmers Home Administration" refers to the United States of America acting through the Farmers Home Administration. Also, a loan is considered to be closed when the mortgage is filed for record.

(d) *Methods of title clearance and loan closing.* Title clearance and loan closing will be handled by title insurance companies approved by the State Director and attorneys designated by the State Director whenever such companies and attorneys will furnish all the services required by this part. When complete services are available from more than one source, the borrower or the seller, or both, as appropriate, will choose a single source to be used. In any county or area where the State Director is unable to obtain the services of a designated attorney or a title insurance company that will furnish complete services, and in cases of a mortgage on a leasehold, and in any exceptional or complex case or situation in which the State Director determines with the advice of the Office of the General Counsel that it would be more reasonable or practical, the services of the Office of the General Counsel may be used. When the services of the Office of the General Counsel are to be used on a county or area basis, the State Di-

rector with the advice of the Office of the General Counsel will determine whether the title clearance and loan closing will be accomplished with the assistance of a local attorney, title insurance company, or other method. In other cases, the title clearance and loan closing will be handled as the Office of the General Counsel deems appropriate.

(e) *Designation of attorneys.* The State Director, upon the advice and concurrence of the Office of the General Counsel as to professional qualifications, will designate attorneys in each county or area in which it is possible to have them furnish all the legal services required of such attorneys by this part.

(f) *Approval of title insurance companies.* The State Director will approve any company issuing satisfactory title insurance policies, licensed to do business in the state, which has or will agree or states in writing (by exchange of letters, publication of services, or otherwise) that it can validly and will furnish for a stated charge, a title insurance binder, a mortgagee or joint protection title insurance policy (hereinafter referred to as "mortgagee title policy"), and all of the related services prescribed herein, provided:

(1) The mortgagee title policy will be in such form and will contain only such standard types of exceptions as are approved in advance by the State Director with the advice of the Office of the General Counsel.

(2) The title insurance company understands that the request for insurance and services will be made by sellers or borrowers and that no cost of insurance or services will be charged to or paid by the Farmers Home Administration on an insured lender.

(3) The title insurance company representative who supervises the closing is authorized to receive, and give receipts for, the company's charges.

(g) *Costs of title clearance and loan closing.* Neither the Farmers Home Administration nor an insured lender will be responsible for any costs of title clearance or loan closing. The costs of title clearance and loan closing will include any costs of abstracts of title, land surveys, attorney's services, title insurance, obtaining curative material, notary fees, documentary stamps, recordation costs, and other expenses necessary to make the loan. The borrower or the seller, or both will be responsible for payment of all costs of title clearance and loan closing and will arrange before the loan is closed for such payment. In cases involving the purchase of land, the option should contain their agreement.

(h) *County Supervisor's responsibilities.* The County Supervisor will:

(1) Provide the borrower, and seller if land is being acquired, with the name and address of the designated attorney and approved title insurance companies.

(2) Furnish to the selected designated attorney or title insurance company or Form FHA-826 or FHA 427-4, "Transmittal of Title Information," all the information and documents called for therein concerning the loan to be made or insured, including any waivers, ease-



ments, and so forth, and Farmers Home Administration forms or other documents necessary to effect title clearance and loan closing.

(1) *Ordering title examination or insurance.* Application for title clearance and loan closing services will be made by the borrower or the seller, or both, to a insurance company selected by the loan applicant or seller, or both. Application for title insurance will be made on forms furnished by the company and will request issuance of a form of mortgagee title policy approved by the State Director in an amount at least equal to the amount of the loan. The borrower also may obtain an owner's policy or a combination policy if he desires. The mortgagee named in the policy will be the "United States of America," except that if a direct loan is being made with State Rural Rehabilitation Corporation trust funds, the name of the mortgagee will be "United States of America, Trustee of the assets of (name of State Rural Rehabilitation Corporation)." The borrower will instruct the designated attorney or title insurance company to deliver the preliminary title opinion or title binder to the County Supervisor.

#### § 1807.2 Initial loan cases.

(a) *Services.* Title clearance and loan closing services to be provided by designated attorneys and title insurance companies will include examining title; preparing, obtaining, or approving simple curative material, conveyances, and security instruments; advising borrowers, and sellers if land is being acquired, regarding the adequacy of the legal description of the farm; issuing either preliminary and final title opinions or certificates of title, or title insurance binders and mortgagee title policies; and performing other legal services necessary to close the loan properly. The designated attorney or title insurance company will advise the County Supervisor, upon his request, as to the nature and legal effect of outstanding interests or title defects to assist him in determining whether such outstanding interests or defects affect the value of the farm or its operation and which must be corrected in order for the Government to obtain from the borrower a lien of the required priority upon a title merchantable in fact. The designated attorney or title insurance company will be expected to perform these services with diligence and dispatch so that the loan can be closed without unnecessary delay.

(b) *Examination of title.* At the proper time, the County Supervisor will notify the borrower, and seller if land is being acquired, that they should employ the designated attorney or title insurance company to examine title and perform the other legal services in connection with title clearance and loan closing, and that they should furnish to the designated attorney or title insurance company any needed abstracts of title or other title evidence for use to the extent possible to reduce the cost to the borrower.

(1) *Scope of search.* The designated attorney or title insurance company will determine whether there are any judgments or pending suits in State or Federal courts, Federal or State tax claims (including taxes which under State law may become a lien superior to a previously attaching mortgage lien), or bankruptcy, insolvency, or probate proceedings, involving any part of the farm, whether already owned by the borrower or to be acquired with loan funds, or involving the borrower, or the vendor in a land acquisition case, which would prevent the Farmers Home Administration from obtaining an enforceable mortgage lien of the required priority. Title examination upon which this determination will be based will include such searches of the records, or certificates from the clerks, of the appropriate United States district courts as may be necessary in the particular State.

(2) *Period of search.* When title insurance is obtained, title examination will cover such period of time as the title insurance company determines necessary in order to insure the Farmers Home Administration mortgagee interest in the title. In other cases the title search must cover the shortest period necessary to include one of the following:

(i) A warranty deed from a party other than the United States which has been of record for at least 40 years.

(ii) A Farm Ownership, Farm Housing, or individual Soil and Water Conservation (not Water Facilities) security instrument.

(iii) A patent or deed from the United States, except that where such patent or deed recorded within 40 years was issued under the Federal homestead or reclamation laws or where title is held under but a patent or deed has not been issued under such laws, the search must cover either 40 years or the period necessary to include the entry or purchase contract whichever is shorter.

(c) *Preliminary title opinion or title insurance binder.* When the services of a designated attorney are used, he will issue his preliminary title opinion to the County Supervisor. The preliminary title opinion will be on Form FHA-312 or FHA 427-9, "Preliminary Title Opinion," or if that form is not legally sufficient in a particular State, the State Director with the advice of the Office of the General Counsel, may approve a satisfactory State form. When title insurance is obtained, the title insurance company will furnish the County Supervisor a title insurance binder disclosing the defects in and encumbrances against the title, the conditions to be met to make the title insurable, and the curative or other actions to be taken before loan closing. The binder also will include a commitment to issue an approved mortgagee title policy in an amount at least equal to the amount of the loan.

(d) *Title exceptions.* Upon receipt of the preliminary title opinion or title insurance binder, the County Supervisor will:

(1) Check the opinion or binder carefully to see that it is complete in all re-

spects. If any required information is omitted or if the standard form of opinion or binder is amended, the County Supervisor will not accept the opinion or binder but will return it for completion or correction. If the designated attorney or title insurance company is unable or unwilling to complete or correct it, the County Supervisor will send it with a full explanation to the Office of the General Counsel, which may approve or disapprove it.

(2) Determine that the legal description covers all the property rights, including water rights, intended to be taken as security and whether the opinion or binder shows exceptions, reservations, encumbrances, or defects which must be corrected, eliminated, or waived. The County Supervisor will consult with the designated attorney, title insurance company, or the State Director when he needs advice in making these determinations.

(3) Waive any exceptions which he or the State Director determines will not affect adversely the suitability, security value, or successful operation of the farm.

(4) Submit any exceptions which will affect adversely the title to the farm or its suitability, security value, or successful operation to the State Director. The State Director may waive them conditionally. If necessary, the County Committee will reconsider the suitability of the farm for a loan and prepare a new certification. If it is favorable and the conditions imposed in the State Director's waiver can be met, the County Supervisor will inform the designated attorney or title insurance company.

(e) *Preparation of deeds, mortgages, and curative instruments.* The designated attorney or title insurance company will prepare or approve deeds, mortgages, affidavits, releases, and other simple curative documents necessary for title clearance and loan closing. Farmers Home Administration mortgage forms will be used in all cases and other Farmers Home Administration forms, whenever possible.

(1) *Type of estates—joint tenancy, entirety, or other.* (i) Where land is acquired with loan funds and the State law permits, both the title to the land being acquired and the title to any part of the farm already owned will be vested in the borrower and spouse with right of survivorship, or at the election of the borrower as community property in a State having community property laws under which all community property goes to the surviving spouse when the other spouse dies without disposing of his or her share by will, subject to the following exceptions:

(a) Upon written request of the borrower in any case in any State, title may be vested in any way which will permit obtaining the required mortgage lien.

(b) When one spouse is under disability of minority or mental incompetency and it is necessary under State law in order for the Farmers Home Administration to obtain a valid lien not subject to disaffirmance and enforceable against the security property including



all interests therein required to be mortgaged, title will be vested in the eligible spouse only.

(c) When the eligible spouse is a citizen and the other spouse is a non-citizen, title will be vested only in the citizen, if possible under State law.

(i) In all other cases title may be held in any manner which will permit obtaining the required mortgage, except that subdivision (i) (c) of this subparagraph will apply in noncitizen cases.

(2) *Preparation of deeds.* Deeds will be prepared as follows:

(i) Except for conveyances from the United States and subject to the following additional exceptions, conveyance of title to borrowers must be by general warranty deed. The usual and appropriate form of deed may be accepted from fiduciary or straw parties. Upon the prior approval of the Administrator in any case where the seller refuses to give a general warranty deed, a quitclaim or special warranty deed may be accepted of the title it conveys is approved by the Office of the General Counsel as free from substantial objections. If the grantors or their predecessors in title acquired the property by conveyance from the Farmers Home Administration or one of its predecessor agencies, a special warranty deed may be used warranting against title defects arising subsequent to that conveyance.

(ii) The deed should show the exceptions, reservations, liens, and other encumbrances subject to which the loan is being made. Where customary, the legal description of the land should include a provision further identifying the security as that described in an earlier conveyance identified by date, parties, and recording data.

(iii) Each deed should recite a legal consideration.

(3) *Preparation of mortgage.* The designated attorney or title insurance company will obtain from the County Supervisor the proper type of Farmers Home Administration mortgage form, which will be prepared as follows:

(i) *Forms.* Form FHA-127-., or FHA 427-2 (State) will be used for all direct loans. Form FHA-177-., or FHA 427-1 (State) will be used for all insured loans. Form FHA-157 or FHA 427-3 (State) Rider will be used as attachment to Form FHA-127-., or FHA 427-2 (State) or FHA-177-., or FHA 427-1 (State) when a loan is made to a homestead entryman or to a contract purchaser of a farm unit from the Bureau of Reclamation.

(ii) *Number of copies.* Ordinarily it will only be necessary to prepare the original and one copy of the mortgage, the original to be recorded in the public records and then retained in the Farmers Home Administration County Office and the copy to be delivered to the borrower. An additional copy will be necessary in States where the original is retained by the recorder. Additional copies also will be necessary in some cases in which the interests of other parties are involved. The County Supervisor will conform the needed copies and distribute them to the proper parties at

the time of loan closing or as soon as possible thereafter.

(iii) *Persons required to execute mortgage.* The mortgage will be executed by the borrower and all other persons having interests in the farm which are required in each case to be mortgaged. Persons required to sign the mortgage should use exactly the same names in which they hold title, and each person who signs the promissory note and the mortgage should sign both with exactly the same name.

(iv) *Title exceptions.* The mortgage must describe specifically by reference or other method sufficient under State law, the exceptions, reservations, liens, and other encumbrances subject to which the loan is being made, except that any exceptions and reservations so numerous or with descriptions so lengthy as to increase substantially legal or recording costs, may be described by use of a general statement similar to the following: "Subject, however, to all valid outstanding easements, rights-of-way, mineral leases, mineral reservations, and mineral conveyances of record."

(v) *Releasing or retaining existing mortgages in refinancing cases.* If any outstanding Farmers Home Administration real estate loan is not being refinanced, the mortgage with respect thereto will not be superseded or released; the mortgage, the note therein secured or described, and any related mortgagee title policy will remain in force. When there is an outstanding Farmers Home Administration direct or insured real estate mortgage against the property and the loan which the mortgage secures is being refinanced with the current loan, the mortgage for the loan being refinanced will be superseded and will be released at the time of loan closing, unless it is legally necessary to keep the existing mortgage in effect in order to have a valid lien.

(vi) *Notes to be described in mortgages.* (a) In the case an insured loan, only the note evidencing the insured loan being made will be described in the mortgage, and under no circumstances will a direct note and an insured note be described in one mortgage. If, at the time an insured loan is being made, any other kind of loan (whether insured or direct) is being made simultaneously or additional security is desired for a loan already outstanding, it will be necessary to take a separate mortgage on the form appropriate for the other loan.

(b) When a direct loan is being made, the note will be described in the mortgage. When two or more direct loans are made to the same borrower on the same security and closed simultaneously, only one mortgage will be taken and the notes for all such loans will be described in the mortgage. Notes evidencing existing direct loans to borrowers receiving a new direct loan will also be described in the new mortgage unless prohibited by Farmers Home Administration regulations or policies or deemed by the loan official inadvisable in the particular case. When a subsequent direct Farm Ownership, Rural Housing, or Soil and Water Conservation loan is

being made without refinancing the initial loan, the initial loan and subsequent loan notes will be described in the mortgage, except that, where a subsequent loan mortgage is being taken without covering additional land, and describing the initial loan note would result in a higher title insurance premium for the subsequent loan, the State Director may allow the subsequent mortgage to additionally secure the initial loan by cross-reference to be inserted in the mortgage rather than by description of the initial loan note; a mortgage taken from a transferee will describe the assumption agreement executed by the transferee instead of the earlier related note as the instrument secured, and the term "note" is to be interpreted accordingly in this Part 1807 of this chapter.

(c) For a direct Farm Ownership or a Farm Housing loan, the "Due date of final installment" to be shown in the mortgage, and for an insured Farm Ownership loan, the date to be inserted in "the final installment being due on -----, 19--," is determined by adding the number of years over which the loan is payable to the date of the promissory note. For all other direct loans and for insured Soil and Water Conservation loans, it is the final installment date shown on the promissory note.

(vii) *Alteration of mortgage form.* A mortgage form may be altered by deletion, revision, or addition pursuant to authorization by the State Director or in a special case where it is necessary in order to comply with the terms of loan approval prescribed in accordance with pertinent Farmers Home Administration regulations. No other alterations in the printed mortgage forms may be made without prior approval of the National Office.

(f) *Loan closing.* The designated attorney or the title insurance company will arrange with the County Supervisor, the borrower, the seller if land is being acquired, and other necessary parties for the time and place of loan closing. The designated attorney or the title insurance company will assist with the loan closing to determine that the Farmers Home Administration obtains a valid mortgage lien on the property of the priority required by the Farmers Home Administration, subject only to such other encumbrances, reservations, and exceptions as have been permitted by the County Supervisor or the State Director. Where a second mortgage Farm Ownership loan is being made simultaneously with another Farmers Home Administration loan (both subject to a prior lien), the other Farmers Home Administration loan will be deemed secured by a third lien.

(i) *Disbursement of loan funds.* Loan funds will not be disbursed prior to filing of the mortgage for record. However, when necessary, loan funds may be placed in escrow before the mortgage is filed for record for disbursement after it is filed. Loan funds for the payment of a lien may be disbursed only upon receipt of a discharge, satisfaction, or release (or assignment where necessary to protect the interest of the Government),



except that funds may be disbursed, after the mortgage is filed for record, to a reputable lienholder in reliance on his written agreement to deliver the instrument upon receipt of a specified sum.

(2) *Title examination and liens or claims against borrowers.* The designated attorney or title insurance company will examine the title and will check for liens or claims against the borrower from the terminal date of the preliminary title examination to and including the time of recording the current mortgage. If there are no entries of record during the period except the documents required in connection with title clearance and any partial releases or subordinations previously approved by the Farmers Home Administration, the loan may be closed. If there are any other entries of record during this period, the loan will not be closed until such entries have been cleared of record, or administratively waived if appropriate. The designated attorney or title insurance company should advise the County Supervisor of the nature of such intervening instruments, the legal method by which they may be eliminated, and the effect they may have on obtaining a valid mortgage of the priority required.

(3) *Certificate of inspection.* The County Supervisor will prepare a certificate of inspection which will show the condition of the farm at or shortly before the time of loan closing. Form FHA-874 or FHA 427-7, "Certificate of Inspection," will be used, except that if it is not satisfactory for use in a particular state, the State Director may approve a State form using the same title. The designated attorney or title insurance company will see that the certificate is executed by the County Supervisor or by some other Farmers Home Administration employee, including County Committeemen, acquainted with the facts.

(4) *Taxes and assessments.* The designated attorney or title insurance company will ascertain that all taxes and assessments against the property which are due and payable are paid at or before the time of loan closing. Certificates or receipts should be produced from the taxing authorities to show that taxes or assessments which are due and payable have been paid and, if possible, such certificates or receipts should be kept in the borrower's County Office loan docket with the other loan papers. Where the seller and the borrower have agreed to prorate taxes or assessments which are not yet due and payable for the year in which the loan closing takes place, the seller will pay his portion at the time of loan closing. If the taxes and assessments cannot be paid at the time of loan closing, the amount of taxes and assessments to be paid by the seller will be deducted from the selling price of the land.

(5) *Prior lienholders' agreements.* If other persons hold liens, purchase contracts, or other security interests, herein called liens, which will remain against the property as a prior lien after the loan is closed, it may be necessary for them to limit their rights thereunder in certain cases.

(1) Forbearance agreements will be obtained where the County Supervisor determines that protection of the Government's interest requires the prior lienholder to agree to one or more of the following:

(a) Not to declare his lien in default or accelerate the indebtedness thereunder for a specified period without the written consent of the State Director.

(b) Not to make advances for purposes other than taxes, insurance, or payments on other prior liens when his lien secures future advances which the designated attorney, title insurance company, or Office of the General Counsel determines would, under State law, have priority over the mortgage being taken or any mortgage already held or insured by the Farmers Home Administration.

(c) To consent to the Farmers Home Administration's making the loan and taking the mortgage, if the prior lien prohibits such loan or mortgage without consent.

(d) Not to enforce without the written consent of the State Director as long as the Farmers Home Administration has an interest in the property, any unsatisfactory payment terms or other specified provisions of the prior lien which in the opinion of the County Supervisor would endanger the security position of the Farmers Home Administration.

(i) Notice of foreclosure or assignment agreements will be obtained in those states whose laws permit junior liens of private parties to be extinguished by foreclosure of a prior lien without the junior lienholders being made parties or being given actual notice.

(ii) In a State in which forbearance agreements only are needed, they will be obtained on Form FHA-446 or FHA 427-8, "Agreement with Prior Lienholder," or, if that form is not legally satisfactory for use in a particular State, on another form approved by the Farmers Home Administration. When only notices of foreclosure or assignment are required, a separate form for such purpose will be used. When both forbearance agreements and notices of foreclosure or assignment are required, Form FHA-446 or FHA 427-8 may be amended in order to serve both purposes or a substitute form approved by the Farmers Home Administration may be used for both purposes, or Form FHA-446 or FHA 427-8 may be used and the notice agreement obtained on a separate form approved by the Farmers Home Administration.

(iv) When a forbearance or notice agreement is required, the designated attorney or title insurance company will determine at the time of loan closing that it is properly completed and executed and, if required by State law, sealed and witnessed; also, that it is properly acknowledged by the prior lienholder and recorded, if recording is required by the Farmers Home Administration.

(6) *Affidavit of sellers.* If land is being acquired, the designated attorney or title insurance company may require that an affidavit of sellers be properly

completed and executed at, or shortly prior to, the time of loan closing. This affidavit may be on Form FHA-375 or FHA 427-6, "Affidavit of Sellers," or if that is not legally sufficient in a particular State, a substitute form approved by the Farmers Home Administration may be used. The affidavit will not be recorded unless State law permits and the designated attorney or title insurance company considers it necessary.

(7) *Deeds and curative material.* The designated attorney or title insurance company will determine that deeds, releases, and curative material are properly completed, executed (sealed and witnessed if required by State law), acknowledged, and filed for record at the proper time.

(8) *Promissory note.* The designated attorney or title insurance company will determine that the promissory note is properly completed and executed. The borrower and any person whose signature on the note is necessary to obtain the required mortgage lien will sign the note. In addition, the borrower's spouse, even where not required to sign the note for lien purposes, will sign the note unless he or she is under disability of minority or mental incompetency or is a noncitizen or is excused from signing the note for substantial reasons deemed by the State Director to be justifiable. The note will be dated the date the mortgage is filed for record, except that it may be executed and dated earlier if execution on that date is impossible and the borrower is advised that interest will accrue on the loan from the date of the note.

(9) *Assignment of future income.* If Form FHA-253 or FHA 443-16, "Assignment of Income from Real Estate Security," is required in a particular case, the County Supervisor will prepare the form and have it available for execution by the borrowers at the time of loan closing. The designated attorney or title insurance company will see that the form is properly completed, executed (sealed and witnessed if required by State law), and acknowledged by the borrowers.

(10) *Mortgage.* The designated attorney or title insurance company will see that the mortgage is properly completed, executed, sealed and witnessed if required by State law, acknowledged, and filed for record. The mortgage will be executed and dated the date of the note, except that if that is impossible for one or more of the signers of the mortgage, it may be executed on a different date but not before the date of the note.

(11) *Affidavit of borrowers.* The designated attorney or title insurance company may require that an affidavit of borrowers be properly completed and executed at the time of loan closing. This affidavit may be on Form FHA 427-5, "Affidavit of Borrowers," or if that is not legally sufficient in a particular State, on another form approved by the Farmers Home Administration. Statements in the form should be modified as necessary to make them factually correct. The affidavit will not be ac-



knowledge and recorded unless State law permits and the designated attorney or title insurance company considers it necessary.

(12) *Other services of designated attorneys and title insurance companies.* The designated attorney or title insurance company will assist and advise the County Supervisor, when necessary, in the preparation, completion, obtaining execution, acknowledgment, recordation, and so forth, of documents required in particular cases. Standard FHA forms will be used for such purposes whenever possible. The designated attorney or title insurance company will maintain close communication with, and keep the County Supervisor advised, as to the progress of the title clearance and preparation of loan closing material.

(13) *Final opinion or mortgagee title policy.*—(i) *Final opinion.* As soon as possible after loan closing, the designated attorney will issue his final opinion to the County Supervisor. The final opinion will be on Form FHA-313 or FHA 427-10, "Final Title Opinion," or if that form is not legally sufficient in a particular State, on another form approved by the Farmers Home Administration. Since issuance of final opinion will not be held up pending return of recorded instruments, it may not be possible for the final title opinion to show full recording information in all cases, but it should at least show the time of filing, filing number, and as much other recording information as is available. Attached to the final opinion will be all required documents then available, including any which the County Supervisor had furnished to the designated attorney and were not previously returned. With the approval of the designated attorney, arrangements may be made with the recorder to forward or deliver instruments to the proper parties after recordation.

(ii) *Mortgagee title policy.* As soon as possible after loan closing the title insurance company will issue to the County Supervisor the mortgagee title policy in favor of the Government as it appears as mortgagee. The policy shall be subject only to approved standard exceptions and such outstanding encumbrances, exceptions, and reservations as were waived administratively in writing by the Farmers Home Administration.

§ 1807.3 Office of the General Counsel—Initial loan case.

In any county, area, or case in which the services of the Office of the General Counsel are to be used, the title clearance and loan closing will be accomplished in accordance with the provisions of § 1807.2 of this part and closing instructions issued by that Office. As soon as the loan has been closed, a local attorney or title insurance company representative and the County Supervisor will initial or certify the original of the closing instructions to show that the requirements thereof have been met.

§ 1807.4 Subsequent loans not in connection with transfers or credit sales.

Title clearance and closing of subsequent loans to which this part is applicable will be handled as follows:

(a) *By designated attorney or Office of the General Counsel.* Title clearance and loan closing will be the same as provided for in §§ 1807.2 and 1807.3 of this part, respectively, with respect to initial loans, except that a preliminary title opinion will not be required on land already owned by the borrower and mortgaged to the Farmers Home Administration for a Farm Ownership, Farm Housing, or Soil and Water Conservation (not Water Facilities) loan. The final title opinion on such land will cover the period subsequent to recordation of the initial loan mortgage. If title clearance is to be handled by the Office of the General Counsel, the County Supervisor will also forward the initial loan mortgage to the Office of the General Counsel.

(b) *With title insurance.* Title clearance and loan closing with title insurance will be the same as provided for in § 1807.2 of this part with respect to initial loans except that:

(1) Title insurance will be obtained only when additional land is being acquired or the initial loan is being refinanced with the subsequent loan. If the same title insurance company is being used as the one which issued title insurance in connection with the initial loan, it should only be necessary to examine title to the land already owned by the borrower from the time of issuance of the existing mortgagee title policy.

(2) Regardless of whether the initial loan is being refinanced, the new mortgagee title policy will cover the entire farm including the land already owned and any land being acquired.

(3) If the initial loan is being refinanced, the new mortgagee title policy will cover the entire amount of the subsequent loan, including the amount of the initial loan being refinanced. But, if the initial loan is not being refinanced, the new mortgagee title policy will insure only the amount of the subsequent loan.

§ 1807.5 Additional requirements in connection with loans to homestead entrymen, contract purchasers of farm units from the Bureau of Reclamation and certain Indians.

Whenever loans are made subject to agreements with other Government agencies, the title clearance and loan closing requirements of special instructions with respect thereto, as well as those of this part, will be applicable.

§ 1807.6 Cancellation of loan.

If for any reason it is determined that the loan cannot be made, the County Supervisor will promptly notify the borrower and those who are involved in the particular case at the time the determination is made, such as sellers (if land is being acquired), designated attorney, other local attorney, Office of the General Counsel, and title insurance company or its local representative.

## PART 1808—NONDISCRIMINATION IN MULTIPLE-UNIT HOUSING

- Sec.
- 1808.1 Purpose.
- 1808.2 Scope.
- 1808.3 Nondiscrimination in use and occupancy.
- 1808.4 Mortgage covenant.
- 1808.5 Violations.

**AUTHORITY:** The provisions of this Part 1808 issued under secs. 510, 514, 515, 63 Stat. 437, 75 Stat. 186, 76 Stat. 671, 42 U.S.C. 1480, 1484, 1485. E.O. 11063, 27 F.R. 11527. Orders of Sec. of Agr., 19 F.R. 74, 26 F.R. 8403, 27 F.R. 5005.

§ 1808.1 Purpose.

The purpose of the regulations in this part is to put into effect provisions of Executive Order 11063, dated November 20, 1962, 27 F.R. 11527, in connection with housing loan programs of the Farmers Home Administration described in § 1808.2.

§ 1808.2 Scope.

The regulations in this part apply to loans of the following types to finance housing and related facilities of more than two living units:

(a) Domestic farm labor housing loans under section 514 of the Housing Act of 1949.

(b) Senior citizens rental housing loans under section 515 of the Housing Act of 1949.

§ 1808.3 Nondiscrimination in use and occupancy.

In the case of every such loan closed after November 20, 1962, the borrower shall not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities because of race, color, creed, or national origin.

§ 1808.4 Mortgage covenant.

In the case of every such loan closed after receipt by the County Supervisor of Administration Letter 777 (444), the mortgage or other security instrument shall contain the following covenant:

Borrower covenants and agrees that borrower will not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities financed in whole or in part with the loan in connection with which this instrument is given, because of race, color, creed, or national origin.

§ 1808.5 Violations.

Discrimination in violation of the regulations in this part shall constitute default under the mortgage or other security instrument held by the Government in connection with the loan.

## PART 1809—APPRAISAL OF FARMS

- Sec.
- 1809.1 General.
- 1809.2 Definitions of values to be recommended.
- 1809.3 Long-time commodity prices, costs and other basic appraisal data.

**AUTHORITY:** The provisions of this Part 1809 issued under R.S. 161, secs. 41, 6, 50 Stat.



528, as amended; 870, sec. 510, 63 Stat. 437, sec. 4, 64 Stat. 100, 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 42 U.S.C. 1480, 40 U.S.C. 442. Interpret or apply sec. 2, 50 Stat. 523, as amended; 7 U.S.C. 1002.

#### § 1809.1 General.

(a) *Appraisals required.* An appraisal report will be required in connection with each initial Farm Ownership and Farm Housing loan, and in connection with each Soil and Water Conservation loan in excess of \$5,000 to be secured by a lien on the farm to be improved. An appraisal report also will be prepared when required by Farmers Home Administration regulations or when requested by the County Committee, County Supervisor, or State Director in connection with making subsequent loans, initial Soil and Water Conservation loans not in excess of \$5,000, and servicing loans where real estate is taken as security.

(b) *Employees authorized to appraise farms.* For the purpose of this part, an "appraiser" is an employee of the Farmers Home Administration who has been designated in writing to appraise farms.

(c) *Appraisal forms.* Form FHA-596, "Appraisal Report," and Form FHA-596B, "Map of Farm," will be used in recording appraisals. In addition, when a farm under consideration is to be irrigated or is located in a drainage or levee district, or when minerals, timber, or other rights are leased, reserved, or exempted, Form FHA-596A, "Supplemental Report (Irrigation, Drainage, Levee, and Minerals)," will be used to the extent applicable.

(d) *Real estate improvements to be considered.* In making an appraisal, the appraiser will consider the real estate improvements already on the farm and those to be made by the applicant in connection with the loan, rather than those real estate improvements that a typical operator would have.

(e) *Typical owner-operator.* In appraising the farm, the appraiser will assume that the farm will be operated by a typical owner-operator for the area in which the farm is located. Such operator will be representative of the farmers in the area who possess average skills and managerial ability. The typical operator to be assumed should not be one who is significantly above or below average in managerial ability for the area. For example, the appraiser will assume that the operator would be a typical dairyman if the farm being appraised is in an area where both dairy farming and corn-hog farming have proven successful and the farm has building and land resources, including improvements to be made in connection with the loan, which make it more suitable for dairying.

#### § 1809.2 Definitions of values to be recommended.

(a) *Normal earning capacity value.* This value is defined as the maximum amount that can be invested safely in a family-type farm consistent with the net income that the farm unit reasonably can be expected to produce, after any planned land and building improvements are completed. A distinction will be made between "nor-

mal earning capacity" and "normal earning capacity value." The term "normal earning capacity" means the long-time average annual production and income that reasonably can be expected from the farm. The term "normal earning capacity value" is an expression of the value of the farm based on its normal earning capacity. It is determined in connection with family-type farms being considered for Title I loans. For a normal earning capacity appraisal, the appraiser will:

(1) Make the following assumptions:

(i) The farm will be operated by a typical owner-operator for the area.

(ii) Cropping and livestock systems used are typical for the farm under consideration and will maintain the anticipated productivity. In determining the proper cropping system, the appraiser will take into account acreage allotments for the basic crops.

(iii) Average crop yields and livestock production estimates are used for the farm under consideration.

(iv) Approved commodity prices and farm operating costs are employed in estimating net income.

(v) The farm will be improved as shown in the Farm Development Plan.

(vi) The normal farm operating and family living expenses, the cost of necessary farm and equipment repairs and replacements, and principal and interest payments will be met out of farm income.

(vii) Income credited to the farm will include only income from the sale of farm commodities.

(2) Consider the amount that could be invested in the farm based upon capitalization of the net farm income available for payment on real estate loans. The minimum capitalization rate will be six percent. Farming systems which include major enterprises considered to be high-risk enterprises, or farms located in areas with unusual hazards such as droughts, hail, flood, and frosts which cause yields to fluctuate to the extent that net farm income is reduced significantly at rather frequent intervals, should be capitalized at rates higher than six percent.

(3) Determine the normal earning capacity value which should be consistent with and supported fully by the earning ability of the farm. Such value, however, is not merely a mathematical computation resulting from capitalization of the net farm income available for payment on the real estate loan(s). Some other factors that he must consider in determining normal earning capacity value are:

(i) The desirability of the farm for a home.

(ii) The adaptability of the farm for alternative systems of farming.

(iii) Natural characteristics of the farm that would cause it to remain productive or characteristics that would cause production to decline because of such factors as erosion or leaching.

(b) *Normal market value of farm as improved.* This value is defined as the amount a typical purchaser would, under normal conditions, be willing to pay and be justified in paying for the farm, as

improved, for farming purposes and for any nonagricultural assets the farm may have. This value is reflected by prices at which comparable properties in the community have been sold for similar use over a period of years, assuming long-time prices and costs. This value assumes that the farm normally may be expected to sell for that amount with a reasonable amount of effort and that the purchaser is a willing but not anxious buyer and the seller is a willing but not forced seller. Some of the important factors that the appraiser must consider in determining the normal market value are:

(1) Net farm earnings to the owner-operator and to the landlord based on long-time prices and cost.

(2) Improvement shown on the Farm Development Plan.

(3) Hazards of weather and high-risk enterprises.

(4) Location of farm with respect to:

(i) Off-farm employment opportunities and dependability of such employment.

(ii) Community services such as schools, churches, markets, trading centers, and roads.

(5) Condition and suitability of buildings.

(6) Condition and productivity of land.

(7) Nonagricultural assets such as timber, gravel, stone, or proven minerals.

(8) The price at which comparable properties in the area have sold. These prices will be adjusted to normal market values.

(9) Opinion of informed people who are familiar with real estate values in the area such as agricultural leaders, real estate brokers, and private and co-operative lenders.

(c) *Normal market value of acreage to be purchased.* This value will be determined as outlined in paragraph (b) of this section, except that planned improvements to be made by the applicant in connection with the loan will not be considered.

(d) *Present market value of farm as improved.* This value is defined as the amount a typical purchaser would be willing to pay and be justified in paying for the farm, as improved, for farming purposes and for any nonagricultural assets the farm may have. This value assumes that on the current market the farm may be expected to sell for that amount with a reasonable amount of effort and that the purchaser is a willing but not anxious buyer and the seller is a willing but not forced seller. In determining present market value, the appraiser will consider the same factors as listed in paragraph (b) of this section as they apply to present conditions rather than normal conditions.

#### § 1809.3 Long-time commodity prices, costs, and other basic appraisal data.

Long-time prices for farm commodities, long-time farm operating and family living costs, and other basic appraisal data will be used in the preparation of Form FHA-596.



(a) *Long-time commodity price schedules.* A State schedule of long-time farm commodity prices will be prepared by the State Director. Each State schedule will be submitted to the National Office for approval before issuance.

(b) *Cost schedules.* A State schedule of cost items will be prepared by the State Director.

(c) *Other basic appraisal data.* The State Director will assemble other basic appraisal data for use of employees authorized to appraise farms as an aid to securing greater consistency in appraisals. All available sources of materials such as publications of Agricultural Experiment Stations, Agricultural Colleges, United States Department of Agriculture, and so forth, should be utilized in developing and assembling the data. Such data will include to the extent practicable:

(1) A listing of recognized systems of farming, and the areas in the State where applicable.

(2) Standard crop rotations for various soils, conditions, and enterprises.

(3) Approved feed tables.

(4) Hired labor cost figures.

(5) Machinery requirements and depreciation rates.

(6) Tractor expense data.

(7) Values of buildings and depreciation rates.

(8) Method of determining the cash expense for family living.

(9) Capitalization rates.

(10) Other items which will be helpful to appraisers.

## PART 1810—RATES ON, AND TERMS AND CONDITIONS OF THE INSURANCE OF, INSURED LOANS

Sec.	
1810.1	Definitions.
1810.2	General.
1810.3	Rates payable by borrowers on insured loans.

**AUTHORITY:** The provisions of this Part 1810 issued under sec. 510, 63 Stat. 437, sec. 514, 75 Stat. 186, secs. 307, 308, 309, 339, 75 Stat. 308, 309, 318, sec. 515(b), 76 Stat. 671, sec. 517, 79 Stat. 498; 42 U.S.C. 1480, 1484, 1485(b), 1487, 7 U.S.C. 1927, 1928, 1929, 1989; Orders of Sec. of Agr., 29 F.R. 16210, 16840, 30 F.R. 14049.

### § 1810.1 Definitions.

As used in this part:

(a) "Insurance fund" means the Agricultural Credit Insurance Fund made available under section 309(a) of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1929(a)), or the Rural Housing Insurance Fund made available under section 517(e) of the Housing Act of 1949 (42 U.S.C. 1487(e)).

(b) "Farm Ownership loan" means a loan insured under sections 302 and 303 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1922, 1923).

(c) "Soil and Water loan" means a loan insured under sections 304 and 306 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1924, 1926).

(d) "Labor Housing loan" means a loan insured under section 514 or section 517(b) of the Housing Act of 1949 (42 U.S.C. 1484, 1487(b)).

(e) "Senior Citizens Rental Housing loan" means a loan insured under section 515(b) or section 517(b) of the Housing Act of 1949 (42 U.S.C. 1485(b), 1487(b)).

(f) "Rural Housing loan" means a loan insured under section 517(a) of the Housing Act of 1949 (42 U.S.C. 1487(a)). A Rural Housing loan is insured under clause (1) of the section if the borrower's family income is low or moderate, and under clause (2) if the income is above moderate.

(g) "Public body" means a borrower whose obligations bear interest exempt from Federal income taxation.

### § 1810.2 General.

(a) The Farmers Home Administration insures loans made initially with money supplied by other lenders. The agency also makes loans out of the insurance fund and then sells and insures them, and resells on an insured basis loans previously purchased from insured holders. In any such type of case, collections are made by the Farmers Home Administration as agent of the insured holder and then transmitted to the holder. Depending upon the terms of the contract of insurance in each case, the agency may (1) retain an agreed portion (the "annual charge") of the collections on the loan, (2) pay the insured holder the entire collections on the loan annually, or (3) pay the entire collections plus an additional amount annually. Also, the contract of insurance may give the insured holder the optional right to require the Farmers Home Administration to repurchase the loan within a designated time interval after the lapse of a specified "fixed period" following the date of the insurance contract. Each insurance contract provides for the annual rate of yield which the insured holder is entitled to receive in addition to principal.

(b) Rates payable by borrowers are specified in § 1810.3.

(c) Current information regarding yield rates to lenders and fixed periods may be obtained from any county or State office of the Farmers Home Administration or from its national office at 14th and Independence Avenue SW., Washington, D.C. 20250. A list of the county and State offices is contained in the Directory of Organization and Field Activities of the Department of Agriculture, Agriculture Handbook No. 76, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

### § 1810.3 Rates payable by borrowers on insured loans.

(a) For (1) Farm Ownership loans, (2) Labor Housing and Soil and Water loans to applicants other than public bodies, and (3) Rural Housing loans to borrowers with low or moderate family income, the interest rate payable by borrowers will be 5 percent per year on the unpaid principal balance.

(b) For Rural Housing loans to borrowers with above-moderate family income, rates payable by borrowers will be interest at 5½ percent, and an insurance charge at one-half percent, per year on the unpaid principal balance.

(c) For Senior Citizens Rental Housing loans, the interest rate payable by borrowers will be 5¾ percent per year on the unpaid principal balance.

(d) For Labor Housing and Soil and Water loans to public bodies, the interest rate to the lender will be determined by competitive bidding or negotiation at the time the loan is made. The interest rate payable by the borrower will be the sum of the interest rate to the lender plus any annual charge specified by the Farmers Home Administration for each case or class of cases.

## SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

### PART 1821—FARM OWNERSHIP LOANS

Sec.	
1821.1	General.
1821.2	Objectives.
1821.3	Supervisory assistance.
1821.4	Definitions.
1821.5	Eligibility requirements.
1821.6	Preference.
1821.7	Loan purposes.
1821.8	Loan limitations.
1821.9	Terms of loans.
1821.10	Security requirements.
1821.11	Special requirements.
1821.12	Suitability of farm for the Farm Ownership Program.
1821.13	Technical and legal services.
1821.14	Mineral rights.
1821.15	Optioning of land.
1821.16	Deferred payments.
1821.17	Junior mortgage loan.
1821.18	Certification by County Committee.
1821.19	Loan approval.
1821.20	Requesting title service and accepting option.
1821.21	Actions subsequent to loan approval.
1821.22	Loan closing actions.
1821.23	Subsequent Farm Ownership loans.
1821.24	Reamortization of existing Farmers Home Administration debts.

**AUTHORITY:** The provisions of this Part 1821 issued under secs. 2, 4, 64 Stat. 98, 100, secs. 302, 303, 305, 307, 308, 309, 333, 339, 75 Stat. 307, as amended, 308 as amended, 309, as amended, 314, 318, sec. 343, 76 Stat. 632; 7 U.S.C. 1922, 1923, 1925, 1927, 1928, 1929, 1983, 1989, 1991, 40 U.S.C. 440, 442; Orders of Sec. of Agr., 19 F.R. 74, 26 F.R. 8403, 27 F.R. 9957, 28 F.R. 9676.

### § 1821.1 General.

This part prescribes the policies, procedures, and authorizations for making initial and subsequent insured and direct Farm Ownership loans on not larger than family farms. Whenever possible, the credit needs of an applicant will be met with an insured loan. If a local lender is not available, the loan may be made from the insurance fund provided funds are available and the loan is not less than \$3,000. The policies, procedures and authorizations prescribed in this part are generally applicable to loans with funds which may be available under an agreement pursuant to section 2(f) of the



Rural Rehabilitation Corporation Trust Liquidation Act.

Additional provisions for making special types of Farm Ownership loans are contained in Subchapter D of this chapter.

#### § 1821.2 Objectives.

The basic objectives of the Farmers Home Administration in making Farm Ownership loans are to assist eligible farmers and ranchers to become owner-operators of not larger than family farms, to make efficient use of their land, labor, and other resources, and to carry on sound and successful farming operations. The objectives of the Farm Ownership loan program will be accomplished through the extension of credit and supervisory assistance.

#### § 1821.3 Supervisory assistance.

Supervision will be provided borrowers to the extent necessary to achieve the objectives of the loan and to protect the interest of the Government in accordance with Part 1802 of this chapter. Such assistance consists of farm and home planning, record keeping, analyzing the farm business, and giving management advice.

#### § 1821.4 Definitions.

The term "farm," except as modified by § 1821.10(d), includes a tract or tracts of land used in the production of crops or livestock, including the production of fish under controlled conditions, and any land and improvements used in a recreational enterprise.

(a) *Adequate family farm.* An adequate family farm or ranch is defined as a farm (1) that is of sufficient size and productivity to furnish income that will enable a farm family to have a reasonable standard of living, pay operating expenses, including maintenance of necessary livestock, fish, farm and home equipment, land, buildings, and other farm structures, pay their debts, and have a reasonable reserve to meet unforeseen emergencies, (2) for which the management of the farm and recreational enterprise is furnished by the operator and his immediate family, and (3) for which the labor, including any labor necessary for the recreational enterprise, is furnished primarily by such operator and his immediate family except during seasonal peak-load periods. It is not intended to include in this definition farms which require large amounts of seasonal hired labor.

(b) *Other family farms.* An "other" family farm is a farm on which the applicant's income from the land he owns will be insufficient to meet the requirements of an adequate family farm as defined in paragraph (a) of this section. However, to be suitable for a Farm Ownership loan, such a farm must be one (1) that will produce agricultural commodities in sufficient quantities that the proceeds from their sale will be a substantial portion of the operator's total cash income, (2) that will provide farm income which together with any income from other sources including recreational enterprises will enable the family to have

a reasonable standard of living, pay operating expenses, including maintenance of necessary livestock, fish, farm and home equipment, land, buildings and other structures, pay their debts, and have a reasonable reserve for unforeseen emergencies, (3) for which the management of the farm and recreational enterprise is furnished by the operator and his immediate family, (4) for which the labor, including any labor necessary for the recreational enterprise, is furnished primarily by the operator and his immediate family except during seasonal peak-load periods, and (5) which will be recognized in the community as a farm rather than a rural residence. It is not intended to include in this definition operations which require large amounts of seasonal hired labor. The scale of operations conducted by the operator of any such farm on the land he owns and any rented land must not be larger than the operations conducted by operators of adequate family farms.

(c) *Mortgage.* The term "mortgage" includes any form of security interest or lien upon any rights or interests in property of any kind.

(d) *Security.* The term "security" includes any rights or interests in property of any kind subject to a mortgage.

(e) *Insured loan.* As used in Farmers Home Administration regulations, the term "insured loan" means (1) a loan made from funds furnished by lenders and insured by the Government at the time of loan closing, or (2) a loan made from the Agricultural Credit Insurance Fund, also referred to as insurance fund, to be sold to a lender and insured at the time of sale. The term "private lender" means any source of insured funds other than the insurance fund and funds made available under an agreement pursuant to section 2(f) of the Rural Rehabilitation Corporation Trust Liquidation Act.

(f) *Direct loan.* "Direct loan" means a loan made with funds from the Farmers Home Administration direct loan account.

#### § 1821.5 Eligibility requirements.

To be eligible for a Farm Ownership loan, each applicant must:

(a) Be a citizen of the United States.  
(b) Possess legal capacity to incur the obligations of the loan.  
(c) Be an individual who has a farm background and either training or farm experience sufficient to assure reasonable prospects of success in the proposed farming operation.

(d) Possess the character, ability, and industry necessary to carry out the proposed farming operation and honestly endeavor to carry out the undertakings and obligations required of him in connection with the loan.

(e) Be unable with his own resources, or be unable to obtain sufficient credit elsewhere, to finance his actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which he resides for loans for similar purposes and periods of time.

(f) After the loan is made, be the owner-operator of a farm which will produce a substantial portion of his total income. However, if the applicant is not engaged in farming, he must obtain a major portion of his cash income from farming after the loan is made.

(g) Be or intend to become the owner-operator of not larger than a family farm.

(h) When a loan for recreational purposes is being considered, possess the ability necessary to carry out the proposed enterprise.

#### § 1821.6 Preference.

Preference will be given to:

(a) Veterans, as defined in Part 1801 of this chapter. The applications on hand from veterans will be given preference over applications of nonveterans on file at the same time.

(b) Applicants who are married or have dependent families, are owners of livestock and farm implements necessary to successfully carry on farming operations, and are able to make down payments.

#### § 1821.7 Loan purposes.

Loans may be made to:

(a) Purchase or enlarge a farm including any land for recreational purposes which is or will be not larger than a family farm.

(b) Construct or improve buildings and facilities on the applicant's farm including:

(1) The construction of essential but modest farm dwellings and service buildings, including facilities and structures for recreational uses or fish farming, and the improvement, alteration, repair, replacement, relocation, or purchase and transfer of essential dwellings and farm service buildings, including facilities and structures for recreational uses or fish farming such as docks, fish hatcheries, shooting blinds, refreshment stands, lodging facilities, picnic areas, archery courses, tennis courts, shuffleboard, and so forth.

(2) The installation of domestic water and sewage disposal systems, and the purchase and installation of equipment or facilities necessary to the efficient operation of the farm or recreational facility, provided the items upon installation become a part of the real estate or customarily pass with the farm when it is sold. When funds are used to construct facilities for the farm or recreational facility, such as a road, ditch, or power, gas, or water line on other land, an easement or right-of-way must be obtained.

(c) Provide land and water development, use, and conservation essential to the operation of the farm and recreational facility, such as fencing, land clearing, establishment and improvement of permanent hay or pasture, drainage and irrigation facilities, basic application of lime and fertilizer, fish ponds, dams, nature trails, golf driving ranges, lakes, hiking trails, and camp sites, and the development or acquisition of a water supply or right. Also, loan funds may be used to pay that part of the cost of facilities, improvements, and



practices which is to be earned by participation in the Agricultural Conservation or Great Plains programs only when such costs cannot be covered by purchase orders or assignments to material suppliers or contractors. If loan funds are advanced and the portion of the payment for which the funds were advanced likely will exceed \$500, the applicant will assign the payment to the Farmers Home Administration.

(d) Refinance secured and unsecured debts as provided in § 1821.11(d).

(e) Pay expenses incident to obtaining plans and making the loan, such as fees for legal, architectural, and other technical services, which are required to be paid by the borrower and which he cannot pay from other funds. Loan funds also may be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with making the planned building improvements.

(f) Pay costs incident to land and water development, use, and conservation essential to the borrower's farming operation on land not owned by him provided the amount loaned for such improvements does not exceed \$2,500.

### § 1821.3 Loan limitations.

(a) A Farm Ownership loan will not be approved if:

(1) The borrower's unpaid principal balance plus any past-due interest against his farm or other security or both plus the amount of the loan will exceed \$60,000.

(2) The amount of the loan and the unpaid principal balance plus any past-due interest on other liens against the farm will exceed the normal value of the farm and, when applicable, the normal value of any other security, as determined by the loan approval official, or the loan exceeds the amount certified by the County Committee.

(3) The noncontiguous character of a farm containing two or more tracts is such that an efficient farming operation and recreational enterprise cannot be conducted due to the distance or inadequate rights-of-way or public roads between the tracts.

(b) Loan funds may not be used for the following purposes:

(1) Purchase items not considered to be a part of the farm such as farm machinery and equipment, appliances, construction and maintenance tools, automobiles, trucks, boats, and other recreational equipment that would not be considered real estate.

(2) Acquire land or develop a farm which is in an area designated for retirement from agriculture by Federal, State, or local agencies.

(3) Refinance any Farmers Home Administration debts without prior consent of the National Office. Ordinarily, Farmers Home Administration debts will not be refinanced even though the borrower is delinquent. Consent will be granted in an exceptional case only when it is not possible to service the loan or otherwise accomplish the objectives of the loan on a sound basis without refinancing the existing debts.

(4) To pay debts incurred after the loan is approved and prior to the closing of a Farm Ownership loan except fees for legal, architectural, and other technical services and except as authorized in § 1821.22(d)(2). The County Supervisor, not later than the time of planning farm improvements, will advise each applicant that construction work must not be started and that debts for such work or materials must not be incurred before the loan is closed. If, nevertheless, the applicant incurs debts for materials or construction before the loan is closed, the County Supervisor may authorize the use of Farm Ownership funds to pay such debts only upon documentation of the facts in the case and when he finds that all of the following conditions exist:

(i) The debts were incurred after approval of the loan, except that in the case of a subsequent loan to complete improvements previously planned, the debts were incurred after the initial loan was closed.

(ii) The applicant is unable to pay such debts from his own resources or to obtain credit from other sources and failure to authorize the use of Farm Ownership funds to pay such debts would impair the applicant's financial position.

(iii) The debts were incurred for authorized Farm Ownership loan purposes.

(iv) The construction or repair work conforms to that shown on Form FHA 424-1, "Development Plan."

(5) To acquire land when a major part of the cropland on the farm will be in the conservation reserve program for two or more full crop years after the date of loan approval, unless the State Director determines that the applicant will be able to conduct at least an "other" family farming operation on the land not included in the conservation reserve program.

### § 1821.9 Terms of loans.

(a) *Amortization period.* Each loan will be scheduled for payment within the shortest period consistent with the ability of the borrower to pay. In no case will the payment period exceed 40 years from the date of the note. For a loan of \$2,500 or less that is not secured by a real estate mortgage, the payment period will not exceed 10 years.

(b) *Interest, annual charge, and repurchase agreement.* The interest rate to the borrower will be 5 percent per year on the unpaid principal balance of the loan. For insured loans, the rate of interest, the rate of annual charge, and the repurchase agreement will be as provided in Part 1810 of this chapter.

### § 1821.10 Security requirements.

(a) *General.* Each Farm Ownership loan will be adequately secured to protect the interest of the Government.

(1) Any loan of more than \$2,500 and any loan to be paid in more than 10 years from the date of the note will be secured by a mortgage on the applicant's entire farm, except as provided in paragraph (b)(1) of this section. Usually loans of more than \$2,500 will be secured only by

real estate. When necessary to supplement the applicant's equity in the farm or to facilitate servicing the loan, a mortgage also may be taken on nonfarm real estate or on chattel or other property owned by the applicant. However, non-real estate may not be relied on for more than \$2,500 of a loan.

(2) A loan of not more than \$2,500 to be paid in not more than 10 years from the date of the note may be secured by either real estate or chattels, or both; or other security that cannot be converted to cash without jeopardizing the borrower's farming operations or means of livelihood. Examples of other security are: Cash value of life insurance policies, cooperative memberships, income-producing leases, or water stocks which are transferable and have security value.

(3) Whenever both real estate and chattel security are taken for a Farm Ownership loan and the payment period of the loan will exceed the maximum period for which the chattel lien may be valid under State law, the loan approval official will determine whether the real estate security will be adequate to secure the scheduled unpaid balance of the loan when the chattel lien expires.

(b) *Real estate.* (1) When the loan is to be secured by real estate, a mortgage on the entire farm owned by the applicant will be obtained, except as provided in this subparagraph. If the applicant's title to any part of the farm is defective (either in the sense that it is not good title marketable in fact or that the State law will not recognize a mortgage upon it or will not permit such a mortgage to be recorded) and cannot be cured at reasonable cost, the loan may nevertheless be made if (i) the part of the applicant's farm to which title is not defective qualifies as an adequate or other family farm, (ii) the value of such part of the farm and the value of necessary and available additional security is adequate to secure the loan, and (iii) any improvements to be made with loan funds will be located on the part of the farm to which title is not defective, except that up to \$2,500 in loan funds may be used for land and building improvements on a part of the farm owned by the applicant to which title is defective. Any part of the farm to which title is defective may be omitted from the mortgage if the loan approval official determines that the applicant's interest is of such a nature that it is not mortgageable or that to include it would unduly complicate loan servicing or liquidation.

(2) A junior mortgage may be taken as security for a loan, provided:

(i) The prior mortgage(s) does not contain such future advance provisions, payment schedules, provisions for summary forfeiture or cancellation, or other provisions as may jeopardize the Government's security position or the borrower's ability to pay the Farm Ownership loan; or

(ii) Such provisions of the prior mortgage(s) are satisfactorily limited, modified, waived, or subordinated.

(3) When a life estate is involved, a loan may be made to the life estate holder and the remainderman if all par-



ties involved are eligible for a Farm Ownership loan and join in executing the mortgage and note. However, when one or more of the remaindermen are minors or otherwise legally incompetent, the Administrator may authorize the making of a Farm Ownership loan if the loan approval official determines such a loan to be otherwise sound and proper and the necessary security can be obtained.

(c) *Chattel or other nonreal estate security.* When authorized by paragraph (a) of this section, a mortgage may be taken on selected items of chattel or other nonreal estate security if such a mortgage will not interfere with the applicant's obtaining needed operating credit.

(1) Whenever a chattel mortgage is taken as security for a loan, it ordinarily will be a first lien. In an exceptional case, a mortgage subject to the mortgage held by another creditor or the Farmers Home Administration may be taken on chattel property provided the applicant clearly has sufficient mortgageable equity in chattels to provide the necessary security.

(2) When the loan includes funds for items of equipment upon which a chattel lien is necessary to adequately secure the loan, a severance or subordination agreement will be obtained, when appropriate.

(3) In a State in which a chattel mortgage is not valid for as long as may be needed by applicants for the repayment of the loan, the instructions for making loans secured by chattel mortgages issued by the State Director will be followed.

(d) *Miscellaneous security items.* Ordinarily, the applicant's farm is considered to include the land, buildings, fences, water, water stock, water facilities, and other improvements or appurtenances which by custom pass with farms in the change of ownership. However, in some instances certain improvement items or facilities which usually pass with the farm in a change of ownership are considered personal property and would not be conveyed to the purchaser. In other instances, items not generally considered to be a part of the real estate pass with the farm in a change of ownership. When the loan approval official determines the items involved in either case are a part of the farm and necessary for its efficient operation, funds may be included in the Farm Ownership loan to purchase such items. The County Supervisor, with the advice of the designated attorney, title insurance company, or the Office of the General Counsel, will ascertain that such items are free from any liens or encumbrances and are specifically included in the real estate or chattel mortgage.

#### § 1821.11 Special requirements.

(a) *Dwellings and farm service buildings.* Buildings adequate for the planned operation of the farm must be available. The necessary buildings will be located on the applicant's farm unless the applicant owns buildings which are not considered a part of his farm and ordinarily would not pass with the farm in a

change of ownership; or, the applicant can depend on rented buildings which will be available to him. In either case, the buildings must be of such type and condition and so located that the applicant could operate his farm successfully. When an applicant depends on rented buildings or owned buildings not considered to be a part of the farm, it must be determined that those buildings or other suitable buildings likely will be available for the period of the loan.

(b) *Land development.* Adequate land development to place the farm in an operable condition for a successful operation of the farm and recreational facility at the outset will be provided in connection with each loan. To the extent practicable, recommendations of the Forest Service, State Agricultural Extension Service, and the Soil Conservation Service should be included in the development plan, as well as in the farm and home plans. In planning land development with the applicant, the County Supervisor will encourage him to use any cost-sharing assistance consistent with his plans that may be available to him through the Agricultural Conservation Program.

(c) *Planning and performing farm development.* The development work will be planned and completed in accordance with Part 1804 of this chapter.

(d) *Refinancing of debts and obtaining additional credit from present creditors or others.* (1) When an applicant's request includes the use of loan funds for refinancing of debts, it must be determined specifically that his present creditors will not give him rates and terms on the existing debts that he reasonably could be expected to meet. A determination also must be made that his present creditors or other source will not extend to the applicant the additional credit he needs at such rates and terms. Before refinancing any debts or portion of any debt or developing a loan that will be secured by a lien junior to an existing lien, the County Supervisor will:

(i) Discuss with the applicant the possibility of securing the needed credit from the applicant's present creditors or other sources. He will request the applicant to contact his present creditors to explain his needs for better terms or additional credit. The County Supervisor may request the applicant to ask his creditors to renew, extend, change, or reduce the present debts, as appropriate. He will also advise the applicant of other credit sources available in the area which might assist him with his credit needs and ask him to contact such sources. If the applicant is unsuccessful in his efforts to obtain credit or to get a revision of the rates and terms of his indebtedness, the County Supervisor will obtain from the applicant the reasons given for not assisting the applicant and document such information in the running record.

(ii) If the County Supervisor is notified by the applicant that his negotiations with the present creditors or other sources were unsuccessful, he will determine, on the basis of the applicant's financial statement, planned income and

expenses, estimated amount available for debt payment and the additional factors presented by the applicant, whether it appears necessary to refinance the debts or any portion of the debts or obtain a change in the rates and terms. When it is determined that refinancing may be necessary, the County Supervisor will contact in person, when practicable, each secured creditor and each unsecured creditor to whom substantial debts are owed for the purposes of verifying necessity for refinancing. If the loan is to be processed, a statement of each secured account showing the final due date, interest rate, annual installment, amount of principal and interest delinquent, unpaid principal, and accrued interest, will be obtained. If all, or a portion of the accounts are to be refinanced, the amount necessary to settle the account in full or to bring the account current as appropriate will be obtained. In any case in which a mortgage is to be taken junior to another creditor's lien, such as the Federal Land Bank or an insurance company, the County Supervisor will obtain early in the loan processing the creditor's determination with respect to furnishing the applicant the additional credit that he needs.

(2) Debts which are secured by real estate liens will not be refinanced unless such liens are against the farm to be given as security for the loan.

(3) Ordinarily, loans will not be made to refinance long-term real estate loans of the type generally made by lenders such as the Federal Land Banks or insurance companies. When it is necessary to refinance such debts, the total debt will not be refinanced if a part of the debt can be refinanced on a sound basis with the lender's agreement. The part of the debt to be refinanced will not include more than existing delinquencies plus the next installment to become due that the borrower will be unable to pay.

(4) When nonreal estate debts are being refinanced, preference will be given to paying those that will be most helpful to the applicant in carrying on farm and home operations. Ordinarily, in the case of old unsecured debts or inadequately secured debts, the applicant will be requested to contact his creditors and attempt to obtain a substantial reduction of such debts.

(e) *Income from other than the owned acreage.* In any case in which the soundness of the loan depends on income from the farm and other sources the County Supervisor must determine that income from other sources in addition to the income from the land the applicant owns will likely be available to him on a continuing basis.

(1) When the applicant must depend on income from land in addition to that which he owns, the County Supervisor will determine that such land or other land of similar quantity and quality likely will be available during the period of the loan, or if other land should not be available there is a likelihood that off-farm employment is available to provide the income needed.



(2) When the applicant must depend on income from off-farm employment, it must be determined that the off-farm income will be reasonably certain to materialize and continue in the amount anticipated, taking into consideration the nature of the proposed employment and, where possible, the actual employment for the past 2 or 3 years; and that the time required for the off-farm work, together with that required for the farm, is possible of accomplishment by the applicant and his immediate family, taking into consideration hired labor for seasonal peak-load periods.

(f) *Income from recreational enterprises.* Income from a recreational enterprise is considered as "other income" rather than farm income. The farm and home plan will have sufficient information attached to determine the feasibility and soundness of the applicant's request for Farmers Home Administration assistance in conducting a recreational enterprise in conjunction with his farming operation. Such information will indicate whether the enterprise provides sufficient income to meet its operating expenses, depreciation, proportionate share of the debt, and make a reasonable contribution to the family's income.

(g) *Supplementary payment agreement.* Form FHA 440-9, "Supplementary Payment Agreement," should be used for each applicant who regularly receives substantial off-farm income. It also should be used for other applicants when needed to facilitate servicing the account.

(h) *Refinancing of Farm Ownership loan.* If, at any time, it appears that the borrower may be able to obtain a loan from a cooperative or private credit source at reasonable rates and terms for loans for similar purposes and periods of time prevailing in the area, to refinance his loan, the borrower will, upon request, apply for and accept such refinancing.

(i) *Farm or residence situated in different counties.* If a farm is situated in more than one State, county, parish, or locality, the loan will be processed and serviced in the State, county, parish, or locality in which the borrower's residence on the farm is located. However, if the borrower's residence is not part of his farm, the Farm Ownership loan will be serviced by the County Office serving the county in which the farm or a major portion of the farm is located unless otherwise approved by the State Office because of transportation difficulties.

(j) *Nonessential real estate.* A loan may be made to an applicant who owns real estate which will not be a part of the farm provided he disposes of the property before the loan is closed or, if this is not practicable, agrees to dispose of it promptly after the loan is closed, and use the net proceeds to pay farm and home expenses, make capital purchases, or reduce his indebtedness. However, the State Director may permit an applicant to retain nonfarm real estate provided the sale of such real estate would not materially reduce the applicant's need for a real estate loan or for operating credit; such real estate

furnishes the applicant employment; or provides the residence for the applicant.

(k) *Joint ownership and joint farming operations—(1) Joint ownership and farming operation by members of the same family other than husband and wife.* A loan may be made to closely related applicants constituting a family group residing in not more than two households who own or will own a farm jointly and conduct a joint farming operation if such applicants are individually and jointly eligible and the farm and the farming operation is not larger than a family farm or family farming operation. The participation of a member of such family in the operation without an ownership interest in the farm is not prohibited, but in such case, the responsibility of management must be in the applicant or applicants. In any case, it must be determined that because of previous experience in working together, such family group likely will succeed in the proposed joint farming operation. All such joint owners will execute the application, payment authorization, if any, note and mortgage, as well as other loan docket forms.

(2) *Separate ownership of the farm and joint operations.* A loan may be made to an eligible applicant who will own a farm which is not larger than a family farm and will conduct a joint farming operation with another individual provided:

(i) That, because of previous experience in working together as farmers, they will likely succeed in the proposed joint farming operation, and

(ii) The joint farming operation will not be larger than the equivalent of two family farm operations. However, such operation will not exceed a single family farm operation, whenever the individual who has an interest in the applicant's farming operation does not personally perform labor in an amount at least equal to his respective interest in the operation.

(l) *Debt-settlement cases.* A loan will not be made to an applicant whose debts have been settled pursuant to Part 1864 of this chapter or who has been released from personal liability under Part 1872 of this chapter, as reflected by the County Office records, or where settlement under such regulations is contemplated, unless the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control; the conditions which necessitated the debt settlement or release, other than weather hazards, disasters, or price fluctuations, have been or will be removed by making of the loan; and the borrower's operations will be sound and afford him a reasonable prospect of repaying the loan and meeting his other obligations. Before requesting an appraisal or causing the applicant to incur any expense in connection with the loan, the County Supervisor, if he determines that the applicant should be considered for a loan, should complete Form FHA 431-2, "Farm and Home Plan," and send it, together with the application and other pertinent information, to the State Office for a determination as to whether

to proceed with development of the loan docket.

(m) *Compliance with special laws and regulations.* Applicants will be required to comply with Federal, State, and local laws and regulations governing diverting, appropriating, and using water including use for domestic purposes, installing facilities for draining land, and making changes in the use of land affected by zoning regulations. The applicant should also comply with any such laws, special licenses, and regulations pertaining to recreational or fish farming enterprises. In any State where there are no special laws or regulations to comply with, special instructions may be issued to advise how to make sound loans under such conditions. For example, evidence may be needed to determine the effect that diverting water from a stream might have on other users or their legal rights as well as the manner in which other users or their legal rights affect the borrower's use of the water. Furthermore, even though there are no specific requirements to be met, it may be possible to file with the appropriate State authority the facts concerning the borrower's use of water from a stream in order that he might have some priority rights in case laws or regulations are made that will affect the use of water.

(n) *Area determinations.* It will be the responsibility of the State Director to determine if there are any areas in the State where the development of ground water for irrigation purposes or the drainage of farmland is not recommended. The State Director will make this determination with the advice of the State Conservationist for the Soil Conservation Service, and the State Geologist or Engineer, or officials of the U.S. Geological Survey, School of Mines, or any State Water Board, State agency, or person having official functions relating to use of water or drainage of farmland. In areas in which available information indicates that the further development of ground water or drainage is not advisable without a further analysis of pertinent economic and physical data, Farm Ownership loans will be limited within the areas to the repair or rehabilitation of existing irrigation facilities which will not result in the development of additional ground water in excess of the amount previously used, or contain such other restrictions as the State Director determines to be necessary. The State Director may require a test well prior to the time the applicant incurs costs for drilling a well.

(o) *Liens junior to the Farmers Home Administration Lien.* A loan will not be approved if a lien junior to the Farmers Home Administration lien likely will be taken simultaneously with or immediately subsequent to the closing of the loan to secure any debt the borrower may have at the time of loan closing or any indebtedness he may incur in connection with the Farm Ownership loan, such as for a portion of the purchase price of the farm or money borrowed from others for payments on debts against the farm, unless such a lien is within the \$60,000



debt limit or the normal value of the security, whichever is less.

(p) *Public liability and property damage insurance.* Applicants receiving loans for recreational enterprise will be advised of the possibilities of incurring liability and encouraged to obtain public liability and property damage insurance.

(q) *Farm Ownership loans to Rural Housing, Labor Housing, or Soil and Water borrowers.* A Farm Ownership loan may be made to a borrower indebted for a Rural Housing, Labor Housing, or Soil and Water loan in accordance with this part. However, the Farm Ownership loan, when added to the unpaid principal balance plus any past-due interest of any Farm Ownership, Soil and Water, Rural Housing, or Labor Housing loan (whether or not secured by the farm) plus other debts against the farm or to be given for the Farm Ownership loan, will not exceed \$60,000 or the normal value of the farm and other security for the loan, whichever is less.

#### § 1821.12 Suitability of farm for the Farm Ownership program.

(a) *Responsibility for determining suitability of farms.* The County Supervisor is responsible for making a preliminary determination with respect to whether a loan can be made on the farm. This determination will be based on a personal inspection of the farm and the consideration of such factors as: Productivity of the land; condition and adequacy of the buildings; approximate value of the farm; approximate amount of funds required for land purchase; boundaries of the farm; roads, schools, markets, other community facilities; tax rates; and adequacy of the water supply. He also will determine the suitability of the farm for the recreational facility or fish farming.

(b) *Development of loan docket and plans.* Farm and home plans will be prepared in accordance with Part 1802 of this chapter. Plans for recreational enterprises will be developed in accordance with Part 1804 of this chapter. When the farm and home plans and the farm development plan have been prepared, and real estate is to be taken as security for the loan, the County Supervisor will request the services of an appraiser. In any case, if it appears that a loan cannot be made, the County Supervisor will promptly notify the applicant of the specific reasons for the decision. In case the applicant is dissatisfied with the decision and requests further consideration, the County Supervisor may ask the County Committee to consider the farm and give an opinion regarding its suitability for a Farm Ownership loan.

#### § 1821.13 Technical and legal services.

(a) *Technical assistance.* Applicants are responsible for obtaining technical assistance necessary to plan, construct, or establish the improvement or facility to be financed with the loan or other technical service required in connection with the loan.

(b) *Appraisal.* (1) When real estate will be taken as security for the loan, the real estate will be appraised by a Farmers Home Administration employee authorized to appraise farms.

(2) When nonreal estate items will be taken as security for a loan, a list of such items will be made on a separate sheet or State form, if such a form has been developed, with an estimate of the normal value of the security. In determining the normal value of chattel security, the County Supervisor will take into consideration the length of time the chattels will serve as security and the useful life of such security. In the case of other security, the County Supervisor will include a supporting statement with his estimated value of such security. Such a statement will include a narrative description of the security, its current cash value, the relative stability of the value of the security, and how the property is to be mortgaged or otherwise given as security for the loan.

#### (c) *Title clearance and legal services.*

(1) When real estate is taken as security, title clearance and legal services for making and closing the loan will be provided in accordance with Part 1807 of this chapter. Except for loans involving land acquisition, the applicant will be requested to furnish title evidence as soon as the County Supervisor determines the loan probably will be made. If the County Supervisor is doubtful whether the loan will be approved, he will not require the applicant to furnish title evidence until after the loan approval. When land is to be acquired title clearance and legal services will not be requested until the loan is approved.

(2) When no real estate is taken as security, the applicant will be required to submit the original or a certified or photostatic copy of his deed, purchase contract, or other instrument evidencing ownership. Whenever the County Supervisor is uncertain as to whether or not the applicant is the owner of an adequate or other family farm, the County Supervisor may require the applicant to furnish additional information as to ownership of the farm and any further information that may be needed.

(3) When chattels are taken as security, a lien search will be obtained in accordance with Subpart B of Part 1831 of this chapter.

#### § 1821.14 Mineral rights.

Borrowers should obtain, to the extent practicable, all the mineral rights in any land being acquired. For cases in which a loan is to be made on property with all or part of the mineral rights held by a third party, the State Director will establish guides to assist the County Supervisor in making a tentative decision as to whether to proceed with the loan.

#### § 1821.15 Optioning of land.

When land is to be purchased, the applicant will be responsible for selecting the land he intends to purchase and for obtaining an option on such land. Ordinarily, the County Committee should have viewed the applicant with favor before he is requested to obtain an option.

The County Supervisor should, if possible, prior to the applicant's selection of the land to be purchased, advise him with respect to the approximate size and quality of farms which are generally considered suitable for the Farm Ownership program. Such advice, together with the consideration of the applicant's eligibility by the County Committee before the land is selected, will save the applicant's time in looking for farms and will reduce the number of options taken on farms which are obviously too small, too large or too unproductive to qualify for the Farm Ownership program. Form FHA 443-1, "Option to Purchase Real Property," will be given to the applicant with an explanation of the provisions of the Form and how it will be completed. Generally, Form FHA 443-1 should be used; however, other option forms may be used if their provisions are acceptable.

(a) The County Supervisor is responsible for examining each completed option to determine if it is acceptable. When the County Supervisor is doubtful as to whether the option is acceptable, he will forward it to the State Office with a memorandum indicating the extent to which the exceptions are or may be objectionable and request the advice of the State Director.

(b) The County Supervisor also will determine that:

(1) At least one dollar is actually paid to the seller by the applicant and the receipt for this amount is acknowledged in the option.

(2) The option is recorded, if necessary. Recordation fees will be paid by the applicant.

(3) The following clause is inserted in options in connection with loans which involve more than one tract:

The seller agrees that, irrespective of any other provision in this option, the buyer, or his assignees may, if the option is accepted, without any liability therefor, refuse to accept conveyance of the property described herein if the aforesaid loan cannot be made or insured because of defects in the title to other land now owned by, or being purchased by, the buyer.

(c) When a tract of land is to be optioned and subdivided, the applicant in whose name the option is to be taken must be advised by the County Supervisor that the applicant will not receive any remuneration for assigning interest in the option to other applicants. The County Supervisor is responsible for explaining to the seller and the applicant, in whose name the option is taken, the terms and conditions of the option including the provision that the seller will provide an accurate survey, if required by the Government.

(1) The County Supervisor will discuss any proposed subdivision with the County Committee and the Area Supervisor before any definite commitments are made to the prospective seller with respect to utilizing a tract for subdivision purposes. He will also obtain the assistance of the employee authorized to appraise farms in making a thorough study of the tract and in plotting the units to show proposed roads and other necessary facilities in order to determine whether



it is practicable to subdivide the tract into adequate farms.

(2) If the tract is determined to be suitable, an option will be taken on Form FHA 443-3, "Option for Purchase of Farm-Land to be Subdivided." The tract will be subdivided into units, each unit will be surveyed, and the applicant in whose name the tract is optioned will execute Form FHA 443-2, "Assignment of Interest in Option (Land to be Subdivided)," with each applicant who is to receive one of the units. If it becomes necessary for the State Director to designate an applicant as assignee of an interest in the option, Form FHA 443-4, "Designation of Assignee of Interest in Option (Land to be Subdivided)," will be used.

#### § 1821.16 Deferred payments.

(a) For a direct Farm Ownership loan, the initial payment may be deferred until the end of the second full crop year from the date of the loan. Such payments may be deferred only when the Farm and Home Plan covering the first full crop year indicates that there will be insufficient income to meet a regular annual installment on the loan after farm operating, family living, and other essential expenses are paid during the first or first and second full crop years. Further, in the judgment of the loan approval official, there must be adequate evidence that income in subsequent years will be sufficient to meet the requirements of the loan. The initial payment must always be more than a nominal payment. Deferred payments should not be used to permit the accelerated repayments of other debts, to purchase an unusually large amount of capital goods, or to perform major items of land development. Deferment will be justified only when:

(1) There is a substantial reorganization of the farming system, adequate returns from which will be delayed for one or two full crop years; or

(2) There is being established a system of farming requiring substantial improvements in land clearing, draining, leveling, irrigating, basic fertilizing, and seeding, or other land development or soil improvement operations, adequate returns from which will be delayed for one or two full crop years.

(b) For an insured loan made by a private lender, in addition to meeting the requirements for a direct Farm Ownership loan, the initial payment may be deferred only when the lender has agreed to such deferment and the deferment does not violate State or local laws or regulations to which the lender may be subject. When a loan is to be made from the insurance fund or under a section 2(f) agreement, the initial payment will not be deferred.

#### § 1821.17 Junior mortgage loan.

When a loan is to be secured by a junior mortgage, the following items will apply:

(a) *Agreements with prior lienholders.* Agreements with prior lienholders regarding enforcement of objectionable provisions of their liens or giving notice

of foreclosure or assignment of their liens, or both, will be obtained in accordance with § 1807.2(f) (5) of this chapter.

(b) *Items for docket.* The applicant will be required to furnish the County Supervisor, before the docket is assembled, a copy of each mortgage held by the prior lienholder(s), and, if available, a copy of the note or other obligation so that a proper determination can be made as to whether it should be refinanced. In addition, the County Supervisor will be furnished a current statement from the mortgagee showing: the amount of unpaid principal secured by the mortgage(s); the amount of any accrued interest; whether the account(s) is current or the amount of any delinquency with principal and interest shown separately; and if a copy of the note(s) is not provided, its maturity date, repayment schedule, interest rate, and a summary of any other provisions of the note. This information will be included in the docket for the information of the loan approval official. Any cost incidental to obtaining the information will be paid by the applicant.

#### § 1821.18 Certification by County Committee.

(a) Before a loan is approved, the County Committee will make the necessary certifications on Form FHA 440-2, "County Committee Certification." Before executing Form FHA 440-2, the County Committee will consider basic documents such as Form FHA 410-1, "Application for FHA Services"; Form FHA 431-2; Form FHA 431-1, "Long-Time Farm and Home Plan," if applicable; plans for operation of any recreational enterprise; Form FHA 424-1 together with plans and cost estimates for the proposed improvements; and Form FHA 422-1, "Appraisal Report"; or when applicable, an estimate of the value of other property to be given as security.

(b) If the Committee determines that it can make the necessary certification on Form FHA 440-2, the amount of the loan to be shown in the form is that for which the docket has been developed or a lesser amount of the Committee determines that the applicant cannot reasonably be expected to succeed with the loan as proposed.

(c) Ordinarily, the amount of the loan plus any other debts against the security will not be in excess of the recommended normal value of the security. A loan docket will not be developed when a loan plus any other debts against the security will be significantly in excess of the recommended normal value of the security. In an unusual case when the amount of a loan needed for success plus any other debts that will be against the security is slightly above the recommended normal value of the security and the County Committee and the County Supervisor believe that the loan should be made, Form FHA 440-2 may be completed. In such a case, the completed loan docket will be submitted to the State Office for a final determination as to the normal value of the security.

#### § 1821.19 Loan approval.

(a) *Authorization.* The State Director is authorized to approve Farm Ownership loans in accordance with this part. However, no initial or subsequent Farm Ownership loan may be approved without the consent of the National Office if the amount of the loan plus the unpaid principal balance and any past-due interest on debts against the security for the loan and against any other real property of the applicant would exceed \$50,000; or if the sum of the proposed loan, together with any other Farmers Home Administration loan being made, and the principal balance already owed on any Farmers Home Administration loan would exceed \$50,000. The loan docket and the State Director's recommendation should be submitted to the National Office with any request for authority to approve a loan in excess of these limitations. The State Director may redelegate loan approval authority in writing to:

(1) State Office employees other than Area Supervisors.

(2) County Supervisors and GS-7 Assistant County Supervisors, provided:

(i) The proposed loan plus the total unpaid principal balance and any past-due interest on debts against the security for the loan and against any other real property owned by the applicant will not exceed \$12,000 irrespective of the manner in which the loan will be secured;

(ii) The debt against any property taken as security for the loan will not exceed the appraiser's recommended normal value of the property;

(iii) No significant changes are made in the development plan considered by the appraiser if real estate will be taken as security.

(3) The State Director will redelegate loan approval authority on a position basis to State and County Office employees to the extent that such action is consistent with sound program administration.

(4) State Directors will restrict or revoke the exercise of delegated loan approval authority to individual State and County Office employees by written notice when such action is necessary to administer a sound loan program.

(b) *Loan approval action.* (1) The loan approval official is responsible for reviewing the docket to determine that the proposed loan complies with established policies and all pertinent regulations and insured or direct loan funds are available for the loan.

(2) When a loan is approved, the loan approval official will:

(i) Indicate on Form FHA 440-3 any conditions that must be met before the loan is closed.

(ii) Sign the approval certification on the original and two copies of Form FHA 440-3 and insert his title in the space provided.

(iii) Sign Form FHA 440-1 for (a) a direct loan, or (b) an insured loan under a 2(f) agreement, or (c) an insured loan from the insurance fund.

(3) If the loan is disapproved after the loan docket is developed, the loan



approval official will explain on Form FHA 440-3 the reasons therefor and initial and date the original. The County Supervisor will notify the applicant, giving the reasons for the disapproval of the loan and also advise the County Committee of the action taken on the loan.

**§ 1821.20 Requesting title service and accepting option.**

When the loan is approved, the County Supervisor will see that title service is requested in accordance with Part 1807 of this chapter, if this has not already been done, and where land is being acquired, also see that Form FHA 443-9, "Acceptance of Option," is completed, signed, and mailed to the seller; however, in connection with acceptance of option on a subdivision, Form FHA 443-10, "Acceptance of Option by Assignee (Land to be Subdivided)," and Form FHA 443-11, "Acceptance of Option by Buyer (Land to be Subdivided)," will be used, as appropriate.

(a) *Occupancy of farms by borrowers acquiring land.* When the acceptance of option letter has been mailed to the seller, the borrower will arrange with the seller, in consultation with the County Supervisor, to occupy and operate the farm as soon as practicable. Agreements will be in writing and cover such subjects as disposition of growing crops, rentals, payment of maintenance cost, and other pertinent points. The following forms will be used for this purpose, as appropriate:

Form FHA-189 or FHA 443-5, "Short-Term Lease of Optioned Land";

Form FHA 443-6, "Short-Term Lease (Between Purchaser and Seller)";

Form FHA-129 or FHA 443-7, "Temporary Cropping License"; or

Form FHA 443-8, "Agreement (Between Seller, Purchaser, and Tenant)."

**§ 1821.21 Actions subsequent to loan approval.**

(a) *Requesting check.* When the loan has been approved, approval conditions can be met, necessary curative actions have been taken to provide a satisfactory title to any real estate security, and a date has been set for loan closing, the County Supervisor will order the loan check. However, the check may be requested at the time of loan approval if real estate will not be taken as security or, if real estate is taken as security and satisfactory title evidence is obtained prior to loan approval.

(1) For a direct loan or an insured loan under a 2(f) agreement or from the insurance fund, if the check is to be ordered at the time of loan approval, the County Supervisor will check the block in Form FHA 440-3 for issuance of the check and sign and date the portion of the form to request the check. If the check is not ordered at the time of loan approval, a copy of Form FHA 440-3 will be completed after loan approval to request the check in sufficient time to obtain the check prior to the loan closing date.

(2) For an insured loan by a private lender, the County Supervisor will request the check by submitting Form FHA

440-7, "Request for Check," to the State Director. If the name of the lender is known, the County Supervisor will enter it on Form FHA 440-7. However, if the lender does not require attestation of the County Supervisor's signature, Form FHA 440-7 may be delivered to the lender and a copy sent to the State Office. In a case where the seller is to become the lender, the amount of the check requested will be only for the amount of cash, if any, he will advance. Whenever the bank handling a supervised bank account will require the lender's personal check to clear before disbursing funds, the lender will be requested to furnish a certified or cashier's check. When suitable arrangements can be made with the lender, a bank draft may be used to obtain insured loan funds. The lender or his representative may present the check at the time the loan is closed, or if desired, the check may be mailed to the County Supervisor.

(3) The State Office will take the following action when Form FHA 440-7 is received from the County Office unless the County Supervisor has delivered the original Form FHA 440-7 to the lender:

(i) Check or insert the name and address of the lender;

(ii) Attest the signature of the County Supervisor on the original of Form FHA 440-7;

(iii) Forward the original Form FHA 440-7 to the lender.

(b) *Handling loan checks.* (1) If the loan check is to be deposited in a supervised bank account, this will be done for either a direct or insured loan on the date of loan closing in accordance with Part 1803 of this chapter after it has been determined that the loan can be closed.

(2) When a private lender issues a loan check payable jointly to the borrowers and the Farmers Home Administration as a precaution against loss of funds, the County Supervisor is authorized to endorse the check on behalf of the Farmers Home Administration at the time of loan closing as follows:

Endorsed without recourse:

FARMERS HOME ADMINISTRATION  
By \_\_\_\_\_  
Title \_\_\_\_\_

The State Director also is authorized to endorse such a check in the same manner. Authority to endorse such checks in no way relates to or modifies the regulations contained in Part 1862 of this chapter regarding collection items or the endorsement of such items.

(3) If a loan check other than a check from a private lender is received and the loan cannot be closed within 21 days from the date of the check, the County Supervisor will return the check to the Regional Disbursing Office.

(4) For an insured loan made by a private lender, if the loan cannot be closed on the date planned as indicated to the lender, and the loan is to be closed, the lender will be notified immediately of the reasons for the delay. If it is determined that an insured loan cannot be closed, the check will be returned immediately to the lender with a request for cancellation. In no case may a

lender's check be retained more than 21 days from the date of the check. When a loan check is lost, mutilated, or destroyed, the County Supervisor will immediately notify the lender and, if the borrower still desires to close the loan, the lender will be requested to issue a new check. When a check is returned and the loan will be closed at a subsequent date, another check will be requested in the usual manner.

(c) *Cancellation of loan.* Loans may be cancelled before loan closing by the County Supervisor preparing Form FHA-903 or FHA 440-10, "Request for Cancellation of Loan." If a loan check other than a check from a private lender is received in the County Office, the County Supervisor will return it to the Regional Disbursing Office. Any check advanced by a private lender will be returned promptly to the lender with an explanatory letter. Interested parties will be notified of the cancellation.

(d) *Increase or decrease in amount of loan.* If it becomes necessary that the amount of the loan be increased or decreased prior to loan closing, the County Supervisor will request that all distributed docket forms be returned to the County Office. The loan docket will be revised accordingly and reprocessed. If the amount of the loan is decreased and there is no substantial change in the planned improvements or land to be acquired, a new County Committee Certification need not be obtained.

**§ 1821.22 Loan closing actions.**

When a loan closing date has been agreed upon, the County Supervisor will notify the borrower and seller, if any, of the loan closing date. The following appropriate actions will be taken in connection with and after loan closing:

(a) *Real estate mortgage loans.* When a loan is to be secured by a real estate mortgage, it will be closed in accordance with the applicable provisions of Part 307 of this chapter.

(b) *Chattel mortgage loans.* When a chattel mortgage, including a security agreement, is to be taken as security for a loan, the loan will be closed with respect to the chattel mortgage in accordance with the applicable portions of Subpart B, Part 1831 of this chapter, except that Form FHA-30— or FHA 440-4 (State), "Crop and Chattel Mortgage," will be adapted by deleting the words "Crop and" from the title and any provision designed to create a crop lien. Any deletion will be initiated by the borrower, and the County Supervisor, Assistant County Supervisor, or County Office Clerk before the mortgage is executed. If an adapted Form FHA-30— or FHA 440-4 (State) is not adequate under State law, a State form will be developed and submitted to the National Office for prior approval. Form FHA 440-15 (State), "Chattel Mortgage (Insured Loans to Individuals)," will be used for chattels taken as security in connection with an insured loan.

(c) *Applicant's financial condition.* The County Supervisor will review with the applicant the financial statement



which was prepared at the time the docket was developed. If there have been significant changes in his financial conditions, the financial statement will be revised. When an applicant's financial condition has changed to the extent that it appears that the loan would be unsound or improper the loan will not be closed.

(d) *Change in use of funds planned for refinancing.* (1) In cases where funds are included in the loan to refinance debts, the County Supervisor is authorized to transfer funds planned for refinancing between debts, providing all debts for which loan funds were planned are paid and the amount of loan funds to be used for refinancing does not exceed the amount planned for such purposes; except that the County Supervisor is authorized to use funds planned for other purposes to pay small deficiencies in estimates of the amount needed for refinancing, if he determines that sufficient funds will remain available to complete the planned farm development or land purchase.

(2) When the total amount of debts planned to be paid have increased so that they cannot be met within the authorities in subparagraph (1) of this paragraph or the applicant desires to transfer funds to pay debts for which loan funds were not planned, a revised loan docket will be developed. If the total amount of the loan will be increased, the docket will be processed in accordance with § 1821.21(d).

(e) *Assignment of income from property to be mortgaged.* Assignments will be taken when income is to be received by the borrower from royalties, leases, or other existing agreements under which the value of the security will be depreciated unless otherwise authorized by the National Office under conditions specified in Subpart A of Part 1872 of this chapter for release of security or security income. Any such assigned income will be applied as an extra payment on the loan unless it is to be used for authorized Farm Ownership farm development purposes. When the County Supervisor deems it advisable, assignments also may be taken for all or a portion of the income derived from nondepleting items such as bonus payments or annual delay rentals. Such assigned income will be applied as a regular payment. When a junior mortgage loan is made, the written consent of prior lienholders to the assignment will be obtained either by a letter or written approval by the lienholder on the assignment form.

(1) In cases in which income is to be received by the borrower from a mineral lease or other existing agreement pertaining to the property at the time of purchase, a Form FHA 443-16, "Assignment of Income from Real Estate Security," will be prepared and executed by the borrower and his wife at the time of loan closing.

(2) The County Supervisor, upon the advice of the designated attorney, title insurance company, or Office of the General Counsel, as appropriate, may require the acknowledgment and recor-

dation of the assignment. Any cost incident thereto will be borne by the borrower.

(f) *Preparation and endorsement of note.* Form FHA 440-17, "Promissory Note (Direct loan)," for direct loans, or Form FHA 440-16, "Promissory Note (Insured loan)," for insured loans, will be prepared and completed at the time of loan closing.

(1) When determining the amount of the first installment, the County Supervisor will consider the borrower's financial circumstances and the extent to which he will receive income from the farm during the calendar year in which the loan is closed. The amount of the first installment may be less but not more than a regular annual installment. If the borrower will not receive income from the farm during the calendar year preceding the date of the first installment, a nominal first installment will be sufficient, unless the borrower desires to pay more, except that:

(i) For an insured loan by a private lender, the amount of the first installment may not be less than the amount equal to interest on the loan from the date of loan closing to February 1 of the next calendar year, unless the lender has agreed to a lesser amount.

(ii) For an insured loan made from the insurance fund or under a section 2(f) agreement, the amount of the first installment may not be less than the amount equal to interest on the loan from the date of loan closing to February 1 of the next calendar year.

(2) The amount of each regular amortized installment will be the amount of principal and interest which, if paid annually, will retire the full amount of the note plus interest within the amortization period of the loan.

(3) When a loan is closed between December 1 and January 1, the first installment will be collected at the time of loan closing unless deferment is approved.

(4) The promissory note will be signed by the borrower and his or her spouse, if married, unless under the provisions of Part 1807 of this chapter the spouse's signature is unnecessary.

(5) For insured loans, other than those made from the insurance fund, the promissory note will be assigned to the lender simultaneously with loan closing. This will be done by endorsing the note over to the lender, using the form of endorsement on the reverse of the note. Form FHA 440-5, "Insurance Endorsement (Insured Loan)" will also be executed simultaneously with loan closing for delivery to the lender with the note. The rate of the annual charge and the length of the repurchase agreement to be stipulated in the insurance endorsement will be in accordance with Part 1810 of this chapter.

(6) Each County Supervisor and each State Director is authorized to sign the endorsement on the reverse of the note and to execute Form FHA 440-5. The insurance endorsement constitutes the Government's contract of insurance of the loan.

(7) For loans from the insurance fund, the note will not be endorsed and the insurance endorsement will not be prepared until the loan is assigned from the insurance fund to a lender. In such cases, the Director, Finance Office, will sign the endorsement on the reverse of the note and will execute the insurance endorsement in accordance with Part 1873 of this chapter.

(g) *Obtaining insurance.* Buildings on the property which are to be taken as security for the Farm Ownership loan will be insured in accordance with Part 1806 of this chapter. When a loan is secured by chattels, and the loss of such chattels would jeopardize the interests of the Government, the County Supervisor may require the borrower to insure the chattel against hazards customarily covered by insurance in the area.

(h) *Loan closing.* Title clearance and loan closing will be in accordance with Part 1807 of this chapter.

(1) For a direct loan, the original Form FHA 440-17 will be sent to the Finance Office immediately after loan closing.

(2) For an insured loan by a private lender the original Forms FHA 440-5 and FHA 440-16 will be sent to the lender immediately after loan closing. For a loan from the insurance fund, the original of Form FHA 440-16 will be sent to the Finance Office. Under a section 2(f) agreement loan, the original Forms FHA 440-5 and FHA 440-16 will be sent to the State Director. If, for any reason, it is not possible for the same County Supervisor who signed Form FHA 440-7 to endorse the note and sign the insurance endorsement, the original of the completed note and insurance endorsement will be sent to the State Office instead of directly to the lender. In such case, the State Director, or other authorized State Office official, will attest on Form FHA 440-5 the signature of the different County Supervisor before sending the note and insurance endorsement to the lender. This will not be necessary when a local lender has no objection to a different signature on the endorsement of the note and on the insurance endorsement than that which appeared on Form FHA 440-7.

(3) The original deed of conveyance, if any, and conformed copy of the mortgage will be delivered to the borrower.

(4) If the borrower secures an owner's policy of title insurance and it is sent to the County Office it will be delivered to the borrower as soon as it is received from the title insurance company.

(i) *Effective time of loan closing.* A Farm Ownership loan is considered closed when the mortgage is filed for record.

(j) *Water stock certificates or similar collateral.* When water stock certificates or similar collateral is a part of the security it will be sent to the State Office for safekeeping.

(k) *Abstracts of title.* Any abstract of title will be delivered to the borrower for safekeeping except when an abstract is obtained from a third party with the understanding it will be returned, such abstract will be sent directly to the third



party. The County Supervisor will obtain a receipt from the borrower at the time the abstract is delivered to him. The receipt will be signed and dated by the borrower and the abstract will be identified in the receipt by showing the name of the abstractor who prepared the abstract, the number, if any, assigned by the abstractor, and the period covered by the abstract.

#### § 1821.23 Subsequent Farm Ownership loans.

A subsequent Farm Ownership loan is a loan made to a borrower who currently owes a Farm Ownership debt.

(a) A subsequent loan may be made for the same purposes and under the same conditions as an initial loan.

(b) The subsequent loan will be processed in the same manner as an initial loan, except that a new appraisal of real estate will be required only when real estate is taken as security and one or more of the following exists:

(1) Subsequent loan funds will be used to purchase land or the mortgage will include additional land that is not presently covered by the Farmers Home Administration real estate mortgage.

(2) The County Supervisor or loan approval official requests a new appraisal report.

(3) The latest appraisal report on the farm is over two years old. However, if the latest appraisal report is less than two years old, and the appraiser recommended the normal market value or normal earning capacity value rather than normal value, a new appraisal will be required.

(4) The physical characteristics of the farm have changed significantly.

(5) The property was not appraised in connection with the initial loan.

(c) A subsequent Farm Ownership loan may be made to a borrower to be secured by either real estate, nonreal estate, or both. However, nonreal estate may not be relied on for more than \$2,500. The \$2,500 includes the loan being made, as well as any outstanding balance of a Farm Ownership loan secured by nonreal estate.

#### § 1821.24 Reamortization of existing Farmers Home Administration debts.

In connection with making a Farm Ownership loan to a borrower currently indebted for a Farm Ownership, Rural Housing, or Soil and Water loan, such a prior loan may be reamortized with the prior approval of the National Office. In any such case the reamortization may be made only within the period of the remaining period of the prior loan. Authority to reamortize an account will be granted in those cases where extensive real estate improvements will be made or when land will be acquired and where it is necessary to assure that the annual maturities on the borrower's debts can be met. Ordinarily, insured loans will not be reamortized.

## PART 1822—RURAL HOUSING LOANS AND GRANTS

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### Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Delegations of Authority

**AUTHORITY:** The provisions of this Subpart A issued under sections 501, 502, 510, 517, 63 Stat. 432 as amended, 433 as amended, 437, 79 Stat. 498; 42 U.S.C. 1471, 1472, 1480, 1487; Orders of Sec. of Agr., 29 F.R. 16210, 16840, 30 F.R. 14049, unless otherwise noted.

#### § 1822.1 Scope.

This subpart sets forth the policies and procedures, and delegates authority for making insured and direct section 502 Rural Housing (RH) loans under Title V of the Housing Act of 1949.

#### § 1822.2 Objectives.

The basic objectives of the Farmers Home Administration in making section 502 RH loans are to assist farmowners, owners of other land in rural areas, and senior citizens and other rural residents who will be owners of land in rural areas to obtain decent, safe, and sanitary dwellings and related facilities, and to assist farmowners and owners of other land in rural areas who are engaged in farming to obtain essential farm service buildings and related facilities. The purpose of these loans is to give families who do not have sufficient resources to provide such dwellings, buildings, and facilities on their own account and cannot obtain the necessary credit from other sources on terms and conditions they reasonably can be expected to fulfill, an opportunity to have adequate homes and farm service buildings.

#### § 1822.3 Definitions.

For purposes of this subpart, the following definitions will apply:



(a) *Farm*. A "farm" includes the total acreage of one or more tracts of land which is owned by the applicant, is operated as a single unit, is in agricultural production, and annually will produce agricultural commodities for sale and home use with a gross value of at least \$400 based on 1944 prices.

(b) *Nonfarm tract*. A "nonfarm tract" is a parcel of land that is not a farm or part of a farm and is located in a rural area.

(c) *Rural area*. A "rural area" is either open country, or an incorporated or unincorporated town, village, or other place which has a population not over 5,500 according to the latest figures, is not a part of or associated with an urban area, and is rural in character. A nonfarm tract in a place having a population not over 5,500, is considered located in a rural area if the tract is not situated in any of the following:

(1) A densely settled area near or associated with a place with a population of more than 5,500. In determining whether a densely settled area is near or associated with such a place, the following will be disregarded: minor open spaces due to physical barriers, commercial and industrial developments, parks, and areas reserved for convenience or appearance.

(2) A subdivision of substantial size being developed by commercial interests, unless a large proportion of the residents will obtain most of their income from employment in the surrounding rural area.

(3) A resort area whose seasonal population plus permanent residents numbers over 5,500.

(d) *Owner*. An "owner" includes the following in addition to the owner of full marketable title in fee:

(1) A lessee of a farm where (i) the unexpired term of the lease runs beyond the payment period of the loan and the applicant's equity in the farm leasehold is at least equal to the amount of the loan, (ii) there is a reasonable probability of accomplishing the objectives for which the loan is made, (iii) the applicant can give upon the farm leasehold a recorded mortgage constituting a valid and enforceable lien, (iv) the applicant can comply with loan security requirements specified in this subpart, and (v) the unexpired term of the lease runs for at least 10 years. A lessee of a nonfarm tract is not an "owner."

(2) The owner of an undivided interest in land who is otherwise eligible.

(3) The purchaser under a purchase contract which obligates him to pay the purchase price, gives him the rights of present possession, control, and beneficial use of the property, and entitles him to a deed upon paying all or a specified part of the purchase price.

(4) The holder of a life estate having the usual rights of present possession, control, and beneficial use of the property. A remainderman is not an owner, but will be required to join in executing the mortgage where a mortgage on the farm is required as security and may be required to sign the note if necessary for a sound loan.

(5) Indians owning land in a trust or restricted status as provided in Part 1841 of this chapter.

(e) *Mortgage*. A "mortgage" includes any form of security interest in or lien upon any rights or interest in property of any kind.

(f) *Security*. "Security" includes any rights or interests in property subject to a mortgage.

(g) *Real estate*. "Real estate" includes the rights and interests of an owner in a farm or nonfarm tract.

(h) *Rural resident*. A "rural resident" is a person whose permanent residence is or was until recently in a rural area and who after the loan is closed will be the owner-occupant of a nonfarm tract.

(i) *Previously occupied dwelling or building*. A "previously occupied dwelling or building" is a building which (1) has been previously occupied for at least 5 years, or (2) has been occupied for less than 5 years where in the opinion of the State Director it is clear that the building was not built or occupied for the purpose of qualifying it for purchase with an RH loan.

(j) *Minimum adequate site*. A "minimum adequate site" is the smallest area sufficient for (1) the dwelling or farm service buildings and related facilities to be built or purchased, (2) a yard, and (3) production of food for home use only.

(k) *Senior citizen*. A "senior citizen" is a rural resident who is a citizen of the United States and is 62 years of age or over.

(l) *Senior citizen loan*. A "senior citizen loan" is a section 502 Rural Housing direct loan to a senior citizen.

(m) *Cosigner*. A "cosigner" is a co-maker of a promissory note who is jointly and severally liable with the borrower.

(n) *Private lender*. A "private lender" is a lender other than the Farmers Home Administration who furnishes the funds with which an insured RH loan is made.

(o) *County Supervisor*. The "County Supervisor" is the County Supervisor or other authorized official in the county office of the Farmers Home Administration for the county in which the farm or nonfarm tract to be improved or purchased with the RH loan lies.

(p) *State Director*. The "State Director" is the State Director or other authorized official in the State Office of the Farmers Home Administration for the State in which the farm or nonfarm tract to be improved or purchased with the RH loan lies.

#### § 1822.4 Eligibility requirements.

(a) *Applicant*. To be eligible for a section 502 RH loan, the applicant must meet all the following requirements:

(1) Be the owner of a farm or nonfarm tract or a rural resident.

(i) If he applies as the owner of a farm, he must be without decent, safe, and sanitary housing for his own use or for the farm manager, tenants, sharecroppers, or farm laborers, or without farm service buildings essential to a successful farming operation.

(ii) If he applies as the owner of a nonfarm tract, or as a rural resident, he

must be without decent, safe, and sanitary housing for his own use, or if the loan is to finance farm service buildings, he must be engaged in farming and be without farm service buildings essential to the success of his farming operations.

(iii) If he applies as a senior citizen, he must be a rural resident who is without an adequate dwelling or related facilities for his own use.

(iv) If the loan is to include funds for land purchase, he must be without a minimum adequate site for necessary adequate buildings.

(2) Be without sufficient resources to provide on his own account the necessary housing, buildings, or related facilities, and be unable to secure the necessary credit from other sources upon terms and conditions which he reasonably could be expected to fulfill. If the applicant has only an undivided interest in the land to be improved, the applicant and his co-owners, other than those whose execution of the mortgage is not required in accordance with § 1822.7(j) or § 1822.10(b), must, individually and jointly, be unable to provide the improvements with their own resources or obtain the necessary credit elsewhere.

(3) Be a citizen of the United States.

(4) Have assured income sufficient to meet his operating and family living expenses, necessary capital replacements, and payments on debts, including the proposed loan, except that if he is a senior citizen whose income is not sufficient for repayment of the loan, he may qualify for a loan if a person with income which, when added to the applicant's income, will be sufficient to pay the loan will become a cosigner.

(5) Possess the character, ability, and experience to carry out the undertakings and obligations required of him in connection with the loan.

(6) Have training or farming experience necessary to give reasonable assurance of success in any case where the soundness of the loan depends on his farming operations.

(7) Possess legal capacity to incur the obligations of the loan.

#### § 1822.5 Veterans' preference.

The applications on hand from veterans, and from spouses and children of deceased servicemen, as defined in § 1801.5 of this chapter, will be given preference.

(Sec. 507, 63 Stat. 436, as amended; 42 U.S.C. 1477)

#### § 1822.6 Loan purposes.

(a) A loan may be made to any eligible applicant to—

(1) Construct, improve, or relocate a dwelling to be used as his permanent residence and related facilities on his farm, or on a nonfarm tract he owns or will own after the loan is closed.

(2) Purchase and move to such farm or nonfarm tract a previously occupied dwelling and related facilities, to be used as his permanent residence.

(3) Purchase or install essential equipment which upon installation becomes part of the real estate.



(4) Provide fallout shelters, storm cellars, and similar protective structures.

(5) Provide necessary and adequate sewage disposal facilities for the applicant and his family.

(6) Provide a necessary, adequate, and safe water supply for the applicant and his family.

(7) Provide foundation plantings, seeding or sodding of lawns, and other facilities related to buildings, such as walks, yard fences, and drive ways to building sites located adjacent to a road or street, and, if the applicant is a farmer, paved feed lots.

(8) Pay expenses incident to obtaining plans and making the loan, such as fees for legal, architectural, and other technical services, and reasonable connection fees for water, sewerage, electricity, or gas, which are required to be paid by the borrower and which he cannot pay from other funds. Loan funds also may be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with making the planned building improvements. Loan funds may not be used to pay fees, charges, or commissions, such as "finders' fees" or "placements fees," for the referral of prospective applicants.

(b) A loan may be made to a farmowner for the purposes specified in paragraph (a) of this section and to—

(1) Construct, improve, or relocate a dwelling or farm service building and related facilities on his farm, purchase and move to his farm a previously occupied building, or buy previously occupied buildings and a necessary minimum adequate site, for use by the farmowner or his resident manager, tenant, sharecropper, or farm laborers.

(2) Provide portable-type farm service buildings that do not become a part of the real estate but are necessary to the operation of the farm.

(3) Provide a farmstead water supply and sewage disposal, including such facilities as a well, pump, and farmstead distribution system, which are essential to the health and safety of the occupants of the farm and/or the successful operation of a livestock enterprise conducted on the farm.

(c) A loan may be made to a nonfarm tract owner or a rural resident for the purposes specified in paragraph (a) of this section and to—

(1) Buy for his own use a previously occupied dwelling on a minimum adequate site.

(2) If he is engaged in farming, buy previously occupied farm service buildings and related facilities essential to his farming operations, with or without a minimum adequate site.

(3) Buy a minimum adequate site on which to place a dwelling for his own use and, if he is engaged in farming, a minimum adequate site to accommodate farm service buildings and related facilities which are essential to his farming operations and cannot feasibly be located on land he now owns.

(d) Improvements financed with loan funds must be on land which, after the loan is closed, is part of a farm or nonfarm tract owned by the borrower or on

an easement appurtenant to such farm or nonfarm tract.

#### § 1822.7 Special requirements.

(a) *Supervisory assistance.* Supervision will be provided borrowers to the extent necessary to achieve the objective of the loan and to protect the interests of the Government in accordance with Part 1802.

(b) *Supplementary payment agreement.* Form FHA 440-9, "Supplementary Payment Agreement," should be used for each applicant who regularly receives substantial off-farm income. It also should be used for other applicants when needed to facilitate servicing the account.

(c) *Building limitations.* (1) A dwelling financed for an applicant with a low or moderate family income must be modest in size, design, and cost. Adequate housing ordinarily can be provided for such families within less than 1,400 square feet of living area. Living area does not include space such as a patio, carport, garage, porch not suitable for year-round use, unfinished basement, and, if the dwelling does not have a basement, space for utilities such as furnace and hot water heater; however, such space must be kept within reasonable limits and not expanded to circumvent the limitations of this paragraph. When such an applicant has an unusually large family, a somewhat larger house may be justified to provide adequate sleeping space. Furthermore, particular design features or items should not be included in homes of families with low or moderate incomes if such features or items are customarily not included in other adequate but modest homes being built in the area by families with moderate incomes.

(2) A dwelling financed for a family with an income above moderate may be somewhat larger and contain features—such as two complete baths, a family room, or double garage—not usually associated with modest homes. Homes for such families, however, must not be significantly larger or more costly than other adequate homes in the area.

(3) Farm service buildings will not be financed which (i) are excessive in size or design, (ii) have not proved to be suitable for the area, or (iii) are in excess of those economically essential to the farming operations.

(4) Any buildings purchased with RH loan funds must be structurally sound and either be in good repair or placed in that condition with loan funds. Good judgment must be exercised in applying the policies stated in this subsection to previously occupied buildings.

(d) *Refinancing of RH loan.* If, at any time, it appears that the borrower may be able to obtain a refinancing loan from a cooperative or private credit source at reasonable rates and terms for loans for similar purposes and periods of time prevailing in the area, the borrower will, upon request, apply for and accept such refinancing.

(e) *Loan limitations.* No loan will be made if the amount of the loan and the unpaid principal balance plus past-due

interest of any other liens against the security as determined by the loan approval official will exceed the normal value of the security or in a note-only case, assets described in § 1822.10(d)(3), or if the amount of the loan would exceed the amount certified by the County Committee. See paragraph (j) of this section and § 1822.10(b) for requirements applicable to special cases.

(f) *Liens junior to the FHA lien.* A loan will not be made if a lien junior to the RH mortgage likely will be taken simultaneously with or immediately subsequent to closing of the RH loan to secure any debts the borrower may have at the time of loan closing, or any debts he may incur in connection with the RH loan purposes, such as debt for a portion of the purchase price of the land or for money borrowed from others for payments on debts against the property or for part of the construction cost, unless such a lien plus the RH loan and any prior lien will be within the normal value of the security and will not interfere with the purposes of the loan or repayment thereof.

(g) *Restrictions on loans.* Loans will not be made to—

(1) A corporation or cooperative association.

(2) A homestead entryman or desert entryman to improve the entry prior to receipt of a patent.

(3) Pay debts incurred prior to the closing of a loan except fees for legal, architectural, and other technical services. The County Supervisor, not later than the time of planning improvements, will advise each applicant that construction work must not be started, materials must not be ordered nor delivered, and debts for such work or materials must not be incurred before the loan is closed. If, nevertheless, the applicant incurs debts for materials or construction before the loan is closed, the County Supervisor may authorize the use of RH funds to pay such debts only when, after documenting the facts, he finds that all of the following conditions exist:

(i) The debts were incurred after the applicant filed a written application for a loan, except that in the case of a subsequent loan to complete improvements previously planned, the debts were incurred after the initial loan was closed.

(ii) The applicant is unable to pay such debts from his own resources or to obtain credit from other sources and failure to authorize the use of RH funds to pay such debts would impair the applicant's financial position.

(iii) The debts were incurred for authorized section 502 RH loan purposes.

(iv) The construction or repair work conforms to that shown on Form FHA 424-1, "Development Plan," and the total development costs can be paid from funds available.

(4) Refinance indebtedness of an applicant, including any purchase price of real estate for which he is obligated, or any indebtedness against real estate of which the applicant is the owner.

(5) Buy income-producing land or buildings in case of a loan to a rural resi-



dent not engaged in farming or to a senior citizen.

(6) An applicant whose debts have been settled pursuant to Part 1864 of this chapter, or by release from personal liability under Part 1872 of this chapter, as reflected by the County Office records, or where such settlement is contemplated, unless (i) the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control, (ii) the conditions which necessitated the debt settlement or release, other than weather hazards, disasters, or price fluctuations, have been or will be removed by making the loan, and (iii) the applicant's operations will be sound and afford him a reasonable prospect for repaying the proposed loan and meeting his other obligations.

(7) Purchase land upon which to construct a building, when the applicant already owns land suitable for the purpose.

(h) *Loans on leasehold interests in farms.* A loan secured by a mortgage upon a farm leasehold, if otherwise proper, may be made where the lessor owns the fee simple title marketable in fact and neither the leasehold nor the fee simple title is subject to a prior lien. If in any case involving a prior lien the State Director concludes that a sound loan can be made upon a leasehold, he will submit complete information to the National Office for review and special authorization prior to approval of the loan. Loans may not be made to lessees of nonfarm tracts. With respect to achieving the purpose of the loan, obtaining adequate security, and being able to service the loan and enforce the security, the Government as holder of a mortgage upon a leasehold interest should be in a position substantially as good as if it held a second mortgage on a fee simple title. This includes, besides lessor's consent to the RH mortgage, such matters as—

(1) Reasonable security of tenure. The borrower's interest will not be subject to summary forfeiture or cancellation.

(2) The right to foreclose the RH mortgage and sell without restrictions that would adversely affect the salability of the security. Any effect on market value should be shown in the appraisal.

(3) Right of the Government to bid at foreclosure sale or to accept voluntary conveyance of the security in lieu of foreclosure.

(4) The right of the Government, after acquiring the leasehold through foreclosure or voluntary conveyance in lieu of foreclosure, or in event of abandonment by the borrower, to occupy the property or sublet it, and to sell for cash or credit. In case of a credit sale, a vendor's mortgage may be taken with rights similar to those under the original RH mortgage.

(5) The right of the borrower, in the event of default or inability to continue with the lease and the RH loan, to transfer the leasehold, subject to the RH mortgage, to an eligible transferee with assumption of the RH debt.

(6) Advance notice to the Government of lessor's intention to cancel, terminate, or foreclose upon the lease. Such advance notice will be long enough to permit ascertaining the amount of delinquencies, the total amount of the lessor's and any other prior interest, and the market value of the leasehold interest and, if litigation is involved, referring the case with a report of the facts to the United States Attorney and permitting him to take appropriate action.

(7) Express provisions covering the question of liability of the Government for unpaid rentals or other charges accrued at the time it acquires possession of the property or title to the leasehold, and those which become due during the Government's occupancy or ownership, pending further servicing or liquidation.

(8) Any necessary provisions to assure fair compensation for any part of the premises taken by condemnation.

(9) Any other provisions necessary to meet the foregoing requirements.

(i) *Group service loans.* A section 502 RH loan may be made to a farmowner to enable him to furnish his part of the cost of constructing, remodeling, or repairing a farm service building, such as a dairy barn or storage facility, that will be jointly owned and used by not more than 10 farmers. The following conditions must be met for such a loan to be made:

(1) The group of farmers must act as individuals and not as a legal entity such as a partnership, corporation, or association.

(2) The building will be located in a rural area and provide an essential farm service facility to be used only in connection with the farming operations which the owners of the building conduct on other land.

(3) The applicant will give the Farmers Home Administration a mortgage on his farm including his undivided interest in the tract to be improved with the loan. The interest of other co-owners of the jointly owned building who are not applicants may be excluded from the mortgage upon prior approval by the National Office, as provided in § 1822.10 (b) (4) (ii).

(4) The owners have written agreements as to the construction and use of the service building.

(5) The service building will not (i) cost more than \$50,000 if it is to be constructed new or, (ii) have a depreciated replacement value as improved of more than \$50,000 if it is an existing building to be enlarged or improved.

(6) All funds to be used to finance construction of the joint facility will be deposited in the supervised bank account.

(j) *Section 502 RH loans to farm ownership (FO) or soil and water (SW) borrowers.* (1) When an FO or SW borrower's total subsequent credit needs cannot be met with a subsequent FO or SW loan, but can be met with a section 502 RH loan, such a loan may be made if—

(i) The borrower meets the eligibility requirements for a section 502 RH loan and an FO loan or SW loan. However, in an exceptional case an RH loan may be made to an FO borrower who, because

of age, physical disability, or death of the spouse, is unable to operate the farm or carry on farming operations, provided a decision has been made to continue with the FO loan.

(ii) The loan, when added to the unpaid principal balance plus past-due interest of any FO, SW, RH, or LH loan plus other debts against the farm or any other security given for a Farmers Home Administration real estate loan or to be given for the section 502 loan, will not exceed \$60,000, or the normal value of the security for the loan, whichever is less.

(2) A loan may be made to an FO or SW borrower on the basis of real estate security, nonreal estate security, or a note only.

(3) If a mortgage on the farm will be taken as security, a new appraisal will be prepared when the circumstances outlined in § 1822.17 (a) exist.

(Sec. 506, 63 Stat. 435, as amended; 42 U.S.C. 1476)

#### § 1822.8 Source of funds and rates and terms.

(a) *Source of funds.* Direct loan funds will be used for loans to senior citizens, low-income participants in organized self-help housing projects, and families receiving a disaster type of loan. Insured loan funds will be used for all other section 502 RH loans. An insured loan may be made by a private lender or, if one is not available, with funds from the Rural Housing Insurance Fund.

(b) *Interest rate per annum on unpaid principal.* (1) Insured loans to applicants whose family income is above moderate will bear interest at 5¾ percent.

(2) Insured loans to applicants whose family income is low or moderate will bear interest at 5 percent.

(3) Direct loans to senior citizens and to low-income applicants participating in an organized self-help project will bear interest at 4 percent.

(4) Direct loans under the provisions of paragraph XVI to any qualified applicant to replace or repair a building destroyed or damaged because of a natural disaster will bear interest at 3 percent.

(c) *Amortization period.* Each section 502 RH loan will be scheduled for repayment over a period not to exceed 33 years (10 years if not secured by real estate mortgage) from the date of the note or such shorter period as may be necessary to assure that the loan will be adequately secured, taking into account the probable depreciation of the security.

#### § 1822.9 Technical services.

(a) *Planning and performing development.* The development work will be planned and completed in accordance with Part 1804 of this chapter.

(b) *Appraisal.* (1) For a loan exceeding \$2,500, the farm or nonfarm tract to be mortgaged as security will be appraised by a Farmers Home Administration employee authorized to make real estate appraisals. If a mortgage will be taken on other real estate as additional security, it will be appraised when it represents a substantial portion of the security for the loan or when requested by the other loan approval official.



(2) For a loan not exceeding \$2,500, an appraisal of real estate to be given as security will not be made unless the County Supervisor or loan approval official is uncertain as to the adequacy of the security. If, in such a case, an appraisal is not made by an employee authorized to make real estate appraisals, the County Supervisor will indicate on a separate sheet his estimate of the normal value of the real estate to be given as security.

(3) For security other than real estate, the County Supervisor will list on Form FHA 440-21, "Appraisal of Chattel Property," or State form, if one has been developed, the items to be given as security and his estimate of the normal value of the security. In determining the value of chattel security (except a chattel mortgage on a leasehold), the County Supervisor will take into consideration the length of time the chattels will serve as security and the useful life of such security. In the case of other security, the County Supervisor will include in the appraisal form a supporting statement of his estimated value. Usually this will include a narrative description of the security, its current cash value, the relative stability of the value of the security, and how the security is to be mortgaged or otherwise taken as security for the loan.

(4) In case of a loan to a farm lessee not secured by a mortgage on the leasehold, the County Supervisor will indicate on a separate sheet his estimate of the normal value of the applicant's equity in his leasehold interest.

(c) *Title clearance and legal services.*  
(1) When real estate will be taken as security (including a mortgage on a farm leasehold), title clearance and legal services for making and closing the loan will be provided in accordance with Part 1807 of this chapter. Except for real property to be purchased, the applicant will be requested to furnish title evidence at any time during the loan processing period after the County Supervisor determines that the loan probably will be made. If the County Supervisor is doubtful as to whether the loan will be approved, he will not require the applicant to furnish title evidence until after loan approval. For real property to be acquired, title clearance and legal services will not be requested until the loan is approved.

(2) When a real estate mortgage is not to be taken, the applicant will be required to submit the original or a certified or photostatic copy of his deed, purchase contract, or other instrument evidencing ownership. If the County Supervisor is uncertain as to whether or not the applicant is a qualified owner, he will require the applicant to furnish additional information or obtain the opinion of the Office of the General Counsel as to the evidence of ownership submitted by the applicant and its advice as to any further information or action that may be needed.

(3) When chattels will be taken as security, a lien search will be obtained in accordance with Subpart B of Part 1831 of this chapter.

(Sec. 506, 63 Stat. 435, as amended; 42 U.S.C. 1476)

#### § 1822.10 Security.

(a) *General.* Loans other than those made under paragraph (d) of this section will be adequately secured to protect the interest of the Farmers Home Administration during the scheduled repayment periods.

(1) Any loan of more than \$2,500 and any loan scheduled for repayment in more than 10 years from the date of the note will be secured by a real estate mortgage as provided in paragraph (b) of this section.

(2) A loan of not more than \$2,500 scheduled for repayment in not more than 10 years from the date of the note may be secured by—

(i) Real estate or chattels; or  
(ii) Other security that cannot be converted to cash without jeopardizing the borrower's farming operations or means of livelihood. Examples of such other security are the cash value of life insurance policies, cooperative memberships, income producing leases, and transferable water stocks of security value.

(3) When both real estate and chattel security are taken for a loan with a longer payment period than the maximum period for which the chattel lien will be valid under State law, the loan approval official will determine that the real estate security will be adequate to secure the scheduled unpaid balance of the loan when the chattel lien expires.

(b) *Real estate.* When a real estate mortgage is required, a mortgage will be obtained on all interests in the entire farm or nonfarm tract to be improved, except as provided in this subsection and subject to exceptions and reservations waived under Part 1807 of this chapter. Usually such loans will be secured only by real estate. When necessary to supplement the applicant's equity in the farm or nonfarm tract to be mortgaged, or to facilitate servicing the loan, a mortgage also may be taken on other real estate or on chattels or other property owned by the applicant. However, non-real estate security may not be relied upon for more than \$2,500 of the loan.

(1) If the applicant's title to any part of the farm or nonfarm tract is defective (in the sense that it is not good title marketable in fact or that the State law will not recognize a recordable mortgage upon it) and the defect cannot be cured at reasonable cost, the loan may be made subject to the following conditions:

(i) No security value will be accorded to the parcel of real property to which title is defective.

(ii) No improvements to be constructed or repaired with loan funds will be located on the parcel to which title is defective, except that with the prior approval of the National Office, up to \$2,500 in loan funds may be used for improvements on such parcel if it is owned by the applicant and if the location of such improvements on such parcel is essential.

(iii) A real estate parcel to which title is defective will be included in the mort-

gage unless the loan approval official, with the advice of the Office of the General Counsel determines that the applicant's interest cannot be subjected to a recordable mortgage recognized by the State law, or that to include the parcel would unduly complicate loan servicing or liquidation.

(2) A junior mortgage may be taken as security for a loan provided—

(i) The prior mortgage as affected by the State law does not contain such provisions for future advances, payment schedules, forfeiture or cancellation, foreclosure without adequate notice to junior lienholders, or other matters as may jeopardize Farmers Home Administration's security position or the borrower's ability to pay the loan; or

(ii) Such provisions are satisfactorily limited, modified, waived, or subordinated.

(3) When a mortgage is required by paragraph (a)(1) of this section to secure a loan to an applicant as lessee of a farm, a valid and enforceable mortgage on his leasehold interest in the farm will be required. The unexpired term of the lease must be at least 10 years and must extend beyond the repayment period of the loan for a sufficient period to provide a reasonable likelihood that the objectives of the loan will be achieved. The unexpired term of the lease must be at least 50 percent longer than the repayment period of the loan unless, to compensate for a shorter period of the lease beyond the repayment period of the loan, the borrower gives other security of sufficient value, including, for example, a lien upon the borrower's right to receive from his lessor compensation at the expiration of the lease for the unexhausted value of the improvements made with the loan. The mortgage on a leasehold may be supplemented by additional security. Special provisions necessary to protect the Government, such as the items enumerated in § 1822.7(h), will be included in the lease, a consent to mortgage, a subordination, or other appropriate instrument executed by the lessor and the borrower.

(4) For a loan to improve a farm or nonfarm tract, or a part thereof, in which the applicant owns only an undivided interest, the interests of all the co-owners will be included in the mortgage, with the following exceptions:

(i) When not required under § 1822.7 (1) (3).

(ii) When one or more of the co-owners are not legally competent or cannot be located or the ownership rights are divided among such a large number of co-owners that it is not practical for all their interests to be mortgaged, the mortgaging of interests not exceeding 50 percent may be excluded from the security requirements upon prior approval by the National Office of the State Director's recommendation accompanied by a full statement of ownership and conditions which justify the exclusion. In such a case the loan may not exceed the normal value of the equity represented by the interests of the owners who sign the mortgage. In determining such value, consideration will be given to any ad-



verse effect which might result from sale of the mortgaged interests separately from the nonmortgaged interests and from rights of partition accruing to the owners of the nonmortgaged interests. All legally competent co-owners using or occupying the property will be required to sign the mortgage.

(iii) When the applicant for a section 502 RH loan owns the entire interest in a part of the farm and plans to build or improve a residence and related facilities on that part, and owns not less than 50 percent interest in the rest of the farm, a mortgage on the interest of the co-owners may be excluded from the security requirements upon prior approval by the National Office of the State Director's recommendation accompanied by a full statement of ownership and conditions which justify the exclusion, provided the loan will be adequately secured by the normal value of the tract in which the applicant owns the entire interest, the normal value of the jointly owned tract is at least equal to the debts against it and such debts are not liens on the part of the farm in which the applicant owns the entire interest, the joint ownership of a part of the farm and operation of this land by the applicant has been a successful arrangement and is likely to continue to be successful, and no RH funds will be used to construct or improve farm service buildings to be used primarily in connection with the operation of the jointly owned land, and the liens on the jointly owned lands do not include land in which the applicant owns no interest nor secure debts for which the applicant is not liable.

(5) When the applicant is the owner of a life estate qualified under § 1822.3, the remainderman will be required to join in executing the mortgage with the following exception: When one or more of the remaindermen are not legally competent or cannot be located or the remainder rights are divided among such a large number of remaindermen that it is not practicable to obtain the signatures of all the remaindermen, the mortgaging of remainder interests not exceeding 50 percent of the total remainder interest may be excluded from the security requirements upon prior approval by the National Office of the State Director's recommendation accompanied by a memorandum stating complete ownership information and circumstances which justify the exclusion. In such a case the loan may not exceed the normal value of the equity represented by the interests of those who sign the mortgage, determined with due regard to all special adverse factors involved. Remaindermen will be required to sign the note when necessary to a sound loan or to obtain the required security.

(c) *Chattel.* When authorized by paragraph (a) of this section, a mortgage may be taken on selected items of chattel or other nonreal estate security if such a mortgage will not interfere with the applicant's obtaining needed operating credit. When only a chattel mortgage is taken as security for the loan, it ordinarily will be a first lien. In an exceptional case, a mortgage subject

only to a first mortgage held by another creditor or the Farmers Home Administration may be taken on chattel property provided the applicant clearly has sufficient mortgageable equity in the chattels to secure the loan.

(d) *Promissory note.* A loan of not more than \$1,500 may be made on the basis of the borrower's promissory note without taking other security when—

(1) The applicant has a good reputation for paying his debts promptly;

(2) He is in a strong financial position and will have sufficient income to meet all his obligations; and

(3) The loan approval official determines that, on the basis of normal value, the applicant has equity at least equal to the amount of the proposed loan in assets that would be acceptable as security for the loan.

#### § 1822.11 Processing applications and County Committee certification.

(a) *Applications.* Applications for section 502 RH loans will be taken on Form FHA 410-1, "Application for FHA Services," and processed in accordance with Part 1801 of this chapter. A person who is not a rural resident is not eligible for a loan unless he is the owner of a farm or nonfarm tract.

(1) In every case in which the applicant's family income is above moderate, and in any other case in which there may be any likelihood that the applicant could obtain the credit he needs to supplement his available resources to acquire an adequate dwelling or farm service buildings, the County Supervisor will require the applicant to make a diligent effort to obtain credit from other sources.

(i) Applicants will be expected to apply for credit from lenders engaged in extending long-time housing credit in the area.

(ii) Applicants should be advised to request lenders to indicate the amount and terms of housing credit they might be willing to extend to the applicant.

(iii) When appropriate, the County Supervisor should check on evidence presented by an applicant that he cannot obtain adequate credit elsewhere.

(iv) Letters from the lenders and any other evidence indicating that the applicant is unable to obtain credit elsewhere will be included in the loan docket.

(v) In no case will a loan be made to an applicant who is able to obtain the credit he needs to supplement his available assets at terms he can reasonably be expected to pay to provide a necessary adequate dwelling or necessary adequate farm service buildings.

(2) In any case in which a County Supervisor determines that there is no possibility of the applicant's obtaining adequate housing credit elsewhere and, therefore, does not require the applicant to provide evidence that he has made an effort to obtain such credit, the County Supervisor will record his conclusion and the basis for it in the loan docket.

(b) *Determination of income level of the applicant family.* (1) The County Committee will recommend in each case as to whether the applicant's family in-

come should be considered as being in the "low or moderate" income group or in the "above-moderate" group. This determination will be made after the County Supervisor has had an opportunity to verify the income and financial information submitted by the applicant.

(2) Families in the "low or moderate" income group are those whose income is not significantly greater than the amount needed, considering the size and composition of the family, to enable them to have a reasonable level of living and meet necessary obligations and expenses, including payments on an RH loan to finance a modest home or essential farm service buildings and related facilities.

(3) Families in the "above-moderate" income group are those whose income is above the level needed to meet the requirements specified in subparagraph (2) of this paragraph. As a general rule, these will be families who could, if they were located in an urban area, obtain housing credit from another source.

(4) For an insured RH loan the following will be added as item 7 of Form FHA 440-2, "County Committee Certification."

7. For an RH insured loan, we recommend this applicant be considered as being in the (check one) ☐ "low or moderate" or ☐ "above-moderate" income group.

(c) *Certification by County Committee.* Before a loan is approved, the County Committee will make the necessary certifications on Form FHA 440-2. Before executing Form FHA 440-2, the County Committee will consider basic documents such as Form FHA 410-1, Form FHA 431-3, or Form FHA 431-2, and, if applicable, Form FHA 431-1, "Long-Time Farm and Home Plan," Form FHA 424-1, together with the plans and cost estimates for the proposed improvements, the appraisal report, or, when applicable, an estimate of the value of other property to be given as security. If the applicant is a senior citizen and the note is to be signed, information required from the cosigner and a statement by the County Supervisor regarding the cosigner also will be considered by the County Committee in making its certification. Members of the Committee may want to interview the applicant and want to see the farm or nonfarm tract on which the loan is to be made.

(1) If the Committee determines that it can make the necessary certification on Form FHA 440-2, the amount of the loan to be shown in the form is that for which the docket has been developed or a lesser amount if the Committee determines that the applicant cannot reasonably be expected to succeed with the loan as proposed.

(2) Ordinarily, the amount of the loan plus any other liens against the security will not be in excess of the recommended normal value of the security as shown on the appraisal report. A loan docket will not be developed when a loan plus any other liens against the security would be significantly in excess of the recommended normal value of the security. In an unusual case when the amount of a loan needed for success plus any other liens that will be against



the security is slightly above the recommended normal value of the security and the County Committee and the County Supervisor believe that the loan should be made, Form FHA 440-2 may be completed. In such a case, the completed loan docket will be submitted to the State Office for a determination as to whether it is justifiable to establish the normal value of the security above the appraiser's recommended normal value. If the loan approval official determines that the normal value is in excess of the appraiser's recommended normal value, he will record his determination of the normal value of the security on Form FHA 440-3.

(d) *Optioning of real estate.* If the loan includes funds to purchase real estate, the applicable provisions of FHA Instruction 443.1 regarding options will be followed. In any case in which there is a likelihood of termite infestation or damage to a building being purchased, the following will be inserted in the option form:

The seller agrees to furnish, at seller's expense, to the buyer a certificate from a reliable firm certifying that the following described building(s) covered by this option (1) is now free of termite infestation, and (2) either is now free of unrepaid termite damage or has suffered unrepaid termite damage which is specifically described in the certificate:

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(Describe building(s)).  
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(Sec. 508, 63 Stat. 436, as amended; 42 U.S.C. 1478)

#### § 1822.12 Preparation of loan docket.

(a) *Farm and home plans or family budget form.* Form FHA 431-2 will be developed for loans to farmers who depend on farm income for a livelihood. Form FHA 431-1 also will be prepared whenever appropriate. When a loan is to be made to a nonoperator farmowner, the columns in tables B, "Corps, Pasture, Etc.—Production and Sales," and C, "Livestock and Products—Production and Sales," of Form FHA 431-2 pertaining to the operator's share will be changed to owner's share. If an application is being considered early in the crop year for a borrower who has a current Form FHA 431-2, such form will be revised to show changes in the financial statement and significant changes in the planned operations; however, if the crop year is well advanced or completed, a farm and home plan will be developed for the ensuing year. If the applicant does not depend on farm income for a livelihood, Form FHA 431-3 will be used.

(b) *Agreements from prior lienholders.* When the loan is to be secured by a junior real estate mortgage, agreements will be obtained from prior lienholders to any extent necessary to comply with § 1822.10(b).

(c) *Information concerning prior mortgage.* The applicant for a loan to be secured by a junior real estate or chattel mortgage will be required to furnish the County Supervisor, before the docket is assembled, a copy of each mortgage held by a prior lienholder and,

if available, a copy of each secured note or other obligation. In addition, the County Supervisor will be furnished a current statement signed by the mortgagee showing (1) the amount of unpaid principal secured by the mortgage, (2) the amount of any accrued interest, (3) whether the account is current or the amount of any delinquency, with interest and principal shown separately, and (4) if a copy of the note is not furnished, its maturity date, payment schedule, interest rate, and a summary of any other provisions of the note. All these documents will be included in the docket for the information of the loan approval official. Any cost incident to obtaining them will be paid by the applicant.

(d) *Information about cosigner for a senior citizen loan.* When the note of a senior citizen borrower will be cosigned, information obtained from the cosigner will include a current financial statement, a statement of income and expenses, the nature of his employment, and a brief statement as to his employment history. The information required from the cosigner will be supplemented by a statement by the County Supervisor as to the cosigner's financial condition and reputation for paying his debts and any other information that would be of assistance to the loan approval official in determining the soundness of the loan. This information will be included in the docket.

#### § 1822.13 Loan approval.

(a) *Delegation of authority.* The State Director is authorized to approve or disapprove loans in accordance with this Subpart A. However, no initial RH or subsequent RH loan may be approved by the State Director without the consent of the National Office if (1) the amount of the loan plus the unpaid principal balance and any past-due interest on liens against the security for the loan and against any other real property of the applicant would exceed \$50,000, or (2) the proposed loan, together with the principal balance owed on other Farmers Home Administration loans, would cause the total indebtedness to Farmers Home Administration to exceed \$50,000. The loan docket and the State Director's recommendation should be submitted with any request for authority to approve a loan in excess of these limitations. The State Director may redelegate, restrict, or revoke loan approval authority to: State Office employees other than Area Supervisors and to County Supervisors and GS-7 Assistant County Supervisors in accordance with Part 1821 of this chapter, except that he may not redelegate below the State Office level authority to approve loans pursuant to § 1822.16.

(b) *Approval or disapproval of a loan.* When a loan is approved, the loan approval official will:

(1) Indicate on all copies of Form FHA 440-3 any condition that must be met before the loan is closed and specify the security requirement that the applicant will need to meet, such as a first real estate lien, or a junior lien subject to certain prior liens, and so forth. If title

evidence is required in accordance with Part 1807 of this chapter or in accordance with any special requirements for the loan but is not included in the docket, the loan may be approved subject to the applicant's furnishing the required title evidence. When the applicant furnishes satisfactory title evidence, the County Supervisor will proceed with processing the loan, except that in those cases in which the title evidence does not comply with the conditions specified by the approval official, the docket will be reconsidered by the loan approval official.

(2) Sign the approval certification on the original and two copies of Form FHA 440-3 and insert his title in the space provided.

(3) For a direct loan or an insured loan from the insurance fund, sign Form FHA 440-1 and insert his title in the space provided.

(4) If a loan is not approved after the docket has been developed, the reasons for such action will be shown on the original Form FHA 440-3, it will be initialed and dated, and the County Supervisor will notify the applicant of the disapproval and the reasons. If the notice was not in writing, the County Supervisor will record in the running record a brief summary of the discussions with the applicant and should advise the County Committee of the action taken on the loan.

#### § 1822.14 Actions subsequent to loan approval.

(a) *Requesting check.* When the loan has been approved, approval conditions can be met, any necessary curative actions have been taken to provide a satisfactory title to any real estate security, and a date has been set for loan closing, the County Supervisor will order the loan check. However, the check may be requested at the time of loan approval if real estate will not be taken as security or, if real estate is taken as security and satisfactory title evidence is obtained prior to loan approval.

(1) For a direct loan or an insured loan from the insurance fund, if the check is to be ordered at the time of loan approval, the County Supervisor will mark the block in Form FHA 440-3 for issuance of the check and sign and date the portion of the form to request the check. If the check is not ordered at the time of loan approval, a copy of Form FHA 440-3 will be completed after loan approval to request the check in sufficient time to obtain the check prior to the loan closing date. In the latter case if the Form FHA 440-3 sent the Finance Office when the loan was approved showed that the loan was being made from the insurance fund but it is determined that a private lender will furnish the funds for the loan, the copy of Form FHA 440-3 to be sent to the Finance Office to request the check will show that a private lender is available and the insurance fund obligation is to be canceled.

(2) For an insured loan by a private lender, the County Supervisor will request the check by preparing Form FHA 440-7, "Request for Check," in an orig-



inal and one copy and submit the original to the State Director. If the name of the lender is known, the County Supervisor will enter it on Form FHA 440-7. If the lender does not require attestation of the County Supervisor's signature, the original Form FHA 440-7 may be delivered to the lender and the copy sent to the State Office. In a case where the seller of property being purchased by the borrower is also the insured lender, the amount of check requested will be only for the amount of cash, if any, he will advance. If the bank handling the supervised bank account will require the lender's personal check to clear before disbursing funds, the lender will be requested to furnish a certified or cashier's check. When suitable arrangements can be made with the lender, a bank draft may be used to obtain the loan funds. The lender or his representative may present the check at the time the loan is closed, or, if desired, the check may be mailed to the County Supervisor in sufficient time for closing.

(3) The State Office will take the following action when Form FHA 440-7 is received from the County Office unless the County Supervisor has delivered the original completed Form FHA 440-7 to the lender:

(i) Check or insert the name and address of the lender and see that these entries are correct.

(ii) Attest the signature of the County Supervisor on the original of Form FHA 440-7.

(iii) Forward the original Form FHA 440-7 to the lender.

(b) *Handling loan checks.* (1) For a direct or insured loan, if the loan check is to be deposited in a supervised bank account, this will be done on the date of loan closing in accordance with Part 1803 of this chapter after it has been determined that the loan can be closed.

(2) When a private lender issues a loan check payable jointly to the borrower and the Farmers Home Administration, the County Supervisor is authorized to endorse the check on behalf of the Farmers Home Administration at the time of loan closing as follows:

Endorsed without recourse:  
FARMERS HOME ADMINISTRATION  
By \_\_\_\_\_  
Title \_\_\_\_\_

The State Director also is authorized to endorse such a check in the same manner. Authority to endorse such checks in no way relates to or modifies the regulations contained in Part 1862 of this chapter regarding collection items or the endorsement of such items.

(3) If a loan check other than a check from a private lender is received and the loan cannot be closed within 21 days from the date of the check, the County Supervisor will take appropriate action in accordance with Part 1803 of this chapter.

(4) Where the loan check is received from a private lender, and the loan can be closed but not on the date previously indicated to the lender, the lender will be notified immediately of the reasons for the delay. If it is determined that

such a loan cannot be closed, the check will be returned immediately to the lender with a request for cancellation. In no case may a lender's check be retained more than 21 days from the date of the check. When a loan check is lost, mutilated, or destroyed, the County Supervisor will immediately notify the lender and, if the borrower still desires to close the loan, the lender will be requested to issue a new check. When a check is returned to the lender and the loan will be closed at a subsequent date, another check will be requested in the usual manner.

(c) *Cancellation of loan.* Loans may be canceled before loan closing by the use of Form FHA 440-10, "Request for Cancellation of Loan."

(1) For a direct loan or an insured loan from the insurance fund, if a check is received in the County Office, the County Supervisor will return it to the U.S. Treasury, Regional Disbursing Office, Kansas City, Mo., with a copy of Form FHA 440-10.

(2) Any check advanced by a private lender will be returned promptly to the lender with an explanatory letter.

(3) Interested parties will be notified of the cancellation as provided in Part 1807 of this chapter.

(d) *Property insurance.* (1) Buildings on the property which is to be taken as security for the loan will be insured in accordance with Part 1806 of this chapter.

(2) When a loan is secured by a mortgage on chattels, and the loss of such chattels would jeopardize the interests of the Government, the County Supervisor may require the borrower to insure the chattels against hazards customarily covered by insurance in the area.

#### § 1822.15 Loan closing actions.

(a) *Review of financial statement.* Just before loan closing, the County Supervisor will review with the applicant the financial statement which was prepared at the time the docket was developed. If there have been significant changes in his financial conditions, the financial statement will be revised and initialed by the borrower and the County Supervisor. When an applicant's financial condition has changed to the extent that it appears that the loan would be unsound or improper, the loan will not be closed. If possible, a revised loan docket will be processed; otherwise, the loan will be canceled.

(b) *Preparation of note and mortgage and loan closing procedure.* Any changes made in the printed or typewritten text of any instrument will be initialed in the margin by all persons signing the instrument.

(1) A loan secured by a real estate mortgage (including a mortgage on a leasehold) will be closed in accordance with Part 1807 of this chapter. Real estate mortgage Form FHA 427-2, "Real Estate Mortgage for \_\_\_\_\_ (Direct Loan)," will be used for a direct loan, and Form FHA 427-1, "Real Estate Mortgage for \_\_\_\_\_ (Insured Loan)," will be used for an insured loan.

(i) For an insured loan on a nonfarm tract, a senior citizen loan on a farm, or a senior citizen loan to purchase a dwelling, an additional covenant will be inserted in the mortgage as follows:

Borrower will personally occupy and use any buildings on said property which are constructed, improved, or purchased with the loan secured hereby and not rent or lease said buildings unless the Government consents in writing to other occupancy or use or to a rental or lease.

(ii) Any special forms required in connection with a loan on a leasehold will be prepared or approved by the Office of the General Counsel or the State Director.

(iii) For a loan secured by a mortgage upon a leasehold the following language, or similar language which in the opinion of the Office of the General Counsel is legally adequate, will be inserted in the mortgage just before the legal description of the real estate:

All Borrower's right, title, and interest in and to the leasehold estate for a term of \_\_\_\_\_ years beginning on \_\_\_\_\_, 19\_\_\_\_, created and established by certain Lease dated \_\_\_\_\_, 19\_\_\_\_, executed by \_\_\_\_\_ as lessor(s), recorded on \_\_\_\_\_, 19\_\_\_\_, in Book \_\_\_\_\_, page \_\_\_\_\_ of the Records of said County and State, and any renewals and extensions thereof, and all Borrower's right, title, and interest in and to said Lease, covering the following real estate:

(iv) For a loan secured by a mortgage upon a leasehold an additional covenant will be inserted in the mortgage to read as follows:

Borrower will pay when due all rents and any and all other charges required by said Lease, will comply with all other requirements of said Lease, and will not surrender or relinquish, without the Government's written consent, any of Borrower's right, title, or interest in or to said leasehold estate or under said Lease while this instrument remains in effect.

(2) Form FHA 440-16, "Promissory Note (Insured Loan)," will be used for insured loans and Form FHA 440-17, "Promissory Note (Direct Loan)," will be used for direct loans.

(i) The note will be signed in accordance with Part 1807 of this chapter.

(ii) The amount of the first installment will be determined by the County Supervisor after considering the immediate debt-paying ability of the borrower. The amount of the first installment may be less, but not more, than a regular annual installment.

(iii) For a direct loan to a borrower participating in an authorized mutual self-help housing project, the initial payment may be scheduled for the second January 1 after the loan is closed if the borrower will be unable to occupy the house by the first January 1. If he will not have sufficient income to pay a full installment by the second January 1, the payment due on the second January 1 may be less than a full installment.

(iv) For an insured loan, the amount of the first installment may not be less than the amount equal to interest on the loan from the date of loan closing to February 1 of the calendar year following



the calendar year in which the loan is closed.

(v) In any case in which a real estate mortgage will not be taken, the following provision will be inserted in the note:

No property constructed, improved, or purchased in whole or in part with the loan may be assigned, sold, transferred, or encumbered, voluntarily or otherwise, without the written consent of the Government.

(vi) When a real estate mortgage will not be taken in the case of a direct loan on a nonfarm tract or a senior citizen loan on a farm, the following provision will be inserted in the note:

Property constructed, improved, or purchased with the loan will be personally occupied and used by Borrower and not rented or leased, unless the Government gives written consent otherwise.

If the note form already contains a similar printed provision limited to property constructed or improved with an RH loan, the printed provision will be stricken.

(vii) When a senior citizen note is being cosigned, the following sentence will be inserted in the space above the signature and the name of the cosigner will be written in the blank space at the end of the sentence:

The provisions of this note that the undersigned (a) personally occupy and use the dwelling and (b) refinance from other credit sources shall not apply to -----.

(3) (i) A loan on security other than real estate will be closed in accordance with § 1831.34 of this chapter except paragraph (a) thereof.

(ii) Nonreal estate security instruments, and related instruments, as appropriate, will be prepared in accordance with Operating Loan instructions regarding security instruments and related instruments except that all provisions for creating a crop lien or security interest will be deleted and for insured loans the Form FHA 440-15, "Security Agreement (Insured Loans to Individuals) (State)," series will be used.

(4) For an insured loan made with a private lender's funds, the promissory note will be assigned to the lender simultaneously with loan closing. This will be done by endorsing the note over to the lender, using the form of endorsement on the reverse of the note. Form FHA 440-5, "Insurance Endorsement (Insured Loans)," will also be executed simultaneously with loan closing for delivery to the lender with the note. If the insurance endorsement is not to provide for purchase by the Government at the holder's option, paragraph 7 will be deleted.

(i) Each County Supervisor and each State Director is authorized to sign the endorsement on the reverse of the note and to execute Form FHA 440-5. The insurance endorsement constitutes the Government's contract of insurance of the loan.

(5) For loans from the insurance fund, the note will not be endorsed and the insurance endorsement will not be prepared until the loan is assigned from the insurance fund to a lender. In such case, the endorsement on the reverse of

the note and the insurance endorsement will be executed in accordance with Part 1873 of this chapter.

(6) When the first installment on a loan closed during December will be due next January 1, the installment will be collected at the time of loan closing.

(7) Immediately after loan closing, there will be sent to the Finance Office the original note for a direct loan, the original and a copy of the note for an insured loan made from the insurance fund, and a copy of the note and the executed Form FHA 440-5 for an insured loan made by a private lender.

(8) When the real estate mortgage is returned by the filing official, the original will be retained in the borrower's case folder unless it is retained by the filing official for the county records. If the original is retained by the filing official in his official records, a copy conformed to show the recording date including the date and place of recording and the book and page number will be filed in the borrower's case folder. A copy of the mortgage will be delivered to the borrower.

(c) *Other actions.* (1) For assignment of income from real estate security, Form FHA 443-16, "Assignment of Income from Real Estate Security," will be used. If the form is legally inadequate it may be adapted with the approval of the Office of the General Counsel. The County Supervisor, upon the advice of the designated attorney, title insurance company, or Office of the General Counsel, as appropriate, may require the acknowledgment and recordation of the assignment. Any cost incident thereto will be borne by the borrower.

(2) If an owner's policy of title insurance is obtained, it will be delivered to the borrower as soon as it is received from the title insurance company.

(3) A loan secured by a real estate or chattel mortgage is closed when the mortgage is filed for record. In other cases a loan is closed when the loan funds are deposited in the supervised bank account or otherwise made available to the borrower after he executes and delivers the note and any other required instruments.

#### § 1822.16 Rural Housing disaster loans.

(a) *Eligibility.* When a natural disaster including earthquake, flood, forest fire, severe windstorm, or lightning damages or destroys farm and rural dwellings, farm service buildings, and related facilities, section 502 RH direct loans will be made under this section to eligible RH applicants for the repair or replacement of such buildings on the same or a different site.

(b) *Interest rate.* Loans made under this section will bear interest at 3 percent per year.

(c) *Repair or replacement of buildings.* Repair or replacement of any damaged or destroyed building must be consistent with basic section 502 RH loan policies. Changes may be made in the building, but in any case the repaired or replaced building should not be significantly larger or more costly than the original building except as necessary to

provide a building which is adequate but modest. No new building constructed under this paragraph will exceed the limits established by subparagraphs (1) and (3) of § 1822.7(c).

(d) *Approval authorization.* The authority to approve rural housing disaster loans will not be redelegated by the State Director below the State Office level. The State Director will approve any disaster loan only after he determines that (1) the loss or damage was due to a natural disaster, (2) the application was filed within 12 months from the date the loss or damage occurred, (3) the applicant is using his available assets, including insurance loss payments, to repair or replace any damaged or destroyed building, (4) the loan will supplement other assistance, such as State or local, Small Business Administration, and Red Cross assistance, to the extent available, and (5) if the applicant is a nonowner occupant, the building he occupied was so badly damaged by the disaster that it is no longer habitable and the owner does not intend to repair or replace the building. Adequate information will be included in the docket to enable the State Director to make the determination required by this subsection.

(e) *Nature of loss.* Each case will be identified by "NATURAL DISASTER" on Form FHA 440-3, in the block, "Source of Funds," and on Form FHA 444-2, beneath the heading. In part D, item III, of Form FHA 444-2, beneath "Use of Funds," "Description of Loss" will be entered and the circumstances surrounding the loss will be fully documented. The cause, nature, and extent of the physical damage, the amount of any insurance loss payments, and the cost of repair or replacement should be recorded.

(f) *Deferred payments.* On loans made under this section, payments of interest and principal may be scheduled so as not to begin for a period up to 5 years from the date of the loan, subject to compliance with all the following conditions:

(1) The applicant, as a result of the loss suffered from the disaster, has had a substantial loss of income or his essential debts, including the proposed RH loan, have increased substantially as a result of the disaster. An applicant who has not experienced an income loss as a result of the natural disaster may not qualify for a deferment if the only additional debts he had to incur was for the repair or replacement of his dwelling.

(2) The income loss or increase in essential debts must be sufficiently great so that the applicant will not likely be able to pay a full annual installment during the proposed deferment period and also meet his other essential obligations.

(3) The applicant's other indebtedness has been adjusted by reduction, reamortization, extension, or other means, to the extent possible by negotiations with the other creditors.

(4) There is adequate evidence that the applicant's income in relation to his



total obligations will be sufficient after the deferment period to enable him to meet the payments on the RH loan and all his other obligations.

**§ 1822.17 Subsequent section 502 RH loans.**

(a) Definition: A subsequent section 502 RH loan is a section 502 RH loan made to a borrower who has an existing section 502 RH loan. Subsequent loans may be made for the same purposes and under the same conditions and limitations as initial loans.

(b) Processing subsequent loans: A subsequent loan will be processed in the same manner as initial loans, except that a new appraisal report will be required only when real estate will be taken as security and at least one of the following exists:

(1) The property was not appraised in connection with the initial loan.

(2) The latest appraisal report of the real estate is over 2 years old.

(3) The latest appraisal report is less than 2 years old but the appraiser recommended the normal market value rather than normal value.

(4) The physical characteristics of the property have changed significantly.

(5) The County Supervisor or loan approval official requests a new appraisal report.

(c) Nonreal estate security: A subsequent RH loan may be secured wholly by nonreal estate, provided the amount of the subsequent loan plus the unpaid principal balance of any prior RH loan or loans secured by nonreal estate does not exceed \$2,500.

(d) Note-only: A subsequent RH loan may be made on a note-only basis, provided the amount of the subsequent loan plus the unpaid principal balance of any prior RH loan or loans secured by a note only does not exceed \$1,500.

(e) Designation of note in real estate mortgage: When real estate mortgage is required in connection with a subsequent RH loan, any outstanding RH notes will be described in the mortgage.

(f) The subsequent loan will bear interest at a rate determined in accordance with this subpart, which may not be the same rate as borne by the initial loan.

**Subpart B—Section 503 Loan Policies, Procedures, and Authorizations**

**AUTHORITY:** The provisions of this Subpart B issued under secs. 501, 503, 510, 63 Stat. 432, as amended, 434, 437; 42 U.S.C. 1471, 1473, 1480; Orders of the Sec. of Agr., 19 F.R. 74, 28 F.R. 9676, 29 F.R. 366, 2433, except as otherwise noted.

**§ 1822.21 General.**

This Subpart B prescribes the policies, procedures, and delegations of authority for making initial and subsequent Rural Housing loans under Section 503 of the Housing Act of 1949. Section 503 loans will be made in accordance with the provisions of Subpart A of this Part 1822 as supplemented and modified by this Subpart B. Additional provisions for making special types of section 503 loans are

contained in Subchapter D of this chapter.

**§ 1822.22 Objective.**

The objective of section 503 loans is to give qualified farm owners who lack sufficient income to repay a loan for decent, safe, and sanitary housing or for adequate farm service buildings an opportunity to obtain a loan for such purposes, provided they can increase their farm income sufficiently in not more than five years to meet their loan payments as they become due. To enable such farm owners to increase their incomes, funds may be included in the loan to buy and develop farm land.

**§ 1822.23 Qualifications.**

To be eligible for a section 503 loan, an applicant must be the owner of a farm and otherwise eligible under § 1822.4, except that:

(a) His housing credit needs cannot be met with a Farm Ownership loan or a section 502 loan.

(b) Because of inadequate income from the farm and other sources, he cannot reasonably be expected to meet in full the annual payments on the loan during one or more of the first five years but can reasonably be expected to pay at least 50 percent of the principal amount due during each of the first five years.

(c) His farm income can be increased within not more than five years as a result of improvement or enlargement of the farm or adjustment of farm practices, production, or methods sufficiently to pay the annual installments that will become due after the first five years.

(d) The farm to be improved will not be larger than an adequate family farm as defined in Part 1821 of this chapter.

**§ 1822.24 Loan purposes.**

Section 503 loans may be made to qualified farm owners for:

(a) The purposes specified in § 1822.6, and

(b) The purchase of land to enlarge the applicant's farm or provide for land development in order to furnish income sufficient to support decent, safe, and sanitary housing and adequate essential farm service buildings and to encourage adequate family farms. Section 1821.7

(c) of this chapter will be applicable to the land development items to be financed with loan funds. Funds will not be included for land purchase or development unless funds also are provided in the loan for constructing, repairing, or improving a farm dwelling or farm service building.

(Sec. 504(b), 63 Stat. 435, 42 U.S.C. 1474(b))

**§ 1822.25 Special requirements.**

(a) *Supervision.* Each borrower will receive intensive supervision during the period the contribution agreement is in effect and for such additional period as may be necessary in accordance with the policies in Part 1802 of this chapter.

(b) *Contributions.* During each of the first five years following the date of the borrower's promissory note, the Farmers Home Administration may, in accord-

ance with Form FHA 444-1, "Rural Housing Contribution Agreement," make an annual contribution in the form of a credit to the borrower's indebtedness in an amount not to exceed the annual installment of interest and 50 percent of the annual principal installment. Each such contribution must be justified by evidence that the borrower's income is, in fact, insufficient to enable him to make the scheduled payment and that the borrower has carried out his farm plan with due diligence. At the time of the year-end analysis, the farm and home records and the farm and home plan will be used for the purpose of determining the amount of the contribution, if any, the Farmers Home Administration will make in the form of a credit on the borrower's annual installment.

(c) *Reaching an understanding with the applicant.* The County Supervisor, prior to loan approval, should reach a thorough understanding with the applicant with respect to his responsibilities in connection with the loan. Particular attention should be given to the following:

(1) The applicant will be required to develop and follow annual and long-time farm and home plans and to keep a record book as a basis for determining whether or not he is qualified for a contribution during any of the first five years.

(2) The applicant will be responsible for providing accurate information as to his income and expenses.

(3) Neither the contribution agreement nor credits of principal or interest on the loan will be assignable or accrue to a third party without the written consent of the Farmers Home Administration. In case title to the farm is transferred, the Farmers Home Administration may require the full payment in cash of the entire original loan plus accrued interest, less any actual payments made, when the Farmers Home Administration determines that the benefits would accrue to a person not eligible for a section 503 loan. The Farmers Home Administration may refuse to release the lien until full payment is made.

(d) *Option for land purchase.* When land purchase is involved in connection with a loan, Form FHA 443-1, "Option to Purchase Real Property," will be obtained prior to the time the services of the appraiser are requested. The provisions of Part 1821 of this chapter will be observed in obtaining and accepting the option.

(Sec. 504(b), 63 Stat. 435; 42 U.S.C. 1474(b))

**§ 1822.26 Terms of loan.**

Each loan will be scheduled for repayment over a period of 33 years from the date of the note.

**§ 1822.27 Security.**

Each loan will be secured by a mortgage on the borrower's farm and such other property as may be necessary to adequately secure the loan.

**§ 1822.28 Appraisal.**

An appraisal by an employee authorized to appraise farms will be made irrespective of the size of the loan.



**§ 1822.29 Loan approval.**

Section 503 loans will be approved in accordance with the authorizations in § 1822.13.

**§ 1822.30 Loan closing.**

(a) *Promissory note.* The first installment will be the amount of interest that will accrue on the loan from the date of the note to the next January 1.

(b) *Contribution agreement.* Form FHA 444-1 will be prepared in an original and two copies. The original and one copy will be executed by the borrower and his wife in the same manner as the note and by the County Supervisor at the time of loan closing. One signed copy will be given to the borrower.

**§ 1822.31 Subsequent loans.**

(a) A subsequent section 503 loan may be made only to a borrower who is indebted for a section 503 loan. A subsequent loan may be made for the same purposes as an initial loan and will be made in the same manner as an initial loan except that a new appraisal will not be required unless:

(1) The latest appraisal report is over two years old or the appraiser recommended the normal market value rather than the normal value;

(2) The physical characteristics of the property have changed significantly; or

(3) The County Supervisor or loan approval official requests a new appraisal report.

(b) If a section 503 borrower receives any other type of real estate loan during the first five years after he received the section 503 loan, the contribution agreement will be cancelled and he will not be eligible for any additional contributions.

**Subpart C—Farm Labor Housing Loan Policies, Procedures, and Delegations of Authority**

**AUTHORITY:** The provisions of this Subpart C issued under sections 502, 510, 514, 517, 63 Stat. 433 as amended, 437, 75 Stat. 186 as amended, 79 Stat. 498; 42 U.S.C. 1472, 1480, 1484, 1487; Orders of Secretary of Agriculture, 29 F.R. 16210, 16840, 30 F.R. 14049.

**§ 1822.61 General.**

This subpart sets forth the policies and procedure and delegates authority for making initial and subsequent insured loans under sections 514 and 517 of the Housing Act of 1949, to provide housing and related facilities for domestic farm labor (LH loans).

**§ 1822.62 Objective.**

The basic objective of the Farmers Home Administration (FHA) in making and insuring LH loans is to provide decent, safe, and sanitary housing and related facilities for domestic farm labor.

**§ 1822.63 Definitions.**

As used in this subpart—

(a) "Domestic farm labor" means persons who receive a substantial portion of

their income as laborers on farms in the United States and either are citizens of the United States, or reside in the United States after being legally admitted for permanent residence, and may include the families of such persons. Laborers on farms may include laborers engaged in handling agricultural commodities while in the unprocessed stage, provided title to the commodity is held by the producer and the place of employment, such as a packing shed, is on or near the farm where the commodity is produced. Laborers on farms do not include workers on "oyster farms" or "fish farms."

(b) "Housing" means existing structures or new structures which are or will be suitable for decent, safe, and sanitary dwelling use by domestic farm labor. "Housing" may include "related facilities" where appropriate.

(c) "Related facilities" include community rooms or buildings, cafeterias, dining halls, infirmaries, child care facilities, assembly halls, and other essential service facilities, such as central heating, sewerage, lighting systems, bathing facilities, and a safe domestic water supply. All related facilities must be reasonably necessary for proper use of the housing as dwellings for the domestic farm labor occupants.

(d) "Individual farmowner" means the "owner" of a "farm" as those terms are defined in Subpart A of this part.

(e) "Organization" means an association of farmers, a State or political subdivision, or a public or private nonprofit organization.

(f) "Association of farmers" means a group of farmers acting as a single legal entity, of whose members each is an individual devoting a substantial part of his time to personal participation in the conduct of farming operations. Though an association of farmers is not required to be a nonprofit organization, its operation of the housing must be on a nonprofit basis.

(g) "Nonprofit organization" means an organization which is organized and operated on a nonprofit basis, and is legally precluded from distributing any profits or dividends to its members before dissolution.

(h) "Construct or repair" means to construct new structures or facilities, or to acquire, relocate, or improve existing structures or facilities, but does not include the acquisition of land.

(i) "Members" and "membership" include stockholders and stock where appropriate.

(j) "Board" and "directors" include the governing body and members of the governing body of an organization.

(k) "Note" may include bond or other form of obligation.

(l) "Mortgage" may include any appropriate form of security instrument.

(m) "County Supervisor" and "State Director" mean the authorized officials of the Farmers Home Administration for the area in which the housing site is located.

**§ 1822.64 Eligibility requirements.**

(a) *Eligibility of applicant.* To be eligible for an LH loan, the applicant must meet the following requirements:

(1) The applicant must be either:

(i) An individual farmowner who meets the eligibility requirements of Subpart A of this part; or

(ii) An organization which will own the housing and related facilities, including the site, and operate them on a nonprofit basis.

(2) If the housing is for labor to be used elsewhere than in farming operations on land owned or operated by an individual applicant, or by an organization applicant or any of its members, or by a corporation wholly owned by any of the applicant's members, the applicant must comply with subparagraph (1) of this paragraph and—

(i) Be an individual who is an established resident of the community and will personally operate or supervise operation of the housing, or be an organization a majority of whose members and directors are established residents of the community;

(ii) Have had extensive and successful experience in providing farm labor in the area;

(iii) Have had the approval of appropriate State officials of the applicant's operations, and be likely to continue to have such approval; and

(iv) Be financially responsible and likely to succeed in the labor contracting business.

(3) Be unable to provide the necessary housing from the applicant's own resources, including any power to levy taxes, assessments, or charges, and unable to obtain the necessary credit from other sources upon terms and conditions the applicant could reasonably be expected to fulfill.

(4) Have initial operating capital and other assets needed for a sound loan, and have, after the loan is made, income sufficient to meet the applicant's operating expenses, necessary capital replacements, payments on the loan and any other authorized debts, other reasonable and necessary expenses, and the accumulation of reasonable reserves as required. Initial operating capital should be sufficient to pay for such costs as property and liability insurance premiums, fidelity bond premiums in case of an organization, utility hookup charges, maintenance equipment, movable furnishings and equipment, printing lease forms, and other initial expenses.

(5) Possess the legal capacity and the character, ability, and experience to carry out the undertakings and obligations required for the loan, including the obligation to maintain and operate the housing and related facilities for the purpose for which the loan is made.

(b) *Authorized representative of applicant.* The FHA will deal only with the applicant or its bona fide representative and technical advisers. The authorized representative of the applicant must



be a person who has no pecuniary interest in the award of the architectural or construction contracts, the purchase of equipment, or the purchase of land for the housing site.

**§ 1822.65 Loan purposes.**

LH loans may be made only to—

(a) Construct or repair housing as defined in § 1822.63, which may include single family units, apartments, dormitory-type units, or multiuse housing.

(b) Improve the necessary land on which the housing will be located, such as landscaping, foundation plantings, seeding and sodding lawns, and constructing walks, yard fences, parking areas, and driveways.

(c) Develop and install related facilities as defined in § 1822.63(c), and other related facilities, subject to the limitations of § 1822.63(c) (1), for the use of the occupants of the housing, such as:

(1) Recreation area or center;

(2) Central cooking and dining facilities;

(3) Small infirmary for emergency care only;

(4) Laundry facilities;

(5) Fallout shelters or similar protective structures;

(6) Essential equipment, which upon installation, legally becomes part of the real estate. The applicant must provide movable-type furnishings and equipment from his own funds.

(d) Pay related costs such as fees and charges for legal, architectural, and other appropriate technical services.

(e) Pay interest which will accrue on the loan from the date of loan closing to the estimated completion date of construction which the applicant cannot pay from other resources.

**§ 1822.66 Limitations.**

(a) *Docket development.* No docket for a loan or loans which would result in the applicant's LH indebtedness exceeding \$500,000 will be developed without the prior consent of the National Office. For the purpose of this paragraph, two organizations will be considered one if a majority of the members or directors are the same persons. Any requests for such consent must include detailed, accurate, complete, and current information concerning:

(1) Name and address of applicant;

(2) Applicant's assets;

(3) A listing of any debts owed;

(4) Status of each debt;

(5) Information on any interlocking memberships or boards of directors;

(6) Applicant's experience in operating farm labor housing;

(7) Applicant's financial contribution to the project;

(8) A realistic estimate of future need for the housing;

(9) A general description of the housing planned;

(10) Evidence of need submitted by the applicant, and the County Supervisor's evaluation; and

(11) Any other factors having a bearing on the need for and financial soundness of the proposed housing.

(b) *Loan limits to an individual.* A loan to an individual may not exceed the normal value of the farm improved with the loan, as determined by the loan approval official, less the unpaid principal balance plus past-due interest of any prior or junior liens that will or are likely to exist against the property after the loan is closed, or the actual cost to the applicant of approved items eligible under § 1822.65.

(c) *Loan limits to an organization.* The amount of a loan to an organization may not exceed the estimated depreciated replacement value of the completed housing and related facilities financed with the loan, or the actual cost to the applicant of approved items eligible under § 1822.65, whichever is less. Also, the amount of the loan added to unpaid principal plus past-due interest of any other liens that will or are likely to exist against the security may not exceed its present market value.

(d) *Limitations on use of loan funds.* Loan funds may only be used for the purposes stated in § 1822.65. Among the purposes for which loan funds will not be used are the following:

(1) Housing or related facilities which are elaborate or extravagant in design or material.

(2) Refinancing debts of the applicant.

(3) Land purchase.

(4) Movable-type furnishings or equipment.

(5) Payment of any fees, charges, or commissions to any broker, negotiator, or other person for the referral of a prospective applicant or solicitation of the loan.

(6) Payment of any fee, salary, commission, profit, or compensation to an applicant, or any officer, director, trustee, stockholder, member, or agent of the applicant, except as provided in § 1822.65 (d).

(e) *Obligations incurred before loan closing.* When the applicant files an application for a loan, the County Supervisor will advise the applicant that construction must not be started and obligations for work or materials must not be incurred before the loan is closed, and that it is the policy of the FHA not to permit loan funds to be used to pay such obligations. If, nevertheless, the applicant incurs debts for materials or construction before the loan is closed, we State Director may authorize the use of loan funds to pay such debts, but only when he finds that all the following conditions exist:

(1) The debts were incurred after the applicant filed a written application for a loan.

(2) The applicant is unable to pay such debts from his own resources or from credit from other sources, and failure to authorize the use of loan funds to pay such debts would impair the applicant's financial position.

(3) The debts were incurred for authorized loan purposes.

(4) Contracts and construction work meet Farmers Home Administration standards.

**§ 1822.67 Rates and terms.**

(a) *Amortization period.* Each loan will be scheduled for payment in installments within a period, not to exceed 33 years, as may be necessary to assure that the loan will be adequately secured, taking into account the probable depreciation of the security.

(b) *Interest rate.* The interest rate payable by individuals and by organizations which are not public bodies will be 5 percent per year on unpaid principal. The interest rate payable by organizations which are public bodies will not exceed 5 percent, and will be determined as provided in Part 1810 of this chapter.

(c) *Yield to lender, annual charge, and repurchase period.* The rate of return to the lender, the annual charge retained by the Government, and the period of initial repurchase agreement will be determined as provided in Part 1810 of this chapter.

**§ 1822.68 Special conditions.**

(a) *Group service loans.* When it is more feasible for a group of individual farmowners not constituting an association to provide housing for domestic farm labor through joint ownership and operation of the housing, an individual LH loan may be made to any member of the group subject to the provisions of this subpart regarding LH loans to individual farmowners. The jointly owned housing site will be considered part of each individual farm.

(b) *Refinancing LH loans.* Each borrower will be required to agree to refinance the unpaid balance of his LH loan at the request of the FHA, whenever it appears to the FHA that he is able to obtain a loan from responsible cooperative or private credit sources at reasonable rates and terms.

(c) *Loan resolution or loan agreement.* An organization applicant will have its Board of Directors adopt a loan resolution and furnish a certified copy for the loan docket before loan approval. The resolution will be in form prescribed or approved by the National Office of the FHA. An individual farmowner applicant, in any case where required by the State Director or the National Office, will execute a loan agreement in form prescribed or approved by the National Office. The provisions of the resolution or agreement should be read and fully understood by the applicant. They will be binding on the applicant as a part of the loan contract.

(d) *Restrictions on conditions of occupancy.* No organization borrower, unless it is composed of individual farmowners, will be permitted to require as a condition of occupancy of the housing that an occupant work on any particular farm or for any particular owner or interest.

(e) *Supervisory assistance.* Supervision will be provided borrowers to the extent necessary to achieve the objective of the loan and protect the interest of the Government.

(f) *Deferred principal payments.* When necessary because of deficiency in the applicant's income or other resources, smaller than regular payments of principal or no payments of principal



may be provided for the first, or first and second, installment dates after loan closing. However, the first installment may not be less than interest accruing to February 1 of the next year after the calendar year in which the loan is closed, and the second installment may not be less than the interest accruing for 1 year.

(g) *Multiple advances.* (1) The entire loan will be disbursed at the time of loan closing in only one advance when the loan is made from the Insurance Fund or with funds provided by a national lender.

(2) The loan may be disbursed in not more than three advances over a period not to exceed 2 years from the date of the first advance, when a local lender provides the funds for the loan and agrees in writing to the multiple advances.

#### § 1822.69 Security requirements.

(a) *General.* Each loan will be secured so as to adequately protect the financial interest of the Government in the loan during its payment period.

(b) *Loan to an individual farmowner.* For every loan to an individual farmowner, a real estate mortgage will be taken on the farm, subject to Part 1807 of this chapter and § 1822.10(b), excluding the provisions permitting \$2,500 to be not secured by real estate of good title.

(c) *Loan to an organization.* (1) A loan to an organization which can give a real estate mortgage will be secured by a mortgage on good and marketable title to the real estate including the housing, the related facilities, and the site, subject to any exceptions that may be waived as provided in § 1807.2(d) of this chapter.

(2) If a first mortgage cannot be obtained, a junior mortgage may be taken provided:

(i) The prior mortgage as affected by the State law does not contain such provisions for future advances, payment schedules, forfeiture or cancellation, foreclosure without adequate notice to junior lienholders, or other matters as may jeopardize FHA's security position or the borrower's ability to pay the loan; or

(ii) Such provisions are satisfactorily limited, modified, waived, or subordinated.

(3) When necessary or advisable for pursuing the objectives of the loan or protecting the Government's financial interest in the loan, a mortgage or other security interest may be taken in other real property or in personal property owned by the borrower.

(4) When necessary or advisable, additional or other security may be taken in such forms as a pledge, assignment, mortgage, or other security interest in income from the housing, or promissory notes, endorsements, personal liability agreements, membership subscription agreements, or liens on property of individual members of the borrower.

(5) As a general policy, personal liability will be required of the members of an organization applicant which does not have a numerous, broadly based membership.

#### § 1822.70 Technical, legal, and other services.

(a) *Appraisals.* When real estate is taken as security, the property will be appraised by an FHA employee authorized to make real estate appraisals, in accordance with the applicable appraisal instructions.

(b) *Title clearance and legal services.* For a loan to a public body, title clearance and legal services will be obtained in accordance with special instructions from the Office of the General Counsel, observing the provisions of Part 1807 of this chapter insofar as feasibly applicable. For loans to other applicants, the provisions of Part 1807 of this chapter regarding title clearance and legal services will apply.

(c) *Contracts for legal services.* In cases requiring extensive legal services for which loan funds will be used, the applicant will be required to have a written contract for such services. All such contracts, including the amount of the fees to be paid, will be subject to review and approval by the FHA, and therefore, insofar as feasible, should be submitted to the FHA before execution by the applicant. Contracts will provide for the types of service to be performed, the amount of the fees to be paid, and payment of the fee in lump sum on the completion of all services, or in installments as services are performed. The amount of the fees payable from loan funds will be based primarily on the nature and extent of the legal service needed to be furnished the applicant in connection with housing planning and development, and the rate of compensation for such services in the community. The State Director may request the advice of the Office of the General Counsel before approving the contract as to its provisions, including the amount of fees to be paid.

(d) *Contracts for architectural services.* The applicant will provide the necessary architectural services. Architectural services will be required on all projects whose estimated construction cost is in excess of \$50,000 unless prior consent is given by the National Office to proceed without complete architectural services. Any requests for such consent should state (1) the size of the development, (2) the design and type of construction, and (3) how the architectural services will be provided. Architectural services should be required where the nature and characteristics of the project are such that architectural services are needed. A written contract will be required when loan funds will be used for architectural services. All such contracts, including the amount of fees to be paid, will be subject to review and approval by the FHA, and should therefore be submitted to the FHA before execution by the applicant. Contracts will provide for the type of services to be performed, such as: Preliminary and final planning; furnishing of sketches, drawings, specifications, and cost estimates; assisting in preparing and soliciting construction bids; analyzing bids; preparing and awarding construction contracts; preparing change orders;

exercising supervision during construction; certification of all payments for work performed; and the amount of fees to be paid and payment of the fees in lump sum upon completion of all services, or in installments as services are performed. The amount of fees payable will be based on the nature and extent of the services needed by the applicant in connection with the planning and development of the housing.

(e) *Construction and development policies.* (1) Contract construction by qualified builders will be used whenever possible. In no case may the applicant, or an officer or director in the case of an organization applicant, or a member of an applicant which is a closely held corporation, bid on the job.

(2) Borrower construction may be necessary or desirable in some cases. In a case of this type when a borrower or its members, directors, or officers will serve, directly or indirectly, as the builder of the project, or as a supplier of labor or materials, the work will be performed by the borrower method as described in Part 1804, with the following modifications:

(i) In order to conserve the County Supervisor's time, the number of payments for materials and labor should be kept at a minimum.

(ii) All invoices will be signed by the borrower as correct and received; Form FHA 424-11, "Statement of Labor Performed," will be signed by the borrower in the usual manner.

(iii) Loan funds will not be used to pay the borrower or its members, directors, or officers, directly or indirectly, any profits from the construction or from supplying materials or any compensation for their own labor: *Provided, however,* In case of a broadly based organization, members who are not officers or directors may contract for certain trades or materials.

(iv) Discounts and rebates given in advance must be deducted before the invoices are paid. If discounts or rebates are given after the invoices are paid, the funds must be returned to the supervised bank account.

(3) Form FHA 424-13, "Certificate of Actual Cost of Construction," will be furnished by the borrower upon completion of the work on any project whose estimated or actual cost is \$20,000 or more.

(f) *Compliance with local codes and regulations.* Planning, construction, zoning, and operating of housing financed with the LH loan will conform with any applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, and health and sanitation.

(g) *Use of and accountability for loan funds.* LH loan funds and any funds furnished by the borrower will be handled in accordance with Part 1803 of this chapter. Collateral for deposits of funds will be required in accordance with Administration Letter 802(402). Funds furnished by the borrower for the purchase of special equipment and furnishings to be used in connection with the housing should not be deposited in the



supervised bank account with loan funds. Withdrawal of funds from the supervised bank account may be made only for legally eligible loan purposes.

(h) *Insurance.* The State Director will determine the minimum amount and types of insurance the applicant will carry.

(1) Fire and extended coverage will be required on all buildings included in the security for the loan in accordance with Part 1806 of this chapter.

(2) Suitable Workman's Compensation Insurance will be carried by the applicant for all its employees.

(3) The applicant will be informed of the possibility of incurring liability and encouraged, or required when appropriate, to obtain liability insurance.

(i) *Bonding.* (1) The provisions of Part 1804 of this chapter pertaining to surety bonds are applicable to LH loans, except that approved corporate surety bonds will be required in all cases involving a construction contract in excess of \$20,000.

(2) An applicant which is an organization will provide fidelity bond coverage for the official entrusted with the receipt and disbursement of its funds and the custody of any property. The amount of the bond will be at least equal to the maximum amount of money that the applicant will have on hand at any one time exclusive of loan funds deposited in a supervised bank account. If permitted by State law, the United States will be named as co-obligee in the bond. Form FHA 440-24, "Position Fidelity Schedule Bond," may be used if permitted by State law.

#### § 1822.71 Processing applications—preliminary dockets.

(a) *Application from an individual farmowner.* An application from an individual farmowner will be taken on Form FHA 410-1, "Application for FHA Services." The plan of operation for the farm will be shown on Form FHA 431-2, "Farm and Home Plan." When the loan will finance housing for labor to be employed on land not owned or operated by the applicant, preliminary information on the probable demand for labor housing in the area should also be obtained.

(b) *Application from an organization.* For a loan to an organization, the application will be in the form of a letter to the local County Supervisor. The letter should include a full statement of the purpose for which the loan is requested, the estimated amount of the loan needed, the proposed manner of securing and repaying the loan, and any previous experience of the applicant in operating labor housing. The applicant will attach to the letter of application as exhibits the following, which will be included in the preliminary docket with the application:

(1) A dated financial statement signed by an authorized official of the organization showing as of a current date the amount and nature of assets and liabilities together with information on the repayment schedule and status of each debt.

(2) Evidence of inability to obtain credit from other sources.

(3) Proposed method of operation and management practices.

(4) A proposed operating budget showing anticipated income and expenses for a typical year of operation.

(5) Plot plan, and preliminary plans and specifications for the proposed housing and related facilities including:

- (i) Building layout;
- (ii) Type of construction;
- (iii) Number and type of rental units;
- (iv) Estimate of cost, including the basis for the estimate; and
- (v) Evidence of compliance with the State and local health and other regulations as required by § 1822.70(f).

(6) Preliminary survey of the area to determine the need and probable demand for labor housing.

(7) Information on neighborhood and existing facilities, such as distance to shopping area, schools, neighborhood churches, available transportation, and other essential services.

(8) Information on topography, drainage, sanitation, and water supply, and a reference to any known problems related to these items.

(9) A statement on the amount, purpose, and method of providing capital to cover preliminary expenses and initial operating expenses.

(10) An accurate citation to the specific provisions of State law under which the applicant is organized; a copy of the applicant's existing or proposed charter or articles of incorporation, by-laws, and other basic organization documents; the names and addresses of the applicant's principal members and of its directors, and officers; and, if a member is another organization, its name, address, and principal business.

(c) *County Supervisor's review.* (1) The preliminary docket will be reviewed by the County Supervisor. If it appears that the applicant is probably eligible and a sound loan likely can be made, the preliminary docket, including the comments and recommendations of the County Supervisor and any additional material, will be forwarded to the State Director. If the applicant is a closely held corporation, a current financial statement will be required from each director, and from each member who holds a substantial interest in the corporation.

(d) *State Office action.* (1) The State Director will review the preliminary docket and in case of an organization submit the docket to the Office of the General Counsel for its preliminary opinion as to whether the applicant and the proposed loan met or can meet the requirements of State law and this instruction.

(2) The State Director will make a study of the preliminary plans and specifications to determine compliance with Supplement No. 1 of the "Guide for the Construction of Farm Buildings" or with applicable State codes for the construction of buildings for labor housing. The State Director's comments pointing out any deficiencies in the plans and suggestions for improvements will be attached

to the plan for the applicant's consideration. After completing his review and determining whether the applicant is eligible, the State Director will return the preliminary docket to the County Supervisor with further instructions.

#### § 1822.72 Final preparation and processing of loan docket.

(a) *Information needed.* If the State Director authorized further processing of the application, the County Supervisor will inform the applicant of the additional information needed, including:

(1) Detailed plans, specifications, and cost estimates prepared in accordance with Supplement No. 1 of the "Guide for the Construction of Farm Buildings." Final plans and specifications should include those for such items as the sewer and water systems, land clearing, grading, filling, roads, walks, parking areas, drainage, and plantings.

(2) A detailed cost breakdown of the project for such items as land and rights-of-way, building construction, equipment, utility connections, on-site improvements, architectural and engineering services, and legal services. The cost breakdown also should show separately the items not included in the loan, such as furnishings and equipment.

(3) Satisfactory evidence of review and approval of the proposed housing by officials whose approval is required by State or local laws, ordinances, or regulations.

(4) A detailed survey which shows the need for domestic farm labor housing on the individual farm or in the area. The area survey will show, in addition to information that may be needed by the applicant, the following:

(i) Names of farmers using farm labor.

(ii) Number of laborers used per month by each.

(iii) Estimated number of laborers who will likely use the housing.

(iv) Rental levels in the area for comparable housing, if available, and rents currently being charged farm laborers for housing.

(5) Any additional evidence which may be required of efforts made and inability to obtain credit from other sources, which must include lenders engaged in long-term mortgage lending.

(6) A description and justification of any related facilities.

(7) A statement giving location of other essential facilities that will be available in the community, such as doctors, dentists, hospitals, churches, shopping center, barber shops, beauty shops, and recreational facilities.

(8) A schedule of rental rates proposed for the housing and any separate charges for the use of related facilities.

(9) Proposed, detailed operating budgets for (i) the first year of operation, and (ii) a typical year's operation, showing the operating cost of the labor housing, the debt structure of the applicant, and how the debts will be paid. If the applicant has previously operated a labor housing or similar business, a copy of the applicant's operating budget for the past 5 years will also be included.



(10) A statement in narrative form outlining the plan for management of the proposed housing, such as indicating whether it will be managed by an owner-manager or hired manager, and showing age, experience, duties, and responsibilities of manager.

(11) A statement of policy regarding occupancy, including a copy of any proposed form of lease to be offered tenants and a copy of any rules or regulations governing administration and occupancy.

(12) If the loan is secured by a junior real estate mortgage, agreements with prior lienholders and information concerning prior mortgages will be obtained as provided in Subpart A of this part.

(b) *County Supervisor's responsibility.* As the information for the loan docket is being developed, the County Supervisor will—

(1) Work closely with the applicant and review the information furnished for adequacy and completeness.

(2) Observe the proposed site and consider its desirability.

(3) Evaluate the manner in which the applicant plans to conduct its business and financial affairs, and include his comments on the adequacy of the management.

(4) Prepare a statement explaining and supporting the basis for expecting a continued effective demand for labor housing, commenting specifically on the rate of mechanization of the farming operations, the likelihood of shifts to crops requiring less labor, and other factors tending to displace farm laborers.

(c) *County Committee certification.* Before a loan is approved, the County Committee will make the necessary certification on Form FHA 440-2, "County Committee Certification." Before executing Form FHA 440-2, the County Committee will consider all pertinent information concerning the applicant and the proposed housing, and will be given an opportunity to talk with the applicant or its representative if the Committee desires to do so.

(d) *Submission of docket to State Office.* After submission of the loan docket to the State Office, the State Director will prepare, with the advice of the Office of the General Counsel, a memorandum to the County Supervisor which will either require additional information or set forth the conditions of loan approval. If the consent of the National Office is not required and the State Director determines that the loan should be approved, he will approve the loan and sign the memorandum. If the docket is to be submitted to the National Office, it will include evidence of approval or additional requirements by the Office of the General Counsel.

(e) *Submission of docket to National Office.* (1) When the State Director determines that the loan should be approved and the consent of the National Office is required, he will submit to the National Office the complete docket with his recommendation.

(2) If in any case before the loan docket has been completed the State Director, with the advice of the Office of the General Counsel, is unable to deter-

mine whether the proposed loan meets the requirements of this subpart, he may submit the incomplete docket to the National Office for special review. The incomplete docket will contain in every case a memorandum from the Office of the General Counsel setting forth the results of its review. Such submission to the National Office will include the State Director's comments and recommendations and sufficient information concerning the applicant and the proposed loan to enable the National Office to reach an informed conclusion. When appropriate, the National Office may authorize loan approval without further reference to the National Office.

#### § 1822.73 Loan approval.

(a) *Delegation of authority.* The State Director is authorized to approve or disapprove loans in accordance with this subpart. The State Director may redelegate loan approval in writing to State Office employees other than the Area Supervisor. Without the prior consent of the National Office, no LH loan may be approved by the State Director if—

(1) The loan is to an organization; or  
(2) The amount of the loan plus unpaid principal and past-due interest of any other lien(s) on real estate of the applicant would exceed \$50,000; or

(3) The proposed loan together with unpaid principal of any other FHA loans of the applicant would exceed \$50,000.

(b) *Loan approval official's responsibility.* The loan approval official is responsible for reviewing the docket to determine that the proposed loan complies with all pertinent regulations, instructions, and directives. In making this review, the loan approval official will determine that—

(1) The Committee certification has been properly completed and signed by at least two Committeemen.

(2) The applicant is eligible.

(3) The funds are requested for authorized purposes.

(4) The proposed loan is sound.

(5) The security is adequate.

(6) All other pertinent requirements are met.

(c) *Approval or disapproval of a loan.*

(1) When a loan is approved, the approval official will indicate on Form FHA 440-3, or attachments if more space is needed, any conditions that must be met before the loan is closed, including the amount of surety and fidelity bond coverage and other insurance, the security title evidence, and any other special requirements.

(2) If a loan is not approved after the docket has been developed, a statement disapproving the application and giving the reason will be written on the original of Form FHA 440-3 and signed and dated by the official. Thereupon the County Supervisor will notify the applicant of the disapproval and the reasons.

#### § 1822.74 Actions subsequent to loan approval.

(a) *Requesting check.* When loan approval conditions can be met, including any real estate lien required, and a date

for loan closing has been agreed upon, the County Supervisor will order the loan check so that it will be available on or just before the date set for loan closing.

(b) *Handling the loan check.* (1) The loan check will be deposited in the supervised bank account on the day of loan closing after it has been determined that the loan can be closed.

(2) When a private lender issues a loan check payable jointly to the borrower and the FHA, the County Supervisor is authorized to endorse the check on behalf of the FHA at the time of loan closing as follows:

Endorsed without recourse; Farmers Home Administration,

By \_\_\_\_\_  
Title \_\_\_\_\_

The State Director also is authorized to endorse such a check in the same manner. Authority to endorse such checks in no way relates to or modifies the regulations contained in Part 1862 of this chapter regarding collection items or the endorsement of such items.

(3) If a loan check other than a check from a private lender is received and the loan cannot be closed within 21 days from the date of the check, the County Supervisor will take appropriate action in accordance with Part 1803 of this chapter.

(4) Where the loan check is received from a private lender, and the loan can be closed but not on the date previously indicated to the lender, the lender will be notified immediately of the reasons for the delay. If it is determined that such a loan cannot be closed, the check will be returned immediately to the lender with a request for cancellation. In no case may a lender's check be retained more than 21 days from the date of the check. When a loan check is lost, mutilated, or destroyed, the County Supervisor will immediately notify the lender and, if the borrower still desires to close the loan, the lender will be requested to issue a new check. When a check is returned to the lender and the loan will be closed at a subsequent date, another check will be requested in the usual manner.

(c) *Property insurance.* Buildings on the property which is to be taken as security for the loan will be insured in accordance with Part 1806 of this chapter.

#### § 1822.75 Loan closing.

(a) *Applicable instructions.* LH loans will be closed in accordance with Part 1807 of this chapter and any supplementary State instructions. The Office of the General Counsel may be requested to issue closing instructions in any case in which the State Director or the National Office considers it advisable.

(b) *Mortgage.* (1) Unless the Office of the General Counsel determines the form to be inappropriate in any case, real estate mortgage form FHA 427-1 (State), "Real Estate Mortgage for \_\_\_\_\_" will be used for a loan to an organization or to an individual. For loans to an organization, Form FHA 427-1 will be modified as prescribed



y, or with the advice of the Office of the General Counsel, with respect to name, address, and other identification of the borrower, the style of execution, and the acknowledgment.

(2) When the loan is to finance housing of more than two rental units the mortgage will include the following provision:

Borrower covenants and agrees that it will not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities financed in whole or in part with the loan in connection with which this instrument is given, because of race, color, creed, or national origin.

(3) When a loan resolution or loan agreement is used, the mortgage will include the following provision:

This instrument also secures the obligations and agreements of Borrower set forth in Borrower's Loan Resolution (Loan Agreement) of \_\_\_\_\_, which is (Date) hereby incorporated herein by reference.

(4) In case of a loan to an individual where a loan agreement is not used, the mortgage will include the following provisions:

Occupancy of the housing and related facilities on the property will be limited to domestic farm labor occupants as defined in the regulations of the Farmers Home Administration, unless the Government gives prior written approval to other occupancy.

As required by the Government: Borrower will permit the Government to inspect and examine the operation of the housing, and the books, records, and operations of Borrower; submit regular and special reports pertinent to the purpose of the loan or the Government's financial interests; subject to rents and charges and other terms of rental agreements with occupants of the housing, and compensation to employees connected with its operation, to prior approval by the Government, or to adjustment at the discretion of the Government when necessary in its judgment to carry out the purpose of the loan or protect its financial interests; and comply with any other requirements which, at the discretion of the Government, are reasonably appropriate to the purpose of the loan or protection of the Government's interests.

(c) *Promissory note and insurance endorsement.* (1) For a loan to an individual, Form FHA 440-16, "Promissory Note (Insured Loan)," will be used.

(2) For a loan to an organization, Form FHA 440-22, "Promissory Note (Insured Loan to Association or Organization)," will be used, except that where provisions of State law or special circumstances make Form FHA 440-22 inappropriate, either the State Director with the advice of the Office of the General Counsel or the National Office will determine the form of obligation.

(3) The total amount to be shown in the note will be the amount of the loan appearing on Form FHA 440-3.

(4) Payments on LH loans will be scheduled with annual installments due January 1. If the first installment, or first two installments, are less than regular installments, the regular annual installment will be computed by multiplying

the amount of the loan by the factor for the number of years over which the regular annual installment will be scheduled.

(5) When the loan is closed during December, the first installment will be collected at the time of loan closing, if it is a nominal amount or the borrower consents.

(6) If the funds are furnished by a private lender, and if the promissory note is not drawn in favor of the lender as the named payee, the note will be assigned to the lender simultaneously with loan closing, using the form of endorsement on the reverse of the note. Form FHA 440-5, "Insurance Endorsement (Insured Loans)," will also be completed and signed at loan closing. The note and Form FHA 440-5 will be delivered to the lender immediately thereafter.

(7) Each County Supervisor and each State Director is authorized to execute the endorsement on the reverse of the note and the insurance endorsement constitutes the Government's contract of insurance of the loan.

(d) *Date of closing.* An LH loan is considered closed when the security instrument is filed of record, or, if no security instrument is filed of record, when the loan funds are deposited in the supervised bank account or otherwise made available to the borrower after he executes and delivers the note and any other required instruments.

#### § 1822.76 Subsequent LH loans.

A subsequent loan is a loan made to a borrower indebted for an LH loan. Subsequent loans may be made for the same purposes and under the same conditions as initial loans.

#### § 1822.77 Complaints regarding discrimination in use and occupancy of housing projects of more than two rental units.

(a) With respect to housing of more than two rental units, any occupant or applicant for occupancy or use of the housing or related facilities who believes he has been discriminated against because of race, color, creed, or national origin may file a complaint with the County Supervisor or State Director. Any such complaint will be referred through the State Director to the National Office.

(b) The complaint must be in writing and signed by the complainant and contain the following information:

(1) The name and address (including telephone number) of the complainant.

(2) The name and address of the person committing the alleged discrimination.

(3) Date and place of the alleged discrimination.

(4) Any other pertinent information that will assist in the investigation and resolution of the complaint.

(c) The County Supervisor or State Director will acknowledge receipt of the complaint and promptly forward it to the National Office.

(d) Attached to the written complaint should be a statement from the County Supervisor or State Director as to

whether the security instrument executed by the borrower contains the nondiscrimination covenant. The statement also should include any other information which the State Director or County Supervisor has pertaining to the complaint. The County Supervisor or State Director should delay a comprehensive investigation of any complaint until requested to do so by the National Office.

(e) The National Office will determine whether discrimination did in fact occur. If necessary, appropriate steps will be taken to ascertain the essential facts.

(f) If it is found that the complaint is without substance, the parties concerned will be so notified.

(g) If it is found that the nondiscrimination covenant in the security instruments was violated, the FHA will inform the parties of such finding and advise the violator to take the action necessary to correct the violation and to give appropriate assurance of future compliance.

(h) If the borrower should fail to take such action and assure future compliance, the Administrator may take appropriate action to enforce Executive Order No. 11063 and any related Executive orders and Department regulations.

### Subpart D—Senior Citizens Rental Housing Loan Policies, Procedures and Authorizations

**AUTHORITY:** The provisions of this Subpart D issued under secs. 508, 510, 515, 517, 518, 520, 63 Stat. 436, as amended, 437, 76 Stat. 671, 79 Stat. 498, 500, 502; 42 U.S.C. 1478, 1480, 1485, 1487, 1488, 1490; Orders of Secretary of Agriculture, 29 F.R. 16210, 16840, 30 F.R. 14049.

#### § 1822.81 General.

This Subpart D sets forth the policies and procedures, and delegates authority for making direct and insured Senior Citizens Rental Housing (SCH) loans under section 515 of the Housing Act of 1949.

#### § 1822.82 Objective.

The basic objective of SCH loans is to provide for senior citizens in rural areas economically designed and constructed rental housing and related facilities suited to their special needs and living requirements.

#### § 1822.83 Definitions.

As used in this subpart:

(a) "Senior citizen" means a person who, or a family the head of which (or spouse), is 62 years of age or over and is or has been until recently a resident of a rural area.

(b) "Housing" means structures and related facilities in a rural area which are or will be suitable for and available to senior citizens for dwelling use to provide independent living on a rental basis.

(c) "Related facilities" means community rooms or buildings, cafeterias, dining halls, appropriate recreation facilities, small garden plots, infirmaries, assembly halls, and other essential service facilities such as central heating, sewerage and light systems, ranges and



refrigerators, and clothes washing machines and dryers for the common use of the tenants.

(d) "Development cost" means the costs of constructing, purchasing, improving, altering, or repairing housing, and purchasing and improving the necessary land. It includes necessary architectural, engineering, legal, and official fees and charges and other appropriate technical, and professional fees and charges. It does not include other fees, charges, or commissions such as payments to brokers, negotiators, or other persons for the referral of prospective applicants or solicitation of loans.

(e) "Rural areas" means open country or places of 5,500 persons or less not parts of or associated with urban areas, and further defined in § 1822.3(c).

(f) "Individual" means a natural person.

(g) "Private nonprofit corporation" for the purpose of a direct SCH loan means a corporation which (1) is controlled by private persons or interests, (2) is organized and operated for purposes other than making gains or profits for the corporation or its members or stockholders, and (3) is legally precluded from distributing to its members or stockholders any gains or profits during its existence.

(h) "Consumer cooperative" for the purpose of a direct SCH loan means a corporation which (1) is organized as a cooperative, (2) will operate the housing on a nonprofit basis solely for the benefit of the occupants, and (3) is legally precluded from distributing during the life of the loan any gains or profits from operation of the housing. For this purpose any patronage refunds to occupants of the housing would not be considered gains or profits. A consumer cooperative may accept nonmembers as well as members for occupancy of the housing.

(i) "Organization" for the purpose of a direct SCH loan means a private nonprofit corporation or a consumer cooperative.

(j) "Organization" for the purpose of an insured SCH loan means any profit or nonprofit corporation, association, trust, or partnership, including a municipal corporation or other corporate agency of a State or local government.

#### § 1822.84 Eligibility requirements.

(a) *Eligibility of applicant.* To be eligible for an SCH loan the applicant must:

(1) For an insured loan, be either an individual who is a citizen of the United States or an organization as defined in § 1822.83(j).

(2) For a direct loan, be an organization as defined in § 1822.83(i) which will provide housing for senior citizens of low or moderate income.

(3) Be unable to provide the housing from the applicant's own resources and unable to obtain the necessary credit from private or cooperative sources upon terms and conditions the applicant could reasonably be expected to fulfill.

(4) Have the ability and intention to maintain and operate the housing for the purpose for which the loan is made.

(5) Own or become the owner, when the loan is closed, of the housing and related land.

(6) Have initial operating capital and expect to have sufficient income to meet operating and other expenses, make necessary capital purchases and replacements, and meet payments on all debts, including the loan.

(i) The applicant will be required to provide any maintenance equipment and furnishings and to provide initial operating capital sufficient to cover preliminary expenses and beginning operating expenses. Usually the applicant should have operating capital amounting to at least 3 percent of the total cost of the project to cover these costs.

(ii) If, in addition, the applicant is to provide other movable equipment and furnishings, the initial capital will need to be increased sufficiently to cover the cost of these items.

(7) Possess the legal capacity to incur, and the legal capacity, character, ability, and experience to carry out, the undertakings and obligations required for the loan.

(8) In case of an insured loan:

(i) Be an individual residing in, or an organization of which members or stockholders who own a majority of the voting stock or membership rights reside in, the community where the housing will be located, or be an applicant who resides close enough to the project to provide general supervision and will provide a manager or caretaker who either resides on the housing property or is readily accessible to the tenants and near enough to reach the housing within a few minutes.

(ii) In case of an organization or an individual who is required to execute a loan agreement, legally obligate itself not to divert income from housing to any other business, enterprise, or purpose until a cash reserve is accumulated and maintained as required by the Farmers Home Administration (FHA).

(9) In case of a direct loan:

(i) Be an organization each of whose members or stockholders is limited to one vote in the affairs of the organization and a majority of whose members or stockholders reside in the community where the housing will be located. The manager or caretaker must reside on the housing property or be readily accessible to the tenants and near enough to be able to reach the housing within a few minutes.

(ii) Have a board of directors or trustees of whose members not less than five are among the leaders in the community where the housing will be located.

(iii) Have a broadly based ownership. The purpose of this requirement is to afford reasonable assurance of success of the housing project, to assure community support, to protect the Government's financial interest as mortgagee, and to provide reasonable assurance that the purposes of the loan will be carried out. In direct SCH loans there is no profit incentive. Eligible occupants are limited to elderly persons of low or moderate incomes. The terms of the

loan may extend for as long as 50 years and eligible transferees could be found only among qualified private nonprofit corporations and consumer cooperatives. Therefore, factors such as the prospect for competent management and supervision and adequate community support of the housing project over the expected life of the loan become vitally important. The "broadly based ownership" requirement may vary depending upon whether the applicant is a well established or a new corporation, the applicant's financial condition, the present and future effective demand for the housing by persons who will be eligible for occupancy, and the ratio of loan to the appraised value of the security.

(iv) Legally obligate itself not to divert income from the housing to any other business, enterprise, or purpose. If the applicant has issued or plans to issue stock and pay dividends thereon, provide for such stock to be (a) nonvoting, (b) limited as to the amount of dividends that can be paid thereon, and (c) limited as to liquidation value in the event of corporate dissolution. If the stock complies with these three requirements, dividends paid on it would not be considered gains or profits within the meaning of § 1822.83 (g) and (h) and therefore such an applicant, if otherwise qualified, would be eligible for an SCH loan.

(b) *Authorized representative of applicant.* The FHA will deal only with the applicant or a bona fide representative of the applicant and his technical advisers. An authorized representative of the applicant must be a person who has no pecuniary interest in the award of the architectural or construction contracts, the purchase of equipment, or the purchase of the land for the housing site.

#### § 1822.85 Loan purposes.

SCH loans may be made to qualified applicants for:

(a) Construction, purchase, improvement, alteration, or repair of housing, as defined in § 1822.83(b), which:

(1) Is economical in construction and not of elaborate or extravagant design or materials;

(2) Consists of apartments, duplex houses, or detached dwellings, and any appropriate related facilities;

(3) Is residential in character and design to meet the needs of senior citizens who are capable of caring for themselves;

(4) Has special consideration given to (i) safety and convenience, (ii) access to necessary shopping, medical services, and recreation facilities, (iii) sustaining the independence and dignity of the individual by providing for privacy and freedom of movement, and (iv) facilities contributing to the individual's comfort and ease of household activities;

(5) If it consists of apartments, may be the one-room "efficiency" type or one-bedroom units, with a limited number of two-bedroom units included when justified by a demand shown by a market analysis;

(6) Contains a bathroom and kitchen facilities in each unit;



(7) In case of insured loans, may include the addition of rooms to a dwelling owned by the applicant, in order to provide rental housing suitable for and publicly available to senior citizens on a continuing basis;

(8) In case of direct loans, is provided for senior citizens of low or moderate income.

(b) Purchase or improvement of the necessary land on which the housing will be located.

(1) In case the loan includes funds for land purchase, the cost of land may not exceed its present market value in its present condition. Present market value will be determined by a current appraisal. Loan funds will not be used to buy land from a member of the applicant-organization or from another organization in which one or more members of the organization have an interest without the prior consent of the National office.

(2) Loan funds may be used to acquire land in excess of that needed for the housing, including related facilities, when the applicant cannot acquire only the needed land at a fair price and the cost of the excess land bears a reasonable proportion to the amount of the loan. When excess land is thus acquired, the applicant must (i) justify the acquisition, (ii) agree to sell the land as soon as practicable and apply the proceeds on the loan, and (iii) have legal authority to acquire and administer such land.

(c) Development and installation of water supply, sewage disposal, heat and light systems necessary in connection with the housing, and other related facilities such as:

(1) Maintenance workshop and equipment storage.

(2) Recreation center, including lounge.

(3) Central cooking and dining facilities when the project is large enough to justify such services to supplement the kitchen facilities in each unit.

(4) Small infirmary for emergency care only, when justified.

(5) Laundry room and storage.

(6) Office and living quarters for the resident manager and other operating personnel. Such facilities may be provided only in those cases where there will be enough rental units to require the residence of operating and management personnel for sufficient time to justify the additional investment and the cost of these service facilities is a minor part of the loan.

(7) Appropriate recreational facilities and other essential needs.

(d) Construction of fallout shelters or similar protective structures.

(e) Purchase and installation of ranges and refrigerators to be installed in the individual rental units or as a part of the central cooking facilities, and clothes washing machines and dryers to be installed in project utility rooms or the common use of the tenants.

(f) Purchase and installation of essential equipment which upon installation becomes a part of the real estate.

(g) Provision of landscaping, foundation planting, seeding or sodding of

lawns, or other necessary facilities related to buildings such as walks, yards, fences, parking areas, and driveways.

(h) Payment of related costs such as fees and charges for legal, architectural, engineering, and other appropriate technical and official services.

(i) In insured loan cases, payment of the interest portion of the first installment when the applicant's income and resources will be insufficient to pay such interest.

#### § 1822.86 Limitations.

As used in this subpart, the value of the security means its present market value as determined by the loan approval official less the unpaid principal balance plus past-due interest of any other liens against it. Other liens will include any prior liens and any junior liens likely to be taken at or immediately after loan closing.

(a) *Loan limits for direct loans.* No direct loan or loans to any applicant will exceed \$200,00 less any other liens against the security, and no such loan will exceed the development cost or the value of the security, whichever is less.

(b) *Loan limits for insured loans.* No insured loan or loans to any applicant will exceed \$300,000, and no such loan will exceed the development cost or the value of the security whichever is less. The limitations in this paragraph also apply to cases in which the majority of stockholders or directors or other controlling interests of two or more applicants are the same.

(1) No loan docket which would result in the applicant's insured SCH indebtedness exceeding \$100,000 will be developed without the prior consent of the national office. Any request for such consent should include detailed justification for the loan including:

(i) Name and address of the applicant.

(ii) Applicant's assets.

(iii) A listing of any debts owed.

(iv) Status of each debt.

(v) A general description of the housing planned including the number and kind of units.

(vi) A realistic estimate of the need and demand for the size project proposed.

(vii) Applicant's financial contribution to the project.

(viii) Any other factors having a bearing on the need and financial soundness of the proposed housing.

(c) *Limitations on use of loan funds.* Loans will not be made for:

(1) Nursing or medical facilities, other than a small emergency care infirmary when justified by the size of the project and the fact that facilities for the emergency care expected to be needed for the occupants are not readily accessible elsewhere.

(2) Any commercial facilities except essential service-type facilities for use by the tenants when such facilities are not otherwise conveniently available in the area.

(3) Housing to be used for any transient or hotel purposes. No rental term shall be for less than 30 days.

(4) Nursing, special care, or institutional-type of homes.

(5) Any facility not essential to the needs of the tenants.

(6) Refinancing debts of the applicant.

(7) Housing which the applicant intends to sell or lease to another operator.

(8) Payment of any fee, charge, or commission to any broker, negotiator, or other person for the referral of a prospective applicant or solicitation of a loan.

(9) Except as provided in § 1822.85(h), the payment of any fee, salary, commission, profit, or compensation to an applicant, or to any officer, director, trustee, stockholder, member, or agent of an applicant.

(10) Housing in isolated locations in which occupants will not have reasonable access to the facilities and activities essential to their continued welfare and health.

(d) *Obligations incurred before loan closing.* When an applicant files an application for a loan the County Supervisor will advise the applicant that construction must not be started and obligations for such work or materials must not be incurred before the loan is closed. If, nevertheless, the applicant incurs debts for materials or construction before the loan is closed, the State Director may authorize the use of loan funds to pay such debts only when he finds that all of the following conditions exist:

(1) The debts were incurred after the applicant filed a written application for a loan.

(2) The applicant is unable to pay such debts from his own resources or to obtain credit from other sources, and failure to authorize the use of loan funds to pay such debts would impair the applicant's financial position.

(3) The debts were incurred for authorized loan purposes.

(4) Contracts and construction work meet FHA standards.

(5) Payment of the debts will remove any mechanics' and materialmen's liens which have attached, and any basis for any such liens that may attach, to the property.

#### § 1822.87 Source of funds and rates and terms.

(a) *Source of funds.* (1) Direct SCH loans may be made to private nonprofit corporations or consumer cooperatives eligible under § 1822.84, to provide rental housing and related facilities for senior citizens of low or moderate income.

(2) Insured SCH loans may be made to individuals or organizations defined in § 1822.83(j) and eligible under § 1822.84, to provide rental housing and related facilities for senior citizens. Insured SCH loans will be made only from the Rural Housing Insurance Fund.

(b) *Interest rates.* On direct loans the interest rate will be 3 percent per annum on the unpaid principal balance. On insured loans the interest rate will be as specified in Part 1810 of this Chapter XVIII. Interest will begin from the date of the note. When a direct loan is made in multiple advances, interest on the first advance will begin on the date of the note



and interest on each subsequent advance will begin on the date of the check.

(c) *Amortization period.* Each loan will be scheduled for payment within such a period as may be necessary to assure that the loan will be adequately secured, taking into account the probable depreciation of the security; however,

(1) For a direct loan, the payment period will not exceed 50 years from the date of the note.

(2) For an insured loan, the payment period will not exceed 40 years from the date of the note.

#### § 1822.88 Special conditions.

(a) *Deferred payments on direct loans.* In case of direct loans, when necessary because of deficiency in the applicant's income or resources, smaller than regular payments or no payments may be provided for the first and second January 1 dates after loan closing.

(b) *Deferred principal payments on insured loans.* In case of insured loans, when necessary because of deficiency in the applicant's income or resources, smaller than regular payments of principal or no payments of principal may be provided for the first and second installment dates after loan closing. However, the first installment may not be less than interest accruing to the first February 1 following the date of the first installment, and the second installment may not be less than interest accruing for one year.

(c) *Refinancing SCH loans.* Each borrower must agree to refinance the unpaid balance of his SCH loan at the request of the FHA whenever it appears to the FHA that the borrower is able to obtain a loan from responsible cooperative or private credit sources at reasonable rates and terms.

(d) *Loan resolutions or agreements.* For an organization applicant a loan resolution in a form approved by FHA will be adopted by the applicant's board of directors. For an individual applicant a loan agreement in a form approved by FHA will be executed by the applicant when the loan exceeds \$50,000 or when required by the State Director if the loan is for a lesser amount. The loan resolution or agreement will provide for the maintenance of certain accounts and the pledge of housing income as security and contain regulatory provisions governing, and giving the FHA power to impose requirements regarding, the housing and related operations of the applicant.

(e) *Multiple advances.* A direct loan may be disbursed in not more than three advances over a period not to exceed two years from the date of the first advance. Insured loans may be disbursed in only one advance.

(f) *Nondiscrimination in use and occupancy.* When the loan is to finance housing of more than two rental units the borrower shall not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities because of race, color, creed, or national origin.

(g) *Eligibility for occupancy.* (1) Eligible occupants of SCH housing will be limited to persons who are senior citizens or senior citizens and their spouses and who in direct cases have low or moderate incomes, except that eligible occupants may also include:

(i) A person younger than 62 who resides with, and is considered a member of, the family of the senior citizen occupant.

(ii) A person younger than 62 if it can be shown that the younger person's occupancy is necessary for the well-being of the senior citizen occupant or spouse.

(2) Loans will be made on the basis of the housing being occupied by eligible persons; however, if in connection with future servicing of the loan it becomes necessary to permit ineligible persons to occupy the housing for temporary periods in order to protect the financial interest of the Government, this may be permitted with the written prior approval of the national office.

(h) *Supervisory assistance.* Supervision will be provided borrowers to the extent necessary to achieve the objective of the loan and to protect the interests of the Government.

#### § 1822.89 Security.

Each loan will be secured in a manner that adequately protect the financial interest of the Government. A first lien, if obtainable, will be taken on the property purchased or improved with the loan. If a first lien is not obtainable, a junior lien may be taken in compliance with the requirements of Subpart A of this Part 1822 regarding junior mortgage loans. When the real property as improved will not provide adequate security for the loan, a lien may also be taken on other property owned by the applicant. Also, other additional security may be taken when necessary, such as a pledge or assignment of, or other security interest in, income from the housing, and (in case of an organization) promissory notes, stock or membership subscription agreements, personal liability agreements, and mortgages or pledges of property of individual members or stockholders.

(a) As a general policy, personal liability will be required from the members or stockholders of a corporation whose members or stockholders are few in numbers, in order to provide adequate security and adequate assurance of carrying out the purpose of the loan.

(b) If it is not legally or otherwise possible, or advisable for an applicant which is a public or quasi-public organization to give a note and real estate mortgage, the forms of obligations and security instruments to be taken should be determined with the advice and assistance of the Office of the General Counsel.

#### § 1822.90 Technical, legal, and other services.

(a) *Appraisals.* When real estate is taken as security, the property will be appraised by an FHA employee authorized to make real estate appraisals. If the security does not involve more than

two rental units, the property will be appraised in accordance with the policies outlined in Part 1809 of this Chapter XVIII. Form FHA 426-1, "Valuation of Buildings," will be completed to show the depreciated replacement value of all the buildings existing or to be constructed on the property to be taken as security.

(b) *Title clearance and legal services.* When the applicant for an SCH loan is an organization, or an individual with special title or loan closing problems, title clearance and legal services will be obtained in accordance with instructions from the Office of the General Counsel. In other cases, the provisions of Subpart A of this Part 1822 regarding title clearance and legal services will apply.

(c) *Architectural and engineering services.* (1) Housing and related facilities will be planned and performed in accordance with Part 1804 of this Chapter and the "Interim Construction Guide for Use in Connection With Farmers Home Administration Loans for Senior Citizens Rental Housing." The applicant will provide the architectural and engineering services necessary to plan the housing including the design of the facilities and proposed site development and preparation of detailed plans, specifications, and cost estimates.

(2) Housing must be designed by persons who understand the needs of senior citizens and who can project their needs into architectural designs appropriate for housing senior citizens. In order to assure good economical design and construction without placing an excessive burden on the FHA staff, architectural and engineering services will be required on all projects when the estimated cost is in excess of \$50,000 unless prior consent is given by the national office to proceed without complete architectural services. Any requests for exception should state the size of the development, the design and type of construction, and how the architectural services will be provided. Architectural and engineering services should be required where the nature and characteristics of the project are such that architectural services are needed. The applicant should select an architect who can and will furnish a design providing economical and thoroughly liveable housing at a cost within the rental rates the senior citizen can afford.

(3) A written contract will be required when loan funds will be used for architectural and engineering services. All such contracts will be subject to review and approval by the FHA and, therefore, should be submitted to the FHA before execution by the applicant. Such contracts will provide for the type of service to be performed, such as preliminary and final planning, the furnishing of sketches, drawings, specifications, and cost estimates, assisting in preparing the soliciting of construction bids, analyzing bids, preparing and awarding construction contracts, preparing change orders, exercising supervision during construction, certification of all payments for work performed, the amount of fees to be paid, and payment of the fees in lump sum upon completion of all services or in in



stallments as services are performed. The amount of fees payable from loan funds will be based on the nature and extent of the services needed by the applicant in connection with the planning and development of the housing.

(d) *Construction and development policies.* (1) Contract construction will be encouraged on all loans. Contracts on the basis of competitive bids with qualified builders will be encouraged.

(2) Borrower construction may be necessary or desirable in some cases. In a case of this type when a borrower or its stockholders, directors, or officers will serve, directly or indirectly, as the builder of the project, or as a supplier of labor or materials, the work will be performed by the borrower method with the following modifications. In order to conserve the County Supervisor's time, the number of payments of materials and labor should be kept to a minimum. All invoices will be signed by the borrower as correct and received. Form FHA 424-11, "Statement of Labor Performed," will be signed by the borrower. Under no circumstances will loan funds be used to pay the borrower or its stockholders, directors, or officers, directly or indirectly, any profits from the construction or from supplying materials or any compensation for their own labor. Discounts and rebates given in advance must be deducted before the invoices are paid. If discounts or rebates are given after the invoices are paid, the funds must be returned to the supervised bank account.

(3) Form FHA 424-13, "Certificate and Actual Cost of Construction," will be furnished by the borrower upon completion of the work on projects estimated to cost \$20,000 or more.

(e) *Compliance with local codes and regulations.* Planning, construction, zoning, and operation of housing financed with the SCH loan will conform with any applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, and health and sanitation.

(f) *Contracts for legal services.* On housing requiring extensive legal services, the applicant will be required to have a written contract when loan funds will be used for these services. All such contracts, including the amount of the fees to be paid, will be subject to review and approval by the FHA and, therefore, should be submitted to the FHA before execution by the applicant. Contracts will provide for the types of services to be performed, the amount of the fees to be paid, and payment of the fee in lump sum on the completion of all services or in installments as services are performed. The amount of the fees payable from loan funds will be based on the nature and extent of the legal service needed by the applicant in connection with the housing planning and development.

(g) *Optioning of land.* If a loan includes funds to purchase real estate, the applicable provisions of § 1821.15 of this Chapter XVIII regarding options will be followed. After the loan is approved,

the County Supervisor will have Form FHA 443-9, "Acceptance of Option," or other appropriate form of acceptance, completed, signed, and mailed to the seller.

(h) *Use of and accountability for loan funds.* Loan funds and any funds furnished by the borrower will be deposited and handled in accordance with Part 1803 of this Chapter XVIII. Pledging collateral for deposit of funds will be in accordance with Administration Letter 802 (402). Funds furnished by the borrower for the purchase of special equipment and furnishings to be used in connection with the project, for which loan funds could not be used, should not be deposited in the supervised bank account with loan funds. Withdrawals of funds from the supervised bank account may be made only for legally eligible loan purposes.

(i) *Insurance.* The State Director will determine the minimum amounts and types of insurance the applicant will carry.

(1) Fire and extended coverage will be required on all buildings included in the security for the loan in accordance with Part 1806 of this Chapter XVIII.

(2) Suitable Workman's Compensation Insurance will be carried by the applicant for all its employees.

(3) The applicant will be advised of the possibility of incurring liability and encourage, or may be required when appropriate, to obtain liability insurance.

(j) *Bonding.* (1) The provisions of Part 1804 of this Chapter XVIII pertaining to surety bonds are applicable to SCH loans, except that approved corporate surety bonds will be required in all cases involving a construction contract in excess of \$20,000 unless an exception is made by the national office.

(2) If the applicant is an organization, the applicant will provide fidelity bond coverage for the official entrusted with the receipt, custody, and disbursement of its funds and the custody of any other negotiable or readily salable personal property. The amount of the bond will be at least equal to the maximum amount of money that the applicant will have on hand at any one time exclusive of loan funds deposited in a supervised bank account. If permitted by State law, the United States will be named co-obligee in the bond. Form FHA 440-24, "Position Fidelity Schedule Bond," may be used if permitted by State law.

#### § 1822.91 Maximum income limit for occupancy of housing financed with direct loan.

For direct SCH loans only the maximum income level for occupancy will be established for each direct loan housing project as follows:

(a) The County Supervisor, after making a preliminary determination that a loan might be made, will assemble appropriate information concerning income levels and living costs of senior citizens in the area, including the cost of renting suitable housing that permits independent living.

(b) The County Supervisor, with the advice of the County Committee, will

recommend the income which, in his judgment, is needed by a senior citizen family of two in the locality to meet reasonable living expenses, rent modest but satisfactory housing in the area, and otherwise live comfortably but not extravagantly. Family income means gross income received by the family, as defined by the Internal Revenue Service for income tax purposes, plus any retirement, Social Security, pensions or similar payments, and interest on State and municipal bonds.

(c) The County Supervisor will submit his recommendation and supporting information to the State Director with the preliminary loan docket. The State Director will review this information together with other information available on income for the area, such as census data, living standards, and other income studies, establish the maximum income level for occupancy of the housing, and notify the County Supervisor. The State Director's determination and the basis for establishing the maximum income level for occupancy will be documented as part of the completed loan docket. This determination will be subject to review by the National Office when the loan docket is submitted.

(d) Maximum income levels for occupancy will not be adjusted from year to year. However, the maximum income level may be adjusted when justified by a substantial change in living costs in the area and other pertinent factors. To justify such an adjustment, the same procedure will be followed as when establishing the maximum income level initially.

(e) The maximum income level for occupancy of any housing project will not exceed \$6,000 a year unless properly justified and approved by the Administrator.

#### § 1822.92 Processing applications.

(a) *Application.* An application will be in the form of a letter to the local County Supervisor. The letter should include a statement about the purpose for which the loan is requested; an estimate of the amount of the loan needed; any previous experience in operating rental housing; and the proposed manner of securing and repaying the loan. Included in or attached to the letter should be:

(1) A currently dated financial statement showing assets and liabilities, together with information on the repayment schedule and status of each debt.

(2) Evidence of inability to obtain credit from other sources.

(3) Preliminary survey of the area showing the need and estimate of the probable demand for future senior citizens rental housing. The preliminary report at this stage may vary, as determined by the State Director, from the number of senior citizens living in the area to a complete market analysis in accordance with § 1822.93(a) (3).

(4) A proposed operating budget showing anticipated income and expenses for a typical year of operation.

(5) Plot plan and preliminary plans and specifications for the proposed hous-



ing, including the building layout, type of construction, number and type of living units, special design features for use of senior citizens, and the estimate of cost.

(6) Information on neighborhood and existing facilities, such as distance to shopping area, neighborhood churches, available transportation, drainage, sanitation facilities, water supply, and access to essential services such as doctors, dentists, and hospitals.

(7) For an organization applicant, a copy of, or an accurate citation to, the specific provisions of State law under which the applicant is organized; a copy of the applicant's charter, articles of incorporation, bylaws, and other basic authorizing documents; the names and addresses of the applicant's principal stockholders or members and its directors and officers; and, if a principal stockholder is another organization, its name, address, and principal business.

(b) *County Supervisor review.* The letter of application and supporting documents will be reviewed by the County Supervisor and forwarded to the State Director along with a statement by the County Supervisor of any additional facts he has concerning the applicant, the need for senior citizens rental housing in the area, any comments or recommendations of the County Committee, the County Supervisor's recommendations and findings with respect to all items of eligibility, and any other information about the applicant or housing that would be helpful to the State Director in evaluating the application. If the applicant is an organization, the County Supervisor will express his views of the financial position, income, occupation, and background of the directors, principal stockholders or members, and executive officers. If the applicant for an insured loan is a closely held corporation, current financial statements will be required from its directors and stockholders or members who hold a controlling interest.

(c) *State office action.* The State Director will determine whether the applicant is eligible. The State Director will review the preliminary plans or detailed plans, specifications, and cost estimates, and, unless the applicant is an organization, or is an individual and the project involves more than four rental units, instruct the County Supervisor as to any required modifications, and whether the modified plans should be returned for review and approval prior to submission of the docket. He also will give the County Supervisor any other instructions needed for any corrective actions to be taken to process the loan. If the applicant is an organization, the State Director's determination of eligibility will be made with the advice of the Office of the General Counsel. If the applicant is eligible and is an individual whose application involves more than four rental units or an organization and the State Director recommends further consideration, the letter of application and all supporting documents together with any memorandum of the Office of the General Counsel will be submitted to

the national office for review and instructions as to further processing, which may include, when appropriate, authorization for the State Director to approve the loan without further submission to the national office.

#### § 1822.93 Preparation of loan docket.

(a) *Information needed.* If the State Director authorizes further processing of the application, the County Supervisor will advise the applicant of the information he will need to furnish so that the loan can be processed. Such information, if applicable, will include:

(1) Detailed plans, specifications, and cost estimates prepared in accordance with the "Interim Construction Guide for Use in Connection with Farmers Home Administration Loans for Senior Citizens Rental Housing," and the "Guide for the Construction of Farm Buildings." The completed docket will contain a detailed cost breakdown of the project for such items as land and rights-of-way, building construction, equipment, utility connections, on-site improvements, architectural and engineering services, and legal services. The cost breakdown also should show separately the items not included in the loan, such as furnishings and equipment.

(2) Satisfactory evidence of review and approval of the proposed housing by applicable State and local officials whose approval is required by State or local laws, ordinances, or regulations.

(3) Statements, supported by statistical data, describing and explaining the basis for the expectancy of a continued effective demand for senior citizens housing over the period of the loan. Information of this type may be determined from census reports and other published data showing the number of persons 62 years of age and over and the condition of the housing occupied. In a direct loan case the income distinction should be observed.

(i) If relatively few units, generally not more than 10, are being built in a community where an obvious effective demand exists for rental housing for the elderly, the information in this subparagraph (3) generally will be adequate.

(ii) For any proposed loan that includes more than 10 units or in a case with fewer units where there is any doubt concerning the demand, the applicant will be required to furnish a complete market analysis showing the need and demand for senior citizens housing in the area. Such a survey should be based on the best information available and should include:

(a) Estimate of number of houses or apartments in the area for rent or sale.

(b) Characteristics of present available rental housing, such as location, quality and size of unit, type of building, age of structure, house value, tenure, vacancy rate, nature of vacancies, and price or rental levels.

(c) Number of persons 62 years of age and over.

(d) Characteristics of the elderly such as single or couple, male or female.

(e) Income and financial condition of the senior citizens in the area.

(f) Present living arrangements of elderly in the area and the extent to which inadequate housing is associated with health or financial reasons.

(g) Estimate of the number of senior citizens who are willing and financially able to occupy the proposed housing.

(iii) If the housing is located in an area where there are relatively few senior citizens, or for any other reason there is a question as to whether the housing will be occupied, the applicant may be required to obtain written expressions of interest in applying for occupancy from a sufficient number of eligible senior citizens to clearly indicate full occupancy reasonably soon after construction is completed.

(4) Evidence supporting a continued effective demand for senior citizens rental housing required in subparagraph (3) of this paragraph should be based on the number of senior citizens in the area willing and financially able to occupy the housing at the proposed rental levels. This does not preclude occupancy by some who are receiving welfare assistance; however, the economic justification for the housing should be based on senior citizens in the area to be served by the proposed housing with incomes which are not subject to fluctuation such as those that may occur in welfare assistance payments.

(5) A description and justification of any related facilities included in the loan.

(6) A statement giving location of other essential facilities that will be available in the community, such as restaurants, doctors, dentists, hospitals, churches, shopping center, barber shops, beauty shops, and recreational facilities.

(7) A schedule of rental rates proposed for the housing and any separate charges for the use of related facilities.

(8) A detailed operating budget proposed for the first year of operation and a typical year's operation, showing the operating cost of the rental housing, the debt structure of the applicant, and how the debts will be paid. If the applicant has previously operated a rental housing or similar business, a copy of the operating budgets for the past 5 years also will be included.

(9) A statement in narrative form outlining the management of the proposed housing such as whether by owner or hired manager, age of manager, duties and responsibilities, experience, and long-range training program planned, and other factors pertaining to the qualifications of the manager.

(10) A statement of policy regarding occupancy including method of selecting tenants, a copy of the proposed form of lease or rental agreement to be offered tenants, and a copy of any rules or regulations governing administration and occupancy.

(11) When the loan is secured by a junior real estate mortgage, agreements with prior lienholders and information concerning prior mortgages as provided in § 1822.10 (b) and (c).

(12) When land is being purchased or the building site will be part of a tract owned by the applicant, or in any other



case when necessary to clearly identify the property, a survey of the land to be given as security prepared by a licensed surveyor will be included in the loan docket.

(b) *County Supervisor's responsibility.* As the information for the loan docket is being developed, the County Supervisor will work closely with the applicant and review the information furnished for adequacy and completeness. The County Supervisor will observe the proposed site and consider its desirability. He will evaluate the manner in which the applicant plans to conduct his business and financial affairs, commenting on the adequacy of the management. The County Supervisor's comments together with the application and the completed docket will be submitted to the County Committee for its consideration.

(c) *County Committee certification.* Before a loan is approved, the County Committee will make the necessary certification on Form FHA 440-2, "County Committee Certification or Recommendation." Before executing Form FHA 440-2, the County Committee will consider all pertinent information concerning the applicant and the proposed facility, and will be given an opportunity to talk with the applicant or its representative if the Committee desires to do so.

(d) *Forms.* (1) Form FHA 440-23, "Promissory Note," will be used for direct loans.

(2) Form FHA 440-22, "Promissory Note," will be used for insured loans to organizations except when legally inappropriate.

(3) Form PHA 440-16, "Promissory Note," will be used for insured loans to individuals.

(4) Forms FHA-28 or FHA 442-6, "Association Proposal and Request for Funds," will be used for a loan to an organization, or a loan to an individual involving more than four rental units.

(e) *Submission of docket to State office.* The loan docket together with any comments from the County Committee and the County Supervisor will be submitted to the State Office for review. The State Director will prepare a memorandum to the County Supervisor requesting additional information needed, or setting forth the conditions of approval. If the prior consent of the National Office is required for loan approval and such consent has not previously been given, a copy of the State Director's unsigned memorandum, together with his recommendation and the complete loan docket, will be submitted to the National Office.

#### § 1822.94 Loan approval.

(a) *Authority.* The State Director is authorized to approve or disapprove SCH loans in accordance with this Subpart D. The State Director may redelegate loan approval in writing to State Office employees other than the Area Supervisor and the State Office employee making the appraisal.

(1) Without the prior consent of the National Office no SCH loan may be approved by the State Director if:

- (i) The loan is to an organization; or
- (ii) The amount of the loan plus unpaid principal and past-due interest of any other lien(s) on real estate of the applicant would exceed \$50,000; or
- (iii) The proposed loan together with unpaid principal of any other FHA loans of the applicant would exceed \$50,000.

(2) When prior consent of the National Office is required for loan approval, the loan docket and the State Director's recommendation will be sent to the National Office.

(b) *Loan approval action.* When a loan is approved, the approval official will:

- (1) Indicate on Form FHA 440-3, including all copies, any conditions that must be met before the loan is closed, including the amount of surety and fidelity bond coverage and other insurance, the security (such as real estate lien or junior lien subject to certain prior liens), title evidence, and any other special requirements. If more space is needed, Form FHA 440-3 will be supplemented by a memorandum.
- (2) Sign the original and two copies of Form FHA 440-3 and insert his title in the space provided.
- (3) Sign the original of Form FHA 440-1 and insert his title in the space provided.
- (4) If a loan is disapproved after the docket has been developed, the reason for such action will be shown on the original of Form FHA 440-3. Form FHA 440-3 will be initialed and dated. When a loan is disapproved, the County Supervisor will notify the applicant of the disapproval of the loan and the reasons therefor.

(2) Sign the original and two copies of Form FHA 440-3 and insert his title in the space provided.

(3) Sign the original of Form FHA 440-1 and insert his title in the space provided.

(4) If a loan is disapproved after the docket has been developed, the reason for such action will be shown on the original of Form FHA 440-3. Form FHA 440-3 will be initialed and dated. When a loan is disapproved, the County Supervisor will notify the applicant of the disapproval of the loan and the reasons therefor.

#### § 1822.95 Actions subsequent to loan approval.

(a) *Requesting check.* When loan approval conditions can be met, including any real estate title requirement, and a date for loan closing has been agreed upon, the County Supervisor will order the loan check so that it will be available on or immediately prior to the date set for loan closing.

(b) *Handling the loan check.* The loan check will be handled in accordance with Part 1803 of this Chapter XVIII.

(c) *Property insurance.* Buildings will be insured in accordance with Part 1806 of this Chapter XVIII.

#### § 1822.96 Loan closing.

(a) *Applicable instructions.* SCH loans will be closed in accordance with applicable provisions of Part 1807 of this Chapter XVIII and any supplementary, or closing instructions, and with the assistance of the designated attorney, representative of the title insurance company, or local attorney, whichever is appropriate.

(b) *Mortgage.* Unless the Office of the General Counsel determines the form to be inappropriate in any case, real estate mortgage Form FHA 427-2 (State), "Real Estate Mortgage for \_\_\_\_\_," will be used for a direct loan to an organization, and Form FHA 427-1 (State), "Real Estate Mortgage for \_\_\_\_\_,"

will be used for an insured loan to an individual or to an organization. For loans to organizations, Form FHA 427-2 and Form FHA 427-1 will be modified as prescribed by or with the advice of the Office of the General Counsel with respect to the name, address, and other identification of the borrower, the style of execution, and the acknowledgment.

(1) When the loan is to finance housing of more than two rental units, the mortgage or other security instrument shall contain the following covenant:

Borrower covenants and agrees that it will not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities financed in whole or in part with the loan in connection with which this instrument is given, because of race, color, creed, or national origin.

(2) When a loan resolution or loan agreement is used, an additional paragraph will be included in the mortgage to read as follows:

This instrument also secures the obligations and covenants of Borrower set forth in Borrower's Loan Resolution (Loan Agreement) of \_\_\_\_\_, which is (Date)

hereby incorporated herein by reference.

(3) In case of a loan to an individual where a loan agreement is not used, additional paragraphs will be included in the mortgage to read as follows:

Occupancy of the housing and related facilities on the property will be limited to eligible senior citizen occupants as defined in the regulations of the Farmers Home Administration, unless the Government gives prior written approval to other occupancy.

As required by the Government: Borrower will permit the Government to inspect and examine the operation of the housing, and the books, records, and operations of Borrower; submit regular and special reports pertinent to the purpose of the loan or the Government's financial interests; subject rents and charges and other terms of rental agreements with occupants of the housing, and compensation to employees connected with its operation, to prior approval by the Government, or to adjustment at the direction of the Government when necessary in its judgment to carry out the purpose of the loan or protect its financial interests; and comply with any other requirements which in the discretion of the Government are reasonably appropriate to the purpose of the loan or protection of the Government's interests.

(c) *Promissory note.* (1) The total amount to be shown in the note will be the amount of the loan.

(2) Payments on SCH loans will be scheduled with annual installments due January 1. Form FHA 440-9 will be used to schedule payments on a monthly basis. As provided in § 1822.88 (a) and (b), the first installment or the first and second installments may be less than regular annual installments. If the first installment or first two installments are less than regular annual installments, the regular annual installment will be computed by multiplying the amount of the loan by the factor for the number of years over which regular installments will be scheduled.

(3) The note will be signed in accordance with Part 1807 of this Chapter XVIII.



(4) For an insured loan the note will not be endorsed or the insurance endorsement executed until the loan is assigned from the insurance fund to a lender. In such cases, the Director, Finance Office, or the Insured Loan Officer, will sign the endorsement on the reverse of the note and will execute the insurance endorsement in accordance with Part 1873 of this Chapter XVIII.

(5) When a loan is closed during December and the first installment is due the next January 1, the first installment will be collected at the time of loan closing if it is a nominal amount or the borrower consents.

(6) When a loan is disbursed in more than one advance, Forms FHA 440-1 will be prepared and executed. The actual date of each advance will be entered on the reverse of the note. The date of the first advance will be the date of loan closing, and each subsequent advance the date of the loan check.

(d) *Recorded mortgage.* When the real estate mortgage or other security instrument is returned by the recording official, the County Supervisor will retain the original in the borrower's case folder. If the original is retained by the recording official for the county records, a conformed copy including the recording data showing the date and place of recordation and book and page number will be prepared and filed in the borrower's case folder. A copy of the mortgage will be delivered to the borrower and will be conformed only if required by State law or if it is the custom of other lenders in the area.

(e) *Date of loan closing.* An SCH loan is considered closed when the security instrument is filed of record, or, if there is no security instrument filed of record, when the loan funds are deposited in the supervised bank account or otherwise made available to the borrower after he executes and delivers the note and any other required instruments.

#### § 1822.97 Subsequent SCH loans.

A subsequent SCH loan is an SCH loan to an applicant indebted for an initial loan of the same type (direct or insured). A subsequent SCH loan may be made for the same purposes and on the same conditions as an initial loan.

#### § 1822.98 Complaints regarding discrimination in use and occupancy of housing in projects of more than two rental units.

(a) Any occupant or applicant for occupancy or use of such SCH housing or related facilities who believes he has been discriminated against because of race, color, creed, or national origin may file a complaint with the County Supervisor or State Director.

(b) The complaint must be in writing and signed by the complainant and contain the following information:

(1) The name and address (including telephone number) of the complainant.

(2) The name and address of the person committing the alleged discrimination.

(3) Date and place of the alleged discrimination.

(4) Any other pertinent information that will assist in the investigation and resolution of the complaint.

### Subpart E—Farm Labor Housing Grant Policies, Procedures, and Authorizations

**AUTHORITY:** The provisions of this Subpart E issued under secs. 506, 508, 510, 516, 63 Stat. 435, as amended, 436, as amended, 437, 78 Stat. 797; 42 U.S.C. 1476, 1478, 1480, 1486; Orders of Secretary of Agriculture, 29 F.R. 16210, 16840, 30 F.R. 14049.

#### § 1822.201 General.

This subpart sets forth the policies and procedures and delegates authority for extending financial assistance in the form of grants under section 516 of the Housing Act of 1949 to provide low-rent housing and related facilities for domestic farm labor.

#### § 1822.202 Objective.

The basic objective of the Farmers Home Administration (FHA) in making Labor Housing (LH) grants is to provide decent, safe, and sanitary low-rent housing and related facilities for domestic farm labor when there is a pressing need for such facilities in the area and there is reasonable doubt that the housing can be provided without grant assistance.

#### § 1822.203 Definitions.

As used in this Subpart E:

(a) "Domestic farm labor" means persons who receive a substantial portion of their income as laborers on farms in the United States and either (1) are citizens of the United States, or (2) reside in the United States after being legally admitted for permanent residence and may include families of such persons. Laborers on farms may include laborers engaged in handling agricultural commodities while they are in the unprocessed stage, provided title to the commodity is held by the producer and the place of employment, such as a packing shed, is on or near the farm where the commodity is produced. Laborers on farms do not include workers on "oyster farms" or "fish farms."

(b) "Housing" means existing structures or new structures which are or will be suitable for decent, safe, and sanitary dwelling use by domestic farm labor at rentals within the payment ability of families of low income. "Housing" may also include "related facilities" where appropriate.

(c) "Related facilities" include community rooms or buildings, cafeterias, dining halls, infirmaries, child care facilities, assembly halls, and other essential service facilities, such as central heating, sewerage, lighting systems, bathing facilities, and a safe domestic water supply. All related facilities must be reasonably necessary for proper use of the housing as dwellings for the domestic farm labor occupants.

(d) "Organization" means a State or political subdivision, or a public or private nonprofit organization.

(e) "Nonprofit organization" means a public or broadly based private organization which is organized and operated

on a nonprofit basis, is legally precluded from distributing any profits, dividends, or net assets to its members or any private individual, and will operate the housing as a community service.

(f) "Construct or repair" means to construct new structures or facilities, or to acquire, relocate, or improve existing structures or facilities.

(g) "Development cost" means the cash cost of constructing, purchasing, improving, altering or repairing new or existing housing and related facilities, and purchasing and improving the necessary land, including necessary architectural, legal, and other appropriate technical and professional fees and charges.

(h) "Members" and "membership" include stockholders and stock where appropriate.

(i) "Board" and "directors" include the governing body and members of the governing body of an organization.

(j) "Applicant" means the applicant for or the recipient of an LH grant.

#### § 1822.204 Eligibility requirements.

(a) *Eligibility of applicant.* To be eligible for an LH grant the applicant must:

(1) Be an organization with an assured life over a period of years sufficient to carry out the purpose of providing low-rent housing for domestic farm labor. This should not be less than the anticipated useful life of the project as suitable housing for domestic farm labor, assuming proper maintenance and repair of the property. Ordinarily, this should not be less than 50 years.

(2) When the grant is closed, be the owner (as distinguished from a lessee) of the housing and related facilities, including the site.

(3) Be unable to provide the necessary housing from its own resources, including any power to levy taxes, assessments, or charges, and unable to obtain the necessary credit through Labor Housing (LH) loans under Subpart C of this Part 1822 or from other sources upon terms and conditions the applicant could reasonably be expected to fulfill.

(4) Have initial operating capital and other assets needed for a sound operation, and have, after the housing is completed, income sufficient for its operating expenses, necessary capital replacements, payments on authorized debts, including any LH loan, and other reasonable and necessary expenses, and the accumulation of reasonable reserve as required. Initial operating capital should be sufficient to pay such costs as property and liability insurance premiums, fidelity bond premiums, utility hook-up charges, maintenance equipment, movable furnishings and equipment, printing lease forms, and other initial expenses.

(5) Possess the legal and actual capacity, ability, and experience to incur and carry out the undertakings and obligations required, including the obligation to maintain and operate the housing and related facilities for the purpose for which the grant is made.



6) Legally obligate itself not to divert some from the housing to any other business, enterprise, or purpose.

7) If it is a private nonprofit organization, meet the following additional requirements:

(i) Its members who own a controlling interest must reside in the area which includes the location of the housing and the farms on which the occupants will work.

(ii) Responsibility for management of the housing must be vested in the applicant's board of directors.

(iii) The applicant must have a large membership reflecting a variety of interests in the community; be governed by a board of directors of not less than 10 members drawn from the community membership; be legally precluded from distributing any dividends or net earnings to its members or any private individual during its corporate lifetime; in the event of its dissolution, be legally bound to transfer its net assets to a nonprofit organization of a similar type or a public body, for use for domestic farm or housing or other public purpose; be organized to administer the housing as a community service in the interest of the whole community; be prohibited from requiring employment on any particular farm or farms as a condition of occupancy of the housing; and be certified as exempt from Federal income taxation.

(b) *Authorized representative of applicant.* The FHA will deal only with the applicant or its bona fide representative and technical advisers. The authorized representative of the applicant must be a person who has no pecuniary interest in the award of the architectural or construction contracts, the purchase of equipment, or the purchase of the land at the housing site.

#### § 1822.205 Grant purposes.

LH grants may only be made to:

(a) Construct or repair housing as defined in § 1822.203 (b), (c), and (f) of this Subpart E. Housing may include single family units, apartments, or military-type units.

(b) Acquire the necessary land on which the housing is or will be located and make improvements such as landscaping, foundation plantings, seeding and sodding lawns, and construction of walks, yard fences, parking areas, and viewways. The cost of the land so acquired may not exceed its present market value in its present condition. Present market value will be determined by a current appraisal. Land will not be acquired in excess of the minimum adequate amount needed for the housing. Land will not be acquired from a member, officer, or director of the applicant, or from another organization in which a member of the applicant has an interest, without the prior consent of the National Office.

(c) Develop and install related facilities as defined in § 1822.203(c) of this Subpart E and other related facilities reasonably necessary for proper use of the housing as dwellings for the occupants, such as:

- (1) Recreation area or center.
- (2) Central cooking and dining facilities.
- (3) Small infirmary for emergency care only.
- (4) Laundry facilities.
- (5) Fallout shelters or similar protective structures.

(6) Essential equipment which upon installation legally becomes a part of the real estate. The applicant must provide movable-type furnishings and equipment from its own funds.

(d) Pay related costs such as fees and charges for legal, architectural, and other appropriate technical services which are not available from the FHA or other sources without cost to the applicant.

#### § 1822.206 Conditions under which an LH grant may be made.

A grant may be made to an eligible applicant only when all of the following requirements can be met:

(a) The applicant will contribute at least one-third of the cash development cost, obtained from its own resources, including any power to levy taxes, assessments, or charges, or with credit from other sources, or with an LH loan. The applicant's contribution must be available at the time of grant closing. If an LH loan is needed, the applicant will file an application for the loan to be considered with the grant application.

(b) The housing and related facilities will fulfill a pressing need in the area in which the housing is or will be located and there is reasonable doubt that such housing can be provided without the grant.

(1) The applicant will furnish the FHA factual evidence showing:

- (i) Number of domestic farm laborers currently being used in the area.
- (ii) Kind of labor performed.
- (iii) Outlook for future need for domestic farm labor in the area.
- (iv) Kind, condition, and adequacy of housing presently used by domestic farm laborers.
- (v) Ownership of presently occupied housing.
- (vi) Customary rental terms and conditions.
- (vii) Reasons why needed housing cannot be financed with funds from other sources including an LH loan.

(2) If, after evaluating the information furnished by the applicant and additional information he may obtain, the County Supervisor determines that the housing will fulfill a pressing need and that a reasonable doubt exists that the housing can be provided without the grant, he will prepare a narrative statement to support his conclusions.

(c) The housing to be provided is the most practicable type, giving due consideration to the purposes to be served and the needs of the occupants.

(d) The housing will be constructed in an economical manner and will not be of elaborate or extravagant design or material.

#### § 1822.207 Limitations and conditions.

(a) *Maximum amount of grant.* The amount of any grant may not exceed the lesser of:

(1) Two-thirds of the total cash development cost, or

(2) That portion of the total cash development cost which exceeds the sum of any amount the applicant can provide from its own resources plus the amount of a loan which the applicant will probably be able to repay, with interest, from income from rentals within the financial reach of families of low income.

(b) *Advances of grant funds.* The times for requesting Treasury checks representing LH grant funds and depositing such checks in the applicant's supervised bank account will be determined in accordance with § 1822.220(d) of this Subpart A. Where other funds to help finance the labor housing are being supplied by the applicant from its own resources or from a loan, such other funds will be used before a grant check is requested from the Treasury or deposited in or disbursed from the supervised bank account, as appropriate.

(c) *Development cost over \$500,000.* No docket for a grant which would result in the total amount of grant assistance to the applicant, plus any LH indebtedness of the applicant, exceeding \$500,000 will be developed without the prior consent of the National Office. For the purpose of this paragraph, two organizations will be considered one, if a majority of the members or directors are the same persons. Any request for such consent must include the following information, which must be detailed, accurate, complete, and current.

- (1) Name and address of the applicant.
- (2) Applicant's assets.
- (3) A listing of any debts owed.
- (4) Status of each debt.
- (5) Information on any interlocking memberships.
- (6) Applicant's experience in operating farm labor housing.
- (7) Proposed amount of applicant's financial contribution to the project, including any loan the applicant may be able to obtain.
- (8) A realistic estimate of future need for the housing.
- (9) A general description of the housing planned.
- (10) The evidence of need submitted by the applicant and the County Supervisor's evaluation.
- (11) Any other factors having a bearing on the need and financial soundness of the proposed housing.

(d) *Prohibited use of grant funds.* Grant funds may only be used for the purposes stated in § 1822.205 of this Subpart E. Among the purposes for which grant funds will not be used are the following:

- (1) Housing or related facilities which are elaborate or extravagant in design or material.
- (2) Movable-type furnishings or equipment.
- (3) Refinancing debts of the applicant.



(4) Payment of any fees, charges, or commissions to any broker, negotiator, or other person for the referral of a prospective applicant or solicitation of the grant.

(5) The payment of any fees, salary, commission, profit, or compensation to an applicant, or any officer, director, trustee, stockholder, member, or agent of the applicant, except as provided in § 1822.205(d) of this Subpart E.

(e) *Obligations incurred before grant closing.* When the applicant files an application for a grant, the County Supervisor will advise the applicant that construction must not be started and that obligations for work, materials, or land purchase must not be incurred before the grant is closed, and that it is the policy of the FHA not to permit grant funds to be used to pay such obligations. If, nevertheless, the applicant incurs debts for work, materials, or land purchase before the grant is closed, the State Director may authorize the use of grant funds to pay such debts, but only when he finds that all the following conditions exist:

(1) The debts were incurred after the applicant filed a written application for a grant.

(2) The applicant is unable to pay such debts from its own resources or with credit from other sources, and failure to authorize the use of grant funds to pay such debts would impair the applicant's financial position.

(3) The debts were incurred for authorized grant purposes.

(4) Contracts, materials, construction, and any land purchase meet FHA standards and requirements, including the Davis-Bacon Act and related requirements.

(f) *Resolution.* (1) A resolution in form prescribed or approved by FHA will be adopted by the applicant's board of directors and a certified copy included in the grant docket before the grant is approved.

(2) The form of resolution to be adopted by the applicant will contain policy and procedure requirements which should be read and fully understood by the applicant's board of directors and officers. It will include provisions authorizing the FHA to prescribe requirements regarding the housing and related operations of the applicant, and other provisions including the following:

(i) The rentals charged domestic farm labor will not exceed such amounts as are approved by the FHA after considering the income of the occupants and the necessary costs of operating and adequately maintaining the housing.

(ii) The housing will be maintained at all times in a safe and sanitary condition in accordance with standards prescribed by State and local law, or as required by FHA.

(iii) In granting occupancy of the housing an absolute priority will be given at all times to domestic farm labor.

(3) The form of resolution will also authorize the appropriate officers of the applicant to execute a "Labor Housing Grant Agreement," in form prescribed or approved by FHA.

(g) *Conditional obligation to repay grant.* The obligations incurred by the applicant as a condition of the grant will continue for 50 years from the date of the grant, unless sooner terminated in accordance with provisions of the entire grant contract between the applicant and the Government. If default should occur under any grant obligation, the Government will have the right, at its option, to require repayment of the full amount of the grant plus interest at the rate of five percent per annum after the default. The conditional obligation to repay the grant will be secured by a mortgage on the housing or other security, such as would be taken to secure an LH loan.

(h) *Nondiscrimination in use and occupancy.* When the grant is used to finance housing of more than two rental units the borrower will not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities because of race, color, creed, or national origin.

(i) *Complaints regarding discrimination in use and occupancy of housing.* Complaints of any occupant or applicant for occupancy or use of housing who believes he has been discriminated against because of race, color, creed, or national origin will be handled in accordance with § 1822.77 of this Part 1822.

(j) *Civil Rights Act of 1964.* Any labor housing project in which LH grant funds are involved will be subject to the provisions of Title VI of the Civil Rights Act of 1964 and all Executive Orders, regulations, and instructions issued thereunder.

(k) *Supervisory assistance.* Supervision will be provided to the extent necessary to achieve the objective of the grant and protect the interest of the Government.

#### § 1822.208 Legal and other services.

(a) *Title clearance and legal services.* For a grant to a public body, title clearance and legal services will be obtained in accordance with special instructions, observing the provisions of Part 1807 of this Chapter XVIII insofar as feasibly applicable. For grants to other applicants, the provisions of Part 1807 of this Chapter XVIII regarding title clearance and legal services will apply, subject to § 1822.221(a) of this Subpart E.

(b) *Contract for legal services.* The applicant will be required to have a written contract for legal services which are rendered in the period from the filing of the application to the closing of the grant, or which are rendered after grant closing and paid for with grant funds. All such contracts, including the amount of the fees to be paid, will be subject to review and approval by the FHA and therefore should be submitted to the FHA before execution by the applicant. Contracts will provide for the types of service to be performed, the amount of the fees to be paid, and payment of the fee in a lump sum on the completion of all services, or in installments as services are performed. The amount of the fees

will be based on the nature and extent of the legal service needed to be furnished to the applicant in connection with the housing planning, development, and financing, and the rate of compensation for such services in the community.

(c) *Contract for architectural services.* Architectural services will be required for each project, and the applicant will be required to have a written contract for such services. All such contracts, including the amount of the fees to be paid, will be subject to review and approval by the FHA, and therefore should be submitted to the FHA before execution by the applicant. Contract will provide for the type of services to be performed, such as (1) preliminary and final planning; (2) furnishing of sketches, drawings, specifications, and cost estimates; (3) assisting in preparing and soliciting construction bids; (4) analyzing bids; (5) preparing and awarding construction contracts; (6) preparing change orders; (7) exercising supervision during construction; (8) certification of all payments for work performed; and (9) the amount of fees to be paid and payment of the fees in a lump sum upon completion of all service or in installments as services are performed. The amount of fees payable will be based on the nature and extent of the services needed by the applicant in connection with the planning and development of the housing.

#### § 1822.209 Construction and development policies.

(a) *Planning and construction.* Housing will be planned in accordance with Part 1804 of this Chapter XVIII and "Supplement No. 1, Farm Labor Housing," of the "Guide for the Construction of Farm Buildings." Construction and development will be performed in accordance with Part 1804 of this Chapter XVIII and any special instruction from the National Office.

(b) *Davis-Bacon Act.* Construction financed with the assistance of an LH grant will be subject to Administration Letter 838 (440) regarding the Davis Bacon Act and related requirements.

(c) *Compliance with local code and regulations.* Planning, construction, zoning, and operating housing will conform with the applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, and health and sanitation.

#### § 1822.210 Supervised bank account.

LH grant funds and any funds furnished by the applicant, including an FHA loan funds will be handled in accordance with Part 1803 of this Chapter XVIII. For a grant, Form FHA 402-1 "Deposit Agreement," will be altered by inserting "advance(s) or" after "in connection with such" in the fourth line of the first numbered paragraph. Collateral for deposits of funds will be pledged in accordance with Administration Letter 802 (402). Funds furnished by the applicant for the purchase of special equipment and furnishings which



be used in connection with the housing but are not eligible under § 1822.205 this Subpart E for financing with grant funds will be deposited in a special account separate from the supervised bank account containing grant funds. Withdrawal of funds from the supervised bank account may be made only for the approved eligible purposes.

**§ 1822.211 Insurance.**

The State Director will determine the minimum amount and types of insurance the applicant will carry.

(a) Fire and extended coverage will be required on all buildings essential to successful operation of the housing development in accordance with Part 16 of this Chapter XVIII.

(b) Suitable workman's compensation insurance will be carried by the applicant for all its employees.

(c) The applicant will be advised of the possibility of incurring liability and encouraged, or may be required when appropriate, to obtain liability insurance.

**§ 1822.212 Bonding.**

The applicant will provide fidelity and coverage for the official entrusted with the receipt and disbursement of its funds and the custody of any property. While the "Labor Housing Grant Agreement" remains in effect, the amount of bond will be at least equal to the maximum amount of money that the applicant will have on hand at any one time exclusive of funds in a supervised bank account. If permitted by State law, the United States will be named as obligee in the bond. Form FHA 44-24, "Position Fidelity Schedule and Bond," may be used if permitted by State law.

**§ 1822.213 Optioning of land.**

If the project involves the purchase of real estate, the applicable provisions of Part 1821 of this Chapter XVIII regarding options will be followed. After the grant is approved, the County Supervisor will have Form FHA 443-9, "Form Letter—Acceptance of Option," or other appropriate form of acceptance completed, signed, and mailed to the seller.

**§ 1822.214 Processing applications.**

The application for a grant will be in the form of a letter to the County Supervisor. The letter will include a full statement of the purpose for which the grant is requested; the amount the applicant is able to furnish; the estimated amount of the grant needed; the proposed manner of securing and repaying debts the applicant has or plans to incur; any previous experience in operating labor housing; and the name and address of the authorized representative of the applicant, if any. The applicant will attach to the letter of application the following, which will be included in the preliminary docket with the application:

(a) A current, dated financial statement signed by an authorized official of the organization showing the amounts and nature of assets and liabilities together with information on the repayment

schedule and status of each debt. The County Supervisor's evaluation and verification, when appropriate, of the applicant's financial statement will be attached to the County Office copy of the financial statement.

(b) Evidence of inability to obtain credit from other sources.

(c) Statement explaining why housing cannot be provided without a grant.

(d) Customary tenure arrangements and rental charges to laborers and contribution by growers.

(e) Method of operation and management practices.

(f) A proposed operating budget showing anticipated income and expenses for a typical year of operation.

(g) Plot plan and preliminary plans and specifications for the proposed housing and related facilities including:

(1) Building layout.

(2) Type of construction.

(3) Number and type of rental units.

(4) Estimate of cost, including basis for the estimate.

(5) Evidence of compliance with State and local health regulations.

(h) Preliminary survey of the area to determine evidence of need in accordance with § 1822.206(b) of this Subpart E and probable demand for labor housing.

(i) Information on neighborhood and existing facilities, such as distance to shopping area, schools, neighborhood churches, available transportation, and to other essential services.

(j) Information on topography, drainage, sanitation, and water supply. Any known problems related to these items should be mentioned.

(k) A statement on the amount, purpose, and method of providing capital to cover preliminary expenses and initial operating expenses.

(l) An accurate citation to the specific provisions of the State law under which the applicant is organized; a copy of the applicant's existing or proposed charter or articles of incorporation, bylaws, and other basic organization documents; the names and addresses of the applicant's principal members and its directors and officers; and if a member is another organization, its name, address, and principal business.

**§ 1822.215 Preliminary docket.**

(a) *County Supervisor's review.* The preliminary docket will be reviewed by the County Supervisor. If it appears that the applicant is probably eligible and a grant likely can be made, the preliminary docket, including the comments and recommendations of the County Supervisor and any additional material, will be forwarded to the State Director.

(b) *State office action.* (1) The State Director will review the preliminary docket to determine whether the applicant and the proposed grant meet or can meet the requirements of State law and this Subpart E.

(2) The State Director will make a study of the preliminary plans and specifications for the proposed housing to determine compliance with Supplement No. 1 of the "Guide for the Construction

of Farm Buildings" or compliance with applicable State codes for the construction of buildings for labor housing. The State Director's comments pointing out any deficiencies in the plans and suggestions for improvements will be attached to the plan for the applicant's consideration when obtaining detailed plans and specifications and cost estimates.

(3) If in any case before the grant docket has been completed, the State Director is unable to determine whether the proposed grant meets the requirements of this Subpart E, he may submit the incomplete docket to the National Office for special review. Such submissions will include the State Director's comments and recommendations and sufficient information concerning the applicant and the proposed grant to enable the National Office to reach an informed conclusion.

**§ 1822.216 Determining rentals.**

(a) *Information.* (1) The applicant will provide the following information by making a survey of the area where the occupants of the housing will be employed:

(i) The probable earnings of the prospective domestic farm labor occupants of the housing.

(ii) The income required to enable such prospective occupants to obtain other adequate housing.

(iii) The expenditure budget required by the prospective occupants for an adequate level of living which provides for the essentials of food, clothing, health, education of children, and participation in community life.

(iv) Customary rental practices and charges for other rental housing in the area that might be available to the prospective occupants.

(2) The information furnished by the applicant will be reviewed and verified by the County Supervisor with the assistance of the County Committee.

(3) The information will then be included in the loan docket.

(4) Additional information may be required by the State Director to determine and approve the maximum rental to be charged domestic farm labor occupants of the housing assisted with the LH grant.

(b) *Approval of rental charges.* The State Director, after an analysis of the information, will establish and approve the maximum rentals to be charged domestic farm labor for occupancy of the housing. When making this determination he will give due consideration to the income and earning capacity of the prospective occupants of the housing and the necessary cost of operating and maintaining such housing. As a general guide, the weekly, monthly, or other rental charges usually should not exceed a rate which on an annual basis would equal 25 percent of the occupant families' estimated annual income.

(1) A memorandum stating the amount of the approved initial rental charges will be sent to the County Supervisor in an original and one copy. Both the original and copy will be retained



by the County Supervisor and included in the grant docket. After the grant is approved, the County Supervisor will send the original and copy to the applicant, which will sign the original as received and noted, and return it to the County Supervisor.

(2) Rental charges may be adjusted subsequently when justified by a substantial change in the occupant's income, living costs, and other pertinent factors. The procedure will be similar to that provided in this § 1822.216 for establishing and approving rental charges initially.

#### § 1822.217 Determining amount of grant.

(a) *General.* The State Director will determine the amount the applicant can obtain from other sources, including an LH loan, and the amount of the grant to be made, within the limits set forth in § 1822.207(a) of this Subpart E.

(b) *Method of determining amount of grant.* (1) The State Director will examine the income of the project based on the approved rental charges and operating cost of the housing when in full operation to determine the soundness of the operation. In cases where there is any doubt as to the probable soundness due to unrealistic planning of income or operating expenses, or for other reasons, the housing project and its operation will be discussed with the applicant to determine changes which can be made to correct the deficiencies.

(2) When a sound plan of operation has been agreed upon, the amount of funds which the State Director determines can practicably be obtained from other sources, including an LH loan, will be determined on the basis of the amount of income available for loan repayments after allowing for reasonable and necessary maintenance costs, payments on other debts of the applicant, and the orderly accumulation of an adequate reserve.

(3) If the income available is sufficient to repay a loan which, added to any funds available from the applicant's own resources, equals an amount which is at least one-third of the total cash development cost, the applicant will be required to contribute the maximum such amount and a grant may be made for the difference.

(4) The State Director will establish the amount of grant to be made and instruct the County Supervisor to complete the development of the docket. A summary of the State Director's analysis and his basis for determining the amount of grant will be fully documented and become a part of the grant docket which will be subject to review by the National Office before approval.

#### § 1822.218 Completion of docket.

If the State Director authorizes further processing, the grant docket will be completed in accordance with § 1822.72 of this Part 1822. When an LH loan is being made concurrently with an LH grant, the dockets will be considered at the same time. In such a case, informa-

tion required for both the loan and the grant will not be duplicated.

(a) *County Committee certifications.* Before a grant is approved, the County Committee will make the necessary certification on Form FHA 440-2, "County Committee Certification or Recommendation." Before executing Form FHA 440-2, the County Committee will consider all pertinent information concerning the applicant and the proposed project, and will be given an opportunity to talk with the applicant or its representative if the Committee desires to do so.

(b) *Furnishing title evidence.* If the applicant is already the owner of the land, it may furnish title evidence at any time after it is determined the grant is likely to be made. For property to be purchased, title clearance will not be requested until the grant is approved.

#### § 1822.219 Grant approval.

(a) *Delegation of authority.* The State Director is authorized to approve or disapprove grants in accordance with this Subpart E with prior consent of the National Office.

(b) *Grant approval action.* Paragraphs (b), not including subparagraph (5), and (c) of § 1822.73 of this Part 1822 will apply to grants, with the word "grant" substituted for the word "loan."

#### § 1822.220 Actions subsequent to grant approval.

(a) *Increase or decrease in amount of grant.* If it becomes necessary for the amount of the grant to be increased or decreased prior to closing, the County Supervisor will request that all distributed docket forms be returned to the County Office. The grant docket will be revised accordingly and reprocessed, except that if the amount of the grant is decreased, no LH loan is involved, and there is no substantial change in the planned improvements, a new County Committee Certification need not be obtained.

(b) *Cancellation of grant.* Grants may be canceled before closing. The County Supervisor will prepare Form FHA 440-10, "Request for Cancellation of Loan," in an original and two copies, or three copies, if the grant check has been received in the County Office. The form will be altered by changing all references to "loan" to "grant." Form FHA 440-10 will be sent to the State Director with the reasons for requesting cancellation. If the State Director approves the request for cancellation, he will forward the original request to the Finance Office. After making appropriate adjustments on the records, a copy of Form FHA 440-10 will be returned to the County Office. All interested parties, including the National Office, will be notified of the cancellation as provided in Part 1807 of this Chapter XVIII.

(c) *When to request and deposit grant check.* The policy of the Government is not to disburse grant funds from the Treasury until they are actually needed by the applicant.

(1) The County Supervisor will send the Finance Office a request or requests

for a grant check or checks so that each check will be received in the County Office not more than 10 days before the estimated date the applicant will expend the grant funds represented by the check, except that:

(1) All grant funds which the applicant will expend within a 30-day period will be included in one advance, and

(ii) The total amount of any grant which does not exceed \$20,000 will be disbursed in one advance.

(2) If the County Supervisor, upon receiving a grant check after the grant is closed, determines that more than 10 days will elapse before the earliest date any grant funds represented by the check will be needed by the applicant, he will return the check to the United States Treasury, and specify a remailing date.

(d) *Handling the grant check.* Subject to paragraph (c) of this § 1822.22 the grant check will be handled in accordance with Part 1803 of this Chapter XVIII.

#### § 1822.221 Grant closing.

(a) *Date of closing.* As necessary to comply with § 1822.220(c) of this Subpart E, a grant may be closed, by executing the required instruments including the grant agreement and mortgage and filing the mortgage for record, before the grant check is ordered or received. A grant involving a mortgage is closed when the mortgage is filed for record.

(b) *Applicable instructions.* Subject to § 1822.220(c) of this Subpart E, all grants will be closed in accordance with Part 1807 of this Chapter XVIII and any additional instructions necessary. The Office of the General Counsel may be requested to issue closing instructions in any case in which the State Director or National Office considers it advisable. The State Director may permit the services of other legal counsel for the applicant to be utilized in addition to or in lieu of the services of a title insurance company or designated attorney.

(c) *Labor Housing Grant Agreement.* A Labor Housing Grant Agreement, prepared and authorized as provided in § 1822.207 of this Subpart E, will be dated and executed by the applicant on the date of grant closing on a form identical to that attached to the resolution. The executed agreement will be filed with the mortgage or other security instrument in the County Office.

(d) *Mortgage.* (1) For a grant made at the same time as an LH loan, the mortgage securing the loan will contain a provision making it also secure the applicant's obligations under the Labor Housing Grant Agreement. For a grant not made at the same time as an LH loan, the form of mortgage will be prescribed by the National Office or approved by it upon recommendation of the State Director with the advice of the Office of the General Counsel.

(2) Any security instrument taken under the FHA under subparagraph (1) of this paragraph may be taken upon the condition, if it is expressed in the security instrument or elsewhere in the grant contract between the applicant and the Government, that the Govern-



ment may at any time give any consent, deferment, subordination, release, or satisfaction of the secured grant obligations or the security therefor, with or without valuable consideration, upon such terms and conditions as the Government in its sole discretion may determine to be advisable to further the purposes of the grant or protect the Government's financial interest under the grant agreement and mortgage, and be consistent with both statutory purposes of the grant and the limitations of the statutory authority under which the grant is made.

#### § 1822.222 Subsequent LH grants.

A subsequent grant is a grant made to an applicant which has previously received an LH grant. Subsequent grants may be made in compliance with all the provisions of this Subpart E.

### PART 1823—SOIL AND WATER LOANS

#### Subpart A—Loans to Individuals

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- 1823.40 Loans to governmental or quasi-governmental organizations.

#### Subpart A—Loans to Individuals

**AUTHORITY:** The provisions of this Subpart A issued under secs. 304, 305, 307, 308, 309, 333, 75 Stat. 308, as amended, 309, as amended, 314, 318, sec. 343, 76 Stat. 632; 7 U.S.C. 1924, 1925, 1927, 1928, 1929, 1988, 1989, 1991; Orders of Sec. of Agr., 19 F.R. 74, 26 F.R. 8403, 27 F.R. 9957, 28 F.R. 9676.

#### § 1823.1 General.

This subpart prescribes the policies, procedures, and authorizations for making initial and subsequent direct and insured Soil and Water loans under Section 304 of the Consolidated Farmers Home Administration Act of 1961. Additional provisions for making special types of

Soil and Water loans are contained in Subchapter D of this chapter.

(a) *Insured loan preference.* Whenever possible, the credit needs of an applicant will be met with an insured loan. If a local lender is not available, the loan may be made from the insurance fund provided funds are available, and the loan is not less than \$3,000.

(b) *Veterans' preference.* Preference will be given to veterans as defined in Part 1801 of this chapter. The applications on hand from veterans will be given preference over applications of non-veterans on file at the same time.

(c) *Objectives.* The basic objectives of Soil and Water loans are to encourage and facilitate the improvement, protection, and proper use of farm land by providing adequate financing for soil conservation; water development, conservation, and use; forestation; drainage of farm land; the establishment and improvement of permanent pasture; and other related measures. The achievement of these objectives should assist farmers in making needed land-use adjustments, bringing about desirable use of acres diverted from the production of surplus crops, and in meeting the impact of adverse weather conditions on their farming operations.

#### § 1823.2 Qualifications.

In order to be eligible for a Soil and Water loan the applicant must:

(a) Be an individual farmer or farm owner, member of a partnership that owns and operates a farm, or a domestic corporation engaged in farming. Such an applicant must be without sufficient resources to obtain sufficient credit elsewhere to finance the proposed land and water development, use, and conservation practices at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which he resides for loans for similar purposes and periods of time. If the applicant has an undivided interest in the land to be improved, the applicant and his co-owners, individually and jointly, must be unable to provide the necessary improvements with their own resources or obtain the necessary credit elsewhere.

(1) The term "farm" includes the total acreage of one or more tracts of land which is owned by the applicant and is operated as a single unit in the production of agricultural commodities including the production of fish under controlled conditions.

(b) If the applicant is a corporation, the corporation and the principal stockholders must be unable to provide the necessary improvements with its and their own resources or obtain the necessary credit elsewhere.

(c) The applicant must, if a corporation, be organized as a private domestic corporation under appropriate State laws.

(d) Be a farm owner or tenant.

(e) Plan to improve a farm with a Soil and Water loan which is of such size and productive capacity that it will produce agricultural commodities in sufficient quantities that the proceeds from

their sale will be a substantial portion of the operator's total cash income, and is recognized as a farm in the community rather than a rural residence. The income requirement will be satisfied even though the development financed with loan funds will reduce or temporarily eliminate the borrower's usual income from the farm, if the farm improved with loan funds is not used for nonfarm or recreational purposes and continues to be considered a farm in the community.

(f) Have sufficient income to meet his operating expenses, necessary capital replacements, and payments on debts, including the proposed Soil and Water loan, and, if an individual or partnership, family living expenses.

(g) Possess the character, industry, and ability to carry out the proposed operations and will honestly endeavor to carry out the undertakings and obligations required of him in connection with the Soil and Water loan.

(h) Have training or farm experience necessary to give reasonable assurance of success in farming whenever the soundness of the loan depends on the farming operation.

(i) Possess legal capacity to incur the obligation of the loan.

(j) If he is a tenant, have a satisfactory written lease for a sufficient period of time under terms that will enable him to obtain reasonable returns on the improvements made with the Soil and Water loan. In addition, the lease or a separate agreement should provide for compensating the tenant for any unexhausted value of the improvements upon termination of the lease.

#### § 1823.3 Loan purposes.

Soil and Water loans may be made for:

(a) Paying the cash costs for materials, supplies, equipment, and services directly related to land and water development, use, and conservation, such as:

(1) Terraces, dikes, reservoirs, ponds, tanks, cisterns, wells, pipelines, pumping and irrigation equipment, ditches and canals for irrigation and drainage, waterways, and erosion control structures.

(2) Drainage of land which is part of an operating farm unit.

(3) Land clearing.

(4) Sodding, subsoiling, land leveling, liming, and fencing.

(5) Fertilizer and seed used in connection with a soil conservation practice, or the establishment or improvement of permanent pasture.

(6) Forestation for sustained yield and tree planting for erosion control or shelter-belt purposes.

(7) Gasoline, oil, and equipment rental or hire.

(8) Expenses incident to obtaining plans and making the loan, such as fees for legal, engineering, and other technical services which are required to be paid by the borrower and which he cannot pay from other funds. Loan funds also may be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with making any planned improvements.



(9) Purchase or repair of special purpose equipment such as terracing, land leveling, and ditching equipment, provided such equipment is needed for, and will facilitate the completion or maintenance of, the planned improvement, and provided the cost of the equipment plus the other costs related to the improvement will not be more than if performed by contract or other methods.

(b) Acquiring a source of water to be used on land the applicant owns or is acquiring, including:

(1) The purchase of water stock or membership in an incorporated water users association.

(2) The acquisition of a water right through appropriation, agreement, permit, or decree.

(3) The acquisition of a water supply or right, and the land on which it is presently being used, when the water supply or right cannot be purchased without the land, provided the value of the land without the water supply or right is only an incidental part of the total price, and provided the water supply and right will be transferred to, and used more effectively on, other land owned by the applicant.

(c) The purchase of land or an interest therein for sites or rights-of-way upon which a water or drainage facility will be located.

(d) The purchase of stock or membership in, or payment of assessments to, an incorporated association or organized group service which will help such association or group service to finance facilities and improvements for which loan funds may be used.

(e) To pay that part of the cost of facilities, improvements, and practices which is to be earned by participation in Agricultural Conservation or Great Plains programs only when such costs cannot be covered by purchase orders or assignments to material suppliers or contractors. If loan funds are advanced and the portion of the payment for which the funds were advanced likely will exceed \$500, the applicant will assign the payment to the Farmers Home Administration.

#### § 1823.4 Terms of loans.

(a) *Interest, annual charge, and repurchase agreement.* The interest rate to the borrower will be 5 percent per year on the unpaid principal balance of the loan. For insured loans, the rate of interest, the rate of annual charge, and the repurchase agreement will be as provided in Part 1810 of this chapter.

(b) *Amortization period.* Each loan will be scheduled for payment within the shortest period consistent with the ability of the borrower to pay. In no case will the payment period exceed 40 years from the date of the note or extend beyond the useful life of the security, and for a loan that is not secured by real estate mortgage, the repayment period will not exceed 20 years from the date of the note.

(c) *Refinancing of Soil and Water loan.* If, at any time, it appears that the borrower may be able to obtain a loan from a cooperative or private credit

source at reasonable rates and terms for loans for similar purposes and periods of time prevailing in the area, to refinance his loan, the borrower will, upon request, apply for and accept such refinancing.

#### § 1823.5 Special requirements.

(a) *Supervisory assistance.* Supervision will be provided borrowers to the extent necessary to achieve the objectives of the loan and to protect the interest of the Government in accordance with Part 1802 of this chapter.

(b) *Supplementary payment agreement.* Form FHA 440-9, "Supplementary Payment Agreement," will be used for each applicant who regularly receives substantial off-farm income. It also will be used for other applicants when needed to facilitate servicing the account.

(c) *Loan limitations.* A soil and Water loan will not be approved if:

(1) The borrower's unpaid principal indebtedness plus any past-due interest against his farm or other security, or both, plus the amount of the loan will exceed \$60,000.

(2) The amount of the loan and the unpaid principal balance plus any past-due interest of other liens against the farm will exceed the normal value of the farm and when applicable, the normal value of any other security, as determined by the loan approval official, or the loan exceeds the amount certified by the County Committee.

(3) Only nonreal estate items will serve as security, and the borrower's unpaid principal indebtedness plus any past-due interest against the security plus the amount of the loan will exceed \$25,000.

(4) A lien junior to the Farmers Home Administration lien likely will be taken simultaneously with or immediately subsequent to the closing of the loan to secure any debt the borrower may have at the time of the loan closing or any indebtedness he may incur in connection with the Soil and Water loan, such as money borrowed from others for payments on debts against the farm, unless such a lien is within the \$60,000 debt limit or the normal value of the security, whichever is less.

(d) *Land development.* To the extent practicable, recommendations of the Forest Service, State Agricultural Extension Service, and the Soil Conservation Service should be included in the development plan, as well as in the farm and home plans. In planning land development with the applicant, the County Supervisor will encourage him to use any cost-sharing assistance consistent with his plans that may be available to him through the Agricultural Conservation Program.

(e) *Planning and performing farm development.* The development work will be planned and completed in accordance with Part 1804 of this chapter.

(f) *Soil and Water loans to Farm Ownership, Rural Housing, or Labor Housing borrowers.* A Soil and Water loan may be made to a borrower indebted for a Farm Ownership, Rural Housing, or Labor Housing loan in ac-

cordance with this Subpart A. However, the Soil and Water loan, when added to the unpaid principal balance plus any past-due interest of any Soil and Water, Farm Ownership, Rural Housing, or Labor Housing loan (whether or not secured by the farm) plus other debts against the farm or any other security given for such loans or to be given for the Soil and Water loan, will not exceed \$60,000, or normal value of the farm and other security for the loan, whichever is less.

(g) *Restrictions on loans.* A Soil and Water loan will not be made:

(1) For items that are not directly related to land and water development, use, and conservation, such as plumbing, annual operating expenses, power plants or power transmission lines other than service drops or lines, or buildings other than those to protect pumping installations.

(2) To pay debts incurred prior to the closing of the Soil and Water loan except fees for legal, engineering, and other technical services. The County Supervisor, not later than the time of planning farm improvements, will advise each applicant that construction work must not be started and debts for such work or materials must not be incurred before the loan is closed. If, nevertheless, the applicant incurs debts for materials or construction before the loan is closed, the County Supervisor may authorize in writing the use of Soil and Water funds to pay such debts only when he finds that all of the following conditions exist:

(i) The debts were incurred after the applicant filed a written application for a loan, except that in the case of a subsequent loan to complete improvements previously planned, the debts were incurred after the initial loan was closed.

(ii) The applicant is unable to pay such debts from his own resources or to obtain credit from other sources and failure to authorize the use of Soil and Water funds to pay such debts would impair the applicant's financial position.

(iii) The debts were incurred for authorized Soil and Water loan purposes.

(iv) The construction or repair work conforms to that shown on Form FHA 424-1, "Development Plan."

(3) To an applicant whose debts have been settled pursuant to Part 1864 of this chapter or who has been released from personal liability under Part 1872 of this chapter, as reflected by the County Office records, or where settlement under such regulations is contemplated unless the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control; the conditions which necessitated the debt settlement or release, other than weather hazards, disasters, or price fluctuations, have been or will be removed by making of the loan; and the borrower's operations will be sound and afford him a reasonable prospect of repaying the loan and meeting his other obligations. Before requesting an appraisal or causing the applicant to incur any expense in connection with the loan, the County Supervisor, if he determines that the applicant should be considered for a loan, should complete Form FHA 431-2,



"Farm and Home Plan," and send it, together with the application, any available case folders, and his recommendation, to the State Office for a determination as to whether to proceed with development of the loan docket.

§ 1823.6 Security requirements.

(a) *General.* Each Soil and Water loan will be adequately secured to protect the Government during the payment period of the loan, and as a general rule loans will be secured by a real estate mortgage on the farm to be improved if it is owned by the applicant.

(1) Any loan of more than \$25,000 and any loan to be paid in more than 20 years from the date of the note will be secured by a mortgage on the applicant's farm unless an exception is made in accordance with paragraph (b) (1) of this section. Usually loans of more than \$25,000 will be secured only by real estate. When necessary to supplement the applicant's equity in the farm or to facilitate servicing the loan, a mortgage also may be taken on other nonfarm real estate or on chattel or other property owned by the applicant.

(2) A loan of not more than \$25,000 to be paid in not more than 20 years from the date of the note may be secured by:

(i) Real estate, real estate and chattels, or chattels only, or

(ii) Other security that cannot be converted to cash without jeopardizing the borrower's farming operations or means of livelihood. Examples of other security are: Cash value of life insurance policies, cooperative memberships, income-producing leases, or water stocks which are transferable and have security value.

(3) Whenever both real estate and chattel security are taken, for a Soil and Water loan and the payment period of the loan will exceed the maximum period for which the chattel lien may be valid under State law, the loan approval official will determine whether the real estate security will be adequate to secure the scheduled unpaid balance of the loan when the chattel lien expires.

(b) *Real estate.* (1) When the loan is to be secured by real estate, a mortgage on the entire farm owned by the applicant will be obtained, except as provided in this subparagraph. If the applicant's title to any part of the farm is defective (either in the sense that it is not good title marketable in fact or that the State law will not recognize a mortgage upon it or will not permit such a mortgage to be recorded) and cannot be cured at reasonable cost, the loan may nevertheless be made if (i) the value of the part of the applicant's farm to which title is not defective and the value of necessary and available additional security is adequate to secure the loan and (ii) any improvements to be made with loan funds will be located on the part of the farm to which title is not defective, except that up to \$2,500 in loan funds may be used for improvements on a part of the farm owned by the applicant to which title is defective. Any part of the farm to which title is defective may be omitted from the mort-

gage if the loan approval official with the advice of the Office of the General Counsel determines that the applicant's interest is of such a nature that it is not mortgageable or that to include it would unduly complicate loan servicing or liquidation.

(2) A junior mortgage may be taken as security for a loan, provided:

(i) Any prior mortgage does not contain such future advance provisions, payment schedules, provisions for summary forfeiture or cancellation, or other provisions as may jeopardize the Government's security position or the borrower's ability to pay the Soil and Water loan; or

(ii) Such provisions of the prior mortgage(s) are satisfactorily limited, modified, waived, or subordinated.

(3) When a life estate is involved, a loan may be made to the life estate holder and the remainderman if all parties involved are eligible for a Soil and Water loan and join in executing the mortgage and note. However, when one or more of the remaindermen are minors or otherwise legally incompetent, the Administrator may authorize the making of a Soil and Water loan if the loan approval official determines such a loan to be otherwise sound and proper and the necessary security can be obtained. In any such case a narrative justification will be sent to the National Office prior to development of the loan docket.

(4) A chattel lien need not be taken when real estate is taken as security and such security is adequate.

(c) *Chattel or other nonreal estate security.* When authorized by paragraph (a) of this section, a mortgage may be taken on selected items of chattel or other nonreal estate security if such a mortgage will not interfere with the applicant's obtaining needed operating credit.

(1) Whenever a chattel mortgage is taken as security for a loan, it ordinarily will be a first lien. In an exceptional case, a mortgage subject to the mortgage held by another creditor or the Farmers Home Administration may be taken on chattel property provided the applicant clearly has sufficient equity in the chattels to provide the necessary security.

(2) When the loan includes funds for items of equipment upon which a chattel lien is necessary to adequately secure the loan, a severance or subordination agreement will be obtained when appropriate.

(3) When only a chattel lien is taken as security for a Soil and Water loan, a first lien will be taken on major items of machinery or equipment purchased with loan funds.

(4) In a State in which a chattel mortgage is not valid for as long as may be needed by applicants for the repayment of the loan, instructions for making loans secured by chattel mortgages will be issued by the State Director.

(d) *Miscellaneous security items.* Ordinarily, the applicant's farm is considered to include the land, buildings, fences, water, water stock, water facilities, and other improvements or appurtenances which by custom pass with

farms in the change of ownership. However, in some instances certain improvement items or facilities which usually pass with the farm in a change of ownership are considered personal property and would not be conveyed to the purchaser. In other instances, items not generally considered to be a part of the real estate pass with the farm in a change of ownership. When a lien is to be taken on the farm, the County Supervisor, with the advice of the designated attorney, title insurance company, or the Office of the General Counsel, will ascertain that such items are free from any liens or encumbrances and are specifically included in the real estate or chattel mortgage.

(1) When a loan is made only for the purchase of shares of water stock, such stock will be pledged or assigned as security for the loan. No other security need be required if the stock represents the right to receive water for irrigation purposes if the water right is transferable separately from the land and the stock, can be resold readily by the pledgee or assignee, or if the purchase price is no greater than the price at which the stock in the particular company is normally sold.

(2) A lien will be taken also on the rights-of-way and easements owned or acquired by the borrower for use in connection with the proposed improvement or facility if it is necessary to do so in order to protect adequately the Government's financial or security interests. For example, if a mortgage is taken on a farm, the mortgage should include any rights-of-way appurtenant thereto or to be used in connection therewith. Likewise, if a mortgage is taken on a pipeline located on the right-of-way, a mortgage also should be taken on the right-of-way. Applicants will obtain partial releases or consents to easements and rights-of-way across privately-owned tracts of land from any holder of outstanding liens disclosed by title evidence.

(3) When a Soil and Water loan is to be secured by jointly-owned property, all of the co-owners will be required to join in executing the real estate mortgage with the following exceptions: When one or more of the co-owners is not legally competent or cannot be located or the ownership rights are divided among such a large number of co-owners that it is not practicable to obtain the signature of all co-owners, execution of the mortgage by one or more of the owners may be waived if the nonmortgaged interest is not more than 50 percent, upon the prior approval of the National Office. Co-owners will be required to sign the note when necessary to a sound loan or to obtain the required security.

(4) When a loan is made to a corporation, the Soil and Water note and mortgage will be executed by the appropriate officials in behalf of the corporation, and, in order to evidence their personal obligation for the debt, a note will be executed by each person holding as much as 10 percent of the stock in the corporation.



### § 1823.7 Group service participation loans.

When the construction, repair, or use of a facility best can be accomplished through joint ownership by several individuals, a loan may be made to individual applicants to participate in the joint ownership of the facility. Such a jointly-owned facility will be referred to as "group service," and will be limited to not more than ten individuals, when it is not practical for them to incorporate, unless the prior approval of the Administrator is obtained to process applications to participate in a large group service. An operating agreement will be prepared which will outline the decisions of the group regarding the conditions of ownership and use of the facility, the rights and responsibilities of the users, and any other details needed to guide the management and operation of the group service. A simple written agreement usually will be sufficient; however, if the group service involves a complex operation an operating agreement approved by the Farmers Home Administration may be used. Group service loans will be subject to the same general policies as other loans to individuals, except that:

(a) If a lien is taken on any group service borrower's real estate, to which the jointly-owned facility is an essential part of his farm, whether or not located on the farm, the lien taken will cover such borrower's undivided interest in the facility.

(b) Borrowers who obtain loans to participate in a group service which involves acquisition of chattel property will secure their respective loans in accordance with the policies applicable to securing Soil and Water loans to individuals. If an individual loan cannot be adequately secured without taking a mortgage on the property to be purchased, a first mortgage executed by all participants in the group service may be taken on the purchased property as additional security.

### § 1823.8 Compliance with special laws and regulations.

Applicants for Soil and Water loans will be required to comply with State and local laws and regulations governing diverting, appropriating, and using water, installing facilities for draining land, and making changes in the use of land affected by zoning regulations in a manner similar to that outlined in § 1821.11(m) of this chapter.

### § 1823.9 Loans processing and related functions.

(a) *Area determinations.* Area determinations will be made as outlined in § 1821.11(m) of this chapter.

(b) *Technical and legal services.* Technical and legal services will be obtained in accordance with the applicable portions of § 1821.13 of this chapter.

(c) *Deferred payments.* Payments on direct Soil and Water loans may be deferred in accordance with § 1821.16 of this chapter.

(d) *Junior mortgage loan.* When the loan will be secured by a junior mortgage,

the items required by § 1821.17 of this chapter will be obtained.

(e) *Certification by County Committee.* The County Committee will make the necessary certifications on Form FHA 440-2, "County Committee Certification," in accordance with § 1821.18 of this chapter.

(f) *Loan approval authority.* State and County Office employees are authorized to approve Soil and Water loans on the same basis as authorized for Farm Ownership loans in § 1821.19 of this chapter.

(g) *Preparation of loan docket and closing of loan.* Soil and Water loan dockets will be handled and loans will be closed in accordance with applicable provisions of §§ 1821.19 to 1821.22 of this chapter.

(h) *Reamortization of existing Farmers Home Administration debts.* In connection with making a Soil and Water loan to a borrower who is currently indebted for a Farm Ownership, Rural Housing, or Soil and Water loan, reamortization will be in accordance with the provisions of § 1821.24 of this chapter.

### § 1823.10 Subsequent Soil and Water loans.

A subsequent Soil and Water loan may be made to a borrower who currently owes a Soil and Water (including Water Facilities) debt for the same purposes and under the same conditions as an initial loan subject to the applicable provisions of § 1821.23 of this chapter; except that the borrower's total unpaid indebtedness of Soil and Water (including water facilities) loans computed in accordance with § 1823.5(c) will not exceed \$25,000 unless the loan is secured by real estate.

**AUTHORITY:** The provisions of this Subpart B issued under secs. 306, 307, 308, 309, 333, 339, 75 Stat. 308, as amended, 309, as amended, 314, 318, sec. 343, 76 Stat. 632; 7 U.S.C. 1926, 1927, 1928, 1929, 1983, 1989, 1991. Orders of Sec. of Agr., 19 F.R. 74, 26 F.R. 8403, 27 F.R. 9957, 28 F.R. 9676, except as otherwise noted.

### § 1823.21 General.

This subpart outlines the policies, procedures, and authorizations for making insured and direct Soil and Water loans to associations. Additional provisions for special types of loans to associations including loans involving shifts in land use are contained in Subchapter D of this chapter.

(a) *Objectives.* The basic objectives of Soil and Water loans to associations as defined herein are:

(1) To encourage and promote the development, conservation, and best use of water and land resources in rural areas.

(2) To provide needed facilities and services through associations for the largest number of people in a given area within prevailing physical and economic limitations and provisions of this subpart. To achieve this objective, an association applicant should propose to extend its facilities to obtain the greatest possible coverage of people needing service.

(b) *Insured loan preference.* Whenever possible, the credit needs of an applicant will be met with an insured loan. An insured loan may be made from funds supplied by more than one lender. If a local lender is not available, the loan may be made from the insurance fund provided funds are available, the loan is not less than \$3,000, and consent of the National Office is obtained prior to tentative loan approval.

(c) *Compliance with special laws and regulations.* (1) Association applicants for Soil and Water loans will be required to comply with State and local laws pertaining to:

(i) Organization of the association and its authority to install, operate, and maintain the facilities proposed to be constructed with loan funds.

(ii) The borrowing of money, giving security therefor, and raising revenues for the payment thereof.

(iii) Appropriation, diversion, storage and use of water, and disposal of excess water. All of the rights of any landowner, appropriator, or user of water from any source shall be fully honored in all respects as they may be affected by facilities to be installed with Soil and Water loans. If, under the provisions of State law, notice of the proposed diversion or storage of water may be filed in the office of an appropriate State official, such notice must be filed by the applicant unless otherwise directed by the Administrator. An applicant must furnish evidence to provide reasonable assurance that its water rights will be or have been properly established, will not interfere with prior vested rights, will likely not be contested or enjoined by other water users or riparian owners, and will be within the provisions of any applicable interstate compact.

(iv) Land use zoning.

(v) Permission to construct facilities and the approval of construction plans and specifications by appropriate State officials.

(vi) Health and sanitation standards.

(vii) Public service commission rules and regulations, where applicable.

(2) Instructions will be issued by the State Director to County Supervisors as to the specific actions to be taken to comply with State laws on the above subjects.

### § 1823.22 Definitions.

(a) *Association.* The term "association" includes mutual and other irrigation and water supply companies or associations, ditch companies, and forestry associations and similar organizations generally designated as private corporations operating on a non-profit basis, municipalities, and political subdivisions, public authorities, districts for irrigation, drainage, flood and water control, and fire and soil conservation districts and similar organizations generally designated as public or quasi-public agencies having power and authority to make available services and facilities of the types authorized in this subpart.

(1) A private corporation even though organized under the general profit corporation laws may come within this



definition if it actually will be operated on a non-profit basis under such charter, bylaw, mortgage, or supplementary agreement provisions as may be required as a condition of loan approval.

(2) An association may receive a loan for more than one of the major purposes listed in this subpart when it is organized with the necessary powers conferred by State law to engage in multiple purpose activities.

(3) Associations which do not come within the above definition include cooperative or other service-type organizations engaged primarily in selling supplies, processing, or marketing agricultural and forest products.

(b) *Direct loan.* A "direct loan" means a loan made from funds in the Farmers Home Administration direct loan account.

(c) *Insured loan.* The term "insured loan" means either:

(1) A loan made from funds furnished by a lender and insured by the Government at the time of closing, or

(2) A loan made from the Agricultural Credit Insurance Fund, also referred to as insurance fund, to be sold to a lender and insured at the time of sale.

#### § 1823.23 Eligibility.

To be eligible for a Soil and Water loan, an association must:

(a) Propose the application or establishment of soil conservation practices, or the installation or improvement of facilities for drainage, or the conservation, development, use, or control of water, primarily for serving farmers (including persons engaged in the production of fish under controlled conditions), ranchers, farm tenants, farm laborers, or rural residents.

(1) For the purpose of determining whether a proposal is to serve primarily farmers, ranchers, farm tenants, farm laborers, or rural residents, the term "rural residents" shall include any persons whose permanent place of abode is in open country or in any place of 2,500 persons or less which is not a part of an urban area. It shall not include anyone who:

(i) Lives in a closely-settled area (where the principal land use and occupancy is residential or commercial) surrounding, adjacent to, or growing out of a town, village, or place of more than 2,500 people.

(ii) Lives in an established community or subdivision development near to, or likely to become closely associated with, an urban area.

(iii) Lives in a subdivision of substantial size which is being developed in a rural area, unless a large proportion of the residents will obtain most of their income from employment in the surrounding rural area.

(iv) Lives in a place on a seasonal basis. This is particularly applicable to resort areas. In such areas, where the total seasonal population plus the permanent residents exceed 2,500, the place will not be considered to be a rural area.

(2) When determining whether a residential area is to be considered near to, or a part of, a place of less than 2,500

people, minor open spaces due to physical barriers, commercial or industrial developments, parks, areas reserved for convenience or appearance, or narrow strips of cultivated land will be disregarded.

(3) For the purposes of this Subpart B, farmers, ranchers, farm tenants, farm laborers, and rural residents shall be considered to be the "primary users" of a proposed facility or service; all other users will be considered to be the "secondary users." In cases involving the provision of substantial amounts of service to industrial plants, commercial establishments, or other secondary users, two cost estimates will be prepared. One of these estimates will be made for the cost of complete facilities to serve only the primary users in the project area, the other estimate will be for the complete cost of facilities necessary to serve not only the primary users, but also any proposed secondary users. The project will be considered as serving primarily farmers, ranchers, farm tenants, farm laborers, and rural residents if the difference between these two estimates is less than the estimated cost of a system to serve primary users only, provided:

(i) That the secondary users can reasonably be expected to pay the rates proposed for such use.

(ii) That the income from the secondary users will be at least adequate to repay all costs of construction, maintenance, and operation which result from the provision of service to such users.

(iii) That there is reasonable assurance that the secondary users will be operating and using water for at least the term of the loan.

(b) Be without sufficient funds to carry out the purposes for which the loan is requested and be unable to obtain such funds by levying taxes, assessments, or charges, or by obtaining credit from private, cooperative, and public agencies including Community Facilities Administration on reasonable rates and terms, taking into consideration prevailing rates and terms in the community in or near which the applicant is located for loans for similar purposes and periods of time. Non-profit corporations will not be formed to serve an area which could be served by an existing municipality which has adequate authority to provide the needed service, unless prior approval of the Administrator is first obtained.

(c) Have the legal capacity necessary for constructing, operating, and maintaining the proposed facility or service and for obtaining, giving security for, and repaying the Soil and Water loan.

(d) Be financially sound and so organized and managed that it will be able to provide efficient service.

(e) Serve not less than ten members or customers unless the State Director determines that the group cannot be feasibly organized, financed, operated, and serviced as a group service as provided in Subpart A of this part.

#### § 1823.24 Loan purposes.

Soil and Water loans may be made to associations to:

(a) Install or improve open or closed drainage facilities in farm areas otherwise too wet for sustained agricultural production. Facilities will not be installed primarily to bring into production land which has not been previously in agricultural production. Land in agricultural production shall be construed to mean all land which is or has been used for any farm crop including pasture. It does not include woodland, brush, swampland, or marshland unless such land was formerly in agricultural production and has since reverted to a condition of non-use or lesser use.

(b) Install, repair, or enlarge irrigation facilities including storage reservoirs, diversion dams, wells, pumping plants, canals, canal lining, pipelines, and sprinklers.

(c) Install or improve rural water supply facilities including storage reservoirs, wells, pumping plants, pipelines, and water treatment plants to provide water for household, livestock, garden irrigation, and orchard and crop spraying purposes.

(d) Install or improve soil conservation and water control facilities such as dikes, terraces, detention reservoirs, stream channels, ditches, and other special land treatment and stabilization measures or structures needed to protect farms and rural residences from water damage, provided such facilities cannot be had under, or will not conflict with, other public programs like those administered by the Soil Conservation Service and the Corps of Engineers.

(e) Purchase of existing facilities for drainage, irrigation, rural water supply, or soil conservation and water control when the owner is either unwilling or unable to make improvements, enlargements, or extensions needed to provide significant additional or improved service for present users or for a new group of users at reasonable rates. If the system to be purchased is being operated under some type of permit or franchise issued by a public corporation or agency, the permit or franchise will be terminated or acquired at the time of purchase.

(f) Purchase or rent of special purpose equipment to install or maintain any community facility in the above categories or to establish on farms soil and water conservation measures such as terraces, ponds, land leveling for irrigation or drainage, subsoiling, seeding, tree planting, and removal of brush, scattered trees, and stumps, provided:

(1) Such equipment is not otherwise available when and as needed.

(2) There is sufficient need and local demand to justify ownership or rental.

(3) Rates to be charged include, among other things, an allowance for depreciation, obsolescence, and replacement based upon the recommendation of the equipment manufacturer or the experience of contractors engaged in providing services for similar types of work.

(g) Store water for rural fire fighting, install fire hydrants, and provide additional capacity and water storage for fire protection in connection with rural water



supply facilities when water users have the repayment ability to meet the costs of such improvements and are willing to do so.

(h) *Forestry purposes.* Purchase or rent of basic special-purpose equipment, facilities, certain land or land rights, and supplies needed for furnishing services for the establishment, improvement, protection, and harvesting of timber (not processing) suitable for lumber, pulp, poles or posts; provided that the forest program and forest practices benefiting from such service are in accordance with accepted forestry management and are directly related to and will promote approved conservation practices for the development, use, and control of water resources on farms and in forests. Special-purpose equipment will include such items as tractors, dozers, plows, planters, trucks, loaders, fire-fighting equipment, and sprayers. Facilities will include such items as ponds and reservoirs, buildings for storage of equipment and supplies, nurseries, access roads, fire lanes, and lookout towers. Supplies will include such things as seed, seedlings, fertilizers, fencing, and pesticides. Land or land-rights acquisition will be limited to that necessary for sites for facilities listed above which are directly related to the forestry program. Loans for these purposes may be made only when the equipment, supplies, and facilities to be provided:

(1) Are not readily available when and as needed.

(2) Will be justified by the local need and demand.

(3) Will be made available to users at rates which will cover loan amortization, obsolescence, replacement, operation, and in the case of supplies, at least their cost.

(4) Will be made available more effectively and at less cost through group effort.

(i) Pay costs incidental to facilities or services accomplishing any of the above purposes including, but not limited to:

(1) Fees or other legal expenses of establishing a water right through appropriation, agreement, permit, or court decree.

(2) The acquisition of a water supply by the purchase of water stock or membership in an incorporated water users association.

(3) The purchase of a water supply or water right. The land on which the water supply or right is presently being used may be purchased when:

(i) The water supply or right cannot be purchased without the land.

(ii) The value of the land is only an incidental part of the total purchase price.

(iii) Permission can be obtained from State officials or the courts for the transfer of the water right from the land.

(4) The acquisition of land and interest in land as sites or rights-of-way upon which facilities and structures will be located. Land in excess of that needed for sites may be acquired when a tract of land may be so bisected or reduced in size by the needed acquisition

that the owner would be unwilling to sell less than the whole tract. When such excess land will be acquired the association must:

(i) Present a legal opinion on its authority to acquire and administer such land with its other properties,

(ii) Justify the acquisition, and

(iii) Arrange to sell the land as soon as practicable and apply the sale proceeds on the loan.

(5) The relocation of roads, bridges, utilities, fences, and other improvements when necessary to acquire rights-of-way.

(6) Hire labor, technical or professional services, and fees to be incurred in obtaining the loan, and in planning and completing the facilities or services to be financed with loan funds.

(7) The refinancing of debts incurred by or on behalf of an association prior to an application for a loan when all of the following conditions exist:

(i) The debts were incurred for the facility or service to be installed or improved with the Soil and Water loan.

(ii) Arrangements cannot be made with the creditors to extend or modify the terms of the debt so that a sound basis will exist for making a Soil and Water loan.

(iii) The prior approval of the Administrator will be obtained when it is proposed that the amount to be advanced for refinancing will exceed 50 percent of the total loan.

(8) The interest that will accrue on the loan from the estimated date of loan closing to the statutory date for interest payments or to the first anniversary of the loan, when revenues or tax receipts will not be sufficient or collectible in time to pay such accrued interest.

(9) Buildings and fences essential for protection of such structures as reservoirs, pumping plants, storage of equipment, tools, and supplies for administration of facilities to be installed with loan funds.

(10) Secondary facilities such as gas or electric service lines to convey fuel or energy for, or utilities for the control of, primary facilities.

#### § 1823.25 Limitations.

(a) *Loan limits.* No Soil and Water loan may be made or insured which will cause any association's total unpaid principal indebtedness for Soil and Water loans (including prior Water Facilities loans) to exceed \$500,000 in the case of direct loans and \$1,000,000 in the case of insured loans.

(b) *Use of loan funds.* Loan funds may not be used to:

(1) Pay any annually recurring costs that are generally considered to be operation and maintenance expenses.

(2) Install sanitary sewerage systems and storm sewers.

(3) Construct or repair electric generating plants, electric transmission lines, or gas distribution lines to provide services for sale.

(4) Purchase fire trucks, hoses, and other fire-fighting equipment or construct housing for such equipment, except as provided in § 1823.24 (g) and (h).

(5) Pay rental for the use of equipment or machinery owned by the association.

(6) Pay that part of the cost of facilities, improvements, and practices which will be earned by association members by participating in the Agricultural Conservation Program and which can be covered by purchase orders or assignments to material suppliers, contractors, and so forth. Soil and Water loan funds may be advanced to cover all or part of the cost of work for which the Agricultural Conservation Program payments will be made only when it is not possible to use purchase orders or such assignments. In such instances, members of the borrower association will be required to assign to the association all or those portions of the Agricultural Conservation Program payments they will earn for practices for which Soil and Water loan funds are advanced. As a condition of loan approval, the borrower association will be required to pledge the proceeds of such assignments for payment on the loan when they are received. The amount to be received from such assignments and the date they will be received will be determined before loan closing. The loan repayment schedule will then be made to provide for the lump sum payment of the entire amount received from Agricultural Conservation Program payments on or before the next due date after their receipt and the scheduling of subsequent annual payments for orderly retirement of the remaining principal amount of the loan plus interest.

(c) *Obligations incurred before loan closing.* When an applicant files an application for a loan, the County Supervisor will advise the applicant that construction work must not be started and obligations for such work or materials must not be incurred before the loan shall have been closed. If the applicant nevertheless wishes to proceed before loan closing because of emergency conditions, it may request permission from the State Director to pay such obligations if a loan is made.

(1) Upon receipt of such a request the State Director will determine whether:

(i) A necessity exists for incurring obligations before loan closing.

(iii) Contracts and construction plans meet Farmers Home Administration standards.

(iv) The association has the legal authority to incur the obligations at the time proposed.

(2) If the State Director finds all the above conditions are met, he may give the applicant written permission for the payment of such obligations from loan funds if a loan is closed, on condition that the Government is not committed to make a loan and assumes no responsibility for any obligation incurred by the applicant because of the permission granted, and that the applicant must subsequently meet all Farmers Home Administration requirements for a loan.

#### § 1823.26 Terms of loans.

(a) *Repayment period.* Loans will be paid within the shortest period con-



sistent with the ability of the borrower to pay. No repayment period may exceed 40 years from the date of the note or bond. In addition, no repayment period will exceed any statutory limitation on an association's borrowing authority nor the useful life of the facility to be financed. The repayment period on loans to Soil Conservation Districts for the purchase of tractors, trucks, and other equipment may not exceed 7 years except that the Administrator may authorize a loan to be scheduled for repayment up to 10 years where special justification exists. Installments will be scheduled annually on January 1, starting with the first January 1 following the date of loan closing or the end of any approved deferment period unless an annual due date other than January 1 will be better suited to the borrower's needs, statutory requirements, or coordination of payments with receipt of revenue or taxes. There must be evidence that income will be sufficient and available to meet scheduled payments.

(b) *Deferred or partial payments.* Deferred or partial payments of principal or interest may be scheduled for a period not to exceed the second January 1 after the estimated date when the facilities will be completed and in operation. If for any reason it appears necessary to permit a longer period of deferment, the State Director may authorize such deferment with the prior approval of the Administrator.

(1) Deferments or partial payments of principal or interest will not be used to:

(i) Postpone the levying of taxes or assessments.

(ii) Delay the collection of the full rates which the association has agreed to charge users for its services as soon as major benefits or the improvements are available to those users.

(iii) Create reserves for normal operation and maintenance.

(iv) Make any capital improvements except those considered by the State Director to be essential to the repayment of the loan or to the obtaining of adequate security therefor.

(v) Accelerate the payment of other debts.

(vi) Permit making a loan when repayment will depend upon anticipated income from service to users who are not located in the service area at the time the loan is closed or who have not at that time agreed to accept and pay for such service.

(2) Deferments or partial payments proposed will be consistent with provisions of State or local laws affecting the creation and repayment of debts by borrowers.

(3) The lender (for an insured loan) will agree to any proposed deferred period.

(c) *Repayment schedules.* Amortized installments will be required unless such installments would be inconsistent with provisions of State law or would not provide the flexibility needed in the applicant's proposed financial plans which are acceptable to the Farmers Home Administration. Deferred interest must be scheduled for payment before the pay-

ment of any principal may be scheduled. Under this policy, the annual installments after the end of any deferment period may be for interest only until all accrued interest shall have been scheduled. Thereafter, the annual installments may be amortized in equal annual installments of principal plus interest or may be in annual installments of principal (not necessarily equal) plus interest.

(d) *Interest, annual charge, and repurchase agreement.* If a loan will be disbursed to the borrower in more than one advance, interest on the first advance will begin on the date indicated in the note or bond, and interest on each subsequent advance will begin on the date of the check.

(1) For insured loans to associations, interest rates, annual charge rates, and repurchase agreements will be as provided in Part 1810 of this Chapter XVIII.

(2) The interest rate on direct loans will be  $4\frac{1}{2}$  percent per year on the unpaid principal except that direct loans made for purposes authorized in § 1823.24(h) will be 3 percent.

(e) *Application of repayments and loan refunds.* Repayments and refunds will be processed in accordance with Part 361 of this chapter.

(f) *Refinancing Soil and Water loans.* Each borrower will be required to agree to refinance the unpaid balance of its Soil and Water loan when it is able to obtain a loan from responsible cooperative or private credit sources at reasonable rates and terms for loans for similar purposes and periods of time. The borrower will, upon request of the Farmers Home Administration, apply for and accept such loan to refinance its Farmers Home Administration loan.

(g) *Premiums and discounts on bonds.* Loans will not be made or insured by the Farmers Home Administration if the bonds or similar obligations evidencing those loans are offered for sale or sold at discounts of any kind or if they provide any premiums or penalties for redemption before their scheduled retirement dates.

(h) *Reserves.* Each borrower will be required to establish and maintain reserves for delinquent accounts sufficient to assure that loans installments will be paid on time for emergency maintenance and for extensions to facilities. In those cases where statutes provide for extinguishing assessment liens of public bodies where properties subject to such liens are sold for delinquent State and county taxes, special reserves will be established and maintained for the protection of the borrower's lien of assessment. Provision for the accumulation of necessary reserves over a reasonable period of time will be included in loan resolutions or bond ordinances and in assessments, tax levies, or rates charged for services.

Reserves may be invested in time deposits, savings accounts, or obligations of the United States which may be converted readily into cash. Investments and income therefrom will always be a part of the particular reserve fund from which they were made.

(1) The amount of reserves for delinquencies will be determined by the State Director after careful consideration of the repayment ability of the association's members or patrons. The reserve for this purpose should ultimately be accumulated in an amount at least equal to any anticipated delinquency in any one year.

(2) Reserves for emergencies and extensions will be determined by the State Director after consultation between the borrower's officials and the County Supervisor.

(3) Reserves for the protection of borrower's lien of assessments will be determined by the State Director at a level equivalent to the estimated annual amount for State and county taxes for which property subject to such liens might be sold.

#### § 1823.27 Security.

(a) *General.* All Soil and Water loans to associations will be secured in a manner which will adequately protect the interest of the Government during the payment period of the loan.

(b) *Liens on association property.* If associations are permitted by State laws to mortgage their real and personal property:

(1) A first lien, if obtainable, will be taken on real and personal property, exclusive of easements, rights-of-way, and water rights, owned by the applicant at the time the loan is approved. If a first lien is not obtainable, junior liens on such property may be taken.

(2) A first lien will be taken on real and personal property acquired with loan funds exclusive of easements, rights-of-way, and water rights.

(3) A lien will be taken on the interest of the applicant in all easements, rights-of-way, and water rights used in connection with the facility. In some instances, such easements or rights-of-way, will involve private lands, and will not be derived pursuant to State statutes authorizing the installation of facilities across lands of other owners. In such cases, it will be the responsibility of the borrower to obtain and record such releases, consents, or subordinations to easements and rights-of-way from holders of outstanding liens as it determines, with the advice of its attorney, are necessary for the construction, operation, and maintenance of the facility on the right-of-way. However, when easements only are obtainable on sites for structures such as reservoirs and pumping stations, releases, consents, or subordinations may be required by the Farmers Home Administration. The mortgage will provide for the applicant to pay from its own funds for any excess installation costs resulting from a failure to obtain adequate land, rights-of-way, or subordinations.

(4) Assignments of association income will be taken as additional security, if legally permissible.

(c) *Bonds or notes.* Bonds or notes creating liens upon or pledging taxes and assessments which are liens upon lands served by an association having Governmental or quasi-Governmental functions



or pledging the revenues derived from the operations of such an association for loan repayment, may be accepted in addition to, or in lieu of, liens on the kinds of property listed in paragraph (b) of this section, provided:

(1) Statutes do not confer upon such associations the authority to mortgage the facilities operated by them, or

(2) Such alternative security will adequately secure the loan, and

(3) All statutory requirements pertaining to the authorization, sale, and acceptance of the bonds or notes are met.

(d) *Additional security.* Promissory notes, stock or membership subscription agreements, individual member's liability agreements, or other evidences of debt, as well as security instruments mortgaging the private property of members of the association may be pledged or assigned to the Government as additional security in any case in which the interest of the Government will not be adequately protected by taking the security specified in paragraphs (a), (b), and (c) of this section.

#### § 1823.28 Technical assistance.

(a) *General.* The Farmers Home Administration may provide advice and consultation in connection with preliminary determinations regarding engineering feasibility, economic soundness, cost estimates, organization, financing, and management. However, applicants will be expected to provide the technical services necessary to plan projects, including design of facilities, preparation of cost estimates, and development of proposals for organization and financing. If an applicant group does not have the resources to pay for planning work and cannot arrange to do it on credit, and if the applicant has no qualified personnel to do such work and the technical assistance required is not available from Federal or other public agencies, the Farmers Home Administration may:

(1) Provide the necessary planning assistance by utilizing the services of available Farmers Home Administration personnel, or

(2) Make reimbursable or nonreimbursable advances of funds necessary to contract the services of other technicians to develop plans for the project.

(b) *Advances for planning.* (1) Advances made for planning may be for preliminary planning, for final planning, or for both types of planning.

(1) Preliminary planning has reference to the surveys, investigations, and studies needed for the group to reach decisions on, and develop plans for, improvements including cost estimates, organization, and financing, and to determine the approximate charges or assessments needed to finance the project. It also includes gathering other information needed to prepare the Report on Association Application referred to in § 1823.33, showing to the extent practicable, such information as the proposed over-all plan, eligibility, repayment ability, security, property rights, cost estimate, annual operating costs, etc.

(11) Final planning is based on preliminary planning and includes organiza-

tion of the association and the preparation of all detailed plans, specifications, and contract documents for construction purposes.

(2) Advances for preliminary planning may be made to eligible associations and to sponsoring groups who propose facilities that would be eligible loan purposes and who in the opinion of the State Director represent a majority of the prospective members of the proposed association to be organized. A decision as to whether or not the advance will be reimbursable will be withheld until the Report on Association Application has been reviewed by the National Office.

(3) If, after the Report on Association Application has been reviewed by the National Office, it does not appear that a feasible project can be developed or if the Association decides not to pursue its application further, any obligation created by the planning advance will be canceled.

(4) If the Administrator concurs in the loan proposed in the Report on Association Application, and planning advances are involved, he will determine whether or not the proposed project will be feasible if planning costs or a portion thereof are required to be repaid by the association. After making this determination, the Administrator:

(i) Will authorize the cancellation of any obligation for repayment of a preliminary planning advance made to the association, or

(ii) Will require that all or part of a preliminary planning advance made to the association be repaid, and

(iii) May authorize a planning advance for all or part of the cost of final planning by the association either reimbursable in whole or in part or on a non-reimbursable basis.

(5) Requests for preliminary planning advances will be made in writing to the State Director who will forward the requests with his recommendations to the National Office for prior approval and issuance of further instructions. The need for final planning will be set forth in the Report on Association Application.

#### § 1823.29 Special requirements.

(a) *Contracts for engineering service.* Applicants obtaining engineering services from private sources will be required to have written contracts for these services. Such contracts, including the amount of the fee to be paid, will be reviewed and approved by the Farmers Home Administration before execution by the applicant. Contracts will provide for the types of services to be performed which will include as a minimum: Furnishing final drawings, specifications, and estimates of cost of construction; assistance in preparing and soliciting construction bids, analyzing bids, and preparing and awarding of construction contracts; supervision during construction; and advice for one year after construction has been completed. Provision may be made for payment of the fee in installments as work progresses in each of these stages. The amount of the fee payable from loan funds will be based on the nature and extent of services needed to be furnished to the ap-

plicant in connection with the project planning and development.

(b) *Contracts for legal services.* Applicants will have written agreements when legal services are employed. All such agreements, including the amount of the fee to be paid, will be reviewed and approved by the Farmers Home Administration prior to execution by the applicant when loan funds will be used for legal services. Contracts will provide for the types of service to be performed, the amount of the fee to be paid therefor, and payment of the fee in lump sum on the completion of all services or in periodic installments as services are performed. The amount of the fee payable from loan funds will be based on the nature and extent of legal service needed to be furnished to the applicant in connection with project planning and development.

(c) *Water purchase contracts.* Applicants proposing to purchase water from private or public sources will be required to have written contracts for such supply. Any contract to be entered into by an association applicant for the purchase of a water supply will be reviewed and approved by the Farmers Home Administration prior to execution by the association. A water purchase contract will:

(1) Include a definite commitment by the supplier to furnish at a specified point a specified minimum quantity of water and provide that in case of shortages all of the supplier's users will share the shortages proportionately. However, if it is impossible to obtain a firm commitment for a minimum supply of water at all times, a contract should not be executed unless the State Director can make a positive determination that the supplier has adequate supply and treatment facilities to furnish its other users and the applicant association for the foreseeable future, and that a suitable alternative supply could be arranged within the repayment ability of the association if it should ever become necessary.

(2) Set out the ownership and maintenance responsibilities of the respective parties for the master meter at the point of delivery. It is generally simpler if the supplier installs, owns, and maintains the meter.

(3) Specify the rates at which water will be sold to the association. Since it is difficult to predict future costs of water production, it is generally most satisfactory to provide some kind of escalator clause which will permit rates for the association to be raised or lowered proportionately as certain specified rates for the supplier's regular customers are raised or lowered. Provision may be made for altering rates in accordance with the decisions of the appropriate State agency which may have regulatory authority.

(4) Run for at least the term of the loan. If the supplier cannot legally contract for such period, the contract should be made for the longest term permissible and contain a provision for renewal.

(5) Set out in detail the amount of connection charges or demand charges,



if any, to be made by supplier as a condition to making service available to the association. However, the payment of such charges from loan funds should not be approved unless the State Director determines that it is more feasible and economical for the association to pay such a connection charge than it is for the association to provide the necessary water supply by other means.

(6) Provide for a pledge of the contract to the Government as part of the security for the loan.

(7) Not contain provisions for:

(i) Construction of facilities with loan funds which will be owned or operated by the supplier. This does not preclude the use of money paid as a connection charge for construction to be done by the supplier.

(ii) Options for or agreements to the future sale or transfer of association assets to the supplier, whether or not such sale or transfer would be for a monetary consideration.

(d) *Construction plans and contracts.* Associations will submit proposed plans, specifications, cost estimates, and all contracts for construction and purchase of materials to the Farmers Home Administration for review and approval prior to authorizing the purchase of material or beginning construction. Any contract change orders which may later be proposed also will be subject to prior Farmers Home Administration approval.

(1) *Farmers Home Administration.* Approval of contracts for construction or contracts for purchase of materials will include approval not only of the form of these documents but also their actual award, including all negotiations preceding that award and executed contracts.

(2) The method of accomplishing work and the details of safeguards to be provided for the borrower in contracts should receive close attention and prior approval of the Farmers Home Administration. Arrangements which split responsibility of contractors (separate contracts for labor and material, extensive subcontracting, and multiplicity of small contracts on the same job) should be avoided whenever it is practical to do so.

(3) The State Director will review and approve all invitations for bid before they are released by borrower associations, and a designated Farmers Home Administration representative must attend all bid openings and contract negotiations. When the bids are opened, the Farmers Home Administration representative will review them carefully. After the bids have been examined and thoroughly analyzed by the Farmers Home Administration representative, the engineer for the association, and the governing body of the association, they will mutually agree upon any contract awards to be made before the board takes any official action in that regard. All contracts should contain a provision that they are not in full force and effect until they have been approved by the State Director in writing.

(4) Executed contracts, together with all attachments, and the performance and payment bonds furnished by the con-

tractors, shall be submitted to the Office of the General Counsel for review and final opinion as to their adequacy and validity. This opinion should be obtained before any loan funds are released for payments to the contractor.

(e) *Use of and accountability for loan funds.* (1) Soil and Water loan funds and any funds furnished by the borrower to supplement the loan will be deposited and handled in accordance with Part 1803 of this chapter in a bank in which deposits are covered by Federal Deposit Insurance. The funds so deposited in a supervised bank account are public monies under title 12, section 265, United States Code, because they are subject to control by an employee of the United States, and therefore if the amount deposited exceeds \$10,000 the bank will be required to pledge collateral security for such excess pursuant to Treasury Department Circular No. 176 before the funds are deposited. As soon as a bank is selected or tentatively selected for the supervised bank account, inquiry should be made of the bank to determine whether the bank is presently a Designated Depository of the Treasury Department under Treasury Circular No. 176; if not, whether the bank is willing to accept designation as a depository and pledge collateral with the Federal Reserve Bank of the district in an amount equal to the amount the deposit of funds will exceed \$10,000; and if it is a designated depository, whether it will agree to pledge collateral with the Federal Reserve Bank of the district in an amount equal to the amount the deposit of funds will exceed \$10,000. The information obtained from such inquiry will be sent to the National Office.

(i) If the bank is not already a designated depository and is willing to accept designation and pledge collateral, the National Office will request the Treasury Department to designate the bank and to arrange for pledging collateral. If the bank is already a designated depository, the National Office will request the Treasury Department to arrange for pledging the collateral.

(ii) If, approximately two days before the date set for loan closing, the State Office has not been notified by the National Office that collateral has been pledged, the State Office will inform the National Office of the date of loan closing and that collateral has not been pledged.

(iii) Funds should not be deposited until notification is received from the National Office that collateral has been pledged.

(2) If the financial operations of the association are so limited by State laws as to make the use of a supervised bank account impossible, loan funds may be deposited in a special bank account without provision for countersignature of checks by the County Supervisor. If the applicable State law contains specific and mandatory provisions regulating the depositories to be used, the security given by the depository for funds of the association, the countersignature of checks or warrants, or the bond required of the association's treasurer, such requirements should be complied with. If, how-

ever, there are no such mandatory provisions in the State laws, the State Director should include in his conditions for loan approval requirements for the protection of the loan funds by the depository placing in escrow or pledging sufficient obligations of the United States or furnishing a good and sufficient bond by a reputable surety company authorized to do business in the State. If other types of protection of the loan funds are proposed, they should be submitted to the Administrator for prior approval. The State Director will determine the frequency and manner in which such special bank accounts are to be audited by the County Supervisor. Countersignature by the County Supervisor of warrants for withdrawals of funds from special bank accounts is permissible and will often simplify the auditing of such accounts.

(f) *Insurance.* After considering the recommendations in the report on the application, and the prevailing customs in the area, the State Director will determine the amounts and types of insurance each association will carry.

(1) Fire and extended coverage will be required on all buildings given as security for the loan, and association-owned machinery housed therein.

(2) If the association owns trucks, tractors, or other vehicles that frequently are driven over public highways, public liability and property damage insurance will be required.

(3) The association will be required to carry suitable Workman's Compensation Insurance for all its employees.

(g) *Bonding.* (1) Prior to the execution of construction contracts by the association, contractors shall furnish surety bonds to guarantee both performance and payment in the full amount of the contract.

(2) The association will provide fidelity bond coverage for the officials entrusted with the receipt and disbursement of its funds and the custody of any property. The amount of the bond will be at least equal to the maximum amount of money that the association will have on hand at any one time exclusive of loan funds deposited in a supervised bank account. If permitted by State law, the United States will be named as a co-obligee in the bond.

(3) The amount of coverage required in surety and fidelity bonds will be specified by the State Director in his loan approval memorandum.

(h) *Sale of insured bonds or notes—tax exempt interest.* (1) When preliminary inquiry indicates that income represented by the interest on insured bonds or notes securing loan funds will be exempt from Federal income tax and the bonds or notes are to be offered for sale either pursuant to advertisement and public sale if required by State law, or by private or negotiated sale if permitted by State law, the State Director will take the following action:

(i) If the sale is made pursuant to public notice by advertisement, 12 copies of such advertisement will be furnished the Farmers Home Administration before publication.



(ii) If State law permits private or negotiated sale, 12 copies of the notice of such sale, or a brief description of the bonds or notes if no notice is prepared, should be furnished the Farmers Home Administration as soon as such notice or description can be prepared.

(2) In all cases the borrower should obtain an opinion from a recognized bond counsel concerning the exemption of the interest accruing on such bonds or notes from Federal income tax, or in lieu of such an opinion a determination to the same effect by the appropriate Director of the Internal Revenue Service. The advertisement, notice, or brief description should state that such an opinion or determination will be furnished the purchaser at the time of delivery.

(Sec. 10, 56 Stat. 356, as amended; 12 U.S.C. 265)

#### § 1823.30 Loan approval authority.

State Directors are authorized to approve Soil and Water loans to associations in accordance with this Subpart A. However, no Soil and Water loan to an association may be approved by a State Director without consent of the National Office if the borrower's principal indebtedness for Soil and Water loans (including prior Water Facilities loans) will exceed \$250,000. In such instances the State Director will forward the Report on Association Application, his recommendations, and a request for authority to approve the loan to the National Office.

#### § 1823.31 Subsequent loans.

Subsequent Soil and Water loans to associations may be made under the same policies, authorities, and procedures as initial loans.

#### § 1823.32 Application for loan.

Each group applying for an association loan will make a request for assistance in a letter to the County Supervisor. The letter should state the kind and amount of assistance needed; state what attempts have been made to obtain financing elsewhere; give a brief description of the proposed facility or service; indicate the number of members; when applicable, contain pertinent information about the water supply and water rights; state whether or not the applicant is a company, district, incorporated association, or is unorganized; and state what technical work has been or is being done on the applicant's proposed project. If the group is incorporated, the application letter will be signed by the president. If the group is not yet incorporated, the members of the organizing committee will sign the letter.

(a) The County Supervisor will forward the letter of application to the State Director with a letter of transmittal giving additional facts and information he may have regarding the application. If the association has had any cost estimates and engineering plans prepared for the proposed project or service, the original or a copy should be attached. Such estimates and plans will be returned to the association after review by the State Director.

(b) If the State Director determines that further consideration should be given to the application, he will advise the County Supervisor accordingly and instruct him to prepare a report on the application. When preparation of such a report will involve investigations, assembly of information, and determinations which the County Supervisor would be unable or unqualified to make, the State Director will arrange for necessary technical assistance for the County Supervisor, either through Farmers Home Administration employees or from other Federal and State agencies. If the State Director determines that no further consideration should be given to the application, he will advise the County Supervisor accordingly, giving him reasons for the decision.

#### § 1823.33 Report on association application.

The County Supervisor will, with such help as the State Director may provide, prepare the Report on Association Application. It will be signed by the County Supervisor, other Farmers Home Administration personnel who participated in the preparation, and the Area Supervisor. Information developed by the association will be used to the extent practicable. Investigations made by Farmers Home Administration personnel should be thorough enough to verify or test the information supplied and to develop any additional information needed to complete the report and to make the required determinations. Employees who participate in the preparation of the report will explain Soil and Water loan policies to applicants, but they should not attempt to negotiate or indicate any special terms and conditions until the loan approval official has reviewed the report and has issued a memorandum indicating conditions that will need to be met before a loan docket is submitted.

#### § 1823.34 County Committee recommendations.

The recommendation and comments of the County Committee will be obtained on each Soil and Water Association loan application.

(a) When adequate information has been assembled on the association's application to enable the County Committee to make its recommendations, it will be presented to the Committee by the County Supervisor. Unless it appears during the investigation that the association would be ineligible, the Report on Association Application will be completed before the Committee acts on the application.

(b) If the Committee recommends favorable consideration of the application, a recommendation will be made on Form FHA 440-2, "County Committee Certification." In making its recommendation the Committee will take into account the association's proposal to accomplish the objectives of this Subpart B, community need for and interest in the proposed facilities or service, local issues, and items of similar nature which might affect the loan.

#### § 1823.35 Actions subsequent to Committee recommendation.

(a) When the Report on Association Application has been completed and the County Committee has executed the County Committee recommendation, the County Supervisor will send the report and the County Committee recommendation to the State Director.

(b) The State Director will review the Report on Association Application. During the review, he will consult the Attorney in Charge on any legal questions. When the review is completed, the State Director will take one of the following actions:

(1) If the State Director concurs in the proposed loan and he is authorized to approve such a loan, he will prepare a memorandum to the County Supervisor indicating any conditions that must be met. The points covered in the memorandum will include any recommendations with respect to the amount of the loan, repayment schedule, amount and form of contributions by members, security requirements, evidence of title to the association's assets, organization or change in organization, improvement of business and operation methods, insurance and fidelity bonds, and plans and specifications.

(i) If funds are available from a local lender or an allotment of direct funds, the State Director's memorandum, the County Committee recommendation, instructions as to documents required for the loan, and necessary copies of required forms will be forwarded immediately to the County Office.

(ii) If the source of funds is not known and must be specified by the Administrator, the State Director will forward a copy of his memorandum and the Report on Association Application to the National Office with a memorandum requesting the name of a national lender or the allotment of direct funds, stating any deferments or multiple advances that will be necessary, and giving the estimated loan-closing date. The National Office will immediately furnish the name of a lender or an allotment of direct funds and will specify the interest rate to be charged. The State Director will then forward the above mentioned material to the County Office.

(2) If the proposed loan would result in a principal indebtedness in excess of \$250,000, the State Director will send the National Office a copy of the Report on Association Application with his recommendations. The National Office will then advise the State Director of the conditions under which he will be authorized to approve the loan and the source of funds to be used.

(c) Whenever the County Supervisor is notified that favorable action will not be taken on an application, he will notify the association immediately.

(d) Upon receipt of the State Director's memorandum indicating favorable action provided certain conditions can be met by the association, the County Supervisor will:

(1) Deliver to the association a copy of the State Director's memorandum setting forth the conditions under which



the application will receive further consideration, instructions as to the required documents, and necessary copies of required forms to be prepared and returned by the association.

(2) Inform the association of the technical services it must provide in accordance with the policy set forth in this Subpart B.

(e) The association, with the help and advice of the County Supervisor, will:

(1) Prepare and execute Form FHA-28 or FHA 442-6, "Association Proposal and Request for Funds."

(2) Prepare and execute, in accordance with the above mentioned instructions, the documents necessary to:

(i) Support a determination that the association has legal authority and appropriate operating regulations necessary for it to contract for and secure the repayment of the loan, and to operate successfully and to maintain adequately the proposed facilities or services.

(ii) Set forth the cost estimates and construction or installation plans of the proposed facility or development.

(iii) Set forth the operating budget and repayment ability of the association, and

(iv) Verify the title to assets which will serve as security for the loan.

(f) Ordinarily, loan funds should be disbursed in one advance; however, provision may be made for more than one advance of loan funds when there is a justification for multiple advances. The State Director may authorize disbursement of the loan in not to exceed four advances, provided none of the advances will be scheduled for disbursement later than two years from the date of loan closing. When more than one advance is contemplated, the amount and probable date of each advance will be indicated on Form FHA-28 or FHA 442-6.

(g) If the loan is made from direct funds or from the insurance fund, Form FHA 440-1, "Payment Authorization," will be prepared for each advance in the amounts indicated in Form FHA-28 or FHA 442-6. Each Form FHA 440-1 will be signed by the authorized association official on the same date.

#### § 1823.36 Loan processing in State Office.

(a) *Loan approval and issuance of closing instructions.* When the State Director determines that the loan can be approved, he will, for a loan from the insurance fund, obtain the consent of the National Office for the use of such funds, and will then draft a memorandum of approval to the County Supervisor specifying any conditions under which the loan will be made, including any necessary modifications of previous conditions prescribed by the State Director. The proposed memorandum and loan docket will be forwarded to the Attorney in Charge for legal examination and issuance of loan closing instructions. The closing instructions will cover, but need not be limited to, the continuation of lien searches and abstracts, the execution and recording or filing of security instruments, curative

requirements, and, if advisable, requirements that certain legal documents or matters be legally reviewed before the loan is closed. The Attorney in Charge will prepare and transmit to the State Director, with the closing instructions, the security instruments and other special documents needed to close the loan. Upon receiving the closing instructions from the Attorney in Charge, the State Director will:

(1) Revise, if necessary, his approval memorandum to the County Supervisor.

(2) For a direct loan or a loan from the insurance fund, sign Form FHA 440-1 for each advance and insert his title in the space provided.

(3) Transmit to the County Supervisor his memorandum of approval, the instructions, and the loan docket.

(b) *Rejection of the loan.* If the State Director determines at any time during the processing of a loan that the loan should not be made, he will return the loan docket to the County Supervisor with the reasons for the rejection. The County Supervisor will notify the applicant of the disapproval of the loan and the reasons therefor.

(c) *Cancellation of loan.* Soil and Water loans to associations may be cancelled before loan closing as follows:

(1) The County Supervisor will prepare Form FHA-903, "Request for Cancellation of Loan," and will send it to the State Director. If the State Director approves the request for cancellation, he will forward Form FHA-903 to the Finance Office, and a copy will be returned to the County Office.

(i) For an insured loan by a private lender, any checks advanced will be returned promptly to the lender with an explanatory letter.

(2) Any application for title insurance will be cancelled in accordance with Part 1807 of this chapter. Likewise, the borrower's attorney, if any, should be notified of the cancellation.

#### § 1823.37 Actions subsequent to approval and prior to loan closing.

(a) *Loan approval conditions.* When the County Supervisor receives the loan approval memorandum and loan closing instructions, he will deliver a copy of these two documents to the association. An understanding will be reached with the association regarding compliance with the conditions set forth in the memorandum and the loan closing instructions.

(b) *Notification of loan closing date.* In order to permit sufficient time for any necessary negotiations with lenders, the County Supervisor will advise the State Director of the approximate date of loan closing as soon as it appears reasonably certain that the association can meet loan approval conditions, including title requirements, and the association is able to select an approximate date on which construction or development can be started. The State Director will notify the Attorney in Charge of the name of the lender so he may issue any necessary additional or modified closing instruments or documents.

(c) *Ordering loan checks.* The County Supervisor will order the loan check so that it will be available at the time of, or immediately prior to, the date set for loan closing.

(1) The loan check will not be ordered until:

(i) The association has complied with loan approval conditions and closing instructions, except for those actions which are to be completed on the day of loan closing or subsequent thereto.

(ii) The association is ready to start construction or proceed with development.

(iii) No increase or decrease in the amount of the loan is contemplated. If it becomes evident on or before loan closing that the amount of the loan should be decreased or increased, the County Supervisor will request that all distributed docket forms be returned to him for revision. The docket, as revised, will be resubmitted to the State Director.

(2) For an insured loan by a private lender, the County Supervisor will request the check by preparing Form FHA 440-7, "Request for Check," in an original and one copy and submit the original to the State Director. If the name of the lender is known, the County Supervisor will enter it on Form FHA 440-7. The State Director will attest the signature of the County Supervisor on the original of Form FHA 440-7 and forward it to the lender. If the lender does not require attestation of the County Supervisor's signature, the original of Form FHA 440-7 may be delivered to the lender without sending it to the State Office. Whenever the bank handling a supervised bank account will require the lender's personal check to clear before disbursing funds, the lender should be requested to furnish a certified or cashier's check. When suitable arrangements can be made with the lender, a bank draft may be used to obtain insured loan funds.

(3) For a loan with more than one advance, the County Supervisor will request the check for each subsequent advance by submitting Form FHA 440-7 in sufficient time so that the check will be issued on or about the date listed on the reverse side of the copy of the note as the proposed date of the advance. The County Supervisor will remind the lender, by appropriate notation on Form FHA 440-7 submitted for each subsequent advance, to insert the date of the loan check in the column for that purpose in the Table entitled "Schedule of Advances" on the reverse side of the note.

(d) *Handling loan checks.* (1) Loan checks will be deposited in a supervised bank account in accordance with § 1823.29(e).

(2) Whenever a loan check for a direct loan or a loan from the insurance fund cannot be delivered within 2 days from the date of the check the County Supervisor will return it to the Regional Disbursing Office.

(3) If, for any reason, a loan check for an insured loan by a private lender cannot be delivered to the borrower, it will be returned to the lender with a request for cancellation. When a loan



check is lost or destroyed, the County Supervisor will notify the lender immediately. If the borrower desires that a new check be issued, the lender will be requested to issue a new check.

(4) When a loan check is issued payable jointly to the borrower and the Farmers Home Administration, the County Supervisor is authorized to endorse the check on behalf of the Farmers Home Administration at the time of loan closing as follows:

Endorsed without recourse:

FARMERS HOME ADMINISTRATION  
By \_\_\_\_\_  
Title \_\_\_\_\_

The State Director is also authorized to endorse such a check in the same manner.

#### § 1823.38 Loan closing.

A loan to an association will be closed in accordance with the closing instructions issued by the Attorney in Charge as soon as possible after receiving the loan check. When the purchase of bonds of a statutory association is involved, the form of bonds will be developed in accordance with State statutes, the form will be submitted to the Administrator for approval and the loan will be closed in accordance with special instructions from the Administrator.

(a) *Authority to execute, file, and record legal instruments.* Properly bonded County Office employees are authorized to execute and file or record any legal instruments necessary to obtain or preserve security for association loans. This includes mortgages and similar lien instruments, as well as affidavits, acknowledgments, and other certifications (when the mortgagee must execute such certification under State law).

(b) *Preparation of promissory note.* The note will be prepared and completed at the time of loan closing. Form FHA 442-10, "Promissory Note (Insured SW Loan for Association)," will be used for insured loans. Form FHA 442-11, "Promissory Note—Direct Soil and Water Conservation Loan for Associations," will be used for direct loans.

(1) The note will be executed by the association officials authorized by its Board of Directors to sign documents and instruments required for obtaining the loan. Any special instructions needed for the execution of the note will be furnished by the Attorney in Charge.

(2) The date of the note will be the date of the closing of the loan.

(3) The face amount of the note will be for the total amount of the loan, including all advances, as indicated on Form FHA-28.

(4) Payments on Soil and Water loans to associations will be scheduled in annual installments.

(i) For a direct loan or an insured loan by a private lender or from the insurance fund, if the borrower will not have sufficient funds to pay a full amortized installment prior to the first January 1 following the date of loan closing, the first installment may be for the amount equal to the interest to become due from the date of the note or if more

than one advance is involved from the date of each advance to the next succeeding January 1 for a direct loan or February 1 of the next calendar year for an insured loan. When one or more advances on the loan will be made after January 1 of the year following loan closing, the installment on each succeeding January 1 up to and including the January 1 following the last advance may be for an amount equal to interest that will accrue on the advances to the next succeeding January 1 for a direct loan or February 1 of the next calendar year for an insured loan, provided the association will be unable during such period to pay a full amortized installment on the entire loan. Thereafter, the annual amortized installments will be computed by multiplying the full amount of the loan by the factor for the number of years during which amortized installments are scheduled.

(ii) For a direct loan or an insured loan by a private lender, if the lender is agreeable, the first two installments or the first three installments may be for an amount equal to the interest only on the note in accordance with § 823.26 irrespective of whether the loan is made in one or more advances. When principal payments are deferred on a loan involving more than one advance, the period for which interest-only payments may be scheduled will not extend beyond the third January 1 following the date of loan closing. In case of deferment, annual amortized installments will be computed by multiplying the full amount of the loan by the factor for the number of years during which amortized installments will be scheduled.

(5) When a loan is closed between December 1 and January 1, the first installment will be collected at the time of loan closing.

(6) When the loan will be disbursed in more than one advance, the amount of each advance, including the first one, will be entered on the reverse side of the note, in the space entitled "Schedule of Advances." The date of the first advance will be the date of the loan closing. The date entered for each subsequent advance will be the estimated date on which it will be needed by the association. The date on which each subsequent advance was made will be the date of the loan check. The lender or Finance Office (for direct loan or a loan from the insurance fund) will enter on the original note the date of the loan check for each subsequent advance.

(7) For insured loans, other than those made from the insurance fund, the promissory note or bond will be assigned to the lender simultaneously with loan closing. This will be done by endorsing the note over to the lender, or if the loan is evidenced by a bond issue the bonds will be made payable in such manner as may be approved by the Farmers Home Administration. Form FHA 440-5, "Insurance Endorsement (Insured Loan)," or such other form of insurance endorsement as may be approved by the Farmers Home Administration, will be executed simultaneously with loan closing for delivery to the

lender with the note or bonds. The rate of annual charge and the length of the repurchase agreement to be stipulated in the insurance endorsement will be in accordance with Part 1810 of this chapter.

(8) Each County Supervisor and each State Director is authorized to sign the endorsement on the reverse of the note and to execute Form FHA 440-5. The insurance endorsement constitutes the Government's contract of insurance of the loan.

(9) For loans from the insurance fund, the note will not be endorsed and the insurance endorsement will not be prepared until the loan is assigned from the insurance fund to a lender. In such cases, the Director, Finance Office, or Insured Loan Officer, will sign the endorsement on the reverse of the note and will execute the insurance endorsement in accordance with Part 1873 of this chapter.

(c) *Obtaining insurance.* The association will provide insurance coverage at the time of loan closing in the amounts and types specified by the State Director in his approval memorandum. The State Director will be guided by the provisions of Part 1806 of this chapter in securing and servicing property insurance for Soil and Water loans to associations.

(d) *Payment of fees and costs.* Statutory fees and other charges for filing or recording mortgages or other legal instruments and notary and lien search fees incident to loan transactions will be paid by the association from its own funds or from the proceeds of the loan. Whenever cash is accepted by Farmers Home Administration personnel to be used to pay the filing or recording fees for security instruments, or the cost of making lien searches, Form FHA 440-12, "Acknowledgment of Payment for Recording, Lien Search, and Releasing Fees," will be executed.

(e) *Distribution of certain recorded documents.* The originals of the recorded deeds, easements, permits, certificates of water rights, leases, or other contracts and similar documents which are not required by the loan approval official to be held by the Farmers Home Administration will be returned to the officers of the association.

#### § 1823.39 Actions subsequent to loan closing.

(a) The real estate or chattel mortgages will be delivered to the recording office for recordation or filing, as appropriate. When the mortgage is recorded or filed, as appropriate, the County Supervisor will conform one copy with the original, including the recording or filing data showing the date and place of recordation and the book and page number. The conformed copy of the mortgage will be delivered to the borrower and the original for both insured and direct Soil and Water loans will be retained in the borrower's County Office case folder.

(b) For an insured loan by a private lender, the original note properly endorsed and the original insurance endorsement will be given or sent to the



lender immediately after loan closing. If for any reason it is not possible for the same County Supervisor who signed Form FHA 440-7 to endorse the note and sign the insurance endorsement, it will be sent to the State Office instead of directly to the lender. In such a case, the State Director or other authorized state official will attest on Form FHA 440-5 the signature of the different County Supervisor before sending the note and the insurance endorsement to the lender. This will not be necessary when a local lender has no objection to a different signature on an insurance endorsement than that on Form FHA 440-7.

(c) For a direct loan, or for a loan from the insurance fund, the original notes will be sent to the Finance Office immediately after loan closing.

(d) Any water stock certificates will be sent to the State Office for safekeeping.

(e) Loan funds may be disbursed as soon as the loan has been closed and the notes mailed.

(f) When the loan has been closed, the County Supervisor will submit to the State Director the loan docket, security instruments and other closing documents for review. The State Director, with the assistance of the Attorney in Charge, will determine whether the loan was properly closed. The State Director will advise the County Supervisor of any deficiencies to be corrected and return the material that was submitted.

#### § 1823.40 Loans to governmental or quasi-governmental organizations.

When the association is an irrigation or drainage district, Soil Conservation District, or other statutory association, the State Director, with the advise of the Attorney in Charge, may change or substitute documents, or modify procedures set out in this Subpart B to the extent necessary to enable the association to comply with applicable provisions of State laws.

### SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

## PART 1831—OPERATING LOANS

### Subpart A—Policies and Authorities

- Sec.
- 1831.1 General.
- 1831.2 Scope of farming operations to be financed with Operating loans.
- 1831.3 Eligibility requirements.
- 1831.4 Veterans preference.
- 1831.5 Certification by County Committee.
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- 1831.7 Loan purposes.
- 1831.8 Loan limitations and special requirements.
- 1831.9 Rates and terms.
- 1831.10 Security policies.
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### Subpart B—Loan Processing

- 1831.31 General.
- 1831.32 Loan forms and routines.
- 1831.33 Review and approval or rejection.
- 1831.34 Loan closing.
- 1831.35 Revision in the use of Operating loan funds.

## Subpart A—Policies and Authorizations

**AUTHORITY:** The provisions of this Subpart A issued under secs. 311, 312, 313, 315, 316, 333, 339, 75 Stat. 310, as amended, 311, 314, 318, 343, 76 Stat. 632, secs. 2, 4, 64 Stat., 99, 100; 7 U.S.C. 1941-1943, 1945, 1946, 1983, 1989, 1991, 40 U.S.C. 440, 442; Order of Sec. of Agr., 19 F.R. 74, 26 F.R. 8403, 27 F.R. 5005.

### § 1831.1 General.

(a) This subpart prescribes the policies and authorizations for making Operating loans to farmers (including ranchers) who will be conducting not larger than family farming operations.

(b) The basic objective of Operating loans to farmers is to enable them to carry on a successful system of farming, to make efficient use of their land, labor, and other resources, to make needed improvements in their living conditions and economic situation, and to qualify for credit from private or cooperative sources within a reasonable time.

(c) Primary emphasis will be given to assisting family farm operators who will be making significant adjustments and improvements in their farm and home operations.

(d) The basic objective of Operating loans will be accomplished through the extension of credit and supervisory assistance.

(e) Supervisory assistance will be provided borrowers to the extent necessary to achieve the objectives of the loan and to protect the interests of the Government in accordance with Part 1802 of this chapter. Such assistance consists of farm and home planning, record keeping, analyzing the farm business, and giving management advice.

(f) The making of Operating loans to Indians and permittees and lessees on Indian trust lands is subject to the additional policies and procedures contained in Part 1825 of this chapter.

### § 1831.2 Scope of farming operations to be financed with Operating loans.

Loans may be made to farmers who, after the loan is made, will be conducting not larger than a family farming operation. The term farming operation as used in this subpart includes an operation which consists, in whole or in part of the production of fish under controlled conditions in lakes, ponds, and streams.

(a) *Adequate family farming operation.* An adequate family farming operation is defined as a farming operation (1) that is of sufficient size and productivity to furnish income that will enable a farm family to have a reasonable standard of living; pay operating expenses, including maintenance of necessary livestock, fish, farm and home equipment, land and buildings and other farm structures; pay their debts; and have a reasonable reserve to meet unforeseen emergencies, (2) for which the management of the farm and the recreational enterprise is furnished by the operator and his immediate family, and (3) for which the labor, including any labor necessary for the recreational enterprise, is furnished primarily by the operator and his immediate family except during seasonal peakload periods.

It is not intended to include in this definition operations which require large amounts of seasonal hired labor.

(b) *Other family farming operations.* An "other" family farming operation is defined as a farming operation of insufficient size and productivity to qualify as an "adequate" family farming operation and (1) that will produce agricultural commodities in sufficient quantities that the proceeds from their sale will be a substantial portion of the operator's total cash income, (2) that will provide farm income which together with any income from other sources, including recreational enterprises, will enable the family to have a reasonable standard of living; pay operating expenses including maintenance of necessary livestock, fish, farm and home equipment, recreational equipment or facilities, land and buildings; pay their debts; and have a reasonable reserve for unforeseen emergencies, (3) for which the management of the farm and the recreational enterprise is furnished by the operator and his immediate family, (4) for which the labor, including any labor necessary for the recreational enterprise, is furnished primarily by the operator and his immediate family except during seasonal peakload periods, and (5) in which the farm to be operated is recognized in the community as a farm rather than a rural residence. It is not intended to include in this definition operations which require large amounts of seasonal hired labor. Loans may also be made to established farmers who can meet all of the requirements of this paragraph, except with respect to income as prescribed in subparagraph (2) of this paragraph, provided their incomes are sufficient to pay necessary farm operating and family living expenses not provided for in the loan, including any such expenses in connection with a recreational enterprise, meet the required payments on the Operating loan, and make the required payments on other indebtedness after any necessary debt adjustments, extensions, reamortizations, deferments, or nondisturbance agreements have been obtained in connection with such indebtedness.

### § 1831.3 Eligibility requirements.

To be eligible for an Operating loan each applicant must:

- (a) Be a citizen of the United States.
- (b) Possess legal capacity to incur the obligations of the loan.
- (c) Be an individual who has a farm background and either training or farm experience sufficient to assure reasonable prospects of success in the proposed farming operation.
- (d) Possess the character, ability, and industry necessary to carry out the proposed farming operation and honestly endeavor to carry out the undertakings and obligations required of him in connection with the loan.
- (e) Be unable to obtain sufficient operating credit elsewhere to finance his actual needs at reasonable rates and terms taking into consideration prevailing private and cooperative rates and terms in the community in or near which he resides for loans for similar purposes



and periods of time. The applicant's equity in real estate, chattels, and other assets should be considered in determining his ability to obtain credit from private and cooperative sources.

(f) After the loan is made, be conducting not larger than a family farming operation as an owner or tenant.

(g) Be able to meet his major needs for operating credit within the indebtedness limitation for Operating loans during the period that such loans likely will be needed, except in cases where additional financing on a contractual or equally definite basis is available.

(h) When a loan for recreational purposes is being considered, possess the ability necessary to carry out the proposed enterprise.

#### § 1831.4 Veterans' preference.

Veterans, as defined in Part 1801 of this chapter, will be given preference. When it appears that available funds will be inadequate to meet the needs of all applicants, the applications on hand from veterans will be processed first.

#### § 1831.5 Certification by County Committee.

Before an Operating loan is approved, the County Committee will certify on Form FHA 440-2, "County Committee Certification," that the applicant is eligible for a loan in accordance with the provisions of § 1831.3 of this chapter. In addition, the County Committee will establish the maximum amount of credit which may be extended, under the certification, to meet the actual needs of the applicant during the crop year indicated. This will not necessarily represent the amount which actually will be loaned.

#### § 1831.6 Participation under written agreements between Farmers Home Administration and commercial banks, cooperative lending agencies, or other legally organized agricultural lending agencies.

There are some situations in which commercial banks, cooperative lending agencies, or other legally organized agricultural lending agencies may be unable to extend to some of their farm customers the amounts of credit needed under the existing conditions. This may be due to certain banking or lending limitations, a lack of funds resulting from an adverse collection season, or other factors. In spite of these conditions such a lender may wish to continue a line of credit with a customer and likely will be willing to again provide his total credit needs after a temporary period. In such cases if the applicant is otherwise eligible for an Operating loan the Farmers Home Administration may participate with the other lender by providing part or all of the new credit the applicant needs for the crop year under the other provisions of this Subpart A and Subpart B of this Part 1831 as modified and supplemented by the following:

(a) The other lender will close and service the loans to the applicant and in doing so agrees to diligently protect the Government's interests as well as its own.

(b) The applicant is not indebted for a Farmer's Home Administration Operating or Emergency loan except that he may be indebted for an Operating loan previously made under a written participation agreement on Form FHA 441-3, "Participation Agreement."

(c) The applicant's immediate need for a Farmers Home Administration Operating loan is primarily for annual operating expenses and replacement of capital items.

(d) The applicant is carrying on a reasonably sound farm and home operation, will not be making major adjustments and improvements in his operations during the period of the Farmers Home Administration Operating loan, and does not need intensive farm and home or financial management supervisory assistance to help assure satisfactory progress or protection of the Government's interest.

(e) The Farmers Home Administration and other lender executes Form FHA 441-3. This agreement will show the amount of credit to be provided by Farmers Home Administration and the other lender, the division of payments on the loans and the income that may be received from the sale of security property. The participation agreement will also provide for the loan to be closed and serviced by the other lender.

(f) The loan to be made by the Farmers Home Administration must not result in the applicant's Farmers Home Administration indebtedness for Operating loans exceeding 80 percent of his combined total operating-type indebtedness owed to Farmers Home Administration and the other lender.

#### § 1831.7 Loan purposes.

Subject to the loan limitations and special requirements set forth in § 1831.8 of this Subpart A, operating loans may be made for:

(a) Purchase of livestock, poultry, farm equipment, and paying costs incident to reorganizing the farming system for more profitable operation and for other farm needs, including equipment to be utilized in the development of forest lands, and the production and harvesting of forestry products such as pulpwood, mine-timber, railroad ties, or timber for other uses.

(b) Purchase of an undivided interest in livestock, poultry, farm equipment, or facilities to be operated under a joint arrangement or as a group service.

(c) Purchase of feed, seed, fertilizer, insecticides, and farm supplies; the repair of equipment; and other essential farm operating expenses, including cost incident to the production and harvesting of forestry products such as pulpwood, mine-timber, railroad ties, or timber for other uses.

(d) Payment of customary and equitable cash rent or cash charges for the use of farm buildings, pasture, crop, or hay land, and grazing permits if all of the following conditions exist:

(1) Arrangements cannot be made for such rent or charges to fall due at the time when income for such payments is expected to become available.

(2) The applicant is obligated under a written lease to pay such rent or charges in advance of the time when income is expected to become available to him for that purpose and the payment from loan funds is made in advance of such time.

(3) Not more than one year's cash rent or cash charges are paid with loan funds in any one lease year, except that if a loan is approved near the end of the current lease year funds for payment of such rent or charges for the succeeding lease year may be included in the loan.

(4) The terms of the lease provide the applicant with reasonably secure and satisfactory tenure.

(e) Payment of taxes due or about to become due, Social Security taxes in connection with hired labor, water or drainage charges or assessments, premiums for insurance on real and personal property subject to the limitations in § 1831.8(b)(5) of this Subpart A and premiums for public liability and property damage insurance on farm equipment (including farm trucks) and on recreational equipment and enterprises.

(f) Payment of not more than one year's interest calculated at a rate not to exceed that which is reasonable and customary for the area, that is due or about to become due on debts secured by liens of other creditors on livestock, farm equipment, and farm real estate.

(g) Payment of depreciation in any one year not to exceed 15 percent of the market value of the essential farm equipment or recreational equipment under prior lien to another creditor or 15 percent of the amount owed to such creditors, whichever is lesser.

(h) Acquisition of memberships in farm purchasing and marketing and farm service-type cooperative associations or to purchase stock in such associations to help provide capital for improvement of services to farmer members. Purchase membership or stock in a recreational-type cooperative association organized to utilize the applicant's resources and to produce additional income exclusive of membership in associations which will acquire, lease, or improve land not otherwise under the control of the members.

(i) Meeting family subsistence needs, including premiums on reasonable amounts of health and life insurance and expenses for medical care. Applicants must understand, however, that within the limits of their resources they should plan and carry on adequate food production and conservation programs.

(j) Purchase of essential home equipment and furnishings, and the payment for home equipment repairs required by the applicant family to sustain itself on the farm in a reasonably satisfactory manner.

(k) Refinancing debts as follows:

(1) A debt secured by a lien on livestock, farm and home and recreational equipment, and harvested feed, not to exceed the market value of such property serving as security for the debt being refinanced. However, any portion of a secured debt which is in excess of the market value of such property may be considered for refinancing under subparagraph (2) of this paragraph.



(2) A debt, other than one authorized to be refinanced in subparagraph (1) of this paragraph, not to exceed the applicant's equity in the livestock and farm and recreational equipment to be taken as security for the loan. The applicant's equity in crops, livestock increase, and livestock products on hand may be included in determining his equity when the debt being refinanced was incurred for operating expenses during the crop year for which the loan is being made. See refinancing limitations in § 1831.8(b) of this Subpart A.

(m) Purchase of milk base either with or without cows where such action is necessary to assure the borrowers a satisfactory market for his dairy products, as authorized or approved by the State Director.

(n) Purchase of grazing license or permit rights of private parties which can be validly sold and transferred or waived separate from any land lease or other interest in land either with or without eligible livestock, provided loans for this purpose are authorized or by the State Director.

(o) The purchase of equipment, animals and birds, or facilities, and for operating expenses relating to the acquisition, development, and operation of recreational enterprises such as boating, fishing, swimming, picnicking, horseback riding, hunting, ski jumps, tennis courts, vacation cottages, camp grounds, and nature trails not otherwise provided for in this Subpart A.

(p) Purchase of fish used to stock ponds, streams, or lakes under controlled conditions, and for operating expenses relating to such enterprises.

(q) The following real estate improvements, subject to the limitations in § 1831.8 of this Subpart A.

(1) Purchase, construction, alteration, repair, or relocation of essential farm service buildings and minor repairs or alterations to farm dwellings.

(2) Purchase, construction, alteration, repair, or relocation of facilities or buildings to be utilized in a recreational enterprise.

(3) Land and water development, use, and conservation essential to the operation of the farm or recreational enterprise such as fencing, land clearing, establishment and development of forest lands, establishment and improvements of permanent hay or pasture, drainage and irrigation facilities, construction of small lakes or ponds, basic applications of lime and fertilizer, and the development of farmstead, livestock, and irrigation water supply and equipment therefor. Loan funds may be used to pay that part of the cost facilities, improvements, and practices which is to be earned by participation in the Agricultural Conservation or Great Plains programs only when such costs cannot be covered by purchase orders or assignments to material suppliers or contractors. If loan funds are advanced and the portion of the payment for which funds were advanced likely will exceed \$500, the applicant will assign the payment to the Farmers Home Administration.

(r) Additional purposes in Hawaii as follows:

(1) For purchasing necessary coffee-drying equipment and trellises for passion fruit under provisions of this paragraph provided such equipment does not become a part of the real estate. Consideration should be given to the acquisition of such equipment through the use of group services where possible.

(2) Subject to the limitations prescribed in § 1831.8(d) of this Subpart A for erecting necessary farm buildings and making essential repairs and improvements to existing farm buildings provided the buildings, repairs or improvements for which the loan is made are normally considered a part of the cost of operating the farm and will enable the applicant to establish or reorganize an approved farming enterprise.

(3) Subject to the limitations prescribed in § 1831.8(d) of this Subpart A for establishing and improving pastures, hay crops, coffee, pineapple, banana, and similar perennial-type crops and for the construction of terraces, water ways, and farm ponds; clearing, leveling and draining land; and paying for other Soil and Water Conservation and improvement mortgage.

(4) When loans are made to tenants for real estate improvements as authorized in this paragraph, the lease must provide for an assignment of the lease to the Government or to someone designated by the Government. Loans may not be made to tenants operating on Hawaiian Homes Commission lands unless its present regulations and policies are changed in a manner which would permit the Farmers Home Administration to obtain a valid crop mortgage.

(s) Financing feeder cattle enterprises to enable the borrower to provide a profitable means of using feed produced on the ranch or farm. Only feeder enterprises in which the borrower produces practically all the required hay and other roughage and a substantial part of the grain needed will be considered favorably for financing with Operating loans. Only sound feeder operations which do not involve excessive risks to either the borrower or to the Government will be financed.

(1) Loans will not be made to finance commercial feed lot operations or where the applicant will require a substantial amount of credit for either the purchase of feed or for grazing fees.

(2) Ordinarily loans will be made only to finance feeder enterprises where light-weight feeders, such as feeder calves or yearlings are involved, and not to finance feeding operations involving heavy cattle, feeders which will be fed for only a short period, or feeders to be finished to prime grade.

(3) The making of operating loans involving poultry production is subject to policies for such loans contained in Part 1821 of this chapter.

§ 1831.8 Loan limitations and special requirements.

(a) *Refinancing of debts and obtaining credit elsewhere.* (1) When an ap-

plicant's request includes the use of loan funds for refinancing of debts it must be determined before a loan is made that his present creditors will not give him rates and terms on the existing debts that he reasonably could be expected to meet. If the applicant has requested loan funds for additional purposes, a determination also must be made that his present creditors or other sources will not extend to him the additional credit he needs on such rates and terms. County Supervisors will therefore:

(i) Discuss with the applicant the possibility of obtaining the needed credit from the applicant's present creditors or other sources. He may request the applicant to contact his present creditors to explain his credit needs and to determine if the creditors will provide any additional funds needed, renew, extend, change, or reduce the present debts as appropriate. He will also advise the applicant of other credit sources available in the area which might assist him with his credit needs and request that he contact such credit sources. If the applicant is unsuccessful in his efforts to obtain credit or to get a revision of the rates and terms of his indebtedness, the County Supervisor will obtain from the applicant and document the reasons given for not assisting the applicant.

(ii) If the County Supervisor is notified by the applicant that his negotiations with the present creditors or other sources were unsuccessful he will determine on the basis of the applicant's financial statement, planned income and expenses, estimated amount available for debt payment, and the additional facts presented by the applicant, whether it appears necessary to refinance the debts or any portion of the debts or to obtain a change in the rates and terms. When it is determined that refinancing may be necessary, he will contact in person, when practicable, each secured creditor and each unsecured creditor to whom substantial debts are owed for the purpose of verifying the necessity for refinancing. If the loan is to be processed, a statement of each secured account to be refinanced showing the final due date, interest rate, annual installment, amount delinquent, unpaid principal, and accrued interest will be obtained. A statement also will be obtained for each unsecured account to be refinanced.

(b) *Purposes for which loans may not be made.* While it is impracticable to list all of the purposes for which loans may not be made, the following are those commonly requested by applicants which are not authorized:

(1) Purchase of passenger automobiles, the refinancing of debts secured by liens on such automobiles, or the payment of unsecured debts incurred for the purchase of such automobiles.

(2) Payment of Federal or State Income Taxes, or Social Security taxes payable by borrowers in their own behalf.

(3) Purchase of real estate, or the making of payments on, or the refinancing of, any real estate indebtedness other than the payment of taxes and interest as authorized in this Subpart A. In addition, loans may not be made for carry-



ing on any land purchasing or land leasing program.

(4) Replacing livestock, farm equipment, or crops sold, or refinancing chattel debts incurred primarily for the purpose of obtaining funds for any of the real estate purposes referred to in subparagraph (3) of this paragraph, if such action was taken by the applicant with the intent of replacing the chattel property or refinancing the debts with Operating loan funds.

(5) Payment of taxes or insurance premiums in connection with real estate securing Farmers Home Administration loans other than Operating loans.

(6) Payment of debts owed by the applicant to the Farmers Home Administration or to make principal or interest payments on such debts.

(7) Loan funds will not be used to (i) purchase memberships or stock in production cooperatives, (ii) purchase memberships or stock for the purpose of establishing control by the Farmers Home Administration in any type of cooperative, or (iii) furnish a majority of the associations' capital requirements.

(8) To convert or develop his entire farming into a recreational enterprise.

(c) *Limitations on loans for other family-farming operations.* Loans may not be made to establish individuals in farming operations of the scope referred to in § 1831.2(b) of this subpart.

(d) *Limitations on loans for real estate improvements.* (1) Not more than \$2,500 may be advanced to a borrower in any one fiscal year for real estate improvements; furthermore, Operating loans will not be made year after year to make substantial real estate improvements. Equipment which is installed under a severance agreement and on which a valid chattel lien is obtained is not considered real estate improvement.

(2) Before an Operating loan is made for real estate improvements, a careful analysis must be made of the applicant's resources and proposed operations and a determination made that:

(i) Such real estate improvements cannot be provided practicably through a real estate loan.

(ii) The sum of the Operating loan being made for real estate improvements and the unpaid indebtedness against the farm and other security which secures the Farmers Home Administration real estate loan will not exceed the total indebtedness or the normal value limitations prescribed for real estate loans.

(iii) The applicant will likely continue to operate the farm for a sufficient period of time and under such terms that will enable him to obtain reasonable returns on his investment.

(3) Operating loans may not be made to a tenant to finance real estate improvements unless he has a written lease under equitable terms. In addition, the lease in such case must provide for compensating the tenant for any unexhausted value of the improvement upon termination of the lease.

(e) *Limitations on amount of loan.* The amount of each loan will be limited to the needs of the applicant and his ability to pay. In addition, consideration

will be given to the value of the chattel property, including crops, which will be available as security. In no case may a loan be made which would result in the total principal balance outstanding to exceed \$35,000 for Operating loans (including Production and Subsistence). In addition, not more than 25 percent of the Operating loan appropriation for any fiscal year may be used to increase the indebtedness of any borrower above \$15,000.

(f) *Debt settlement cases.* A loan will not be made to an applicant whose debts have been settled pursuant to Part 1864 of this chapter or who has been released from personal liability under Part 1872 of this chapter, as reflected by the County Office records, or where settlement or release under such regulations is contemplated, unless the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control, the conditions which necessitated the debt settlement or release, other than weather hazards, disasters, or price fluctuations, have been removed, and the borrower's operations will be sound and afford him a reasonable prospect of repaying the loan and meeting his other obligations. Prior to approval of the loan the State Office will determine whether the loan should be made.

(g) *Loans to individuals for forestry purposes.* Applicants for operating loans for forestry purposes are responsible for getting technical assistance from the Extension Service, U.S. Forest Service, Soil Conservation Service, State Forest Technicians, or other competent technicians in developing a forest plan on management and operation of his forest farm or farm woodlot. The plan will include projected yields, with operating expenses and estimated income, as well as a cruise of existing timber. The cruise report should include information such as an inventory of the kind and amount of timber on the land, the size and growth rate of the predominant type of trees, amount of merchantable timber on the farm, and the dates the timber should be marked for sale. Also, it should show the kind of forestry product sales such as pulpwood, mine-timber, railroad ties, or sale for other timber uses. No loan may be considered for a deferred payment or for a 3 percent interest rate unless an acceptable forestry plan of operation and management is provided and the loan approval official is reasonably assured that such a plan will be followed.

(h) *Loans to individuals jointly engaged in farming.* (1) A joint loan may be made to two eligible applicants living together or living separately and operating jointly not larger than one family-farm unit. When joint loans are made, both individuals will execute the application, loan authorization, notes, mortgages, and other documents required in connection with the making and closing of the loan.

(2) Separate loans may be made to eligible applicants who are engaged jointly in farming, provided not more than two individuals are interested in the operations, and the operations provide the equivalent of not larger than a

family-farming operation for each individual. If a loan is made to only one such individual, it will be secured by a lien on his interest in the crops and chattel property as required by § 1831.10 of this subpart. If a loan is made to each of the two individuals, a separate mortgage may be executed by each borrower on his interest in the property to secure his loan or a joint mortgage may be executed by both borrowers to secure both loans.

(i) *Relationship with Emergency loans.* Initial operating loans will not be made to applicants in areas designated for Emergency loans when credit needs can be met adequately with Emergency loans and can be scheduled for payment in full from the first year's operations.

(j) *Loans for recreational enterprises.* The farm and home plan will have sufficient information attached to determine the feasibility and soundness of the applicant's request for Farmers Home Administration assistance in conducting a recreational enterprise in conjunction with his farming operation. Such information will indicate whether the enterprise provides sufficient income to meet its operating expenses, depreciation, proportionate share of the debt, and make a reasonable contribution to the family's income.

#### § 1831.9 Rates and terms.

Interest will be charged at the rate of 5 percent per annum on all Operating loans, except that loans made for the purchase of equipment to be used primarily in connection with a forestry enterprise and loans for operating expenses directly relating to a forestry enterprise will bear interest at the rate of 3 percent per annum. Interest will accrue from the date of the loan check on outstanding principal only and will not be compounded. Loans will be scheduled for payment as follows:

(a) Payments of principal on Operating loans will be scheduled on the note in accordance with the borrower's reasonable ability to pay, determined by an analysis of his farm and home operations as reflected in his farm and home plans. Principal payments on such loans will be scheduled at least annually, unless it is determined that income sufficient to meet the initial payment will not be received within 12 months from the date of the loan check, in which case the initial payment may be scheduled on a date coinciding with the date of the income is to be received, but not beyond the end of the second full crop year following the date of the loan. At least one payment will be scheduled during each 12-month period thereafter. In no event will any payment be scheduled later than 7 years from the date of the loan check.

(1) Advances for annual recurring operating expenses will be scheduled for payment when the principal income from the year's operations normally would be received. This includes advances for the payment of debts incurred in connection with the current



year's operations, interest, taxes, and depreciation.

(2) Advances to purchase or produce feed for productive livestock, or livestock to be fed for the market, will be scheduled for payment when the principal income from the sale of such livestock or livestock products can be expected.

(3) Advances for the purchase of equipment or the refinancing of debts on equipment will ordinarily be scheduled for payment over a period not to exceed 5 years. In determining the payment period for advances made for such purposes, the loan approval official will give careful consideration to the useful life of the property and the fact that repayment on such advances must more than offset depreciation, including obsolescence, of the equipment if the borrower is to make financial progress.

(4) Advances for purposes other than those enumerated in subparagraphs (1), (2), and (3) of this paragraph will be scheduled for payment over the minimum period consistent with the applicant's ability to pay, as determined from an analysis of the farm and home operations. In no instance may the payment schedule extend beyond the useful life of the security offered for the advance.

(5) When conditions warrant such action, principal payments scheduled in accordance with subparagraphs (3) and (4) of this paragraph may vary in amount. For example, when a livestock enterprise is being expanded as the feed and pasture program is developed, a graduated payment schedule could be used if necessary. In connection with subsequent loans for such purposes, it is necessary to consider payment schedules established previously for outstanding loans in order to assure a realistic overall payment schedule within the prescribed limits.

(b) Loans will be scheduled for repayment from anticipated income within a 7-year period. The last installment will not be larger than the amount which can then be refinanced with another lender or be repaid within a renewal period of not to exceed 5 years.

#### § 1831.10 Security policies.

(a) Except as provided in subparagraph (3) of this paragraph, and in paragraphs (b), (c), and (d) of this section each loan will be secured as follows:

(1) *Crops, title to which is held by the borrower.* By a first lien on the applicant's crops, or his share of the crops if he is a share tenant, which are growing or to be grown by him, subject only to:

(i) The landlord's lien on the crops for reasonable cash or privilege rent for the current year.

(ii) The real estate mortgagee's lien on real estate purchase contract holder's lien on the crops for the current year's installment on the real estate debt, provided such installment is reasonable when related to the normal rental charges for similar farms in the area.

(iii) The lien of another creditor on particular crops for advances made or to be made by him to produce such crops

provided no advance will be made by the Farmers Home Administration in connection with such crops.

(iv) The contract of another creditor or the lien in connection with such contract on particular crops for advances made or to be made by him to produce, harvest, process, or market such crops, provided the crops are under written contract with the creditor, and the contract limits advances to production, harvesting, processing, or marketing costs in connection with the contract crop or to purposes related thereto.

(2) *Crops grown under contract when title to the crop is held by the contractor.* When a crop is being produced, harvested, processed, or marketed by the applicant under an equitable written contract with a responsible contractor and title to the crop is retained by such contractor, loans may be made in connection with such crops provided (i) the contractor limits his advances to production, harvesting, processing, or marketing costs in connection with the contract crop or to purposes related thereto, and (ii) an assignment of all or part of an applicant's share of the income from the crop is given to the Farmers Home Administration and is accepted in writing by the contractor holding title to the crops. The assignment will be in an amount at least equal to the amount planned to be paid on the applicant's Farmers Home Administration indebtedness from such crop. However, when no payment is expected to be made on the loan from the crops, an assignment will not be required. The form for use in obtaining such assignments will be approved by the Office of the General Counsel.

(3) *Feed crops only.* Subject to the limitations of subparagraph (6) of this paragraph, a crop mortgage need not be taken when the crops to be produced by the borrower are for feed purposes only and the loan approval official determines that the loan is otherwise reasonably well secured and that liquidation action either voluntary, or involuntary, is not likely to occur during the crop year for which the loan is made.

(4) *Livestock, poultry, farm equipment, and facilities purchased or refinanced.* (This includes animals, fish, birds, and recreational equipment and facilities.) By a first lien on all such items, including buildings and fixtures which can be made subject to a valid chattel lien and undivided interests in such property, purchased or refinanced with the proceeds of the loan. However, liens will not be taken on poultry kept primarily for subsistence purposes, on household goods and equipment, on small tools and equipment. An applicant obtaining a loan for the purchase of an undivided interest in the property referred to above or the refinancing of debts on such items will secure his loan by a mortgage on his undivided interests in the item purchased or refinanced along with any other security required by this § 1831.10. Joint mortgages will not be taken except as provided in § 1831.8(f) of this subpart. Each party having an undivided interest in such

property will execute Form FHA 441-12, "Agreement for Disposition of Jointly-Owned Property," providing for the disposition of his interest in the property. However, Form FHA 441-12 will not be required when a tenant and landlord own property jointly and the lease provides for satisfactory division of such property or the proceeds from its sale, or a joint mortgage is taken to secure loans to two individuals jointly engaged in farming.

(5) *Other livestock, poultry, farm equipment, and facilities of security value.* (This includes animals, fish, birds, and recreational equipment and facilities.) By the best lien obtainable on as much of such property of significant security value owned by the applicant at the time the loan is approved as is necessary to protect the interest of the Government. This will include any undivided interest in such property owned by the applicant jointly with others who have an interest in the operation.

(i) Ordinarily liens should not be taken on only part of a herd or flock due to the security servicing problems involved.

(ii) Liens should not be taken on small equipment and tools, household goods and equipment, passenger automobiles, or livestock or poultry kept primarily for subsistence purposes, or on undivided interests in property owned jointly by the applicant or others who have no interest in the farming operation or recreational enterprise.

(6) *Liens and assignments to protect the Government's interest in feed purchased or produced with loan funds.* Loans made to purchase or produce feed for livestock being fed for market or to be fed to productive livestock (excluding livestock and poultry kept primarily for subsistence purposes) will ordinarily be secured by first liens on such livestock. However, when a first lien cannot be obtained, the loan will be secured by liens or assignments as provided below:

(i) When the livestock will be owned by the applicant and a first lien cannot be obtained, a junior lien will be taken, provided it is determined that the applicant has, or will acquire during the feeding period, an equity in the livestock being fed or will receive income from livestock or livestock products, either of which must be commensurate with the investment made for this purpose; and provided prior lienholders sign Form FHA 441-13, "Division of Income and Nondisturbance Agreement," or similar form approved by the Office of the General Counsel, agreeing to a suitable nondisturbance period and to a division of the income to be received from the livestock and livestock products, which will permit the applicant to pay his loan in accordance with the policies expressed herein. However, when no payment is expected to be made on the loan from the livestock or livestock products, Form FHA 441-13 will not be required.

(ii) When the livestock enterprise is to be managed by the applicant under a livestock share lease, share agreement, or contract, and the income to be received therefrom will be from the live-



stock fed, or from livestock products, an assignment of all or a part of such income will be taken provided the owner or purchaser of the livestock or livestock products accepts in writing the assignment. The assignment will be in an amount at least equal to the amount planned to be paid on the applicant's Farmers Home Administration indebtedness from such income. The form for use in obtaining such assignments will be approved by the Office of the General Counsel. However, when no payment is expected to be made on the loan from the livestock or livestock products, an assignment will not be required. When the borrower's compensation under the livestock share lease, share agreement, or contract is livestock increase, the applicant will be required to agree in writing at the time the loan is made to give a first lien on such increase as soon as an effective lien can be taken, unless an after-acquired property clause in an existing lien instrument will provide such a first lien.

(7) *Assignments of crop insurance.* Assignments of all or a part of crop insurance proceeds will be taken when the loan approval official determines such action is necessary to protect the interests of the Government. However, an assignment is not required in cases where a crop insurance policy contains a standard mortgage clause naming the Farmers Home Administration as mortgagee.

(8) *Assignments of proceeds from sale of agricultural products.* When loans are made to finance dairy or commercial egg enterprises from which payments are expected, assignments will be taken on the milk or egg income to assist in obtaining regular payments as income is received whenever it is possible to obtain an agreement from the purchaser to honor the assignments. The assignment will be in an amount sufficient to meet repayments planned from this source. Assignments of proceeds from the sale of other agricultural products or agricultural income, including wool incentive and agricultural program payments, will be taken when necessary to protect the interest of the Government and can be obtained.

(9) *Severance agreements.* When Operating loan funds are used to purchase or refinance debts on property which is or may become attached to real estate and it is necessary to sever such property from the real estate to meet the security requirements contained in subparagraph (4) of this paragraph, Form FHA 440-6, "Severance Agreement," will be obtained.

(10) *Real estate.* Real estate security will not be taken in connection with making initial Operating loans. Furthermore, real estate security will not be taken in connection with making subsequent Operating loans except in individual cases in which it appears that it may be necessary to rely on such security for payment of the loan. When such security is taken the provisions of § 1871.2 (b) of this chapter will apply.

(b) Loans made for the acquisition of memberships or the purchase of stock in cooperative associations may be made on the basis of the borrower's promissory note without taking other security except as follows:

(1) An assignment or a pledge of the stock or other evidence of membership will be obtained, provided such a pledge or assignment would have security value. Assignments may also be taken on significant amounts of dividends to be received from stock, memberships or patronage, or on undivided profits and other retains. The assignment or pledge will be made on forms and in the manner approved by the Office of the General Counsel.

(2) In individual cases, loan approval officials may require a lien on crops or chattels as security for a loan made for the acquisition of a membership or stock if they determine that such action is necessary to protect the interest of the Government due to such reasons as the amount of the advance or the borrower's financial situation.

(c) Loans made under participation agreements between the Farmers Home Administration and other lenders under Form FHA 441-3, as prescribed in § 1831.6 of this subpart, will be secured by liens taken by the other lenders. Such liens will be taken on livestock or farm equipment or crops and may also include any other chattel property which the other lender determines is desirable. In such cases the loan approval official must determine that the security to be obtained by the other lender in accordance with the provisions of the participation agreement will be adequate to protect the interests of the Government under that agreement.

(d) Loans of not more than \$1,500 for real estate improvements may be made on the basis of the borrower's promissory note without taking other security when the applicant has a good reputation for paying his debts promptly, when he clearly has sufficient income to meet all of his obligations, and when he has assets from which a recovery of the loan could be made in case of default.

(e) Property and public liability and property damage insurance will be obtained as follows:

(1) Applicants obtaining Operating loans should be encouraged to carry insurance on their livestock, equipment, crops, feed, seed, and other property necessary to afford them adequate protection against substantial losses from the common hazards existing in an area. It is especially desirable that insurance be obtained by applicants who obtain large loans and have considerable livestock, equipment, feed, and seed which are housed over an extended period. Such insurance may be required. It may be obtained from any insurance company properly authorized to do business in the area.

(2) Applicants receiving loans for a recreational enterprise will be advised of the possibilities of incurring liability and encouraged to obtain public liability and property damage insurance.

(3) When insurance is required on property serving as security for an Operating loan, a Form FHA 426-2, "Property Insurance Mortgage Clause (Without Contribution)," or a standard mortgage clause which is in general use in the area will be attached to or printed in the policy and will show the United States of America (Farmers Home Administration) as mortgagee.

(f) State Directors will inform County Supervisors on a State basis if it is necessary, because of State statutes or types of leases, land purchase contracts, and real estate mortgages commonly in use, to obtain subordination agreements, and to take other action as necessary.

(g) Lien searches will be obtained in accordance with the provision of Subpart B of this part to determine that the Farmers Home Administration will have the required security except that when the loan is made under a written participation agreement with another lender a lien search will not be required by the Farmers Home Administration if the loan approval official determines that the other lender will take the necessary steps in closing the loan to assure proper protection of the Government's interests.

#### § 1831.11 Land tenure.

Good land tenure is essential in building a sound and successful farming business. Applicants will, therefore, be required to make satisfactory arrangements for the use of sufficient land of the quality necessary for carrying on an approved system of farming on a sound and practical basis. The tenure policies set forth below will be followed in the making and approving of loans.

(a) *Tenant operators.* (1) Before a loan is made the tenant, the landlord, and the County Supervisor must understand the terms and conditions of the tenure arrangements. The understanding will include how the farm will be operated, the manner in which the planned adjustments and improvements will be financed, the distribution of income and expenses and other contributions by the tenant or the landlord, provisions for the division of the jointly owned property when the lease is terminated, agreement on any pertinent long-time aspects of the case, as outlined in Part 1802 of this chapter, and any other factors affecting the tenure relationship.

(2) Ordinarily, loans will not be made unless the applicant obtains a satisfactory written lease. However, when for good reason an applicant cannot obtain a written lease on part or all of the land he expects to operate, the loan may be approved, provided the County Supervisor determines that the understanding existing between the tenant and landlord are definite and the rental terms are satisfactory, the lack of a written lease will not likely jeopardize the applicant's farming operations, and the rental arrangements made with respect to each tract of land are documented.

(b) *Owner operators.* Before loans are made to owner operators, the terms existing with respect to any real estate indebtedness owing will be ascertained



and a determination will be made as to whether the applicant's proposed farming operations will enable him to meet the required payments on the real estate indebtedness as well as being sound in other respects, and the applicant will have reasonably secure tenure on the farm under the terms of the real estate mortgage or purchase contract.

§ 1831.12 Loan approval.

(a) *Administrative determinations and responsibilities.* When the County Committee certification has been made, the loan approval official will determine administratively whether:

(1) The applicant is eligible and likely to be successful in the proposed operations and to achieve the objectives of the loan.

(2) The applicant has available, under satisfactory tenure arrangements, a farm adequate in size and productivity to reasonably expect success, taking into consideration off-farm income and income from a recreational enterprise.

(3) Plans have been made and documented for the proper system of farming and for any crucial adjustments, improvements, and practices essential for the applicant's success and whether provision has been made for proper follow-up supervision and corrective action.

(4) The proposed farm and home operations and recreational enterprise of the applicant are sound.

(5) The loan is sound and can be repaid from income as scheduled.

(6) The amount of the loan and the purposes for which the funds are to be used are consistent with the applicant's needs and are for authorized purposes.

(7) The security requirements can be met.

(8) The certifications required of the applicant and County Committee have been made.

(9) The loan meets all other Farmers Home Administration requirements.

(b) *Authority.* State Directors are authorized hereby to approve Operating loans in accordance with the requirements of this Subpart A and Subpart B of this part. However, no initial or subsequent Operating loan may be approved by the State Director without the consent of the National Office if (1) the loan being made will cause the total principal balance of Operating loans (including Production and Subsistence loans) plus the total principal balance owed on any Emergency-type loans (including Special Livestock loans) to exceed \$25,000, or (2) the applicant is indebted for a Farmers Home Administration real estate loan or such a loan is being made, and the total principal balance on all indebtedness to, or insured by, Farmers Home Administration will exceed \$50,000. However, when the National Office has concurred in the approval of an Operating loan as provided under subparagraph (1) or (2) of this paragraph, the case need not be resubmitted to the National Office in connection with requests for additional Operating loans unless major changes are made in the planned farm and home operations, or the borrower has not made

satisfactory progress in the repayment of the loan.

(c) *Redelegation of authority.* (1) State Directors are authorized to redelegate to qualified State Office employees, including Area Supervisors, County Supervisors, and GS-7 Assistant County Supervisors, his authority to approve loans subject to the following limitations:

(i) Area Supervisors may not be authorized to approve a loan to an applicant which will cause the total principal balance of Operating loans (including Production and Subsistence loans) plus the total principal balance owed on any Emergency-type loans (including Special Livestock loans) to exceed \$18,000.

(ii) County Supervisors and GS-7 Assistant County Supervisors may not be authorized to approve a loan to an applicant which will cause the total principal balance of Operating loans (including Production and Subsistence loans) plus the total principal balance owed on any Emergency-type loans (including Special Livestock loans) to exceed \$12,000.

(2) Each State Director will determine the loan approval authority to be redelegated to State and County Office employees and will issue redelegations of such authority on a position basis.

(3) State Directors will restrict or revoke the exercise of delegated loan approval authority to individual State and County Office employees by written notice where such action is necessary in the administration of a sound loan program.

Subpart B—Loan Processing

*AUTHORITY:* The provisions of this Subpart B issued under secs. 311, 312, 313, 315, 316, 333, 339, 75 Stat. 310, as amended, 311, 314, 318, 343, 76 Stat. 632, secs. 2, 4, 64 Stat. 99, 100; 7 U.S.C. 1941, 1942, 1943, 1945, 1946, 1983, 1989, 1991; 40 U.S.C. 440, 442; Order of Sec. of Agr., 19 F.R. 74, 26 F.R. 8403, 27 F.R. 5005.

§ 1831.31 General.

This Subpart B of this Part 1831 sets forth the requirements and procedures for the preparation and execution of documents and for other routines in connection with making Operating loans.

§ 1831.32 Loan forms and routines.

(a) *Applications for loans.* (1) Applicants who are not indebted for Operating, any Emergency, or Special Livestock loans will execute Form FHA 410-1, "Application for FHA services," in accordance with Part 1801 of this chapter.

(2) Applicants who are indebted for Operating, any Emergency, or Special Livestock loans will not be required to execute Form FHA 410-1 if the application taken in connection with such loans or a Form FHA 431-2, "Farm and Home Plan," reasonably reflects their current status.

(b) *Form FHA 440-2, "County Committee Certification."* (1) When the applicant is determined to be eligible, the County Committee will execute Form FHA 440-2 before the loan is approved. This certification will cover any Operating loans to be made to the applicant for

the crop year specified within the maximum amount of credit established by the County Committee. The date designated by the County Committee as the end of the crop year and the maximum amount of credit will be inserted in the appropriate spaces.

(i) It is intended that County Committees will have some latitude in determining for which crop years credit may be extended. In some cases where an initial Operating loan is being made, the County Committee may indicate that the crop year for which credit may be extended coincides with that for which an interim plan is developed. Such action may be taken because the Committee wishes to review the circumstances of the applicant again at the end of the interim crop year before committing itself for the succeeding crop year. In other cases, the County Committee may, when an application is being acted upon during the latter part of a crop year, establish the maximum amount of credit for both the interim crop year and the next crop year, provided the operations for the current year have advanced to the point that the County Committee will be able to determine with reasonable certainty the maximum amount of credit which the applicant would need for the next crop year under normal conditions. The same principles with respect to County Committee certifications for an initial loan may be followed in connection with subsequent loans.

(ii) If it is found, after an applicant has been certified as eligible, that a different farm will be operated or that an amount of credit in excess of the maximum previously established by the County Committee will be required for the designated crop year, it will be necessary for the County Committee again to certify the applicant as eligible on the basis of the changed circumstances if a loan is to be made.

(2) When the County Committee has agreed to increase the original amount of loan assistance certified for the crop year because such amount was insufficient to meet the needs of the borrower, a new Form FHA 440-2 will be prepared and executed. The date of the end of the same crop year (month, day, and year) as that indicated in the original certification will be inserted in the appropriate space. In the space indicating the maximum amount of credit for the crop year, the amount to be inserted will be the sum of the latest certification for the crop year for any Operating, any Emergency, and Special Livestock loan plus the additional amounts of any such loans the County Committee determines are necessary to meet the actual credit needs of the borrower for the remainder of the crop year. A notation will be made in the blank space on Form FHA 440-2 that the County Committee has again reviewed the applicant's situation and his credit needs for the crop year are as indicated rather than \$----- shown on the previously executed Form FHA 440-2. The new Form FHA 440-2 should be executed by the County Committee and dated as of that date.



(c) *Form FHA 431-1, "Long-Time Farm and Home Plan."* Form FHA 431-1 will be developed with those applicants who are to receive intensive supervision as prescribed in Part 1801 of this chapter.

(d) *Form FHA 431-2, "Farm and Home Plan."* Form FHA 431-2 will be developed with all applicants as prescribed in Part 1801 of this chapter except when a loan is made only for the acquisition of membership or the purchase of stock in a cooperative association and the applicant is not indebted for another Farmers Home Administration loan. In the latter case, the best estimates available will be used to complete Table J of Form FHA 431-2 in order to determine whether the loan requested can be paid and the period over which payments should be scheduled. The source of payment should be shown in Table K. When the preparation of Table J is inadequate to enable the loan approval official to make the required determinations, other portions of Form FHA 431-2 as necessary will be used. When a loan is being made for a recreational enterprise, a statement of income and expenses will be attached to the farm and home plan as prescribed in § 1831.8(j).

(e) *Appraisal of property.* (1) When a secured debt is to be refinanced under the provisions of § 1831.7(1), the following information will be recorded concerning each debt: the name of the applicant; the name of the lienholder; the amount owed on the debt; a description of each item of property on which the indebtedness is owed and the market value of each; the total value of all property on which the indebtedness is owned; and the name and title of the person making the report. If more than one secured debt is to be refinanced, a separate appraisal form will be used for each.

(2) When other debts are to be refinanced under the provisions of § 1831.7 (1) (2), an appraisal report will be prepared showing the name of the applicant; the value of the livestock, poultry, farm equipment, animals, fish, birds, recreational equipment and facilities to be taken as security for the loan; the amount of indebtedness secured by liens on such property; the applicant's equity in such property; and the name and title of the person making the report. If the debt being refinanced was incurred for operating expenses during the crop year for which the loan is being made and it is necessary to compute the applicant's equity in crops, livestock increase, and livestock products in order to determine whether refinancing can be done under the provisions of § 1831.7(1) (2), the value of the applicant's equity in such items also will be shown in the appraisal.

(3) When funds are to be advanced for the payment of depreciation pursuant to § 1831.7(g), an appraisal report will be made with respect to the farm equipment or recreational equipment involved for the purpose of making the determination required in that paragraph.

(f) *Tenure agreement.* Generally, a copy of the lease agreement between tenant applicants and their landlords

will be obtained and made a part of the loan docket. Where it is not practical to obtain a copy of the lease agreement, a statement setting forth those terms and conditions of the agreement which are not clearly reflected in the Farm and Home Plan will be prepared and made a part of the loan docket.

(g) *Form FHA 441-1, "Promissory Note."* The amount of each loan and the scheduled payments thereon will be in multiples of \$10. Not more than four payments on a single note will be scheduled for any year. The time limitations for payment schedules prescribed in § 1831.9 run from the date of the loan check instead of from the date of the note. Form FHA 441-1 will be dated as of the date of execution by the applicant. The applicant's spouse will be required to execute Form FHA 441-1 when legally required by State law; or the loan approval official determines that the signature is needed because of the spouse's interest in the farm being operated or in property offered as security; or it is determined by the State Director, on a state basis, that the spouse's signature will be required.

(1) When an Operating loan is made for purposes which would be secured in accordance with the provisions of § 1831.10(a) and also for purposes in which the security provisions of § 1831.10 (b) (1) or (d) apply, separate notes will be required.

(2) When an Operating loan is being made simultaneously for forestry purposes at the rate of 3 percent interest as prescribed in § 1831.9 and for other operating purposes, separate notes will be prepared.

(h) *Form FHA 441-3, "Participation Agreement."* This form will be used when the Farmers Home Administration is participating in a loan under the provisions of § 1831.6. Form FHA 441-3 will be executed by the applicant and the other lender before it is executed by the loan approval official on behalf of the Government.

(i) *Form FHA 441-16, "Repayment Schedule for Participation Loans."* This form will be used when the Farmers Home Administration is participating in a loan to provide the repayment schedule agreed upon for each advance to be made by the Farmers Home Administration under the Participation Agreement. Form FHA 441-16 will show the same repayment schedule as is shown on the note taken by the lender to evidence each Farmers Home Administration advance.

(j) *Form FHA 441-4, "Participation Notice."* When the Farmers Home Administration is participating in a loan, this form will be used by the lender to notify the County Supervisor of the actions taken in closing the loan.

(k) *Form FHA 440-9, "Supplementary Payment Agreement."* This form will be used, as needed, with applicants and borrowers who will be receiving regular off-farm income and income from a recreational enterprise from which payments are to be made on the loan.

(l) *Form FHA 440-1, "Payment Authorization."* (1) Form FHA 440-1 will

be prepared for the total amount of the loan as indicated on Form FHA 441-1. Separate Forms FHA 440-1 will be prepared for each loan. However, when separate notes are prepared in accordance with § 1831.32(g) of this Subpart B, Form FHA 440-1 will be prepared for the total amount of the notes. The approval official will indicate his determination that the applicant is eligible and his approval of the loan by signing and dating the original in the space provided, and by inserting his title. The type of loan will be inserted in the space provided for that purpose.

(m) *Immediate and future disbursements.* All of the applicant's anticipated credit needs for the crop year will be planned for when Form FHA 431-2 is developed and all of the documents for loan advances required for the crop year may be submitted to the Finance Office at one time. Such documents may provide for the loan funds to be disbursed in an immediate loan advance; an immediate loan advance and one or more future loan advances; or one or more future loan advances without an immediate advance, provided, however, all such loans must be disbursed at least 30 days apart. Subsequent loans also may be submitted at any time during the crop year to meet credit needs of the applicant which could not be anticipated at the beginning of the crop year, provided the need for such credit is reflected on a revision of Form FHA 431-2. When credit is to be extended in more than one loan advance, a separate payment authorization and note must be submitted for each advance and for each future advance.

(n) *Form FHA 440-4 (State), "Crop and Chattel Mortgage."* The property listed should be described accurately and adequately and should be reconciled with any existing security instruments and Form FHA 462-1, "Record of the Disposition of Security Property." When a chattel mortgage is to be taken in connection with a fish or recreational enterprise, any necessary changes will be made in the text of the security instrument and the proper description of the property to be described in the security instrument. The requirements for the signature of the applicant's spouse will be as prescribed for Form FHA 441-1 in § 1831.32(g).

(o) *Form FHA 441-5, "Subordination Agreement."* When a subordination agreement is required, Form FHA 441-5 or other form approved by the State Director, where Form FHA 441-5 is not legally sufficient, will be used. The years to be covered by the subordination generally will be for the unexpired period of the lease but as a minimum will be for the year for which the loan is made.

(p) *Form FHA 441-8, "Assignment of Proceeds from the Sale of Agricultural Products."* Form FHA 441-8 or other form approved by the State Director, will be used to obtain an assignment of proceeds from the sale of farm, dairy, poultry, or other agricultural products.

(q) *Form FHA 440-6, "Severance Agreement."* (1) If severance agreements are required, such agreements will be



executed no later than the date on which the property purchased with loan funds is delivered to the farm, or prior to the release of loan funds to the creditor if refinancing of debts on such property is involved.

(2) Form FHA 440-6 will be executed by the parties indicated (including the Farmers Home Administration if a real estate lienholder) in the following situations:

(i) When the borrower owns the land free of any liens other than liens for real or personal property taxes, he will execute the form.

(ii) When the borrower owns the land subject to liens, he and all lienholders except those holding liens for real or personal property taxes will execute the form.

(iii) When the borrower is purchasing the land under a title retaining contract, he, the owner, and all lienholders except those holding liens for real or personal property taxes will execute the form.

(iv) When the borrower is leasing the land, he and the owner only will execute the form.

(3) State Directors will specify the situation in which severance agreements are required under State law to comply with the requirements of Subpart A of this Part 1831; whether the severance agreement should be filed or recorded; and whether the spouse of the borrower and the spouses of other parties of interest also will be required to execute the severance agreement. In specifying the situations in which severance agreements will be required, consideration will be given to the actions necessary to prevent the property from becoming part of the real estate as well as to severance after it has become attached to the real estate.

(r) *Form FHA 441-13, "Division of Income and Nondisturbance Agreement."* Form FHA 441-13 will be used when it is necessary to obtain both a division of income and a nondisturbance agreement from prior lienholders.

(s) *Form FHA 441-10, "Nondisturbance Agreement."* Form FHA 441-10 will be used when it is necessary to obtain only nondisturbance agreements from creditors of an applicant who are in a position to interfere with the applicant's farming operations.

#### § 1831.33 Review and approval or rejection.

After the documents prescribed in § 1831.32 of this Subpart B have been assembled, the loan approval official will make the determinations required in § 1831.12(a).

(a) *Approval of loans.* If the loan is to be approved, the loan approval official will date and sign Form FHA 440-1 and insert his title in the spaces designated for these purposes. The loan approval official also will specify any special conditions of approval or special security requirements.

(b) *Rejection of loans.* If a loan is rejected, the County Supervisor will notify the applicant of the rejection and will return to him the original of Form

FHA 441-1, any tenure agreements, and any executed security instruments.

#### § 1831.34 Loan closing.

(a) *Check delivery.* Upon receipt of a loan check, the County Supervisor will notify the applicant promptly on Form FHA 440-8, "Notice of Check Delivery"; or mail the check to him; or if a "participation loan" is involved, deliver the loan check to the other lender and notify the applicant of such delivery; or when a supervised bank account is required and the depository bank does not require the applicant's endorsement for deposit, he may deposit the loan check in the supervised bank account and furnish the applicant a copy of the deposit slip. If the bank will not accept the loan check for deposit in a supervised bank account without the applicant's endorsement, the County Supervisor will retain the check and arrange with the applicant for a time and place for its deposit. If a "participation loan" is made the other lender will close the loan, including the taking of the security instruments, in accordance with the provisions of the "Participation Agreement."

(b) *Form FHA 440-13, "Report of Lien Search."* Form FHA 440-13 or other form providing substantially the same information will be prepared.

(1) Lien searches will be obtained at a time which will assure that the security instruments filed or recorded give the Government the required security.

(2) Except as otherwise provided in this subparagraph, applicants are required to obtain and pay the cost of lien searches. Applicants should select the sources through which lien searches are made. The cost of lien searches may be paid from the proceeds of loan checks when necessary.

(i) State Directors may authorize the employees of a particular County Office unit to make lien searches without cost to applicants when the cost of lien searches is exorbitant, such service is not available, or experience has shown that the service available will cause undue delay in the closing of loans or make it difficult to determine before withdrawal of loan funds that required security has been obtained.

(ii) County Office employees may make continuation lien searches when such searches are necessary to assure that the Government will obtain the required security, or are required by the State Director in connection with subsequent mortgages taken to describe additional chattels purchased with loan funds.

(3) State Directors will determine the minimum requirements for lien searches, including the records to be searched and the period to be covered with respect to each.

(c) *Security Documents.* County Office employees in bonded positions are authorized to execute and file or record any legal instruments necessary to obtain or preserve security for loans. This includes mortgages and similar lien instruments, as well as affidavits, acknowledgments, and other certifications, when the mortgagee must execute such instruments under State law.

(d) *Obtaining security for Operating loans.* In cases in which capital goods are to be purchased and covered by a lien, the County Supervisor will encourage the applicant to make preliminary arrangements for the purchase of all such items by the time the initial mortgage is taken in order to eliminate the taking of additional mortgages. The taking of security in closing loans will be governed by the following requirements:

(1) If all of the loan funds are deposited in a supervised bank account, the initial mortgage to secure the loan will be taken not later than the date of the first withdrawal of any of the loan funds from such account.

(2) If only a part or none of the loan funds are deposited in a supervised bank account, the initial mortgage to secure the loan will be taken not later than the time of the delivery of the loan check to the applicant.

(3) If, at the time the initial mortgage is taken, a part of the property which is to serve as security for the loan as yet to be purchased, a first lien will be taken on such property at the time it is purchased, unless the after-acquired property clause in the mortgage gives the Government a first lien on such property.

(e) *Executing and recording or filing.* Crop and chattel mortgages must be delivered or mailed to the recording office for recordation or filing, whichever is appropriate.

(f) *Fees.* Statutory fees for filing or recording mortgages or other legal instruments and notary and lien search fees incident to loan transactions in all cases will be paid by the borrower from personal funds or from the proceeds of the loan. Whenever cash is accepted by the Farmers Home Administration personnel to be used to pay the filing or recording fees for security instruments, or the cost of making lien searches, Form FHA 440-12, "Acknowledgment of Payment for Recording, Lien Search, and Releasing Fees," will be executed. Farmers Home Administration personnel who accept custody of such fees will make it clear to the borrower that the amount so accepted is not received by the Government as credit on the borrower's indebtedness, but is accepted only for the purpose of paying the recording, filing, or lien search fees on behalf of the borrower.

#### § 1831.35 Revision in the use of Operating loan funds.

(a) *Authority of the County Supervisor.* The County Supervisor is authorized to approve changes in the purposes for which loan funds are to be used provided: the loan was within the County Supervisor's loan approval authority; such a change is for an authorized purpose and within applicable limitations; such a change will not adversely affect the soundness of the farming operation, the recreational enterprise, or the Government's interest. If the County Supervisor is uncertain as to the probable effect the change would have on the soundness of the farming operation or on the Government's interest, he should obtain the advice of the



State Director prior to approving the change.

(b) *Authority of State Office Officials.*

(1) The State Director may delegate additional authority to County Supervisors to approve certain kinds of changes in the use of loan funds provided prior approval is obtained from the National Office.

(2) The State Director and employees in the State Office who have loan approval authority are authorized to approve changes in the use of loan funds provided the changes are consistent with authorities, policies, and limitations for making Operating loans.

(c) *Documentation and routines.*

When changes are made in the use of loan funds, no revision will be made in the repayment schedule on Form FHA 441-1. However, when funds loaned for the purchase of capital goods are to be used to meet operating expenses, the borrower must agree to repay the funds so used in accordance with the repayment terms prescribed in § 1831.9 of this chapter. Appropriate changes with respect to the repayments will be made in Table K of Form FHA 431-2 and initialed by the borrower.

## PART 1832—EMERGENCY LOANS

### Subpart A—Policies and Authorities

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### Subpart B—Loan Processing

- |         |             |
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| 1832.21 | General.    |
| 1832.22 | Processing. |

### Subpart A—Policies and Authorities

**AUTHORITY:** The provisions of this Subpart A issued under sec. 321-327, 333, 339, 75 Stat. 311, as amended, 314, 318; 7 U.S.C. 1961-1967, 1983, 1989. Order of Sec. of Agr., 19 F.R. 74, 26 F.R. 8403, 27 F.R. 5005.

#### § 1832.1 General.

This subpart prescribes the policies and authorities for making Emergency loans to farmers and stockmen. Special provisions with respect to certain types of Emergency loans are set forth in the last sections of this Subpart A. The basic objectives are to assist eligible applicants to continue their normal farming or livestock operations, and return to local sources of credit as soon as possible. These objectives will be accomplished through the extension of credit and such supervisory assistance as is determined necessary to achieve the ob-

jectives of the loan and protect the Government's interest. Supervisory assistance will be given in accordance with the provisions of Part 1802 of this chapter. Such loans made to certain Indians and to permittees and lessees on Indian trust lands are subject to the additional policies and procedures contained in Part 1892 of this chapter.

#### § 1832.2 Designation of Emergency loan areas.

(a) The Secretary of Agriculture may designate an area as an Emergency loan area when there exists in the area a general need for agricultural credit which cannot be met for temporary periods by private, cooperative, or other responsible sources, including other types of loans made by the Farmers Home Administration, and when the need for agricultural credit in the area is the result of a natural disaster. Such designation will cover a specific period during which initial loans will be made but such period may be extended by the Secretary.

(b) When an additional natural disaster occurs in a designated Emergency loan area and results in a need for emergency credit which can be met without extending the period for approving initial loans, the State Director, may authorize Emergency loans under the existing designation to meet the need for credit resulting from the additional disaster.

#### § 1832.3 Scope of farming operations to be financed with Emergency loans.

The scope of farming operations to be financed with Emergency loans is the same as for Operating loans in Part 1831 of this chapter, except that Emergency loans may be made to established operators of larger than family farms.

#### § 1832.4 Eligibility requirements.

To be eligible for an Emergency loan, an applicant must:

(a) Be a citizen of the United States, if an individual. If a partnership, the individual partners must be citizens of the United States.

(b) Be an established farmer or rancher, whether owner or tenant, (including a partnership or corporation organized in the United States engaged primarily in farming or ranching).

(c) Operate in a designated area, or in a nondesignated area and have substantial losses as the result of a recent natural disaster not general to the area.

(d) Possess legal capacity to contract for the loan.

(e) Possess the character, ability, industry, and experience necessary to carry out the proposed farming or ranching operations and will honestly endeavor to carry out the undertakings and obligations required of him in connection with the loan.

(f) Be unable to obtain sufficient operating credit elsewhere to finance his actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which he resides for loans for similar purposes and periods of time. The applicant's equity in real estate, chattels,

and other assets should be considered in determining his ability to obtain credit from private and cooperative sources. When the applicant is a partnership or corporation, the partners or principal stockholders must be unable to supply the needed credit from their own resources or with loans obtained from other sources.

#### § 1832.5 Certification by County Committee.

(a) Before an Emergency loan to an individual is approved, the County Committee will certify on Form FHA 440-2, "County Committee Certification," that the applicant is eligible for a loan in accordance with § 1832.4. In addition, the County Committee will establish the maximum amount of credit which may be extended under the certification to meet the actual needs of the applicant during the crop year indicated. This will not necessarily represent the amount which actually will be loaned.

(b) Before an Emergency loan is made to a partnership or corporation, the County Committee will certify on Form FHA 440-2 that the partnership or corporation is eligible and will recommend that a loan be made in an amount not to exceed the maximum certified amount shown on Form FHA 440-2.

#### § 1832.6 Loan purposes.

Emergency loans may be made for the following purposes:

(a) Purchase of feed, seed, fertilizer, insecticides, and farm supplies; the repair of equipment; and other essential farm operating expenses.

(b) Purchase of livestock to replace those lost, destroyed, or disposed of as a result of the natural disaster for which the area was designated; purchase of replacement farm machinery and equipment; and for other farm needs.

(c) Payment of not more than one year's customary and equitable cash rent or cash charges for the use of farm buildings, pasture, hayland, cropland for the production of feed crops, and grazing permits if all of the following conditions exist:

(1) Arrangements cannot be made for such rent or charges to fall due at the time when income for such payments is expected to become available.

(2) The applicant is obligated under a written lease to pay such rent or charges in advance of the time when income is expected to become available to him for that purpose and the payment from loan funds is made in advance of such time.

(d) Payment of not more than one year's taxes on personal property and real estate other than Farm Ownership and Housing farms; not more than one year's premiums for insurance on personal property and real estate, other than Farm Ownership, Soil and Water Conservation, and Housing farms; Social Security taxes in connection with hired labor only; and water or drainage charges or assessments.

(e) Payment of bills that were incurred during the crop year for which the loan is being made and during previ-



ous crop years for annual recurring operating expenses in connection with the production of livestock, livestock products, and crops. However, bills incurred in connection with livestock, livestock products, and crops that have been disposed of, destroyed or lost, may be paid only to the extent of the applicant's equity in the livestock and equipment taken as security for the loan. Loans will not be made for the payment of bills which:

(1) Can be paid from the sale of livestock, livestock products, or crops to be marketed within a few weeks following the approval of the loan, or

(2) Represent an amount beyond the applicant's ability to repay within a reasonable period.

(f) Payment of not more than one year's interest calculated at a rate not to exceed that which is reasonable and customary for the area, that is due or about to become due on debts secured by liens of other creditors on livestock, farm equipment, and farm real estate.

(g) Payment of depreciation in any one year not to exceed 15 percent of the market value of essential farm equipment under prior lien to another creditor or 15 percent of the amount owed to such creditor, whichever is lesser.

(h) Meeting family subsistence needs, including premiums on reasonable amounts of health and life insurance and expenses for medical care. Applicants must understand, however, that within the limits of their resources, they should plan and carry on adequate food production and conservation programs.

(i) Purchase of essential replacement home equipment and furnishings, and the payment for home equipment repairs required by the applicant family to sustain itself on the farm in a reasonably satisfactory manner.

(j) Expenses incident to loan closing.

(k) The replacement or repair of buildings, fences, and drainage or irrigation systems, necessary as a direct result of the natural disaster for which the area was designated, in order to bring the farm back to normal production and use.

(l) The re-leveling of land and the clearing of debris made necessary as a direct result of the natural disaster for which the area was designated.

(m) The purchase of trees, rootstock, and plants for reestablishing commercial orchards or berry and perennial crops, when necessary as a direct result of the natural disaster for which the area was designated.

(n) The payment of bills incurred for emergency repairs and improvements to farm real estate, necessary as a direct result of the disaster, provided it is determined that the expenditures were essential to a preservation of the property or a continuation of the applicant's normal farming or livestock operations, and had to be made before an Emergency loan could be obtained; and provided the loan for such purposes is approved within a reasonable period following designation of the area.

#### § 1832.7 Loan limitations.

Emergency loans will not be made:

(a) To refinance debts, either secured or unsecured, except the payment of bills as authorized in § 1832.6 (e) and (n).

(b) To pay Federal or State income taxes, or Social Security taxes payable by borrowers in their own behalf.

(c) To purchase passenger automobiles.

(d) To enable an applicant to become established or reestablished in farming or ranching, or to reorganize his farming or ranching operations.

(e) To enable an applicant to expand his farm or ranch operations substantially in excess of his typical operations during the two or three years prior to the loan application.

(f) To finance commercial feed lot operations.

(g) To a landlord to furnish his tenant operators, whether share, cash, or standing rent is paid by these tenants. However, loans may be made to operating landlords or tenants to furnish their sharecroppers.

(h) To an applicant whose debts have been settled pursuant to Part 1864 and Part 1872 Subpart A, of this chapter, unless the requirements of § 1831.8(e) of this chapter are met.

(i) To finance unproven types of farming operations in an area.

#### § 1832.8 Relationship with other types of Farmers Home Administration loans.

Initial Emergency loans, instead of initial Operating loans will be made to eligible applicants who need credit which can be scheduled for repayment in full from the first year's operations. Otherwise, initial Emergency loans will not be made to other applicants whose credit needs can be met with another type of Farmers Home Administration loan.

#### § 1832.9 Rates and terms.

Interest will be charged at the rate of 3 percent per annum on all Emergency loans. Interest will accrue from the date of the loan check on outstanding principal only and will not be compounded. Loans will be scheduled for payment as follows:

(a) Payments of principal will be scheduled on the note in accordance with the borrower's reasonable ability to pay, determined by an analysis of his farm and home operations as reflected in his farm and home plans. Principal payments on such loans will be scheduled at least annually, unless it is determined that income sufficient to meet the initial payment will not be received within 12 months from the date of the loan check, in which case the initial payment may be scheduled on a date coinciding with the date the income is to be received, but not beyond the end of the second full crop year following the date of the loan. At least one payment will be scheduled during each 12-month period thereafter. In no event will any payment be scheduled later than seven years from the date of the loan check, except as provided in subparagraph (4) of this paragraph.

(1) Advances for annual recurring operating expenses will be scheduled for

payment when the principal income from the year's operations normally would be received. This includes advances for the payment of bills incurred in connection with the current year's operations, interest, taxes, and depreciation.

(2) Advances to purchase or produce feed for productive livestock, or livestock to be fed for the market, will be scheduled for payment when the principal income from the sale of such livestock or livestock products can be expected.

(3) Advances for the purchase of farm and home equipment will ordinarily be scheduled for payment over a period not to exceed five years. In determining the payment period for advances made for such purposes, the loan approval official will give careful consideration to the useful life of the property and the fact that repayment on such advances must more than offset depreciation, including obsolescence, of the equipment if the borrower is to make financial progress.

(4) Advances for real estate purposes, secured primarily by real estate liens, may be scheduled over periods not to exceed 20 years.

(5) Advances for purposes other than those enumerated in subparagraphs (1), (2), (3), and (4) of this paragraph will be scheduled for payment over the minimum period consistent with the applicant's ability to pay, as determined from an analysis of the farm and home operations. In no instance may the payment schedule extend beyond the useful life of the security offered for the advance.

#### § 1832.10 Security policies.

(a) Emergency loans for other than real estate purposes will be secured as follows:

(1) *Crops, title to which is held by the borrower.* By a first lien on the applicant's crops, or his share of the crops, if he is a share tenant, which are growing or to be grown by him, subject only to:

(i) The landlord's lien on the crops for reasonable share rent for the current year.

(ii) The real estate mortgagee's lien or real estate purchase contract holder's lien on the crops for the current year's installment on the real estate debt, provided such installment is reasonable when related to the normal rental charges for similar farms in the area.

(iii) The lien of another creditor on particular crops for advances made or to be made by him to produce such crops provided no advances will be made by the Farmers Home Administration in connection with such crops.

(iv) The contract of another creditor or the lien in connection with such contract on particular crops for advances made or to be made by him to produce, harvest, process, or market such crops, provided the crops are under written contract with the creditor, and the contract limits advances to production, harvesting, processing, or marketing costs in connection with the contract crop or to the purposes related thereto.

(2) *Crops grown under contract when title to the crop is held by the contractor.* When a crop is being produced, harvested, processed, or marketed by the



applicant under an equitable written contract with a responsible contractor and title to the crop is retained by such contractor, loans may be made in connection with such crops provided; the contractor limits his advances to production, harvesting, processing, or marketing costs in connection with the contract crop or to purposes related thereto; and an assignment of all or a part of an applicant's share of the income from the crop is taken by the Farmers Home Administration and is accepted in writing by the contractor holding title to the crops. The assignment will be in an amount at least equal to the amount planned to be paid on the applicant's Farmers Home Administration indebtedness from such crops. However, when no payment is expected to be made on the loan from the crops, an assignment will not be required. The form for use in obtaining such assignments will be approved by the Office of the General Counsel.

(3) *Livestock, farm equipment, and facilities purchased with loan funds.* By a first lien on all livestock, including poultry and farm equipment and facilities, including buildings and fixtures which can be made subject to a valid chattel lien and on any undivided interest in such property purchased with the proceeds of the loan. However, liens will not be taken on poultry kept primarily for subsistence purposes, on household goods and equipment, on small tools, and equipment.

(i) An applicant obtaining a loan for the purchase of an undivided interest in livestock, farm equipment, or facilities will secure his loan by a mortgage on his undivided interest in the item purchased, along with any other security required by this section. Each party having an undivided interest in the livestock, farm equipment, or facility purchased will execute Form FHA 441-12, "Agreement for Disposition of Jointly-Owned Property," providing for the disposition of his interest in the property. However, Form FHA 441-12 will not be required when a tenant and landlord own property jointly and the lease provides for satisfactory division of such property or the proceeds from its sale, or when a joint mortgage is taken to secure loans to two individuals jointly engaged in farming.

(4) *Other livestock and farm equipment of security value.* By the best lien obtainable on as much of the other livestock, poultry, and farm equipment of significant security value owned by the applicant at the time the loan is approved as is necessary to protect the interest of the Government. This will include any undivided interest in such property owned by the applicant jointly with others who have an interest in the farming operation.

(i) Ordinarily, liens should not be taken on only part of a herd or flock due to the security servicing problems involved.

(ii) Liens should not be taken on small equipment and tools, household goods and equipment, passenger automobiles, or livestock or poultry kept primarily for

subsistence purposes, or on undivided interest in farm equipment or facilities owned jointly by the applicant or others who have no interest in the farming operation.

(5) *Liens and assignments to protect the Government's interest in feed purchased or produced with loan funds.* Loans made to purchase or produce feed for livestock being fed for market or to be fed to productive livestock (excluding livestock and poultry kept primarily for subsistence purposes) will ordinarily be secured by first liens on such livestock. However, when a first lien cannot be obtained, the loan will be secured by liens or assignments as provided below:

(i) When the livestock will be owned by the applicant and a first lien cannot be obtained, a junior lien will be taken, provided it is determined that the applicant has, or will acquire during the feeding period, an equity in the livestock being fed or will receive income from livestock or livestock products, either of which must be commensurate with the investment made for this purpose; and provided prior lien holders sign Form FHA 441-13, "Division of Income and Nondisturbance Agreement," or similar form approved by the Farmers Home Administration, agreeing to a suitable nondisturbance period and to a division of the income to be received from the livestock and livestock products, which will permit the applicant to pay his loan in accordance with the policies expressed herein. However, when no payment is expected to be made on the loan from the livestock or livestock products, Form FHA 441-13 will not be required.

(ii) When the livestock enterprise is to be managed by the applicant under a livestock share lease, share agreement, or contract, and the income to be received therefrom will be from the livestock fed, or from livestock products, an assignment of all or a part of such income will be taken provided the owner or purchaser of the livestock or livestock products accepts in writing the assignment. The assignment will be in an amount at least equal to the amount planned to be paid on the applicant's Farmers Home Administration indebtedness from such income. The form for use in obtaining such assignments will be approved by the Office of the General Counsel. However, when no payment is expected to be made on the loan from the livestock or livestock products, an assignment will not be required. When the borrower's compensation under the livestock share lease, share agreement, or contract is livestock increase, the applicant will be required to agree in writing at the time the loan is made to give a first lien on such increase as soon as an effective lien can be taken, unless an after-acquired property clause in an existing lien instrument will provide such a first lien.

(6) *Assignments of crop insurance.* Assignments of all or a part of crop insurance proceeds will be taken when the loan approval official determines such action is necessary to protect the interests of the Government. However, an assignment is not required in cases where

a crop insurance policy contains a stand-mortgage clause naming the Farmers Home Administration as mortgagee.

(7) *Assignments of proceeds from sale of agricultural products.* When loans are made to finance dairy or commercial egg enterprises from which payments are expected, assignments will be taken on the milk or egg income to assist in obtaining regular payments as income is received whenever it is possible to obtain an agreement from the purchaser to honor the assignments. The assignment will be in an amount sufficient to meet repayments planned from the source. Assignments of proceeds from the sale of other agricultural products or agricultural income, including wool incentive and Agricultural Conservation Program payments, will be taken when necessary to protect the interest of the Government and can be obtained.

(8) *Severance Agreements.* When Emergency loan funds are used to purchase property which is or may become attached to real estate and it is necessary to sever such property from real estate to meet the security requirements contained in subparagraph (3) of this paragraph, Form FHA 440-6, "Severance Agreement," will be obtained.

(9) *Real estate.* The best lien obtainable will be taken as additional security when in the opinion of the loan approval official such a lien is needed to adequately protect the Government's interest. When a lien is required as additional security, an appraisal of the farm will not be necessary and title evidence will not be required. Property insurance will be required only when the loan approval official determines that insurance is necessary to protect the Government's interest.

(b) Advances for real estate repairs and improvements will be secured, except as provided in subparagraph (7) of this paragraph, only by liens on real estate in which the applicant has sufficient equity to provide adequate security for the loan, subject to the following:

(1) The determination of the applicant's equity in the real estate offered as security will be based on an appraisal of the property by a qualified Farmers Home Administration employee authorized to appraise farms, using Forms FHA 422-1, "Appraisal Report," and related forms. However, when the amount of the loan does not exceed \$5,000, the County Supervisor may make the appraisal in which event only Parts 1, 2, and 7 of Forms FHA 422-1 will be completed.

(2) If the property is held under a purchase contract, it must be determined that the applicant has a mortgageable interest in the property and that the purchase contract is not subject to summary cancellation upon default, and does not contain other provisions which might jeopardize the Government's security position or the borrower's ability to repay the loan.

(3) If any of the prior liens against the property contain future advance provisions, or other provisions which might jeopardize the security position of the Government or the applicant's ability



to meet his obligations under these prior liens and also repay his Emergency loan, the prior lienholders involved must agree in writing before the loan is closed, to modify, waive, or subordinate such objectionable provisions. This usually will be accomplished on Forms FHA 446 or 427-8, "Agreement with Prior Lienholder," subject to any modifications necessary to meet legal requirements for closing a particular loan.

(4) In states where a prior lienholder may foreclose his security instrument under power of sale or otherwise and extinguish junior liens of private parties without making junior lienholders parties or giving them actual notice and a junior lien on real estate is to be taken as security for the loan, the prior lienholders must agree in writing to give the Government advance notice of foreclosure or assignment of the mortgage. Such agreements will be recorded when legally permissible.

(5) If there are insurable buildings located on the property, or if new buildings are to be erected or major improvements made to existing buildings, the applicant will provide adequate property insurance coverage, at the time of loan closing or as of the date materials are delivered to the property, as appropriate, in accordance with the provisions of Part 1806 of this chapter.

(6) If insurance claims for loss or damage of buildings to be replaced or repaired with loan funds are outstanding at the time the loan is made, the applicant will be required to agree in writing for the proceeds of such claims to be used for replacement or repair of buildings or to be paid to the Government for application on the loan when settlement is made, or for such proceeds to be applied on debts secured by prior liens.

(7) When a relatively small amount is being advanced for real estate purposes and it can be secured adequately by a first lien on chattel property and repaid over a period not in excess of five years, such a lien may be taken in lieu of a lien on real estate, provided the taking of a chattel lien will not interfere with the applicant's ability to obtain operating credit during that period.

(c) When a loan is made which includes funds for operating expenses, and real estate purposes other than under the circumstances described in paragraph (b) (7) of this § 1832.10, only one loan docket will be prepared. However, notes and vouchers will be prepared separately for the amounts of loan funds to be used for each of these two purposes, and the loan will be secured as follows:

(1) That portion of the loan made for operating purposes will be secured as outlined under paragraph (a) of this § 1832.10, and also, if legally possible, by any liens taken to secure advances made for real estate purposes. The notes for advances for operating purposes will be described in both the crop and chattel mortgage and the real estate mortgage.

(2) That portion of the loan made for real estate purposes will be secured as

outlined under paragraph (b) of this § 1832.10. The notes for advances for real estate purposes will be described only in the real estate mortgage, unless scheduled for repayment within five years and a chattel lien is obtained in accordance with paragraph (b) (7) of this § 1832.10.

#### § 1832.11 Loan approval.

(a) *Administrative determinations and responsibilities.* When the County Committee certification has been made, the loan approval official will determine administratively whether:

(1) The applicant is eligible and likely to be successful in the proposed operations and to achieve the objectives of the loan.

(2) The applicant has satisfactory tenure arrangements for the farm to be operated.

(3) The proposed farm and home operations of the applicant are reasonably sound.

(4) The loan is sound and can be repaid from income as scheduled.

(5) The amount of the loan and the purposes for which the funds are to be used are consistent with the applicant's needs and are for authorized purposes.

(6) The security requirements can be met.

(7) The certifications required of the applicant and County Committee have been made and are a part of the loan docket.

(8) The loan meets all other Farmers Home Administration requirements.

(b) *Authority.* State Directors are authorized hereby to approve Emergency loans in accordance with the requirements of Part 1832 of this chapter. However, no initial or subsequent Emergency loan may be approved by the State Director without the consent of the National Office if the loan being made will cause the total principal balance of any Emergency-type loans (including Special Livestock loans) plus the total principal balance owed on Operating loans (including Production and Subsistence loans) to exceed \$25,000; or the applicant is indebted to a Farmers Home Administration Real Estate loan or such a loan is being made, and the total principal balance on all indebtedness to, or insured by, Farmers Home Administration will exceed \$50,000. However, when the National Office has concurred in the approval of an Emergency loan as provided under the above limitations, the case need not be resubmitted to the National Office in connection with requests for additional Emergency loans unless the additional loan being made would cause the total principal balance owed on Emergency-type loans and Operating loans to exceed \$35,000; major changes are made in the planned farm and home operations; or the borrower has not made satisfactory progress in repaying the previous loan.

(c) *Redelegation of authority.* Except for loans as described in paragraph (d) of this § 1832.11, State Directors are authorized hereby to redelegate and to restrict or revoke such redelegations to qualified State Office employees, in-

cluding Area Supervisors, and County Supervisors, GS-7 Assistant County Supervisors, and Emergency loan Supervisors, his authority to approve Emergency loans subject to the following limitations:

(1) Area Supervisors may not be authorized to approve a loan to an applicant which will cause the total principal balance of any Emergency-type loan (including Special Livestock loans) plus the total principal balance owed on Operating loans (including Production and Subsistence loans) to exceed \$18,000.

(2) County Supervisors, GS-7 Assistant County Supervisors, and Emergency Loan Supervisors may not be authorized to approve a loan to an applicant which will cause the total principal balance of any Emergency-type loan (including Special Livestock loans) plus the total principal balance owed on Operating loans (including Production and Subsistence loans) to exceed \$12,000.

(d) *Loans in nondesignated areas.* Within the limitations of the loan approval authority delegated in paragraph (b) of this § 1832.11, State Directors are authorized hereby to approve Emergency loans for eligible applicants in nondesignated areas, including partnerships and corporations engaged primarily in farming or ranching, who have suffered severe production losses resulting from a natural disaster not general to the area. This authority may not be redelegated to Area Supervisors, County Supervisors, GS-7 Assistant County Supervisors, or Emergency Loan Supervisors.

(e) *Subsequent loans.* Subsequent Emergency loans may be made within the limitations, policies, and authorities contained herein, without regard to the termination date for making initial loans, when the applicant is still unable to obtain credit from other sources because of the natural disaster which caused the designation of the area, or the subsequent loan is necessary to protect the Government's interest in Emergency loans, previously made, including Production Emergency, Economic Emergency, Special Emergency, and Special Livestock loans. In either event, there must be reasonable assurance that the subsequent loan will be repaid and the balances owed on previous loans will be repaid or substantially reduced within a reasonable period.

(f) *Loans to paid-up borrowers.* With the prior concurrence of the Administrator, the State Director may authorize additional loans on an area basis to otherwise eligible applicants who received Emergency loans during the previous year and have repaid their Emergency accounts in full but are still unable, because of the natural disaster which caused the designation of the area, to obtain needed credit from other sources. The prior concurrence of the Administrator may be requested only when a substantial number of paid-up borrowers in an area are unable to obtain from other sources the credit required to continue their normal farming or livestock operations. This authority



does not relate to paid-up Production Emergency loan borrowers.

**§ 1832.12 Subsequent Emergency loans to cranberry growers.**

Subsequent Emergency loans to eligible and qualified cranberry growers will be made and processed in accordance with the requirements of this Part 1832 of this chapter except as provided for in this § 1832.12. A subsequent Emergency loan as used in this § 1832.12 is an Emergency loan to a cranberry grower who is indebted for an Emergency loan or a Production Emergency loan previously made.

(a) *Eligibility.* Section 1832.4 of this Subpart A is supplemented by the following:

(i) If the applicant is a partnership or corporation, it must be determined that the partners or principal stockholders are unable personally to finance the operations involved or to obtain the necessary credit for this purpose.

(ii) The applicant will personally manage the cranberry operations involved. If the applicant is a partnership or corporation, the operations must be under the personal direction of a partner or principal stockholder.

(b) *Loan purposes.* Loans to cranberry growers will be restricted to the purposes authorized in paragraphs (a), (d), (f), (h), and (j) of § 1832.6 of this Subpart A. In addition, loans may include funds for the payment of bills already incurred for annual recurring expenses in connection with the cranberry crop being financed and to make necessary repairs to machinery and irrigation equipment.

(c) *Rates and terms.* Section 1832.9 of this Subpart A is modified to provide that loans to cranberry growers will be scheduled for repayment as the income from the crop being financed is expected to be received.

(d) *Security.* Section 1832.10 of this Subpart A is supplemented to provide that an assignment will be obtained on the cranberry crop being financed and accepted by the marketing facility.

**§ 1832.13 Emergency loans for orchard rehabilitation and other related purposes.**

Emergency loans for orchard rehabilitation and other related purposes will be made subject to the requirements of this Part 1832, except as modified and supplemented by this § 1832.13, which shall be effective only upon order by the Administrator for use in a particular area.

(a) *Definition.* "Orchard rehabilitation" means the renovation or reestablishment of orchards made necessary because of major damage resulting from natural disasters. This includes either complete or partial rehabilitation.

(b) *Eligibility.* Section 1832.4 of this Subpart A is modified to the extent that loans under this § 1832.13 will be made only to owner-applicants.

(c) *Loan purposes.* Emergency loans may be made to eligible orchardists for rehabilitating diseased or destroyed orchards; continuing the normal operation of fruit trees which have not been dam-

aged by disease or other natural disaster; and establishing new agricultural or livestock enterprises to take the place, completely or partially, of diseased or destroyed fruit trees. Such loans may be made for the purposes specifically authorized by § 1832.6 of this Subpart A except as modified below:

(1) The purposes authorized by paragraphs (c), (i), and (n) of § 1832.6 of this Subpart A are not applicable.

(2) Paragraph (b) of § 1832.6 of this Subpart A is modified to permit the advance of loan funds to purchase livestock and equipment as necessary to establish new enterprises.

(3) Paragraph (e) of § 1832.6 of this Subpart A is modified to provide only for the payment of bills incurred during the crop year for which the loan is made for annual recurring expenses in connection with the production of livestock, livestock products, and crops yet to be sold.

(4) Paragraph (h) of § 1832.6 of this Subpart A is modified to provide that advances will not be made for family subsistence to an applicant for only an orchard rehabilitation loan unless his full time will be required for orchard rehabilitation, and then only if other arrangements cannot be made for meeting subsistence expenses.

(5) Paragraph (k) of § 1832.6 of this Subpart A is modified to provide for the purchase and installation of fencing, as necessary to protect replanted orchards; and the purchase and installation of needed irrigation systems when a Soil and Water Conservation loan cannot be made.

(6) Loans may be made to enable established orchard owners who are otherwise eligible for Emergency loans to rehabilitate orchards for the production of the same type of fruit, or for the production of a different type of fruit suitable for the area when the applicant has had adequate experience to assure reasonable prospects of success with that type of fruit. For example, a diseased pear orchard may be rehabilitated for the production of apples. Loans for orchard rehabilitation may be made only to applicants who are otherwise eligible and who agree to replant with the species of trees approved by the Farmers Home Administration. Trees used for orchard rehabilitation will be certified in writing by the selling nurseryman.

(7) *Establishing new enterprises.* Loans may be made to otherwise eligible orchardists to enable them to reorganize their operations to include field crops, pastures, livestock enterprises, or other agricultural enterprises when this can be done on a sound basis with applicants who have had adequate experience to assure reasonable prospects for success. This may include the interplanting of crops in orchards during the first few years of the rehabilitation period. When an applicant is receiving an Emergency loan for orchard rehabilitation and also for other purposes, separate notes will be used to evidence the advances for orchard rehabilitation and

for other purposes. In such case, the amounts to be advanced for orchard rehabilitation will be itemized in Form FHA 431-2, "Farm and Home Plan."

(d) *Rates and terms.* Section 1832.9 of this Subpart A is modified hereby to provide that advances for orchard rehabilitation will be scheduled for repayment in annual installments over the shortest period consistent with the applicant's estimated repayment ability from all sources, including income from other crops, livestock, and outside employment, but not to exceed 20 years from the date of the initial loan. If the applicant will not have income from crops, livestock, or other sources which would enable him to make earlier annual payments, repayments on advances for orchard rehabilitation, including interest when necessary, may be deferred until income is to be received from the rehabilitated fruit trees. When the loan approval official determines that a portion of the interest that will accrue as of the due date of the first principal installment should be deferred, the following change in Form FHA 441-1, "Promissory Note," should be made:

(1) Change the period to a comma at the end of the first sentence of the second paragraph, insert an asterisk, and then type the following on the margin or below the printed language of the note and have it initialed by the signers: "except that at least one-half of the interest accrued to the due date of the first principal installment may be paid on that date and the balance of such interest on the second principal installment due date."

(e) *Security.* Emergency loans for orchard rehabilitation will be secured in accordance with § 1832.10(b) of this Subpart A. Amounts loaned for purposes other than orchard rehabilitation will be secured in accordance with the applicable requirements of § 1832.10(a) of this Subpart A and, in addition, by the best lien obtainable on real estate when such additional security is needed to adequately secure the loan.

(f) *Loan approval and administrative determinations.* Before an Emergency loan is made for orchard rehabilitation, the loan approval official will make the following determinations in addition to those required by § 1832.11(a) of this Subpart A:

(1) The applicant will have reasonable prospects of repaying the total amount it will be necessary to borrow for orchard rehabilitation. This determination will be based on a careful analysis of the estimated costs and income, and fixed obligations, by years, for the rehabilitation period, and the same information for a typical year after normal production is achieved. The estimated costs will include both operating and living expenses.

(2) The current market value of the applicant's farm real estate as rehabilitated will be not less than the total of the debts secured by liens on the property plus the estimated total cost of the rehabilitation, as defined above. This determination will be based on an appraisal



made in accordance with § 1832.10(b) (1) of this Subpart A.

(3) The applicant will be able to make satisfactory arrangements, on an annual basis, with regard to annual installments on real estate debts and other fixed obligations. When necessary, in the opinion of the loan approval official, annual non-disturbance agreements will be obtained from creditors in position to interfere with the applicant's orchard operations.

§ 1832.14 Loans to oyster planters.

(a) *General.* Emergency loans may be made to established oyster planters to enable them to continue their normal oyster planting operations, including annual operating costs as well as expenses of rehabilitating oyster planting operations when necessary. Such loans will be subject to the requirements of Subpart A of this Part 1832, except as modified and supplemented by this § 1832.14. Emergency loans are the only type of Farmers Home Administration loan which may be made to finance oyster planting operations.

(b) *Definitions.* (1) "Oyster planting" means renovating oyster seed beds and planting, caring for, cultivating, and harvesting planted oysters on the applicant's owned or leased oyster ground. Other types of oyster operations, such as contract planting and gathering wild oysters, are not "oyster planting" operations within the intent of this § 1832.14.

(2) "Oyster planter" means, one who performs or actively manages oyster planting functions, described in subparagraph (b) of this § 1832.14, as his own operations, on owned or leased oyster ground. An operator who performs any or all of these functions other than his own oyster planting operations, or is self-employed or employed by others in any type of oyster operations or marine life operations other than oyster planting operations as described in this paragraph (b) of this § 1832.14, is not considered an oyster planter. However, these activities on a limited basis would not disqualify an applicant who conducts oyster planting operations.

(3) "Rehabilitating oyster planting operations" means, restoring such operations to a normal pattern. Generally, a period of three years is required for planted oysters to reach the harvesting stage. It is the normal pattern for operators to plant one-third of their oyster ground each year in order to have a crop for sale each year. When all of an applicant's planted oysters are destroyed by a natural disaster, the rehabilitation to a normal pattern generally consists of replanting one-third of the applicant's oyster ground during the first year, one-third during the second year, and one-third during the third year. The operations then will have been restored to a normal pattern and subsequent replantings each year will be normal and will not be considered as for rehabilitation purposes.

(i) It is recognized that there may be variations of the normal pattern of oyster planting operations in some areas. The making of loans will always be adapted to the proven normal pattern of the area.

Therefore, when the normal pattern of a particular designated or nondesignated area differs from that described in this § 1832.14, the State Director will report the matter to the National Office for additional instructions.

(4) "Oyster ground" means, ground under water on which oyster planting operations are conducted.

(c) *Designation of Emergency loan areas.* Section 1833.2 of this Subpart A is supplemented hereby to provide that Emergency loans can be made to oyster planters in designated areas only if the area designation specifies that such loans may be made.

(d) *Eligibility requirements.* Section 1832.4 of this Subpart A is supplemented by the following:

(1) Section 1832.4(b) of this Subpart A is supplemented to require the following:

(i) The applicant must actively manage his oyster planting operations. An applicant who does not devote full time to his oyster planting operations may be considered as the active manager if he exercises control and visits the operations often enough to give instructions and see that they are carried out. Applicants who visit their operations only infrequently or who have entrusted management to some other individual or firm cannot meet this requirement. If a partnership or corporation, the operations must be actively managed by a principal partner or stockholder.

(ii) The applicant must furnish satisfactory evidence from other reliable sources, such as banks and other lenders, buyers, and lessors, of a good record of oyster planting operations in the past.

(iii) The applicant must agree in writing to abide by any Federal and State laws or regulations applicable to oyster planting operations in his area.

(2) Section 1832.4(f) of this Subpart A is supplemented to require that the applicant must be unable to provide the needed funds from his own resources or to obtain credit from other responsible sources. For partnerships or corporations, the partners or principal stockholders must be unable to provide the needed funds from their personal resources or to obtain credit from other responsible sources.

(e) *Loan purposes.* Section 1832.6 of this Subpart A is not applicable. Instead, Emergency loans to eligible oyster planters may be made for the following purposes:

(1) Purchase of seed oysters and oyster planting supplies; the repair of oyster planting machinery or equipment; purchase of replacement oyster planting machinery and equipment; and other essential operating expenses, including funds for oyster seed bed renovation.

(2) Family subsistence needs for applicants who devote a major portion of their time to their oyster planting operations when funds are not available from other sources for this purpose.

(3) Payment of not more than a year's interest calculated at a rate not to exceed that which is reasonable and customary for the area, that is due or about to become due on debts secured by liens of other creditors on equipment and real

estate essential to the applicant's oyster planting operations.

(4) Payment of not more than one year's customary and equitable cash rent or cash charges for the use of grounds leased for oyster planting operations, provided other arrangements cannot be made for the payment of rent and the applicant holds a written lease.

(5) Payment of not more than one year's taxes on personal property and real estate other than Farm Ownership or Rural Housing farms; payment of not more than one year's premiums for insurance on personal property and real estate other than on Farm Ownership, Soil and Water Conservation, and Rural Housing farms; and payment of Social Security taxes in connection with hired labor only.

(6) Expenses incident to loan closing.

(f) *Loan limitations.* Section 1832.7 of this Subpart A is supplemented to prohibit making any Emergency loan to finance an applicant's oyster planting needs, rehabilitation or otherwise, for a period longer than one crop year at a time. This is not intended, however, to prohibit subsequent loans in succeeding years on a crop year basis. This prohibits deals only with loan making and not with scheduling loans for repayment.

(g) *Repayment terms.* (1) Emergency loans for authorized purposes in connection with the rehabilitation of oyster planting operations, including annual operating expenses during the rehabilitation period, will be scheduled for repayment over the shortest period consistent with the applicant's estimated repayment ability from all sources, but not longer than three years from the date of the loan. Also, if the applicant will not have income from any source which would enable him to make earlier repayments, the full amount may be scheduled for repayment in the third year.

(2) Emergency loans to oyster planters for other than rehabilitating oyster planting operations will be scheduled for repayment strictly in accordance with § 1832.9 of this Subpart A. Amounts advanced for annual operating expenses during a rehabilitation period will be considered as for rehabilitation purposes but that any advanced for normal annual replantings will not be considered as for rehabilitation purposes.

(h) *Security.* Section 1832.10 of this Subpart A is not applicable. Instead, Emergency loans to oyster planters will be secured by a first lien on all oysters planted or to be planted by the applicant, a first lien on all replacement machinery and equipment purchased with loan funds, the best lien obtainable on all other machinery and equipment of security value, the best lien obtainable on all real estate of security value owned by the applicant, an assignment of leases on oyster grounds held by the applicant, when possible, an assignment of income from the sale of oysters or other produce, and liens on such other property of security value as the loan approval official determines is necessary. Insurance will be required on buildings, machinery, and equipment, especially boats, serving as security for the loan, when the loan ap-



approval official determines this is necessary to protect the Government's interest. Insurance obtained on buildings will be in accordance with Part 1806 of this chapter. Insurance obtained on other property will be in such form, amount, and against such hazards as the loan approval official requires with policy assignment or mortgage clause in favor of the Government.

(i) *Loan approval.* Section 1832.11(a) of this Subpart A is supplemented to require the following additional determinations by the loan approval official:

(1) That the applicant either owns or has under lease sufficient acreage in oyster grounds to justify the loan.

(2) That if grounds are leased, the lease arrangements are such that the applicant will have secure tenure during the term of the loan with reasonable rental terms.

(3) That the applicant will have reasonable prospects for repaying the loan on schedule. This determination will be based on a careful analysis of estimated costs and income and fixed obligations by years until normal operations are achieved, and the same information for a typical year with normal sales.

(4) That the applicant will furnish prior to loan closing a statement indicating his plans for selling the oysters or other produce.

(j) *Processing.* Emergency loans to oyster planters will be processed in accordance with the applicable requirements of Subpart B of this Part 1832, except that the taking of security and the filing of recording of security instruments will be in accordance with the requirements of the Office of the General Counsel.

### Subpart B—Loan Processing

**AUTHORITY:** The provisions of this Subpart B issued under sec. 321-327, 333, 339, 75 Stat. 311, as amended, 314, 318; 7 U.S.C. 1961-1967, 1983, 1989; Order of Sec. of Agr., 19 F.R. 74, 26 F.R. 8403, 27 F.R. 5005.

#### § 1832.21 General.

This subpart sets forth the requirements and procedures for the preparation and execution of documents and for other routines in connection with making initial subsequent Emergency loans.

#### § 1832.22 Processing.

Emergency loans will be processed in the same manner as Operating loans in accordance with the provisions of Subpart B of Part 1831 of this chapter with the following modifications and additions:

(a) Section 1831.32(d) of this chapter is supplemented by the following:

(1) If the applicant is a partnership, personal financial statements will be obtained from each of the partners and included in the loan docket, in addition to the partnership's financial statement.

(2) If the applicant is a corporation, the corporation will furnish a complete list of its stockholders, showing the address, principal occupation, and the number of shares of stock held in the corporation by each. Personal financial statements will be obtained from each

of the principal stockholders and included in the loan docket. Principal stockholders as used herein means each stockholder owning as much as 10 percent of the stock of the corporation. A copy of the corporation's charter or articles of incorporation, bylaws, any resolutions adopted by the Board of Directors authorizing the corporation to borrow and pledge its assets, and any leases, contracts, or agreements that have been entered into by the corporation which may be pertinent to a consideration of its application also will be included in the loan docket.

(b) Section 1831.32(e) of this chapter is applicable only to appraising chattels under prior lien to another creditor when funds are to be advanced for the payments of depreciation pursuant to § 1832.6(g) of this Part 1832 and bills pursuant to § 1832.6(e) of this Part 1832, incurred in connection with the production of livestock, livestock products, or crops that have been disposed of, destroyed, or lost.

(c) Section 1831.32(g) of this chapter is supplemented by the following:

(1) When the applicant is a partnership, or operates as such, Form FHA 441-1, "Promissory Note," will be executed so as to evidence the liability of the partnership as well as each partner as an individual. This will be accomplished by typing the names of the partnership above the space provided for signatures and having the note executed by each member of the partnership both as an individual and as a partner. To evidence the liability of the partnership, the words "As Partners" will be typed immediately beneath the name of the partnership and each partner will sign thereunder. To evidence the partners' liability as individuals, the words "As Individuals" will be typed at the top of the blank space to the left of the lines for signatures, and each partner will sign thereunder, along with his spouse, if required.

(2) When the applicant is a corporation, Form FHA 441-1 will be executed by the corporation acting through its appropriate officials and, in order to evidence their personal liability for the debt, by the principal stockholders as individuals, except in unusual circumstances including legal disability, absence from the country, limitations in prior contracts with the corporation, or lack of assets owned by a stockholder. The name of the corporation will be typed above the space provided for signatures, to sign for the corporation will be typed below his signature. The signatures of the principal stockholders will be obtained in the same manner as indicated above for the individual members of a partnership.

(3) When an Emergency loan is made for purposes which would be secured in accordance with the provisions of § 1832.10 (a) and (b) of this Part 1832, separate notes will be required.

(d) Section 1831.32(g) (1) and (2), (h), (i), and (j) of this chapter are not applicable.

(e) Section 1831.32(n) of this chapter is supplemented by the following:

(1) Form FHA 427-2 (State), "Real Estate Mortgage for ----- (Direct Loan)," will be used in taking liens on real estate. This form will be prepared, executed, and filed or recorded in accordance with State laws and any closing instructions.

(2) Title clearance and the closing of Emergency loans which are to be secured only by real estate liens will be in accordance with the requirements of Part 1807 of this chapter, except that the promissory note will be dated as of the date of execution instead of the date of loan closing. Title clearance will not be required when real estate is taken as additional security only, but in such cases the lien instrument will be executed by the applicant before the loan is closed.

(f) Section 1831.32(o) of this chapter is supplemented to provide that when an Emergency loan is made to an applicant who is paying cash rent for land to be used for the production of cash crops, the parenthetical statement with regard and the name and title of each official to rent in Form FHA 441-5, "Subordination Agreement," will be deleted and the lienholder will initial the deletion in the margin.

(g) The administrative determinations required by § 1832.11(a) of this Part 1832 will be made in lieu of those prescribed by § 1831.33 of this chapter.

## SUBCHAPTER D—SPECIAL TYPES OF LOANS

### PART 1841—LOANS TO INDIANS

Sec.

1841.1 General.

1841.2 Policies.

1841.3 Processing loan applications from Indians.

1841.4 Servicing loans to Indians.

**AUTHORITY:** The provisions of this Part 1841 issued under sec. 510, 63 Stat. 437, sec. 339, 75 Stat. 318; 42 U.S.C. 1480, 7 U.S.C. 1989; Orders of Sec. of Agr., 19 F.R. 74, 26 F.R. 8403, 27 F.R. 9957, 28 F.R. 9676.

#### § 1841.1 General.

This part outlines the general policies, procedures, and authorizations for making and servicing Real Estate loans, Operating loans, and Emergency loans under the provisions of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921 et seq.), and Rural Housing loans under the provisions of Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), to Indians owning land or chattel property in a trust or restricted status, or who have undivided interests in tribal property.

#### § 1841.2 Policies.

(a) An Indian who (1) holds individually all of his land under fee patents or unrestricted deeds, (2) owns all non-trust chattel property, and (3) has no undivided interest in tribal lands is eligible for all loans provided he meets all eligibility factors required of non-Indians. An Indian who meets all eligibility factors required of non-Indians but who does not meet the applicable requirements of subparagraphs (1), (2), and/or (3) of this paragraph may be made loans only upon fulfillment of the



applicable requirements set forth in §§ 1841.2 to 1841.4.

(b) Loans to be secured by real estate liens may be made to Indians holding land in severalty under trust patents or deeds containing restriction against alienation subject to statutes under which said land may be validly mortgaged with the approval of the Secretary of Interior, such as 70 Stat. 62, 63. An Indian applicant who owns land in a trust or restricted status and applies for a loan to acquire land to enlarge a farm will not be required to convert the trust or restricted land he owns to an unrestricted status. Land in trust or restricted status purchased with Farmers Home Administration loan funds may be acquired and held by the Indian in a trust or restricted status.

(c) Loans to be secured by chattel security only may be made to Indians who hold land in severalty under trust patents or deeds containing restrictions against alienation subject to statutes under which such land may be validly mortgaged with the approval of the Secretary of Interior and who own chattel property in a trust or restricted status or who have undivided interests in tribal property. Such loans also may be made to those tribal Indians who live within or without the boundaries of the Indian reservations and who have available a suitable farm or ranch under satisfactory tenure arrangements. An Indian applicant who owns chattels in trust or restricted status and applies for an Operating loan will be required to convert the trust or restricted chattels to an unrestricted status before such loan is made when such property is to serve as security for the loan. Forms 5-848, "Application for Release of Interest of the United States," and 5-841, "Release of Interests of the United States," will be executed by the applicant and the appropriate Indian Bureau official to remove the trust or restricted status of the property.

(d) Utilization of split lines of chattel credit:

(1) *Definitions.* "Split lines of chattel credit" are those where the financing of a particular enterprise is undertaken by more than one lender. "Split security" means that the Indian Lending Organization and the Farmers Home Administration each have liens of equal priority on a different part of the livestock of a particular type owned by a borrower.

(2) *Policy—(1) Operating loans.* A split line of credit in connection with a particular livestock herd or flock is unauthorized in connection with Operating loans.

(ii) *Emergency loans.* Such loans may be made even though such may result in a split line of credit if the following conditions are met:

(a) The arrangements with respect to the split financing is acceptable to both the Farmers Home Administration, the Indian Lending Organization, and the Bureau of Indian Affairs representative.

(b) The applicant's farming or ranching operations, after he receives the loan, will be sound and, under the conditions likely to prevail, will enable him to make the required payments of all his indebtedness on schedule.

(c) When loans for operating expenses result in the Farmers Home Administration acquiring liens on livestock from which payments on the loan are expected, and such livestock are subject to a prior lien of the Indian Lending Organization, an agreement will be reached before such loans are closed as to an equitable division of livestock income for application on the loans of the two lenders. Form FHA 441-13, "Division of Income and Nondisturbance Agreement," or a similar form will be used for this purpose and will be executed by an authorized representative of the Indian Lending Organization and by the Bureau of Indian Affairs. In the case of cattle, separate brands will be used to identify the cattle under the lien to each of the lenders. In the case of livestock other than cattle, descriptions will be used by each lender which will make possible the identification of property serving as security for each loan.

#### § 1841.3 Processing loan applications from Indians.

(a) *County Committee action.* (1) When the Farmers Home Administration County Committee determines that an Indian applicant is clearly ineligible for the loan applied for, the applicant will be notified in writing of this determination by the Farmers Home Administration County Supervisor.

(2) When such Committee determines that an Indian applicant will likely qualify for the loan, the Farmers Home Administration County Supervisor will obtain from the Bureau of Indian Affairs representative full information with respect to the applicant's character, his financial condition, the manner in which he holds his property and other information necessary to determine the applicant's eligibility, and, if the applicant is eligible, to enable the County Supervisor to develop the loan docket.

(b) *Development of loan dockets.* If the applicant is found eligible the loan docket will be developed in accordance with applicable Farmers Home Administration regulations. After a Real Estate loan has been approved and the title evidence has been furnished, the docket will be submitted to the appropriate representative of the Office of the General Counsel, United States Department of Agriculture, for review and preparation of closing instructions.

(c) *Special loan closing conditions.* When preparing closing instructions for loans to be secured by real estate, the representative of the Office of the General Counsel will insert at the end of the security instrument, after the form provided for acknowledgment of the borrower's signature a "Certificate of Approval" to be executed on behalf of the Secretary of Interior by a duly author-

ized agent. After execution, but before recording the security instrument, the County Supervisor will submit the original executed security instrument to the Bureau of Indian Affairs. Upon return of the original executed security instrument with the Certificate of Approval duly signed and acknowledged by the authorized representative of the Secretary of Interior, the County Supervisor will file it for record. No loan funds will be disbursed until the security instrument is filed for record and the loan is, in all other respects, properly closed.

(d) *When consent of Bureau of Indian Affairs is required.* No consent is necessary on deeds, mortgages, or other instruments affecting non-trust or unrestricted property whether real estate or chattels; mortgages of trust chattels against which there is no indebtedness to the Indian Lending Organization; for mortgages on crops grown on trust or restricted land after severance if there is no prior lien thereon; and mortgages on crops on tribal land leased to an Indian under the same terms and conditions as leases of tribal land to non-Indians. Consent is necessary on mortgages or deeds of trust on restricted property, both real estate and chattels; mortgages on trust chattels against which there is indebtedness to the Indian Lending Organization; and mortgages on crops grown on trust or restricted land prior to severance, and after severance if there is a prior lien thereon.

#### § 1841.4 Servicing loans to Indians.

(a) *Assignment of income from trust property.* When repayment of any loans made hereunder is dependent in whole or in part upon income the borrower will receive from trust or restricted land, the Indian must, upon request by the County Supervisor, execute Form 5-845, "Assignment of Income from Trust Property," in favor of the Farmers Home Administration. Before execution, the form must be modified by the County Supervisor by adding in the first paragraph, line 3 between the words "loans" and "all," the following: "----- percent (----- %) of,".

(b) *Supervision provided by the Farmers Home Administration.* County Supervisors and other officials shall give the same supervisory assistance afforded to non-Indian borrowers to the extent such be necessary or desirable for effectuating the purpose of the loan as well as to assure the orderly repayment thereof. Where an Indian Lending Organization has a lien on the borrower's land or chattels, or the borrower owns land or chattels in a trust or restricted status or leases land through the Bureau of Indian Affairs, the County Supervisor and the Bureau of Indian Affairs will review jointly each borrower's plans of operation.

(c) *Collection and foreclosure.* All collection and foreclosure policies applicable to non-Indian borrowers shall be equally applicable to Indian borrowers.



## SUBCHAPTER E—ACCOUNT SERVICING

## PART 1861—ROUTINE

## Subpart A—Account Servicing Policies

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 1861.1 General.  
 1861.2 Definition of types of payments on all loan accounts.  
 1861.3 Distribution of payments when a borrower owes both real estate and other loans to the Farmers Home Administration.  
 1861.4 Application of payments on Operating, Emergency, Special Livestock, Soil and Water Conservation coded J, and other production-type loan accounts.  
 1861.5 Application of payments on Farm Ownership, Soil and Water Conservation (except Soil and Water Conservation loans coded J but including Soil and Water Conservation loan accounts coded 13F), Farm Housing, Rural Rehabilitation and Resettlement Project cooperative association, and other real estate loan accounts.  
 1861.6 Changes in the application of loan payments.  
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 1861.63 Borrower owing Farmers Home Administration loans which are secured by real estate.

## Subpart A—Account Servicing Policies

**AUTHORITY:** The provisions of this Subpart A issued under R.S. 161, 5 U.S.C. 22; Order, Acting Sec. Agr., 19 F.R. 74, 22 F.R. 8188. Secs. 361.1 to 361.3, 361.5 and 361.7 also issued under secs. 1, 21, 41, 2, 6, 50 Stat. 522, as amended, 524, as amended, 528, as amended, 869, as amended, 870, sec. 5, 54 Stat. 1122, as amended, secs. 2, 12, 14, 60 Stat. 1062, as amended, 1076, as amended, 1078, as amended, 62 Stat. 1038, secs. 1, 2, 501, 502, 510, 1, 63 Stat. 43, as amended, 44, as amended, 82, 432, 433, 437, 883, secs. 4, 2, 64 Stat. 100, 998, secs. 9, 10, 1, 68 Stat. 735, 999, as amended, secs. 16, 69 Stat. 553, as amended, secs. 1, 8, 70 Stat. 525, 1090, secs. 18, 11, 72 Stat. 840, 841; 7 U.S.C. 1001, 1007, 1015, 16 U.S.C. 590s, 590w, 590z-3, 7 U.S.C. 1001 Note, 1005b, 1005d, 12 U.S.C. 1148-1 and Note, 1148a-2, 42 U.S.C. 1471, 1472, 1480, 7 U.S.C. 1006a, 40 U.S.C. 442, 440, 16 U.S.C. 590x-2, 590x-3, 12 U.S.C. 1148a-1 Note, 7 U.S.C. 1006c, 16 U.S.C. 1006a, 7 U.S.C. 1006e, 16 U.S.C. 590x-4; §§ 361.4 and 361.8

also issued under secs. 21, 41, 2, 6, 50 Stat. 524, as amended, 528, as amended, 869, as amended, 870, sec. 2, 60 Stat. 1062, as amended, 62 Stat. 1038, secs. 1, 2, 63 Stat. 43, as amended, 44, as amended, 63 Stat. 82, secs. 4, 2, 64 Stat. 100, 998, sec. 1, 68 Stat. 999, as amended; 7 U.S.C. 1007, 1015, 16 U.S.C. 590s, 590w, 7 U.S.C. 1001 Note, 12 U.S.C. 1148a-1 and Note, 1148a-2, 40 U.S.C. 442, 440, 12 U.S.C. 1148a-1 Note; §§ 361.5 and 361.9 also issued under secs. 1, 41, 50 Stat. 522, as amended, 528, as amended, sec. 5, 54 Stat. 1122, as amended, secs. 12, 14, 60 Stat. 1076, as amended, 1078, as amended, secs. 501, 502, 510, 1, 63 Stat. 432, 433, 437, 883, secs. 4, 2, 64 Stat. 100, 998, secs. 9, 10, 68 Stat. 735, sec. 16, 69 Stat. 553, as amended, secs. 1, 8, 70 Stat. 525, 1090, secs. 18, 11, 72 Stat. 840, 841; 7 U.S.C. 1001, 1015, 16 U.S.C. 590z-3, 7 U.S.C. 1005b, 1005d, 42 U.S.C. 1471, 1472, 1480, 7 U.S.C. 1006a, 40 U.S.C. 442, 440, 16 U.S.C. 590x-2, 590x-3, 7 U.S.C. 1006c, 16 U.S.C. 1006a, 7 U.S.C. 1006e, 16 U.S.C. 590x-4.

## § 1861.1 General.

Borrowers will be required to pay their debts to the Farmers Home Administration in accordance with their agreements and their ability to pay and will be encouraged to pay ahead of schedule to an extent consistent with sound farming and money management. When borrowers have acted in good faith and have exercised due diligence in an effort to pay their indebtedness but cannot pay on schedule because of circumstances beyond their control, future servicing actions will be consistent with the best interest of the borrower and the Government.

(a) *Accounts of active borrowers.* The foundation for proper and timely debt payment is sound farm and home planning or budgeting, including plans for debt payments supplemented by effective follow-up supervision. Account Servicing, therefore, must begin with initial planning and must be an integral part of year-end analysis and subsequent planning, as well as follow-up supervision when required.

(b) *Accounts of collection-only borrowers.* Collection-only borrowers are expected to make final settlements of their debts to Farmers Home Administration to the extent of their ability to pay. This objective will be accomplished by collecting in full the amounts owed by these borrowers or, in appropriate cases, by the application of the established debt settlement policies.

(c) *Notifying Farmers Home Administration borrowers of payments.* County Supervisors are responsible for notifying borrowers of the dates and amounts of payments that have been agreed upon for all types of accounts.

(d) *Subsequent servicing.* If a borrower fails to make a payment as agreed upon, the County Supervisor will write or otherwise contact the borrower or request him to make the payment or request him to come to the office to discuss the reasons why the payment was not made and to develop specific plans for making the payment. In the event the borrower refuses to make the payment when he has the income, or it is determined that his farming operations will not permit him to make the payment in a reasonable length of time, as well as make future payments, action will be

taken to protect the Government's security interest in accordance with applicable Farmers Home Administration Instructions.

## § 1861.2 Definition of types of payments on all loan accounts.

(a) *Regular payments.* Regular payments will be all payments other than extra payments and refunds. Usually, regular payments will be derived from normal farm income other than proceeds from the sale of basic chattel or real estate security. Regular payments also will include payments derived from sources such as Agricultural Conservation Program payments other than those included in paragraph (b) of this section, off-farm income, inheritances, life insurance, and income from leases or bonuses or sale or rental of real estate security of a non-depreciating or non-depleting nature.

(R.S. 161, sec. 41, 6, 50 Stat. 528, as amended, 870, sec. 510, 63 Stat. 487, as amended, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 785; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 42 U.S.C. 1480, 40 U.S.C. 442, 16 U.S.C. 590x-3; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188 26 F.R. 8403)

(b) *Extra payments.* Extra payments will be payments derived from sale of basic chattel or real estate security, including rental or lease of real estate security of a depreciating or depleting nature; refinancing of real estate debt; mineral royalties; cash proceeds of real property insurance as provided in § 306.5 of this chapter; sale, pursuant to a condition of loan approval, of real estate not mortgaged to the Government; Agricultural Conservation Program payments as provided in § 1851.2(b)(2) of this chapter; and transactions of a similar nature.

(c) *Refunds.* Refunds will be payments derived from the return of unused loan funds.

## § 1861.3 Distribution of payments when a borrower owes both real estate and other loans to the Farmers Home Administration.

(a) *Distribution of regular payments.* When a borrower owes both Farmers Home Administration real estate loans and other Farmers Home Administration loans, payment received from each crop year's income as regular payments will be distributed in accordance with the following principles, except that regular payments derived from rental or lease of real estate security after approval of foreclosure or voluntary conveyance will be distributed to the real estate lien of the highest priority.

First, to other than real estate loans an amount equal to any advances for the year's operating expenses.

Second, to the real estate and other Farmers Home Administration loans in proportion to the approximate amounts due on each for the year. In determining the amounts due for the year on other than real estate loans, deduct an amount equal to any advances for the year's operating expenses.

Third, to the real estate and other Farmers Home Administration loans in proportion to the delinquencies existing on each.



Fourth, to the real estate and other Farmers Home Administration loans for making advance payments. In making such distribution take into consideration the principal balance outstanding on each, the relative security position of each type of loan, the borrower's wishes, and related circumstances.

A different distribution, when necessary, will be made to correct any previous improper distribution or to protect the Government's interest.

(b) *Distribution of extra payments.* Extra payments will be distributed first to the Farmers Home Administration loan having highest priority of lien on the security from which the payment was derived, except as provided in § 1872.3(e) of this chapter. When the payment is in excess of the unpaid balance of the Farmers Home Administration lien having the highest priority, the balance of such payment will be distributed to the Farmers Home Administration loan having the next highest priority.

(c) *Application of payments.* After the decision is reached as to the amount of each payment that is to be distributed to the real estate and other Farmers Home Administration loans, application of the payment will be governed by § 1861.4 or § 1861.5, as appropriate.

§ 1861.4 Application of payments on Operating, Emergency, Special Livestock, Soil and Water Conservation coded J, and other production-type loan accounts.

Employees receiving payments on Operating, Emergency, Special Livestock, Soil and Water Conservation coded J, and other production-type loan accounts will select, in accordance with the provisions of this section, the account or accounts to which such payments will be applied. Such employees will make application first to the unpaid interest on the selected account or accounts, as shown on the latest Form FHA-646 or FHA 450-1, "Statement of Account," in the County Office and then to the unpaid principal on such account or accounts, except that for 1934-35 Drought Feed loans, collections will be applied to principal only until all principal has been repaid. Loan refunds will be applied to principal only, except as provided in paragraph (a) of this section. Employees receiving collections are authorized to make exceptions to the policy of applying payments to interest first when the unpaid interest on the selected account or accounts as shown on Form FHA-646 or FHA 450-1 is not due under the provisions of the note or notes and the borrower requests that his payment be applied to principal only, or the collection does not represent the proceeds of the sale of security property and a large amount of unpaid interest has accumulated and the borrower requests in writing that his payment be applied to principal first, stating that he will make the payment only if his request is granted. If the borrower agrees to make subsequent payments only on condition that they be applied to principal first, such information will be incorporated in a written agreement.

(a) *Selection of accounts.* Except for total loan refunds as provided in subparagraph (4) of this paragraph, payments, regardless of source, will be applied first to any recoverable costs which have been charged to the borrower's account, after which the following rules will govern the selection of accounts and installments to which payments will be applied.

(1) Payments derived from the sale of mortgaged property representing normal farm income or from assignments of income will be applied first to accounts with small balances for the purpose of removing such accounts from the records. Any balance of the remittance will be applied on debts secured by the mortgage in the following order:

(i) To amounts due or falling due on loans made in connection with the current year's operations, except:

(a) When funds loaned for the purchase of capital goods were used to meet the current year's operating expenses, payments will be applied first to the final unpaid installments to the extent of the loan funds so used. Such payments will be treated as extra payments. Payments to be applied in this manner may be prorated to more than one installment when the amount of the loan funds was large and will result in reducing the annual repayment ability of the borrower because of a change in the farming operations caused by such transfer of loan funds.

(b) When installments on loans previously made fall due early in the year and prior to the installment on the loan for the current year's operations or when such loans are delinquent and it is anticipated that sufficient income will be received to meet the installment on the current year's operations when due, collections may be applied first to installments on loans made in previous years.

(ii) To accounts having the oldest delinquencies, or if no delinquencies, to the oldest unpaid account.

(2) Payments derived from the sale of basic security, including real estate security, will be applied to the earliest account secured by the earliest mortgage covering such basic security. The amount to be applied to principal will be applied to the final unpaid installments. When such payment is large and the sale of the basic security, or real estate security, will result in a change in the farming operation which will reduce the annual repayment ability of the borrower, it may be prorated to more than one installment.

(3) Partial loan refunds will be applied to the final unpaid installments on the notes which evidence such advances, except that when such refund represents an advance for current farm and home expenses repayable within the year, it may be applied to the principal on the first unpaid installment on such note as a regular payment, and when such refund is large and results from a change in the farming operations which will reduce the annual repayment ability of the borrower, it should be prorated to more than one installment.

(4) Total refunds of loan advances will be applied to the notes which evidence such advances.

(5) In applying payments from sources other than those in subparagraphs (1) to (4) of this paragraph, the borrower has the right of election as to the loan account on which such payments will be applied. In the absence of the borrower's election, such payments generally will be applied in the following order:

(i) To accounts with small balances.  
(ii) To accounts with the oldest unsecured notes.  
(iii) To accounts with the oldest delinquencies.  
(iv) To accounts with the oldest secured notes.

(6) When a borrower owes both Farmers Home Administration and State Rural Rehabilitation Corporation loan accounts, payments described in subparagraph (5) of this paragraph in the absence of the borrower's election and any balances remaining after payments are made under subparagraphs (1) and (2) of this paragraph, will be prorated between Farmers Home Administration and the State Rural Rehabilitation Corporation loan accounts on the basis of the total balances (including principal and interest) owed to each. The portions thus prorated will be applied respectively to the Farmers Home Administration and State Rural Rehabilitation Corporation loan accounts as prescribed in subparagraph (5) of this paragraph.

(7) When the Farmers Home Administration has advanced funds to complete State Rural Rehabilitation Corporation commitments, any payment that normally would be applied to any of the borrower's State Rural Rehabilitation Corporation accounts will be applied to the 6F-- account until it is paid.

(8) When the need arises, County Supervisors are authorized to apply payments to specific notes within loan-type accounts according to the rules of application prescribed in this paragraph.

(b) *Payments in full.* (1) When it is intended to pay one or more of a borrower's accounts in full, the collection official will collect all of the interest and principal shown on the latest Form FHA-646 or FHA 450-1 for the accounts to be paid in full plus interest on the account from the date of the Form FHA-646 or FHA 450-1 to the date of the collection.

(2) Errors of significant amount in computation or collection will be called to the attention of the official making the collection by the Finance Office and the borrower's note will not be returned until the balance on the loan account is paid in full.

§ 1861.5 Application of payments on Farm Ownership, Soil and Water Conservation (except Soil and Water Conservation loans coded J but including Soil and Water Conservation loan accounts coded 13F), Farm Housing, Rural Rehabilitation and Resettlement Project cooperative association, and other real estate loan accounts.

(a) *Regular payments.* Payments on accounts of the above types should be



applied so as to maintain the note accounts in balance at the end of the year with respect to installments due on the notes and other charges.

(1) *Direct loan accounts.* All regular payments on direct loan accounts will be applied first to interest accrued to the date of the receipt of payment, and then to principal.

(2) *Insured loan accounts.* All regular payments on insured loan accounts will be applied first to any unpaid balance of the insurance account including unpaid interest on any advances from the insurance fund which is shown on the statement of account, and second to interest accrued on the note as of the date of the U.S. Treasury check issued to the holder or the date of the receipt of payment in case the note is held by the insurance fund or under a 2(f) agreement. Any remainder will be applied to the principal balance on the note.

(b) *Refunds and extra payments.* (1) Refunds will be applied to the note representing the loan from which the advance was made.

(2) Extra payments will be applied to the note secured by the earliest mortgage on the property from which the extra payment was obtained.

(3) Refunds and extra payments will be applied first to interest accrued on the note and the remainder to the principal balance on the note.

(c) *County office actions.*—(1) *Issuance of receipt.* The County Supervisor will issue Form FHA-37 or FHA 451-1, "Receipt for Payment," for each payment received.

(2) *Notifying borrowers of application of payments.* Notification of the application of payments will be sent to borrowers who request it.

(d) *Finance Office handling.* Collections (regular, extra, and refunds) received for application to insured loans evidenced by notes so permitting will be accumulated by the Finance Office until such collections total \$200 or more or until the end of the calendar quarter, whichever occurs first. Collections accumulated until the end of the calendar quarter will be remitted to lenders within three weeks after the end of the calendar quarter. Collections for application to insured loans evidenced by other note forms will be remitted to private lenders immediately by the Finance Office.

(1) *Regular payments.*—(i) *Direct loan accounts.* The application of principal and interest on direct loan accounts will be reflected in the record of accounts maintained by the Finance Office. Amounts paid on direct loan accounts will be credited on the Finance Office records as of the date of Form FHA-37 or FHA 451-1. Collections will be applied by the Finance Office first to interest accrued to the date of the receipt of payment, second to the principal balance of the loan.

(ii) *Insured loan accounts.* The Finance Office will apply all regular payments on insured loan accounts in the following order of priority to the fol-

lowing items shown on the statement of account:

(a) Billed interest on advances from the insurance fund as shown on the latest annual statement of account. (If the collection is intended for final payment of the loan, the collection will be applied first to the interest accrued on the advance to the date of the receipt.)

(b) Principal of advance from the insurance fund.

(c) Unpaid loan insurance charges, including the current year's charge.

(d) The payment on each note account will be applied by the Finance Office first to accrued interest, and second to the principal balance on the note. If the note is held by a private lender, the interest will be accrued on the note to the date the U.S. Treasury check is issued to the holder. The Finance Office will send the original of Form FHA-282 or FHA 451-5 to the U.S. Treasury Regional Disbursing Office for inclusion in the envelope containing the check to be sent to the holder and a copy to the appropriate County Office. If the note is held by the insurance fund or under a 2(f) agreement, the interest will be accrued on the note to the date of the receipt for payment. Amounts paid will be credited on the Finance Office records as of the date of Form FHA-37 or FHA 451-1. A copy of Form FHA-37 or FHA 451-1 showing the application of principal and interest on the account will be returned to the County Office.

(2) *Extra payments and refunds.* Extra payments and refunds will be applied by the Finance Office first to interest accrued on the note account and then to note principal. Extra payments and refunds will not relieve an insured loan borrower from paying the amount due the insurance account each year, even though the borrower may be ahead of schedule on his note account.

#### § 1861.6 Changes in the application of loan payments.

(a) *Authority of State Directors.* State Directors are authorized to approve requests on Form FHA 451-7, "Request for Change in Application," for changes in the application of payments between a borrower's real estate and other loan accounts when payments have been applied in error and such requests conform to the policies expressed in this part. However, no change in the application of payments will be made if it would involve the reapplication of funds from an insured loan account to other Farmers Home Administration accounts after the payment has been made to the lender or if the payment applied in error resulted in the payment in full of any Farmers Home Administration loan of the borrower and the canceled notes have been returned to him. If the payment applied in error resulted in the payment in full of any Farmers Home Administration loan of the borrower and the canceled notes have not been returned to him, or if the reapplication from an Operating, Emergency, Special Livestock, or other production-type loan to an insured loan would result in a loss of interest of more than

one dollar to the borrower, the request for change in the application will not be made without a written request from the borrower.

(b) *Authority of County Supervisors.* County Supervisors are authorized to approve requests on Form FHA 451-7 for changes in the application of payments within and between Operating, Emergency, Special Livestock, Soil and Water Conservation coded J, and other production-type loan accounts and within and between real estate accounts, when payments have been applied in error and such requests conform to the rules of application set forth in this part.

(c) *Changes made by the Finance Office in application of remittances.* (1) When reapplication of collection is initiated by the Finance Office, it will be accomplished by means of Form FHA-648 or FHA 451-8, "Journal Voucher for Loan Account Adjustments," or Form FHA-281 or FHA 405-8, "Journal Voucher for Insured Loan," a copy of which will be forwarded to the County Office.

(2) When it is necessary for the Finance Office to make any corrections in Form FHA-37 or FHA 451-1, it will notify the County Office by returning a copy of Form FHA-37 or FHA 451-1 stamped "Receipt Corrected."

(d) *Notifying borrowers.* County Supervisors will inform borrowers of any reapplication between real estate and other loan accounts, and of any other reapplication of a significant amount.

#### § 1861.7 Overpayments and refunds.

(a) If, after all principal and interest indebtedness of a borrower has been repaid, there is an additional amount identifiable as "excess" for credit to the borrower, it will be refunded to him.

(b) If a borrower believes he has made an overpayment and requests a refund, such a request must be in writing.

#### § 1861.8 Return of paid-in-full or satisfied notes to borrower.

(a) *Return of notes after collection.* When a note (or loan-type account) evidencing an Operating Emergency, Special Livestock, Soil and Water Conservation loan coded J, or other production-type loan has been satisfied by payment in full, or otherwise, the Finance Office will return such note, stamped with an appropriate legend, to the County Office. If the County Supervisor determines that the account has been satisfied, the note will be returned to the borrower immediately except that:

(1) When the final payment is made in a form other than currency and coin, Treasury check, cashier's check, certified check, Postal or bank money order, bank draft, or a check issued by a responsible lending institution, the note will not be surrendered until 15 days after the date of final payment, and

(2) When the note is needed in making marginal releases or satisfactions of security instruments, it will be held until the instruments are satisfied.

(b) *Surrender of notes to effect collection.* (1) In individual cases, the Fi-



nance Office, upon request from County Supervisors, is authorized to furnish them with promissory notes and a statement of the amount due under such notes when the surrender of the notes is necessary to effect final collection. County Supervisors will surrender the notes to borrowers in such cases when final payments of the amount due are made in the form of currency and coin, Treasury check, cashier's check, certified check, Postal or bank money order, bank draft, or a check issued by a responsible lending institution.

(c) *Lost notes.* If notes evidencing satisfied accounts cannot be found, State Directors may authorize County Supervisors to execute appropriate affidavits regarding lost notes in cases in which such affidavits are requested by borrowers.

(d) *Return of notes reduced to judgment.* Notes which have been reduced to judgment are a part of the court records and ordinarily cannot be withdrawn and returned to the borrower even after satisfaction of the judgment. Therefore, no effort will be made to obtain and return such notes except upon the written request of the judgment debtor or his attorney. Such requests will be referred to the Office of the General Counsel.

§ 1861.9 Definitions and other information on Farm Ownership, Soil and Water Conservation, Other Real Estate, and Farm Housing accounts.

(a) *Installment on note and other charges.*—(1) *Direct loan accounts.* For a borrower with a direct loan, the term "installment on note and other charges," as used in this part, will be the sum of the following:

(i) Annual installment for the year as provided in his promissory note.

(ii) Any recoverable cost charges paid for the borrower during the year, such as taxes and insurance.

(2) *Insured loan accounts.* For a borrower with an insured loan, the term "installment on note and other charges," as used in this part, will be the sum of the following:

(i) Annual installment for the year as provided in his promissory note.

(ii) Annual insurance charge except in case of insured loans evidenced by Forms FHA-218, FHA 442-10, FHA-251, FHA 443-14, FHA-252, and FHA 442-2.

(iii) Any recovery cost charges paid for the borrower during the year, such as taxes and insurance.

(iv) Any accrued interest on advances made out of the insurance fund as shown on the statement of account.

(b) *Insurance account.* The term "insurance account" applies only to a borrower with an insured loan and is a combination of the following:

(1) The annual insurance charge except in case of insured loans evidenced by notes on Form FHA-218, FHA 442-10, FHA-251, FHA 443-14, FHA-252, and FHA 442-2.

(2) Any advances made out of the insurance fund.

(3) Any accrued interest on advances made out of the insurance fund.

(c) *Schedule status.* For direct and insured loans, a borrower will be on schedule, ahead of schedule, or behind schedule when the sum of his regular payments through the last preceding due date of the note equals, exceeds, or is less than, respectively, the sum of "installments on his note and other charges" due through the same date.

(d) *Farm Ownership payments.* The agreements of most borrowers provide a system of variable payments which permits paying more than the scheduled installment on the note and other charges in good years and using the excess to reduce the amount to be paid in poor years.

(1) *Payment requirements.* (i) Farm Ownership borrowers whose loans were approved prior to November 1, 1946, and who are repaying their loans under variable payment agreement forms FSA-LE-228 or FSA-550, will be required, subject to the terms of the agreement, to pay each year the amount determined by the County Supervisor to be within their ability to pay.

(ii) Any borrowers whose agreement calls only for fixed payments will be encouraged to make additional payments in accordance with his ability.

(iii) All other Farm Ownership borrowers will be required to pay one installment on note and other charges each year plus any amount the borrower is behind schedule and any additional sums agreed to by the borrower and the County Supervisor. However, any borrower who is ahead of schedule and whose income for the year is determined to be below normal will be required to pay at least an amount sufficient to keep him on schedule as of the next due date.

(2) *Determination of below-normal income for the year.* (i) The County Supervisor will make a determination as to whether or not a borrower's income for the year was below-normal only when requested to do so by a borrower in the category covered by subparagraph (1) (iii) of this paragraph who is ahead of schedule and has not paid an amount equal to the installment on note and other charges for the year. The County Supervisor will advise such a borrower by letter as to whether or not his income for the year has been determined to be below normal and whether he will need to pay a full installment for the year or may pay less than a full installment.

(ii) The borrower's income will be considered not below normal when it is equal to or exceeds an amount sufficient to pay usual family living and reasonable farm operating expenses, make normal capital replacements within reasonable conformance with the farm and home plan, and pay installment on his note and other charges for the year. If the borrower is not receiving year-end analysis, the determination of whether the borrower had a below-normal income year will be made on the basis of an estimate of the borrower's income, based on the information concerning the borrower's production for the year as compared with the production of other borrowers in the area. The County Supervisor may take into consideration

factors which probably would affect the borrower's income, such as drought, hail or insects prevalent in the area and on the borrower's farm, the prevailing level of commodity prices compared with the costs which were probably encountered by the borrower in his particular type of farming, and any other relevant information acquired by the County Supervisor during the year from farm visits, personal interviews, or other reliable sources.

(e) *Farm housing payments.* (1) A borrower may make payments ahead of schedule at any time. He may later use such ahead-of-schedule payments to forego payments or to supplement the amount available during any year for payment on his annual installment on note and other charges. All borrowers should be encouraged to establish prepayment reserves.

(2) One annual installment on note and other charges will be due each year plus any amount behind schedule, except that a borrower who is ahead of schedule will be required to pay an amount sufficient to keep him on schedule as of the next due date.

(f) *Soil and water conservation payments.* (1) A borrower may make payments ahead of schedule at any time. He may later use such ahead-of-schedule payments to forego payments or to supplement the amount available during any year for payment on his annual installment on note and other charges.

(2) The annual insurance charge for borrowers whose insured loans are evidenced by notes not on Forms FHA-218, FHA 442-10, FHA-252 or FHA 442-2 is computed on the basis of the amount of the unpaid principal obligation as of the annual installment due date, and is due and payable on that date.

(3) One annual installment on note and other charges will be due each year plus any amount behind schedule, except that a borrower who is ahead of schedule will be required to pay an amount sufficient to keep him on schedule as of the next due date.

(g) *Reamortizing direct Farm Ownership, Farm Housing, and direct Soil and Water Conservation accounts.* (1) Such accounts will be reamortized when:

(i) A Farm Ownership borrower whose loan was approved prior to November 1, 1946, and who signed Form FSA-LE-228, is behind schedule, and has such agreement canceled, unless immediate foreclosure proceedings are recommended.

(ii) Any borrower who is not behind schedule, has made extra payments and refunds totaling 10 percent or more of his loan, requests reamortization on Form FHA 451-21, "Request for Reamortization of Real Estate Loan," and the State Director determines that the borrower is likely to have difficulty in meeting his obligations unless the loan is reamortized.

(2) A revised amortization schedule will be in accordance with the following:

(i) The total amount (interest and principal) owed on the note as of the due date previous to the date the request for reamortization is received in the Finance Office (minus any extra payments



or refunds made between those dates) will be reamortized so as to retire the debt in equal annual installments by the maturity date of the note.

(ii) The borrower's note account will be on schedule as of the last installment due date preceding the date of reamortization. The installment due date will be the same as the due date on the note (or accounts) being reamortized.

(3) When the revised amortization schedule has been calculated, the County Supervisor will notify the borrower of the change. It will not be necessary to obtain a new note or to change the face value of the reamortized note.

#### Subpart B—[Reserved]

#### Subpart C—Servicing Loans to Cooperative Associations

**AUTHORITY:** The provisions of this Subpart C issued under sec. 41, 50 Stat. 528, as amended, sec. 6, 50 Stat. 870; 7 U.S.C. 1015, 16 U.S.C. 590w. Interpret or apply sec. 41, 50 Stat. 528, as amended, sec. 2, 50 Stat. 869, as amended; 7 U.S.C. 1015, 16 U.S.C. 590s.

##### § 1861.41 General.

Sections 1861.42 to 1861.47 prescribe the policies, authorities, responsibilities and procedures for loan servicing and supervision of all active cooperative associations. Active cooperative associations, referred to in this subpart as "associations," include water facility associations and all other cooperative associations indebted to the Government for direct loans which have not been approved for liquidation.

##### § 1861.42 Policies.

(a) Associations are expected to place all phases of their operations on a sound basis, and to manage their own affairs with a minimum of technical advice and guidance from the Farmers Home Administration.

(b) Servicing of association loans will be directed toward the repayment of loans on schedule and obtaining compliance with all provisions of the loan agreements, notes and security instruments. Associations will be encouraged to prepay their indebtedness to the Government when possible.

(c) When technical services related to operations, accounting and membership relations are available through other Government agencies, regional cooperative organizations, or other independent sources, associations will be expected to use such services and will be directed to them.

(d) Personnel of the Farmers Home Administration will not perform any of the following functions or services for borrower associations: (1) Serve as officials; (2) perform any administrative or employee functions with respect to any phases of the business; (3) perform clerical services, maintain financial or other records, prepare financial reports or develop operating budgets for the associations. This will not prohibit the necessary training of association Boards of Directors, committees and employees in the performance of their respective duties or the exercise of official duties by Farmers Home Administration em-

ployees specifically authorized in individual cases for the protection of the Government's financial interests. This paragraph does not apply to State and County Committeemen who are members but not directors or officers of borrowing associations; however, no such State or County Committeemen may act upon any matters relating to Farmers Home Administration loans to associations in which they hold memberships.

(e) Associations in default and not operating on a sound basis, which after careful analysis do not evidence prospects of attaining future successful operations within a reasonable time, will be liquidated in an orderly and businesslike manner in accordance with authorizations and instructions issued by the National Office in individual cases.

[13 F. R. 9438, Dec. 31, 1948, as amended at 17 F. R. 2705, Mar. 28, 1952]

##### § 1861.43 Authorities.

(a) Subject to the provisions of §§ 1861.42 to 1861.47 and the approval of the representative of the Office of the General Counsel as to legal sufficiency, State Directors are authorized to perform the following functions when it is determined that such action will not be to the detriment of the Government:

(1) Approve annual budgets submitted by associations.

(2) Approve requests from associations to extend credit to patrons.

(3) Require additional security when it is determined that existing security is inadequate.

(4) Require associations to carry insurance of the types and amounts determined necessary on property mortgaged to the Government.

(5) Require associations to provide adequate bond coverage on officials and employees handling a substantial amount of cash or property.

(6) When required by the loan agreement: Approve the general manager appointed by an association and the amount of his salary; approve the discharge of a manager upon request of the association; and request the association to discharge its manager when such action is deemed necessary to protect the Government's interest.

(7) Approve requests from associations for revision of existing charters and by-laws.

(8) Inform associations of the conditions under which the Government will release liens on mortgaged property to be sold or exchanged and after sale or exchange release such property from lien instruments held by the Government, *Provided:*

(i) The sale or exchange of the property will not impair future successful operations.

(ii) The security is sold for cash at not less than its current fair market value and the proceeds are remitted to the Government for application on the association's indebtedness; or, the exchange will result in the Government obtaining other security property or cash or both, which is equivalent to the fair market value of the property exchanged.

(9) Approve requests from associations to purchase stock or other securities or become a member of any other corporation or association when the benefits to be derived therefrom are commensurate with the investment.

(10) Approve requests from associations for the distribution of cash dividends or patronage refunds.

(11) Approve requests from associations for voluntary dissolution and liquidation of assets when it is determined that the sale of the association's assets will retire in full its indebtedness to the Government.

(12) Appoint a supervisor to act as the Government's representative, if provision is made therefor in the loan agreement, when:

(i) The association has failed to comply with the terms and conditions of the loan agreement and such failure has jeopardized seriously the Government's interest or in all probability will do so.

(ii) Other methods of securing voluntary compliance with the loan agreement have failed.

(13) Approve requests from associations for construction or for the acquisition of construction materials and equipment involving major improvements and repairs.

(14) Approve requests from associations to borrow funds or contract liabilities outside the regular and usual course of business.

(15) Renew existing security instruments.

(b) All requests or applications from associations which the State Director is not authorized to approve will be referred to the National Office together with the State Director's recommendations. These will include, among others, the following:

(1) To renew or amend the terms or conditions of existing notes or loan agreements.

(2) To modify the requirements for setting aside funds or collecting retains for application on the association's indebtedness to the Government.

(3) To merge or consolidate with another organization.

(4) To transfer any assets to another organization except in the regular and usual course of business.

(5) To voluntarily dissolve an association and liquidate its assets when it is determined that the proceeds of sale will not retire in full the association's obligation to the Government.

##### § 1861.44 Responsibilities.

(a) County Supervisors are responsible for:

(1) Informing associations of their obligations to the Government under existing loan agreements, notes and security instruments.

(2) Informing associations of the types and frequency of report requirements under § 1861.45.

(3) Prompt collection of association loan obligations to the Government and servicing security for such loans as required by §§ 1861.42 to 1861.47.



(4) Securing compliance by the association of other terms and conditions of its agreements with the Government.

(5) Reporting to State Directors promptly the failure of any association to comply with the terms and conditions of its agreements after such non-compliance has been brought to the attention of the association and has not been corrected.

(6) Furnishing such training and technical guidance, not readily available through other sources, to associations as is required for protecting the Government's interests. This training and guidance may relate to business operations, personnel training, membership activities or any other phase which vitally affects such association's operations and the Government's interest.

(7) Attending the annual meeting and, as necessary, other membership or directors meetings of associations in the capacity of technical adviser.

(b) State Field Representatives are responsible for:

(1) Providing County Supervisors with technical guidance, training, and follow-up supervision as needed.

(2) Administrative follow-up to ascertain that County Supervisors carry out their responsibilities as prescribed in §§ 1861.42 to 1861.47.

(3) Consulting with and, if necessary, arranging for the assistance of State Office personnel on special training and problems of cooperative associations.

(c) State Directors are responsible for:

(1) Coordinating and directing loan servicing and supervisory activities relating to associations under their jurisdiction and performing other functions as prescribed by §§ 1861.42 to 1861.47.

(2) Establishing a record system in such manner as deemed advisable for maintaining follow-up action to assure prompt compliance by associations with requirements related to budget and report submissions, insurance and bond renewals, reports required under State Laws, chattel security expirations, repayment schedules and other major loan and security servicing requirements.

#### § 1861.45 Budget and report submission by associations.

(a) *Annual budget.* (1) When required by loan agreements, annual operating budgets will be submitted to the Government by associations at the beginning of the association's fiscal year. A sixty-day grace period is allowed within which each association will complete its budget and transmit it to the County Supervisor.

(2) The annual budget may be submitted in any form desired by the association, but must set forth clearly and in detail the estimated income and expenses for the year. If the budget proposes any significant changes from the previous year's operating record, the budget must be supported by a written narrative explaining all estimates that indicate a significant change.

(b) *Audit reports.* (1) Pursuant to the provision of the loan agreement, associations are obligated to furnish such re-

ports as the Government will from time to time require. It is the policy under this provision of the loan agreement to require annual audit reports of associations and such additional reports as the State Director or the Administrator deems necessary. The annual audit report referred to in this paragraph may be in the form desired by the association but must consist of a balance sheet showing the association's current financial position as of the end of each fiscal year and an operating statement showing the results of operations for the year just closed.

(2) When an association's total outstanding indebtedness to the Government exceeds \$15,000, the audit report will be prepared by a qualified independent auditor. The auditing services of a central or federated cooperative will be considered an independent audit. When an association's total outstanding indebtedness to the Government is \$15,000, or less, the audit may be made by a committee of the membership not including any officer, director or employee of the association. Audits made by a committee of members will consist of a verification of the balance sheet and operating statement. The State Director may in the case of any association in this latter group require an independent audit where the nature of operations, volume of business or other factors indicate an independent audit to be necessary, and the cost would not be an undue financial burden to the association.

(3) The annual audit report will be submitted preferably with the budget but in all cases as soon as possible after the close of the fiscal year. If the annual audit report has not been completed at the time for submitting the budget for approval, an unaudited copy of the balance sheet and operating statement will be submitted with the budget in order to permit expeditious analysis and approval of the budget.

#### § 1861.46 Analysis, transmittal and approval of budget and analysis of audit reports.

(a) *Budgets.*—(1) *Analysis.* As soon as possible after the receipt of the budget and financial information in the form of the audit report or balance sheet and operating statement from an association, and after securing such additional information as may be necessary, the County Supervisor will analyze the budget and supporting material and prepare Form FHA-958, "Financial and Budget Analysis," in an original and two copies. The analysis will be made in the light of sound business practices, basic cooperative principles, and financial interest of the Government. The County Supervisor will consult with the State Field Representative in analyzing the budget and in making his recommendations for approval or disapproval. The State Field Representative will attach his recommendations or indicate concurrence in those of the County Supervisor.

(2) *Transmittal.* The County Supervisor will transmit to the State Director:

(i) Form FHA-958 in an original and one copy. The remaining copy will be retained in the County Office.

(ii) The annual audit report or the unaudited balance sheet and operating statement as the case may be.

(iii) The budget as submitted by the association with his recommendations.

(iv) Copies of the minutes of the annual meeting and of any meetings of the Board of Directors at which the budget was discussed or acted upon.

(v) Any other related material.

(3) *Approval.* (i) The State Director after review of the budget will signify his approval or conditional approval by a letter addressed to the County Supervisor.

(ii) An appropriate notation will be entered on the State Office record system of the receipt and approval of each association's annual budget. This notation will be made at the time of approval by the State Director.

(iii) The State Director will retain in his files the original of Form FHA-958. The copy of Form FHA-958 and a copy of the letter approving the budget will be transmitted to the National Office.

(iv) All budgets, audit reports, financial reports, and other material submitted in connection with the budget will be returned by the State Director to the County Supervisor with the approval letter and will become a part of the Farmers Home Administration County Office permanent records.

(v) The County Supervisor will notify the association in writing of the approval of the budget and of any conditions prescribed in connection with such approval.

(b) *Analysis of late audit reports.* When the audit report is submitted subsequent to the budget, the County Supervisor will analyze the report and compare it with the financial and operating statement that was submitted with the budget. In the event there are any substantial differences, the County Supervisor will confer with the State Field Representative as to further action.

#### § 1861.47 Loan servicing.

(a) *Repayments.*—(1) *Notice of payment due.* Form FHA-93, "Statement of Account and Notice of Payment Due," will be prepared in an original and three copies by the Area Finance Manager by the tenth of each month for all associations having installments of principal or interest falling due from the twenty-sixth of the current month through the twenty-fifth of the following month. The status of each note or suffix will be shown as well as the total of all notes on the Form FHA-93. Interest will be accrued and matured to the date of principal maturity in accordance with the terms of the note. The Area Finance Manager will mail the original to the association, a copy to the County Supervisor, and a copy to the State Director.

(2) *Receiving and transmitting of repayments.* Repayments from associations will be handled in accordance with §§ 1862.1 to 1862.3 of this chapter.

(b) *Statement of account.* The Area Finance Manager, upon request of the State Director, will furnish the original



and two copies of Form FHA-749, "Statement of Cooperative Loan Account," showing the status of the loan account of any association as of the date the information is requested.

(c) *Form FHA-106, "Register of Loan Control Transactions."* The Area Finance Manager will prepare Form FHA-106 in an original and three copies as of June 30th and December 31st of each year. The original and one copy of this form will be sent to the National Office, Attention: Finance Division, Fund Accounting Section; one copy will be sent to the State Director; and one copy will be retained in the Area Finance Office.

(d) *Satisfactions.* When a loan has been paid in full, the Area Finance Manager will prepare Form FHA-597, "Notice of Fully Paid Notes," in an original and one copy and forward them to the Communications and Records Management Section having custody of the notes. The notes will be stamped "Paid in Full" and will be sent, attached to the original of Form FHA-597, to the State Director. The copy of the Form FHA-597, with appropriate notation that the notes have been returned, will be filed in the client file in the Communications and Records Management Section. Upon receipt of Form FHA-597 and accompanying notes, State Directors are hereby authorized to satisfy and discharge lien instruments by executing Form FHA-77, "Satisfaction," when all notes secured by such lien instruments are fully paid. Form FHA-77, notes, related security instruments, insurance policies, and bonds will be transmitted to the County Supervisor. County Supervisors are authorized to deliver Form FHA-77, paid in full notes, related security instruments, insurance policies, and bonds to the association and are authorized to make marginal releases of security instruments described in Form FHA-77 as may be required by State Laws. The original of Form FHA-597 will be filed in the client file in the County Office.

(e) *Insurance and bonding.* (1) Thirty days prior to the expiration date or premium payment date of an insurance policy or bond, the State Director will notify the County Supervisor of the coverage required and the County Supervisor will request the association to obtain such coverage. The originals of policies and bonds will be transmitted by the County Supervisor to the State Office where they will be retained.

(2) Insurance policies will have attached the standard mortgage clause (without contribution) or Form FHA-878, "Insurance Mortgage Clause." If a mortgage clause has been approved or is made mandatory by the laws of any State, such clause will be used in that State. If a standard mortgage clause (without contribution) is printed in the policy, then a loss payable clause will be required. The name of the United States of America as mortgagee will be inserted in the mortgage clause.

(3) Associations will obtain required fidelity bonds locally through acceptable bonding companies. The State Director or his successor in office acting for the United States Government will be named

as obligee in the bond, jointly with the association.

(f) *Renewals.* (1) Direct loans to active associations may be renewed when all of the following conditions exist:

(i) The Association has a substantial delinquency which cannot be liquidated within one year.

(ii) The renewal action will not operate to the financial detriment of the Government or impair the security rights of the Government.

(iii) The budget and/or plan of operations of the association provide reasonable assurance that the association will be able to make payments from normal operating income in accordance with the terms of the proposed renewal.

(iv) The Board of Directors and membership have definite plans for obtaining membership support and providing competent management for the continued activity of the association.

(2) Associations desiring to renew notes evidencing loans from the Government will submit their applications to the County Supervisor. These applications will be supported by the following:

(i) A current financial report consisting of a balance sheet and operating statement which presents an accurate report of the association's financial condition. This report must be certified as to its accuracy by a responsible official of the association.

(ii) A certified copy of an appropriate resolution adopted by the Board of Directors and/or membership authorizing the renewal action.

(iii) A budget referred to in subparagraph (1) (iii) of this paragraph. This budget must be supported by a narrative statement describing any significant changes in the association's plan of operation that will reflect the association's ability to make payments from normal operating income in accordance with the proposed renewal.

(iv) An independent current fair market value appraisal of all property owned by the association on which the Government holds a lien.

(3) All applications for renewal of association loans will be submitted to the State Director with recommendations from both the County Supervisor and State Field Representative.

(4) Upon receipt of an application for renewal of an association's loan, the State Director shall request the Area Finance Manager to prepare a special statement of account. The State Director will review the special statement of account, the application for renewal and supporting information and forward the complete docket with his recommendations to the National Office for further consideration.

(5) The State Director will be advised of the action taken on a request for renewal. If the renewal is approved, the State Director will then be supplied with a renewal note form which he will prepare in an original and two copies. The note will be dated as of the date on which the renewal will take effect. The repayment schedule of the renewal note will be in annual principal installments as prescribed by the National Office. The

State Director will, after securing approval of the representative of the Office of the General Counsel as to legal sufficiency, transmit the original and copies of the note to the County Supervisor with a letter of instruction with reference to execution of the renewal note and complying with any renewal conditions. A copy of this letter will be sent to the Area Finance Manager who will discontinue accruing interest until he receives the original executed renewal note. When the original note has been executed by the appropriate officials of the association, the County Supervisor will forward the original to the Area Finance Manager, one copy will be furnished the association, and one copy retained in the County Office. The County Supervisor will also advise the State Director that the renewal note has been executed.

(g) *Releasing security.* (1) Any dispositions of property mortgaged to the Government are made subject to such mortgage. Associations will be held strictly accountable to the Government for all proceeds derived from the sale of mortgaged property which the Government is entitled to receive under its lien.

(2) Before security property mortgaged to the Government is sold or exchanged, associations are required to obtain from the Farmers Home Administration a statement of the conditions under which the lien will be released. This statement will be made on Form FHA-851, "Statement of Conditions on Which Lien Will Be Released."

(3) When an association desires to sell or exchange the mortgaged property, it will submit to the County Supervisor the following:

(i) A certified copy of an appropriate resolution adopted by the Board of Directors and/or membership requesting permission to dispose of security property.

(ii) A narrative statement setting forth the reasons for disposing of security property.

(iii) A report reflecting the current fair market value of the property to be released.

(4) The County Supervisor will prepare an original and two copies of Form FHA-851. One copy will be retained in the County Office and the original and one copy will be forwarded to the State Director along with the request for permission to dispose of security property, supporting information received from the association and the County Supervisor's recommendations. The State Director will indicate his approval of conditions of sale or exchange by executing the original of Form FHA-851 and returning it to the County Supervisor for delivery to the Association.

(5) When security property is sold or exchanged in accordance with the conditions stated in the approved Form FHA-851, the County Supervisor will prepare Form FHA-99, "Release," in an original and two copies. One copy will be retained in the County Office and the original and one copy will be forwarded to the State Director to be executed. After execution the original will be sent



to the County Supervisor for delivery to the association.

(6) Property acquired by associations by exchange or by purchase with proceeds from the sale of other mortgaged property must be made subject to a lien in favor of Farmers Home Administration in such manner as the Representative of the Office of the Solicitor advises to be appropriate under applicable State laws. When a new security instrument is necessary, it will be taken at the time of acquisition of the new property.

(h) *Reporting on defaulted cases.* (1) Defaults by associations under their notes, loan agreements, mortgages or other security instruments, which have not been cured by the association after a reasonable amount of loan servicing and supervision by County Supervisors with the advice of the State Field Representative, will be reported in narrative form to the State Director with either their joint or separate recommendations. The association file and other pertinent material will be forwarded to the State Director with the report.

(2) In cases where the County Supervisor and the State Field Representative recommend liquidation of an association's assets the following additional information will be included in the report to the State Director.

(i) A statement as to whether or not the liquidation would be voluntary on the part of the association. If the association has authorized liquidation, then a copy of the resolution should be attached.

(ii) Specific recommendations on the method of carrying out the liquidation.

(iii) Estimate of the net amount that probably will be realized from disposal of the assets, and an estimate of the loss, if any, to the Government.

(iv) A list of unsalable assets and recommendations for disposal if title to such assets will rest in the Government.

(3) If the liquidation of an association's assets is involved and the recommended liquidation action is not within the approval authority of the State Director as prescribed in § 1861.43, the complete docket, together with the State Director's recommendations, will be forwarded to the National Office. In such instances specific authorities and instructions will be issued by the national Office when liquidation is authorized.

(4) After all liquidation action has been completed, the complete docket will be returned to the unit office and placed in the official files in that office.

(i) *Appointment of supervisor.*—(1) *Notice to the supervisor.* (1) When the loan agreement so provides and the State Director determines that an association's failure to comply with the terms and conditions of the loan agreement is jeopardizing seriously or in all probability will jeopardize seriously the Government's interest and all other methods of securing voluntary compliance with the loan agreement have failed, he will appoint a supervisor, as defined in the loan agreement, to act as the Government representative for the purpose of carry-

ing out the terms and conditions of the agreement.

(ii) The State Director will notify in writing the person selected of his appointment as supervisor. The letter which must be approved by the representative of the Office of the General Counsel for legal sufficiency, will include:

(a) A statement of the supervisor's duties and responsibilities.

(b) The authorities granted him in order to carry out his duties and responsibilities of managing the operations of the association.

(c) A stipulation of the salary, if any, which he is to receive for his work. In case an employee of the Government is appointed supervisor he will receive no compensation in addition to his regular salary.

(d) Other information and instructions necessary to enable him to perform his duties effectively.

(2) *Notice to the association.* The State Director will notify the association, in writing, of the appointment of a supervisor citing the appropriate provisions of the loan agreement. The letter of notification will include the following:

(i) A notice of the specific breach(es) of the loan agreement which renders the appointment necessary and the objectives of the Government in taking control.

(ii) The name of the supervisor and his salary, if any, as fixed by the Government.

(iii) A detailed statement describing the specific authorities and duties of the supervisor.

(3) *Bonding.* The State Director will require that an adequate bond be obtained by the supervisor, the cost to be borne by the association.

(4) *Notice to the National Office.* The State Director will immediately notify the National Office of the appointment of a supervisor and submit a statement for future handling of the association which will include plans for returning management to the association or recommendations for liquidation actions.

(i) *Reporting other associations requests and applications.* (1) Requests and applications from associations for other loans servicing actions not specifically covered by this action will be made in written form addressed to the County Supervisor and must be supported by a copy of the resolution adopted by the members or Board of Directors in connection with such request.

(2) The County Supervisor will attach to the request or application, the association county office file containing the Charter, By-Laws, current year's budget, where required, and the latest audit report.

(3) The County Supervisor will analyze the request or application, make his recommendations after consulting with the State Field Representative, and transmit the complete docket to the State Director. The State Field Representative will attach his recommendations or indicate concurrence in those of the County Supervisor by initialing the docket.

(4) In certain cases, the State Director may require additional information such as a current statement of account from the Area Finance Manager, or a current fair market value appraisal of the association's property. When such appraisals are required they must be made at no cost to the Government.

(5) When the loan servicing action is not within the approval authority of the State Director as prescribed in § 1861.43, the complete docket, together with the State Director's recommendations will be forwarded to the National Office. Specific authorities and instructions will be issued in individual cases.

[13 F.R. 9438, Dec. 31, 1948, as amended at 22 F.R. 4011, June 7, 1957]

## Subpart D—Servicing Accounts of Borrowers Entering the Armed Forces

**AUTHORITY:** The provisions of this Subpart D issued under R.S. 161, secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 510, 63 Stat. 437, sec. 4, 64 Stat. 100; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 42 U.S.C. 1480, 40 U.S.C. 442. Interpret or apply secs. 1, 21, 50 Stat. 522, as amended, 524, as amended, secs. 2, 501, 63 Stat. 44, as amended, 432, sec. 2, 67 Stat. 150, secs. 9, 10, 68 Stat. 735; 7 U.S.C. 1001, 1007, 12 U.S.C. 1148a-2, 1148a-4, 42 U.S.C. 1471, 16 U.S.C. 590x-2, 590x-3.

### § 1861.61 General.

It is not the policy of the Farmers Home Administration to renew, postpone, or modify annual installments due under a borrower's promissory note because of his entry in the armed services. However, scheduled payments will not be enforced against such a borrower when such payments are beyond his ability to pay. Nevertheless, the long-time interest of the borrower can be served best by prompt and satisfactory arrangements for the use and protection, or disposition of the security property in accordance with the policies expressed herein.

### § 1861.62 Borrower owing Farmers Home Administration loans which are secured by chattels.

(a) *Policy.* When information is received that a borrower is entering the armed forces, the County Supervisor will be responsible for contacting the borrower immediately for the purpose of reaching an understanding concerning the actions to take in connection with the Farmers Home Administration loan indebtedness. Such a borrower will be permitted to retain his chattel security property when arrangements can be worked out which will be satisfactory to the borrower and the Farmers Home Administration. However, because of the nature of chattel security, such a borrower will be informed of the usual depreciation of such security property and will be encouraged to sell the property and apply the proceeds on his loan(s). In most cases, the interests of both the borrower and the Government can be served better by arranging for a voluntary sale of the security property. A borrower retaining security property will be expected to make payments on his loan(s) equal to scheduled payments.

(b) *Methods of handling.* In carrying out the above policy, the cases of bor-



rowers entering the armed forces will be handled in accordance with one of the following methods:

(1) *Voluntary sale of security property.* When it is determined that the security property will be liquidated, the borrower will be urged to sell the property through the use of Form FHA-217, "Agreement for Public Sale," for a public sale, or Form FHA-851, "Statement of Conditions on which Lien will be Released," for a private sale. If for any reason it is more desirable or necessary for the property to be sold by the Farmers Home Administration, the sale will be through the use of Form FHA-209, "Agreement for Voluntary Liquidation of Mortgaged Chattels," executed by the borrower before he is accepted for service in the armed forces if the sale is to be completed before the borrower is accepted for service, or after he is accepted for service if the sale cannot be completed before the borrower is so accepted. For this purpose, an individual will be considered as accepted for service after he is ordered to report for induction, or if in the enlisted reserve, after he is ordered to report for service in the armed forces.

(2) *Assumption of indebtedness.* When the borrower arranges with a person satisfactory to the Farmers Home Administration to purchase the security property and to assume the Farmers Home Administration loan indebtedness secured by chattels, the State Director is authorized to approve an assumption agreement for this purpose between the borrower, the person assuming the debt, and the Farmers Home Administration. In such a case, the original borrower will not be released from liability.

(3) *Arrangements with third persons.* When the borrower arranges with a relative or other reliable person to maintain the security property in a satisfactory manner and to make scheduled payments, the State Director is authorized to approve the arrangement. In such a case, the borrower will be required to execute a power of attorney, prepared or approved by the Attorney in Charge, authorizing an attorney-in-fact to act for him during his absence.

(4) *Possible legal action.* If the borrower fails or refuses to cooperate in the servicing of his Farmers Home Administration loan indebtedness secured by chattels in accordance with one of the methods set forth herein, his case will be forwarded to the State Director for action to be taken in protecting the Government's interest.

(c) *Statements of accounts and transfers.* Borrowers entering the Armed Forces will be requested to designate mailing addresses for statements of account. In cases in which assumption agreements have been executed, statements of account will be mailed to the assuming borrower.

#### § 1861.63 Borrower owing Farmers Home Administration loans which are secured by real estate.

Any borrower who is definitely entering the Armed Forces should consult with the County Supervisor prior to the borrower's military service concerning

the most advantageous arrangements that can be made regarding the farm. The County Supervisor will assist such a borrower in working out mutually satisfactory arrangements.

(a) *Power of attorney.* Borrowers entering the armed forces who retain ownership of their farms should be encouraged to execute a power of attorney authorizing the person of their choice to take any actions necessary to insure proper operation and maintenance of the farm, payment of insurance and taxes, and repayment of the loan. No employee of the Farmers Home Administration will act as attorney-in-fact for a borrower.

(b) *When the borrower wishes to retain ownership of the farm.* When a borrower wishes to retain ownership of his farm, the Farmers Home Administration will assist him in making arrangements for the operation of the farm which will protect the interests of both the Government and the borrower.

(1) *Leasing.* It will be more satisfactory if the farm is leased under a written lease in accordance with equitable leasing policies and applicable Farmers Home Administration procedures. The County Supervisor should assist the borrower in securing a dependable tenant who is a good farmer, who will secure maximum production, and who will maintain the farm in good condition. The borrower should make arrangements for the rental income to be used for regular payments on the loan in order to avoid the accumulation of unpaid interest. The borrower also should make arrangements for the payment of taxes and insurance and maintenance of the farm to avoid having these charges paid by the Government and charged to his account. It would be desirable to provide that the lease will continue for the duration of the borrower's military service, unless either party gives written notice of earlier cancellation of the lease.

(2) *Operation by family.* When a borrower wishes to have the farm occupied and operated by his family or relatives without a written lease, the County Supervisor should advise him as to whether the proposed arrangements will be in the best interests of the borrower and the Government. When the farm is to be operated by relatives, the hazards and disadvantages to the borrower and the Government which are inherent in unwritten contracts will be discussed, and every effort will be made to induce the borrower to enter into formal contractual arrangements whenever possible to do so.

(c) *When the borrower does not desire to retain ownership of the farm.* When a borrower feels that the burden of managing the farm and continuing with payment of the indebtedness will be too great for him and his family, he may wish to transfer the farm to another approved applicant or to sell it outside the program. In any such case, the Farmers Home Administration will cooperate with the borrower in effecting a sale or transfer of the farm in accordance with applicable procedures.

(d) *When the borrower abandons the farm or fails to make satisfactory arrangements.* When a borrower abandons the farm or fails to make satisfactory arrangements for maintenance of the farm, and payment of taxes, insurance, and installments on the loan, the County Supervisor will send a complete report on the case to the State Director and will include all the information he can secure regarding the borrower's plans for the farm and any evidence that indicates abandonment, in fact, has taken place. Abandonment cases, or instances in which the borrower fails to take action to transfer or sell his property and evidences no interest in it or desire to retain it, will be processed in accordance with applicable procedures.

(e) *Statements of account.* Borrowers entering the armed forces who retain ownership of their farms will be requested to designate mailing addresses for statements of accounts.

## PART 1862—COLLECTIONS

Sec.	
1862.1	General.
1862.2	Authority.
1862.3	Receipts.

AUTHORITY: The provisions of this Part 1862 issued under R.S. 161, secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 510, 63 Stat. 437, sec. 4, 64 Stat. 100; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 42 U.S.C. 1480, 40 U.S.C. 442.

### § 1862.1 General.

(a) Checks, money orders, and similar items to be remitted as payments on accounts of the Farmers Home Administration should be made payable to the Farmers Home Administration, except that offers in compromise of judgment accounts authorized in Part 1864 of this chapter will be made payable to the Treasurer of the United States. All collection items in any form other than coin and currency will be accepted subject to collection, that is, subject to the items being paid. Post dated checks will not be accepted for payment on indebtedness due the Farmers Home Administration. When such checks are received, they will be returned immediately to the remitter.

(b) Collection items containing restrictive endorsements or notations which will not permit such items to be processed and applied to accounts in accordance with this chapter will be returned to the remitters by the Farmers Home Administration official receiving such items with a request that such notations be withdrawn. However, items containing restrictive endorsements or notations not affecting the handling thereof (for example: "payment in full," when the amount thereof does in fact pay the account in full) will be accepted and processed.

(c) In order to expedite the application of collections to insured loan accounts, insured loan borrowers should be advised to make payments on such loans by cash, postal money orders, certified checks, cashier's checks, bank drafts, or bank money orders.



§ 1862.2 Authority.

Farmers Home Administration employees in bonded positions are hereby authorized to receive, receipt for, exchange for money orders or bank drafts, and transmit collections.

[21 F. R. 3856, June 6, 1956]

§ 1862.3 Receipts.

Form FHA-37, "Receipt for Payment," will be used in receipting for collections and loan refunds. No other form of receipt will be used for this purpose.

PART 1863—REAL ESTATE TAXES

Sec.

1863.1 General.

1863.2 Servicing taxes.

1863.3 Servicing delinquent taxes

**AUTHORITY:** The provisions of this Part 1863 issued under R.S. 161, sec. 41, 50 Stat. 528, as amended, sec. 510, 63 Stat. 437, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 735; 5 U.S.C. 22, 7 U.S.C. 1015, 42 U.S.C. 1480, 40 U.S.C. 442, 16 U.S.C. 590x-3. Interpret or apply secs. 3, 51, 50 Stat. 523, as amended, 531, as amended, sec. 12, 60 Stat. 1076, as amended, sec. 502, 63 Stat. 433, sec. 2, 64 Stat. 98, secs. 9, 10, 68 Stat. 735; 7 U.S.C. 1003, 1025, 1005b, 42 U.S.C. 1472, 40 U.S.C. 440, 16 U.S.C. 590x-2, 590x-3.

§ 1863.1 General.

Each borrower with a Farm Ownership, Farm Housing, Other Real Estate or Soil and Water Conservation loan secured by real estate will be responsible for paying taxes, and all similar assessments, levies, and charges, on his farm to the proper taxing authorities. The obligation of the borrower to pay his taxes before they become delinquent is included in the mortgage securing his loan.

§ 1863.2 Servicing taxes.

(a) The County Supervisor will be responsible for ascertaining that all mortgaged real estate is listed properly for tax purposes, and

(b) The County Supervisor will encourage each borrower to pay taxes promptly in order to avoid any penalties. Normally, this can be accomplished through routine servicing of loans by emphasizing the advantages of setting aside sufficient income to meet tax obligations when they become due. Taxes will be adequately budgeted for those borrowers with whom Form FHA-14, "Farm and Home Plan," is developed. Each borrower will be encouraged to notify the County Supervisor when he has paid his taxes.

§ 1863.3 Servicing delinquent taxes.

(a) Prior (usually about ninety days) to the time it is legally possible for action to be taken that will cause the borrower to lose title or right of possession of his farm, the County Supervisor will contact the borrower and definitely determine whether he will pay the delinquent tax immediately. If the borrower is unable or unwilling to pay the delinquent tax after every appropriate effort has been made to have him do so and the Government's mortgage is a first mortgage, the County Supervisor will prepare and process Standard Form 1034, "Public

Voucher for Purchases and Services Other Than Personal," to cover the amount of the delinquent tax plus the amount of any accrued penalty. If the Government is holding a mortgage other than a first mortgage on the farm, Standard Form 1034 will not be prepared until the County Supervisor has also determined that (1) the prior lien holder will not pay the delinquent tax, (2) the Government's security will be jeopardized if the delinquent tax is not paid, and (3) the value of the security is sufficient to justify the advance.

(b) The County Supervisor will obtain the signature of the appropriate taxing official, as "Payee," on the original.

(c) After the voucher has been processed in the Finance Office, the U.S. Treasury check will be issued directly to the taxing body. The purpose of the payment will be stated on each check. Any amount advanced for taxes will be entered as a recoverable cost charge on the borrower's account in the Finance Office. The advance will bear interest at the rate specified in the most recent note secured by a lien on the property to which the taxes apply.

PART 1864—DEBT SETTLEMENT

Sec.

1864.1 Purpose and scope.

1864.2 General policies.

1864.3 Compromise and adjustment.

1864.4 Cancellation upon application.

1864.5 Cancellation of debts of deceased, disappeared, and bankrupt debtors without application.

1864.6 Cancellation of small claims with principal of \$150 or less.

1864.7 Compromise or cancellation of debts through the use of Form FHA 456-1, "Application for Settlement of Indebtedness," when signature of debtor cannot be obtained.

1864.8 Joint debtors.

1864.9 Cases in the hands of the Office of the General Counsel.

1864.10 Cases referred to the Department of Justice.

1864.11 Approval of settlement and submission to Farmers Home Administration National Office.

1864.12 Processing of Form FHA 456-1.

1864.13 Processing of Form FHA 456-2.

1864.14 Disposition of promissory notes.

1864.15 Delinquent adjustment agreements.

1864.16 Finance Office handling.

**AUTHORITY:** The provisions of this Part 1864 issued under secs. 331, 339, 75 Stat. 312, 318, secs. 2, 4, 64 Stat. 98, 100; 7 U.S.C. 1981, 1989, 40 U.S.C. 440, 442; Order of Sec. of Agr., 19 F.R. 74, 26 F.R. 8403, 27 F.R. 5005, 9957.

§ 1864.1 Purpose and scope.

This part sets forth the policies and procedures for settlement of debts owed the United States and administered by the Farmers Home Administration (referred to in this part as debts owed to the Farmers Home Administration or to the Government) under any of its programs, including State Rural Rehabilitation Corporation accounts being administered under agreements entered into pursuant to section 2(f) of Public Law 499, 81st Congress provided that:

(a) Settlement of Arkansas, Missouri, North Carolina, and Wisconsin corporation accounts requires prior approval of the corporations or State officials having responsibility for the assets.

(b) Settlement of New Hampshire Rural Rehabilitation Corporation accounts requires post approval of the Corporation.

§ 1864.2 General policies.

(a) *Definitions.* For the purpose of this part, the following definitions are applicable:

(1) "Compromise" is the satisfaction of a debt by acceptance of a lump-sum payment less than the total amount due.

(2) "Adjustment" is the reduction in a debt conditioned upon completion of payment of the adjusted amount at some specified future time or times, with or without the payment of any consideration when the adjustment offer is approved. An adjustment is not a final settlement until all payments under the adjustment agreement have been made.

(3) "Cancellation" is the final discharge of a debt without any payment thereon.

(4) "Settlement" is the compromise, adjustment, or cancellation of a debt owed the Farmers Home Administration. The term "settlement" is used for convenience in referring to compromise, adjustment, or cancellation actions, individually or collectively.

(b) *Collection efforts.* The authorities contained in this Part 1864 for the settlement of debts will neither serve as justification for, nor permit prior to initiation of any debt settlement action, any relaxation of the efforts to collect in full the debts owed the Farmers Home Administration in accordance with applicable policies and procedures.

(c) *Settlement of debts created recently.* Debts will not be compromised or adjusted within a period of five years following the date on which they were created, except when it is obvious from the facts submitted in support of the debtor's application for settlement that conditions of a very unusual nature, which were beyond his control, developed after the debt was created and resulted directly in his inability to repay his indebtedness.

(d) *Review by County Committee.* The County Committee is not required to consider the cancellation of claims under § 1864.6. All other proposed settlement actions will be reviewed by the County Committee, which will recommend approval or rejection, and no settlement will be approved if it would be more favorable to the debtor than that recommended by the County Committee.

(e) *Determination that debtor has acted in good faith.* (1) When a debtor applies for the settlement of his indebtedness, consideration will be given to whether he has acted in good faith in an effort to pay his debts to the Government. Some of the factors to consider in making this determination are:

(i) Whether the debtor has made any material misrepresentation or concealed any material facts in obtaining the loans.



(ii) Whether the debtor used substantial amounts of loan funds for unauthorized purposes which were detrimental to his operations.

(iii) Whether the debtor has attempted through the transfer or sale of security property or other assets, or by other means, to defeat efforts to collect the debt.

(2) If it is determined that a debtor has not acted in good faith the settlement will not be approved unless or until the debtor has made appropriate compensation therefor.

(f) *Settlement when legal action has been recommended or is contemplated.* Debts will not be settled if the debtor has committed any acts which might still subject him to criminal prosecution in connection therewith, civil action to protect the interests of the Government is contemplated or pending, or the case is in the hands of the United States Attorney.

(g) *Negotiating the settlement.* In negotiating a settlement the repayment ability and other circumstances of debtors will be discussed with them in order to assist in determining the proper type and terms of settlement offers. The present and future repayment ability of debtors, and any other pertinent factors will be the basis for determining whether the debts should be compromised, adjusted, or canceled. The period of time during which payments on adjustment offers are to be made should not, except in unusual cases, exceed three years. Farmers Home Administration personnel will not negotiate compromise or adjustment offers from debtors who have no present or prospective future repayment ability; also, debtors will be discouraged from making mere token offers. Debtors have the right, however, to make voluntary compromise or adjustment offers in any amount should they elect to do so. In such event their offers should be considered and processed, but an adjustment offer will not be approved in any case unless there is reasonable assurance that the debtor will be able to make the payments as they become due.

(h) *Proceeds from the sale of security property.* Proceeds derived from the sale of security property, including crop security, will not be used in making a compromise or adjustment offer. Such proceeds are subject to application on the debtor's account, irrespective of an application for debt settlement. When a debtor has sold security property and wishes to use the proceeds therefrom as part or all of the offer, the County Supervisor will explain to him that such funds are to be credited on his debt. After such funds are received for credit to the debtor's account, he then may apply for settlement of his remaining indebtedness.

(i) *Settlement where debtor owes more than one type of Farmers Home Administration loan.* As a general rule, it will not be the policy to settle any loan indebtedness of a debtor who is also indebted on another Farmers Home Administration loan, and who will continue as an active borrower.

(j) *Claims against estates.* Settlement of a claim against an estate under the provisions of this Part 364 will be based on the recovery that may reasonably be expected, taking into consideration such items as the security, costs of administration, allowances of minor children and surviving spouse, allowable funeral expenses, and dower and curtesy rights, and specific encumbrances on the property having priority over claims of the Government.

#### § 1864.3 Compromise and adjustment.

Debts owed to the Farmers Home Administration may be compromised or adjusted, upon the application of the debtor, or if a debtor is unable to act for himself, upon the application of his guardian, executor, administrator, or any other person directly interested in his estate, subject to the policies and procedures contained in this Part 1864 and subject to the following:

(a) The debt or any extension thereof on which compromise or adjustment is requested is due and payable, or the debt has been accelerated by written notice prior to the date of application.

(b) The debtor has offered an amount at least equal to the fair market value of the existing security for the debt, including crop security.

(c) The debtor is unable to pay his indebtedness in full and has offered an amount, in addition to the value of the security, which represents a reasonable determination of his ability to pay. The debtor's income, expenses, assets, age, and health are critical factors in determining whether he is eligible for any settlement and, if so, the type of settlement and the amount which he can reasonably be expected to offer.

#### § 1864.4 Cancellation upon application.

Debts owed to the Farmers Home Administration may be canceled upon application of a debtor, or if a debtor is unable to act for himself, upon the application of his guardian, executor, administrator, or any other person directly interested in his estate, subject to the policies and procedures contained in this Part 1864 and subject to the following:

(a) The employee of the Farmers Home Administration having charge of the account furnishes a report and favorable recommendation concerning the cancellation.

(b) There is no known security for the debt.

(c) The debt or any extension thereof, on which cancellation is requested, has been due and payable, or the debt has been accelerated by written notice, five years or more prior to the date of application.

(d) The debtor is unable to pay any part of his debt and has no reasonable prospect of being able to do so.

#### § 1864.5 Cancellation of debts of deceased, disappeared, and bankrupt debtors without application.

Debts due the Farmers Home Administration may be canceled by use of Form FHA 456-2, "Cancellation or Charge-Off

of FHA Indebtedness," upon a report and the favorable recommendation of the employee having charge of the account in the following instances:

(a) *Deceased debtors.* The debtor is deceased and the following conditions exist:

(1) There is no known security for the debt.

(2) If an administrator or executor has not been appointed to settle the estate of the debtor, the financial condition of the estate has been investigated and it has been established that there is no reasonable prospect of recovery.

(3) If an administrator or executor has been appointed to settle the estate of a debtor and (i) a final settlement has been made and confirmed by the probate court and the Government's claim was recognized properly and the Government has received all funds it was entitled to, or (ii) a final settlement has not been made and confirmed by the probate court but there are no assets in the estate from which there is any reasonable prospect of recovery, or (iii) regardless of whether a final settlement has been made, there were assets in the estate from which recovery might have been effected but such assets have been disposed of or lost in a manner which precludes any reasonable prospect of recovery by the Government.

(b) *Disappeared debtors.* The debtor has been absent from his last known address for a period of at least five years, he has no known assets, his whereabouts cannot be ascertained without undue expenses, and there is no existing security for the debt.

(c) *Cancellation of debts that have been discharged in bankruptcy.* Debts discharged in bankruptcy, except judgments obtained by United States Attorneys, may be canceled by the use of Form FHA 456-2, when an opinion has been obtained from the Office of the General Counsel showing that the discharge may be pleaded to bar legal action by the Government against the debtor to enforce collection of the debt.

#### § 1864.6 Cancellation of small claims with principal of \$150 or less.

Debts with a principal balance of \$150 or less may be canceled without application by use of Form FHA 456-2 upon a report and the favorable recommendation of the employee having charge of the account when the indebtedness has all been due and payable for five years or more, efforts to collect the account have been unsuccessful, and it is apparent that further collection efforts would be ineffectual or likely to prove uneconomical.

#### § 1864.7 Compromise or cancellation of debts through the use of Form FHA 456-1, "Application for Settlement of Indebtedness," when signature of debtor cannot be obtained.

Debts of a living debtor whose whereabouts is known may be compromised or canceled if it is impossible or impracticable to obtain his signed application and all requirements of this Part 364 applicable to compromise or cancellation have been met.



§ 1864.8 Joint debtors.

Settlements may not be approved as to one joint debtor unless approved as to all debtors. The term "joint debtors" includes all persons who are legally liable for payment of the debt.

(a) Separate and individual adjustment offers from joint debtors should be accepted and processed only as a joint adjustment offer. Joint debtors should be advised, and Form FHA 456-1 should contain a statement, that neither debtor will be released from liability for the full amount of the debt until all payments due under the joint offer have been made.

(b) In those States in which the wife is not legally liable for payment of the debt even though she signed notes or other loan or security instruments with respect thereto, the State Director will prescribe the basis for determining whether the wife is a joint debtor and, consequently, whether she will be required to make application for settlement.

(c) A separate application will be completed by each debtor, unless the debtors are members of the same family, such as husband and wife, or mother and son, and their situation is such that all necessary information can be shown clearly in a single application. In the latter cases, the application will contain the required financial information for each debtor and will be signed by each.

(d) If one debtor applies for compromise, adjustment, or cancellation, and the other debtor is deceased, or has received a discharge of the debt in bankruptcy, or his whereabouts is unknown, or it is impossible or impracticable to obtain his signature, Form FHA 456-1 will be prepared by showing at the top of the Form the name of the debtor requesting settlement, followed by the name of the other debtor. In addition to the information concerning settlement of the debt as to the debtor making application, information also will be shown which justifies settlement of the debt as to the debtor not joining in the application.

(e) If the total indebtedness is not in excess of \$150 (principal) and the proposed action is cancellation, Form FHA 456-2 may be used and the names of all the debtors will be shown. Sufficient information also will be given to justify cancellation of the debt against each debtor.

(f) If all debtors are either deceased or have received a discharge of a debt in bankruptcy or their whereabouts are unknown, or if a combination of these situations exists, Form FHA 456-2 will be used and will be completed in the manner required in paragraph (e) of this § 1864.8.

§ 1864.9 Cases in the hands of the Office of the General Counsel.

When a case is in the hands of the Office of the General Counsel, and the debtor makes an offer of settlement before the case has been referred to the United States Attorney, immediately upon receipt of such offer, the County

Supervisor will notify the State Director who will obtain the advice of the Office of the General Counsel concerning the proposal and further handling of the case.

§ 1864.10 Cases referred to the Department of Justice.

(a) *Claims and judgments on which United States Attorney's File has not been closed.* When a claim is pending before, or a judgment has been obtained by, the United States Attorney, and the debtor requests settlement of his indebtedness, the County Supervisor will explain to him (1) that the United States Attorney has exclusive jurisdiction over the claim or judgment and that, therefore, the Farmers Home Administration has no authority to consider a settlement offer, and (2) that if he wishes to make a compromise or adjustment offer, he may submit it with any related payment direct to the United States Attorney. The County Supervisor, upon request by the debtor, may assist him in preparing the offer for submission to the United States Attorney, but the offer will be under the signature of the debtor. The offer may be made on Form FHA 456-1, if acceptable to the United States Attorney, or in such other manner as the debtor desires. The County Supervisor will not make any recommendations to the United States Attorney, or any statement or commitment to the debtor which might in any way prejudice the United States Attorney's handling of the case. The County Supervisor will advise the debtor that any payment submitted in connection with the offer should be in the form of a money order or cashier's check payable to the Treasurer of the United States. The County Supervisor will not issue a receipt for the payment.

(b) *Claims on which United States Attorney's file has been closed.* When a claim has been referred to the United States Attorney and his file has been closed without taking judgment, the debt may be compromised, adjusted or canceled under this Part 1864.

§ 1864.11 Approval of settlement and submission to Farmers Home Administration National Office.

(a) *Approval of settlement.* Subject to the policies, procedures, and limitations set forth in this Part 1864, the compromise, adjustment or cancellation of debts may be approved:

(1) By the Administrator where the indebtedness involved in the settlement is \$15,000 or more (including principal, interest, and other charges).

(2) By the State Director where the indebtedness involved in the settlement is less than \$15,000 (including principal, interest, and other charges). The State Director may redelegate all or part of his authority to State Office loan approval officials upon authorization from the Administrator when justified by the volume of debt settlement actions.

(b) *Submission to National Office.* The following types of proposed settlements, if recommended by the State Director, will be submitted to the National Office for consideration before ap-

proval or rejection by the authorized official:

(1) Settlements falling within the Administrator's authority.

(2) Compromise or adjustment offers where the indebtedness is not two years past due.

(3) The debts on which settlement is proposed include rent accounts, D-1 and other leases, Lease and Purchase Contracts that have been canceled or any other debts which have been reported to the General Accounting Office as uncollectible, if the file contains no evidence that the General Accounting Office has closed its file and agreed that Farmers Home Administration resume collection efforts, or if the account is known to be in the hands of the Department of Justice or United States Attorney.

(4) A debt settlement is proposed and a further loan is contemplated.

(5) The proposed debt settlement is for an active borrower.

(6) The debtor's account is involved in a fiscal irregularity investigation case upon which final action has not been taken, or it shows evidence that a shortage may exist and that an inquiry should be made into the matter.

§ 1864.12 Processing of Form FHA 456-1.

Form FHA 456-1 will be used by debtors in making application for compromise, adjustment, or cancellation of their debts.

(a) *Settlement payments and receipts.* An application with which the debtor offers a lump-sum payment in compromise, or with which he offers an initial payment on an adjustment offer, will be supported by payments required therein at the time such application is filed in the County Office. An adequate explanation should be given to the debtors that payments made in connection with offers will be refunded in the form of Treasury checks if the offers are rejected. Payments may be in any form that is acceptable to the Farmers Home Administration as payments on accounts and will be receipted for, by officials of the Farmers Home Administration who are authorized to accept collections, in the usual manner on Form FHA 451-1, "Receipt for Payment," except that receipts covering payments made in compromise cases will contain the following legend: "Compromise Offer—FHA"; receipts covering payments in adjustment cases, made either simultaneously with the offer or prior to receipt of notice of approval, will contain the legend: "Adjustment Offer—FHA"; and receipts covering subsequent payments by debtors under approved adjustments will contain the legend: "Payment under FHA adjustment approved -----."

(b) *Approval or rejection of offer.* The final action taken on an application for settlement will be indicated by the approving official who will sign and date the original Form FHA 456-1. When a compromise offer or payments under an adjustment offer are involved and the debtor's offer is rejected, any payments made on the offer will be refunded to the



debtor in care of the appropriate County Supervisor. State Directors will notify debtors by letter of the final action taken on their applications for settlement. For rejected applications, the letter will set forth the reasons therefor.

#### § 1864.13 Processing of Form FHA 456-2.

Form FHA 456-2 will be used to cancel debts without application of the debtor.

(a) *Approval or rejection.* The final action taken with respect to the cancellation of debts without application will be indicated by the approving official who will sign and date the original of Form FHA 456-2.

#### § 1864.14 Disposition of promissory notes.

Notes evidencing debts settled upon application or compromise through use of Form FHA 456-1 without signature will be returned to the debtor or to his legal representative and the security instruments satisfied. Notes evidencing debts canceled without application will not be delivered to the debtor but will be placed in his case folder and disposed of three years after the settlement is completed.

#### § 1864.15 Delinquent adjustment agreements.

The State Director may void the agreement when the debtor becomes delinquent in his payments. When an adjustment agreement is voided, the State Director will notify the debtor giving the reasons therefor. Any payments made under the voided agreement will be retained as payments on the debt owed at the time of the application. Such payments may not be used as any part of a subsequent compromise or adjustment offer.

#### § 1864.16 Finance Office handling.

In cases of approved offers, remittances will be applied in accordance with established policies, beginning with the oldest loan included in the settlement, except that when the request for settlement includes loans made from different funds, the Finance Office will prorate the amount received on the basis of the total principal balance due the respective funds. When a debtor's adjustment offer is approved, the accounts involved will not be adjusted in the records of the Finance Office until all payments have been made. In such cases, Form FHA 456-1 will be held in a suspense file pending payment of the full amount of the approved offer. All copies of Form FHA 450-1, "Statement of Account," or other forms used for the same purpose, issued in cases of approved adjustments, will be stamped by the Finance Office with the following legend: "Subject to approved adjustment."

### PART 1865—REFINANCING OF LOAN ACCOUNTS

- Sec.  
1865.1 Scope.  
1865.2 Policy.  
1865.3 Credit counseling.

Sec.

- 1865.4 Graduation of Farmers Home Administration borrowers to other sources of credit by voluntary means.  
1865.5 Action when borrower fails to graduate by refinancing.

**AUTHORITY:** The provisions of this Part 1865 issued under R.S. 161, secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 510, 63 Stat. 437, sec. 10, 68 Stat. 735, sec. 4, 64 Stat. 100; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 42 U.S.C. 1480, 16 U.S.C. 590x-3. Interpret or apply secs. 1, 3, 21, 44, 2, 50 Stat. 522, as amended, 523, as amended, 524, as amended, 530, as amended, 869, as amended, sec. 5, 54 Stat. 1122, as amended, secs. 2, 12, 14, 60 Stat. 1062, as amended, 1076, as amended, 1078, as amended, secs. 1, 2, 1, 501, 502, 503, 504, 509, 1, 63 Stat. 43, as amended, 44, as amended, 82, 432, 433, 434, 436, 883, 1038, sec. 2, 64 Stat. 98, secs. 9, 10, 1, 2, 68 Stat. 735, 999, as amended, sec. 16, 69 Stat. 553 as amended, secs. 1, 8, 70 Stat. 525, 1090, secs. 18, 11, 72 Stat. 840, 841; 7 U.S.C. 1001, 1003, 1007, 1018, 16 U.S.C. 590s, 590z-3, 7 U.S.C. 1001 Note, 1005b, 1005d, 12 U.S.C. 1148a-1 and Note, 1148a-2, 42 U.S.C. 1471, 1472, 1473, 1474, 1479, 7 U.S.C. 1006a, 40 U.S.C. 440, 16 U.S.C. 590x-2, 590x-3, 12 U.S.C. 1148a-1 Note, 7 U.S.C. 1006c, 16 U.S.C. 1006a, 7 U.S.C. 1006e, 16 U.S.C. 590x-4. Other statutory provisions interpreted or applied are cited to text in parentheses.

#### § 1865.1 Scope.

This part prescribes the policies to be followed (a) when counseling with applicants and other persons making inquiry at Farmers Home Administration offices concerning agricultural credit assistance, (b) when counseling with Farmers Home Administration borrowers concerning the use of Farmers Home Administration and other credit, and (c) in the graduation of such borrowers to other sources of suitable credit, as soon as they have progressed to the point where such credit is available to them.

#### § 1865.2 Policy.

The Farmers Home Administration credit programs will be administered in a manner to assure that they will not supplant or compete with suitable credit available to farmers from other reliable sources.

#### § 1865.3 Credit counseling.

(a) *Responsibilities of the County Supervisor.* The County Supervisor is responsible for counseling with applicants and borrowers concerning (1) the manner in which credit should be used to make sound and profitable adjustments and improvements in their farming operations, (2) the other credit sources available to farmers in the area and the general conditions under which credit from such sources is available, and (3) how farmers and ranchers should present their requests for credit services to other lenders.

(b) *Credit counseling with farmers and ranchers inquiring about Farmers Home Administration credit sources.* Inquiries and applications are received in County Offices periodically from individuals who either (1) should be able to obtain suitable credit from other sources because of the resources available to them or (2) are unable to qualify for Farmers Home Administration credit

assistance, due to lack of resources or for some other valid reason, but may be able to obtain some credit from another source to enable them to continue in business if their proposed farm and home operations and requests for credit can be properly adjusted. County Supervisors will provide credit counseling assistance to such individuals, as well as to applicants who appear to qualify for Farmers Home Administration credit service. They will also offer to assist such individuals in adjusting their plans of operations and their requests for credit if this appears to be needed to enable them to obtain credit from another source.

(c) *Credit counseling with Farmers Home Administration borrowers concerning use of Farmers Home Administration and other credit.* County Supervisors will assist borrowers in planning for a proper use of Farmers Home Administration and other credit when loans are being made. They will also advise with borrowers concerning the use of such credit at other appropriate times such as during farm and home visits, year-end analysis discussions, and office contacts. Effective credit counseling in the following situations will help assure the early graduation of successful borrowers to other sources of credit.

(1) Borrowers indebted for loans secured by chattels who have made reasonable progress and are in a financial position to obtain annual recurring operating credit from other sources on the basis of crop liens, unsecured notes or open accounts ordinarily should be encouraged to do so even though they cannot refinance the Farmers Home Administration indebtedness secured by liens on livestock or equipment. When necessary the County Supervisor will assist the borrower in discussing his proposed farming operations and credit needs with local lenders for this purpose. Mutual understanding must be reached in such cases concerning the amount of credit to be advanced during the year and the sources of income from which debt payments will be made.

(2) Borrowers indebted for loans secured by chattels who need to purchase additional major items of equipment such as tractors, trucks, and harvesting equipment or replace such items and who are able to make satisfactory arrangements for such purchases from other sources ordinarily should be encouraged to do so. County Supervisors should thoroughly analyze with these borrowers the need for such equipment and their ability to meet the additional debt payments required. The borrowers' plans of operation for the year should include the expenditures for such items and provide for meeting the payments due the Farmers Home Administration and other creditors.

#### § 1865.4 Graduation of Farmers Home Administration borrowers to other sources of credit by voluntary means.

(a) *Reaching understandings with applicants and borrowers concerning graduation to other sources of credit.* To properly implement the policies set forth in this part, the conditions with



respect to graduation to other sources of credit under which Farmers Home Administration credit assistance is made available must be (1) thoroughly discussed with applicants for Farmers Home Administration loans at the outset, (2) re-emphasized periodically with borrowers during farm visits and office contacts, and (3) reviewed with borrowers during year-end analysis or contacts for collection purposes by relating their progress to the possibility of graduating to other sources of credit. Experience shows that where these three steps are properly carried out borrowers fully understand why they are expected to obtain other suitable credit as soon as possible, and there ordinarily is a continuous graduation of borrowers to other sources of credit on a voluntary basis.

(b) *When borrowers should be advised to refinance their Farmers Home Administration indebtedness.* Ordinarily borrowers indebted for loans other than for annual operating expenses only, will be advised to obtain credit from other sources to refinance their Farmers Home Administration indebtedness when they have acquired sufficient equity in their property to enable them to obtain credit for this purpose from other reliable sources at rates and terms generally available to other farmers in the same area. Borrowers indebted for both Farmers Home Administration chattel and real estate loans are expected to refinance their chattel indebtedness when they are able to do so even though they are unable at that time to refinance their real estate indebtedness. The converse of this situation also is true. No further loans of the type that a borrower has been advised to refinance will be made to such borrower unless it becomes clearly evident that he will be unable to obtain credit needed from other sources.

**§ 1865.5 Action when borrower fails to graduate by refinancing.**

(a) *Review by County Supervisor and County Committee.* At least once each year during the period designated by the State Director, each County Supervisor will review the status of those borrowers who have been advised to refinance their Farmers Home Administration indebtedness with other credit but have failed to do so within a reasonable period. The County Supervisor will submit the names of such borrowers to the County Committee along with sufficient information concerning their financial situation, progress, and availability of credit to enable the Committee to arrive at a recommendation as to what further action should be taken. The minutes of the committee meeting will include the names submitted by the County Supervisor and the recommendations in each case by the Committee. The County Supervisor, after considering the recommendations of the Committee, will determine the further action to be taken in each case.

(b) *Notice to borrowers who fail to graduate by refinancing.* Each borrower who the County Supervisor determines

should seek refinancing will be reminded in writing of the previous discussions with respect to refinancing and that it appears he has progressed to the point where he can refinance the Farmers Home Administration debt involved. At the same time, the borrower will be asked to inform the County Supervisor within 60 days of the progress he is making in refinancing his indebtedness and if he is unsuccessful in refinancing his Farmers Home Administration debt, he should also be asked to inform the County Supervisor of the credit sources contacted.

(c) *Action when borrower fails to respond to advice and written notice regarding refinancing.* (1) Borrowers indebted for any Farm Ownership loans approved after October 31, 1946, or Operating loans, who appear to be able to obtain suitable credit to refinance their Farmers Home Administration indebtedness at rates not exceeding five percent per annum and borrowers indebted for Farm Housing loans and Soil and Water Conservation loans (not coded J) who appear to be able to obtain suitable credit at rates and terms they could reasonably be expected to fulfill:

(i) *Action by County Supervisor.* At the expiration of the 60-day period, the County Supervisor will determine what action should be taken with respect to those borrowers who have not made arrangements to refinance their Farmers Home Administration indebtedness. In order to determine in individual cases whether credit is available, it may be necessary for the County Supervisor to contact the sources of credit approached by the borrower and any other suitable sources of agricultural credit available in the area.

(a) If the investigation by the County Supervisor establishes the fact that suitable credit as described in this subparagraph is not available to the borrower to refinance his indebtedness, such borrower will be considered as falling within either of the categories referred to in subparagraph (2) or (3) of this paragraph, depending upon the individual's situation.

(b) For each borrower who the County Supervisor determines could have refinanced his indebtedness at the rates and terms described in this subparagraph but failed to do so, the County Supervisor will prepare a report on Form FHA-133, "Request for Legal Action."

(i) *Action by State Director.* The State Director will review each case submitted to him and determine, on the basis of the facts and recommendations and other information available to him, what action should be taken.

(a) The State Director will advise the County Supervisor of the names of those borrowers he has determined have not defaulted in their refinancing agreements. These cases will then be handled in accordance with either of the categories referred to in subparagraph (2) or (3) of this paragraph, depending upon the individual's situation.

(b) Each of the remaining borrowers will be informed in writing by the State Director that, on the basis of available information, it appears that credit is

available to refinance his Farmers Home Administration indebtedness and that he will be expected to make arrangements to obtain credit for that purpose or to submit additional facts regarding his failure to do so within 30 days.

(c) If the borrower fails to comply with the request or fails to furnish satisfactory evidence within 30 days of his inability to obtain the necessary credit, the State Director will refer the case to the Attorney in Charge with his recommendations for foreclosure.

(2) Borrowers who are indebted for Farm Ownership loans approved after October 31, 1946, or Operating loans, who can obtain suitable credit to refinance their Farmers Home Administration indebtedness but only at rates exceeding five percent per annum and borrowers indebted for other types of Farmers Home Administration loans (except Farm Housing loans and Soil and Water Conservation loans (not coded J)), who can obtain suitable credit to refinance their Farmers Home Administration loans: County Supervisors will continue to encourage borrowers during farm and home visits, office contacts, year-end analysis discussions, or collection contacts to refinance their Farmers Home Administration indebtedness.

(3) Borrowers who were requested to refinance their Farmers Home Administration indebtedness but were in fact unable to do so: County Supervisors will notify these borrowers in writing that the Farmers Home Administration will not require them to make further efforts toward refinancing for at least the remainder of that year.

(Sec. 42, 50 Stat. 529, as amended, sec. 508, 63 Stat. 426; 7 U.S.C. 1016, 42 U.S.C. 1478)

**PART 1866—PAYMENT-IN-FULL**

**Subpart A—Direct Farm Ownership, Other Real Estate and Farm Housing Accounts; and Insured Farm Ownership Accounts Held by the Insurance Fund**

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| 1866.1 | General.   |
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| 1866.3 | Determining balance to be collected.                   |
| 1866.4 | Delivery of satisfactions, notes, and other documents. |
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**Subpart B—Soil and Water Conservation Accounts**

- |         |   |
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| 1866.22 | Payment in full of insured Soil and Water Conservation loan with borrower funds including refinancing by new lender and sale of farm. |
| 1866.23 | Payment in full of insured Soil and Water Conservation loan by refinancing with holder of insured note on a noninsured basis.         |
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**Subpart C—Insured Farm Ownership Loans**

- |         |   |
|---------|---|
| 1866.41 | General.  |
| 1866.42 | Payment in full from borrower's funds, refinancing by a new lender on a noninsured basis, and sale of farm outside program except when holder finances purchaser. |



Sec.  
1866.43 Payment in full by refinancing with holder on a noninsured basis, or by sale of farm outside the program to person obtaining a noninsured loan from holder.

**Subpart A—Direct Farm Ownership, Other Real Estate and Farm Housing Accounts; and Insured Farm Ownership Accounts Held by the Insurance Fund**

**AUTHORITY:** The provisions of this Subpart A issued under secs. 3, 41, 50 Stat. 523, as amended, 528, as amended, sec. 12, 60 Stat. 1076, as amended, sec. 510, 63 Stat. 437, sec. 18, 72 Stat. 840; 7 U.S.C. 1003, 1015, 1005b, 42 U.S.C. 1480, 7 U.S.C. 1006e; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188.

**§ 1866.1 General.**

Sections 1866.1 to 1866.5 set forth the authorizations, policies, and procedures for processing final payments on direct Farm Ownership accounts, Other Real Estate accounts, and Farm Housing accounts which are paid in full at any time after loan closing. Final payment on an insured Farm Ownership account which is held by the insurance fund will be processed generally in the same manner as a direct Farm Ownership account, except that the borrower will be required to pay any loan insurance charges, any other amounts owed the loan insurance account, and any annual charge, as shown on the statement of account prepared in accordance with the applicable provisions of Subpart C of this part. In every case where a loan has been closed, including those where the entire principal of the loan is refunded before any of it has been previously disbursed from the supervised bank account, the borrower will be required to pay interest from the date of the note to the date final payment is received by the County Supervisor.

**§ 1866.2 Authorization.**

(a) The County Supervisor is authorized to accept final payment on a direct Farm Ownership account, insured Farm Ownership account held by the insurance fund, Other Real Estate account, or Farm Housing account (except a Farm Ownership account repaid in less than five years by sale of the farm when profit making seems to be the only significant motive for the sale) and to execute the necessary releases and satisfactions in connection with the indebtedness. When a borrower who has not had his loan five years proposes to sell his farm and pay the Farm Ownership loan in full, and profit making seems to be the only significant motive for the sale, the County Supervisor will advise the State Director of the circumstances. The State Director is authorized to approve or disapprove the transaction and will inform the County Supervisor of the action to be taken.

(b) The State Director will issue a State Instruction which will instruct County Supervisors regarding the release or satisfaction of Farm Ownership, Other Real Estate, and Farm Housing

mortgages when the loan is paid in full. A form of release or satisfaction prepared or approved by the Attorney in Charge will be used.

(c) Escrow arrangements may be used provided the escrow agent is properly bonded. No escrow arrangements will be initiated by the Farmers Home Administration and no part of the expense for an escrow arrangement will be paid by the Government.

**§ 1866.3 Determining balance to be collected.**

(a) When a borrower has indicated his desire to pay his account in full, the County Supervisor will prepare and forward to the Finance Office Form FHA-995, "Request for Certified Statement of Account," in order to obtain the unpaid balance of principal and interest on the borrower's account and the daily rate of accrual of interest.

(b) Upon receipt of Form FHA-835, "Certified Statement of Account," from the Finance Office, the County Supervisor will notify the borrower that he is prepared to accept final payment.

**§ 1866.4 Delivery of satisfactions, notes, and other documents.**

Usually, the County Supervisor will transmit the final payment to the Finance Office with a request for the return of the promissory note for delivery to the borrower; however, if circumstances require delivery of the note at the time final payment is received by the County Supervisor, he will request the Finance Office to forward the note along with the statement of account on Form FHA-835.

(a) *Delivery of documents after note stamped "paid in full" is received from the Finance Office.* The Finance Office, upon receipt of Form FHA-144, "Summary of Remittances," covering the remittance which paid the account in full, will forward to the County Office the note with a "paid-in-full" legend. The note will be returned to the borrower immediately, except that when final payment is made in a form other than currency and coin, U.S. Treasury check, cashier's check or certified check, postal or bank money order, bank draft or a check issued by a responsible lending institution or a responsible title insurance or title and trust company, the note will not be surrendered until fifteen days after the date of final payment, or when the note is needed in making marginal release or satisfaction of the security instrument, the note will be held until the instrument is satisfied. Upon receipt of the note, except as provided above, the County Supervisor will deliver the stamped note, any property insurance policies, and the original mortgage to the borrower. The satisfaction will be executed and delivered in accordance with instructions from the State Director. Any water stock certificates held by the Farmers Home Administration that are the property of the borrower will be transferred to the borrower. Also, any assignment to the Farmers Home Administration of income from the property

being released will be terminated as provided in the assignment agreement.

(b) *Delivery of documents at the time final payment is made.* If the circumstances require the delivery of the promissory note and the satisfaction of the mortgage at the time final payment is made, the County Supervisor will prepare the satisfaction, mark the original note with a paid-in-full legend, and will deliver the original note, the original satisfaction, any property insurance policies, and the original mortgage to the borrower only upon receipt of full payment of the unpaid balance of principal and interest, computed as of the date final payment is received, and in case of an insured loan held by the fund upon full payment of all other unpaid amounts shown on the statement of account, and only when such payment is made in the form of currency and coin, U.S. Treasury check, cashier's or certified check, bank draft, postal or bank money order or a check issued by a responsible lending institution or a responsible title insurance or title and trust company. Any water stock certificates held by the Farmers Home Administration that are the property of the borrower will be transferred to him. Also, any assignment to the Farmers Home Administration of income from the property being released will be terminated as provided in the assignment form.

(c) *Cost of recording or filing of satisfaction.* If State law requires recording or filing of the satisfaction by the mortgagee, any recording cost required to be paid by the Government will be paid by voucher.

**§ 1866.5 Property insurance.**

The County Supervisor will advise the borrower regarding the manner in which property insurance will be canceled or release of mortgage interest executed.

**Subpart B—Soil and Water Conservation Accounts**

**AUTHORITY:** The provisions of this Subpart B issued under secs. 2, 5, 6, 50 Stat. 869, as amended, 870, secs. 9, 10, 68 Stat. 735; 16 U.S.C. 590a, 590v, 590w, 590x-2, 590x-3; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188; §§ 366.21 to 366.23 also issued under sec. 11, 72 Stat. 841; 16 U.S.C. 590x-4.

**§ 1866.21 General.**

This subpart prescribes the authorities, policies, and procedures for processing final payment on insured and direct Soil and Water Conservation loans except that payments on Soil and Water Conservation loans coded J will be handled in accordance with §§ 1861.6(d), 1871.12 (a), (b), (c), and 1871.14 (b) and (c) of this chapter.

(a) *Authority.* The County Supervisor is authorized to accept final payment on a Soil and Water Conservation loan and to execute the necessary satisfaction or release in connection with the indebtedness.

(1) Form FHA-77, "Satisfaction," may be used to execute satisfactions or releases when permitted by State law. If Form FHA-77 is not satisfactory, the State Director may authorize the use of another form.



(2) If State law requires recording or filing of the satisfaction or release by the mortgagee, any recording cost required to be paid by the Government will be paid by voucher.

(b) *Escrow arrangements.* Escrow arrangements may be used provided the escrow agent is properly bonded. No escrow arrangements will be initiated by the Farmers Home Administration and no part of the expense for an escrow arrangement will be paid by the Government.

(c) *Loan insurance charges for loans evidenced by promissory note forms in the FHA-520 series or FHA-965 series.* In all cases of final payment of an insured loan evidenced by Forms FHA-520, FHA-520A, FHA-965, FHA-965A, FHA-965B, or FHA-965C, when the borrower has had use of all or any part of the loan funds, he will be required to pay the entire annual loan insurance charge computed for the year then current if not already paid. This charge will be one percent of the unpaid principal amount due on the promissory note as of January 1 preceding the date final payment is made on the note account. For the purpose of computing this charge, the date final payment is made on the note account will be the date the funds for final payment of the note account are received by the County Supervisor for transmittal to the Finance Office. In transactions where final payment of the note account is accomplished by the lender's exchanging the insured note for a noninsured note without funds being paid to the Farmers Home Administration, the date the insured loan is refinanced will be considered to be the date final payment is made on the note account.

(d) *Loan funds refunded in full after loan closing.* If an insured loan borrower decides to refund in full his Soil and Water Conservation loan, he will be required to pay interest on the note account from the date of loan closing to the date the U.S. Treasury check is remitted to the lender. However, for a loan held by the insurance fund, the borrower will be required to pay interest on the note account from the date of loan closing to the date of the receipt for the refund. In case the loan is evidenced by a Form FHA-520 or FHA-965 series note, the borrower will be required to pay a loan insurance charge from the date of loan closing to the date the U.S. Treasury check is remitted to the lender. In the event the borrower has prepaid the loan insurance charge, any overpayment will be refunded to the borrower by the Finance Office unless the borrower is indebted on another account, in which case the overpayment will be applied to the unpaid account.

(e) *Return of funds in supervised bank account.* Prior to final payment, any Soil and Water Conservation funds remaining in the borrower's supervised bank account will be withdrawn and remitted to the Finance Office for application on the borrower's note account as a refund.

§ 1866.22 Payment in full of insured Soil and Water Conservation loan with borrower funds including refinancing by new lender and sale of farm.

This section applies to all cases where final payment of the insured loan indebtedness is to be derived from the borrower's funds, refinancing with a new lender, and the sale of the farm. The County Supervisor will collect from the borrower any amount owed the loan insurance account, the annual charge for notes on Form FHA-218 or FHA-252, and the balance of the principal and interest owed on the note account and remit the collection to the Finance Office. Since the Farmers Home Administration is the collection agent for the holder, the County Supervisor will advise the borrower, purchaser, or new lender, as the case may be, that the remittance for final payment should be made payable to, or endorsed to, the order of the Farmers Home Administration.

(a) *Finance Office action.*—(1) *Adjustment of records.* Upon receipt of the collection in the Finance Office, if the collection pays the account in full, the Director, Finance Office, will take the appropriate action to close the account.

(2) *Notice to holder.* The Finance Office will forward an original and one copy of Form FHA-993A, "Notice and Acknowledgment of Final Payment," to the holder for execution and return of the original to the appropriate County Supervisor.

(b) *County Office action.* Upon receipt from the holder of the canceled promissory note and the original of the completed Form FHA-993A, an instrument of satisfaction or release prepared by the County Supervisor, if needed, will be delivered to the borrower, new mortgagee, purchaser, or the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied mortgage will be delivered to the borrower. Any water stock certificates held by the Farmers Home Administration which are the property of the borrower also will be transferred to the borrower. Any assignments to the Farmers Home Administration of income from the property being released will be terminated as provided in the assignment agreement. The County Supervisor will make proper disposition of any property insurance as prescribed in Part 1806 of this chapter. The County Office records will be adjusted to show a paid-in-full account.

§ 1866.23 Payment in full of insured Soil and Water Conservation loan by refinancing with holder of insured note on a noninsured basis.

This section applies when final payment of an insured Soil and Water Conservation loan is to be made by refinancing by the holder of the insured note on a noninsured basis. Final payment of the note account may be accomplished by exchanging a noninsured note of the insured promissory note.

(a) *Collection of loan insurance account and annual charge.* The County Supervisor will collect from the borrower any amount owed the loan insurance account and the annual charge, if any. If Form FHA-835, "Certified Statement of Account," shows an unpaid balance of any amount advanced from the insurance fund, the County Supervisor will compute the interest on such amount to the date he receives payment. Also, if the loan is evidenced by Form FHA-218 or FHA-252, the County Supervisor will compute the annual charge to the date he receives payment. He will remit the funds collected to the Finance Office.

(b) *Preparation of Form FHA-993, "Notice of Receipt of Final Payment of Insured Loan."* The County Supervisor will complete Form FHA-993 with respect to the borrower, the amount of loan, and the date of the note or bond and will forward the original and two copies to the holder. The County Supervisor will inform the holder of the outstanding balance of principal and interest due him on the insured note account and the daily rate of accrual of such interest. The County Supervisor will request that, if such amount is in agreement with the holder's records, the holder should insert the date the final payment is received (date insured loan is refinanced), execute the original and one copy of Form FHA-993, and return to the County Supervisor the executed original and copy of Form FHA-993, together with the canceled promissory note.

(c) *Finance Office action.* Upon receipt of the executed original and copy of Form FHA-993 from the County Office, the Finance Office will determine if the full amount owed the loan insurance account, and the annual charge for notes on Form FHA-218 or FHA-252 have been paid, and, if paid, the Director, Finance Office, will sign Form FHA-993 and forward an executed copy to the County Supervisor. Finance Office records will be satisfied as a paid-in-full account.

(d) *County Office action.* Upon receipt of the completed copy of Form FHA-993 from the Finance Office, an instrument of satisfaction or release prepared by the County Supervisor, unless otherwise provided by instructions of the State Director, will be delivered to the lender or the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied real estate mortgage will be delivered to the borrower. Any water stock certificates held by the Farmers Home Administration which are the property of the borrower will be transferred to the borrower. Any assignment to the Farmers Home Administration of income from the property being released will be terminated as provided in the assignment form. Property insurance will be canceled in accordance with Part 1806 of this chapter. The County Office records will be adjusted to show a paid-in-full account.



**§ 1866.24 Payment in full of all direct Soil and Water Conservation loans except loans coded J.**

Upon receipt of final payment on such loans, the County Supervisor will transmit the final payment to the Finance Office with a request for the return of the promissory note for delivery to the borrower; however, if circumstances require delivery of the note at the time final payment is received by the County Supervisor, he will request the Finance Office to forward the note prior to the time of final payment.

(a) *Delivery of documents after note stamped "paid in full" is received from the Finance Office.* The Finance Office will forward to the County Office the note stamped with a "paid-in-full" legend. The note will be returned to the borrower immediately, except that when final payment is made in a form other than currency and coin, U.S. Treasury check, cashier's or certified check, postal or bank money order, bank draft or a check issued by a responsible lending institution or a responsible title insurance or title and trust company, the note will not be surrendered until fifteen days after the date of final payment, or when the note is needed in making marginal release or satisfaction of the security instrument, the note will be held until the instrument is satisfied. Upon receipt of the note, except as provided above, the County Supervisor will deliver the stamped note, any property insurance policies, and the original mortgage to the borrower. Any water stock certificates held by the Farmers Home Administration that are the property of the borrower will be transferred to the borrower. Also, any assignment to the Farmers Home Administration of income from the property being released will be terminated as provided in the assignment form. For all real estate loans, and when required for notes secured by chattel property, the satisfaction or release will be executed and delivered in accordance with the instructions of the State Director.

(b) *Delivery of documents at the time final payment is made.* If the circumstances require delivery of the promissory note and the satisfaction of the mortgage at the time final payment is made, upon receipt of the note from the Finance Office, the County Supervisor will prepare the satisfaction or release unless otherwise provided by instructions of the State Director. The County Supervisor will mark the original note with a paid-in-full legend and deliver the original note, the original satisfaction or release, any property insurance policies, and the original mortgage to the borrower only upon receipt of full payment of the unpaid balance of principal and interest computed as of the date final payment is received, and only when such payment is made in the form of currency and coin, U.S. Treasury check, cashier's or certified check, bank draft, postal or bank money order, or a check issued by a responsible lending institution, or a responsible title insurance or title and trust company. Any water stock certificates held by the Farmers

Home Administration which are the property of the borrower will be transferred to him. Also any assignment to the Farmers Home Administration of income from the property being released will be terminated as provided in the assignment form. If full payment is not received, or any other requirements prerequisite to the delivery of the note, the satisfaction, and other instruments are not met, the County Supervisor will return the original note to the Finance Office with the proper explanation and will destroy all copies of the satisfaction or release.

**Subpart C—Insured Farm Ownership Loans**

**AUTHORITY:** The provisions of this Subpart C issued under sec. 41, 50 Stat. 528, as amended, sec. 12, 60 Stat. 1076, as amended, sec. 18, 72 Stat. 840; 7 U.S.C. 1015, 1005b, 1006e; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188, except as otherwise noted.

**§ 1866.41 General.**

Sections 1866.41 to 1866.43 prescribe the authorities, policies, and procedures for processing final payment of insured Farm Ownership loans except those loans which are paid in full by making a subsequent insured Farm Ownership loan and insured loans held by the insurance fund. Payment in full of an insured Farm Ownership loan by refinancing with a subsequent Farm Ownership loan will be accomplished in accordance with Part 1833 of this chapter. Payment in full of an insured Farm Ownership loan held by the insurance fund other than with a subsequent Farm Ownership loan will be accomplished in accordance with §§ 1866.1 to 1866.5. For the purposes of this subpart, the terms "lender" and "holder" mean the current holder of the insured note and, when applicable, also the insured mortgage and related instruments.

(a) *Escrow arrangements.* Escrow arrangements may be used provided the escrow agent is properly bonded. No escrow arrangement will be initiated by the Farmers Home Administration and no part of the expense for an escrow arrangement will be paid by the Government.

(b) *Special restrictions.* The Bankhead-Jones Farm Tenant Act, as amended, and the security instrument or note taken in connection with each insured Farm Ownership loan provide that, without the consent of the Government, no final payment of an insured Farm Ownership loan will be accepted, nor release of mortgagee's interest made, in less than five years from the date of the mortgage relating to the loan. It is further provided that the farm or any interest therein may not be sold without consent of the Government and, when applicable, the consent of the holder. Subject to the policies and procedures prescribed in this Subpart, the County Supervisor is authorized, on behalf of the Government, to execute instruments of satisfaction, release, or consent in connection with the payment in full of an insured Farm Ownership loan or sale of

the farm of an insured Farm Ownership borrower.

(c) *Loan insurance charge for loans evidenced by Form FHA-240, "Promissory Note," or Form FHA-360, "Promissory Note."* In all cases of final payment of an insured loan evidenced by Form FHA-240 or Form FHA-360, when the borrower has had use of all or any part of the loan funds, he will be required to pay the entire annual loan insurance charge computed for the year then current, if not already paid. This charge will be 1 percent of the unpaid principal amount due on the promissory note as of the installment due date preceding the date final payment is made on the note account. For the purpose of computing this charge, the date final payment is made on the note account will be the date the funds for final payment of the note account are received by the County Supervisor for transmittal to the Finance Office. In transactions where final payment of the note account is accomplished by the exchange of promissory notes without funds being paid to the Farmers Home Administration, the date final payment is made on the note account will be considered to be the date the insured loan is refinanced. This will be the date entered in the space entitled "Final Payment Received" on Form FHA-993, "Notice of Receipt of Final Payment on Insured Loan."

(d) *Loan funds refunded in full after loan closing.* If a borrower decides to refund in full his loan, he will be required to pay interest on the note account from the date of loan closing to the date the U.S. Treasury check is remitted to the lender. However, for a loan held by the insurance fund or under a 2(f) agreement, the borrower will be required to pay interest on the note account from the date of loan closing to the date of the receipt for the refund. In case the loan is evidenced by Form FHA-240 or Form FHA-360, the borrower also will be required to pay a loan insurance charge from the date of loan closing to the date the U.S. Treasury check is remitted to the lender.

(e) *Actions to effect final payment—*

(1) *Return of funds in supervised bank account.* Any Farm Ownership funds remaining in the borrower's supervised bank account will be withdrawn and remitted to the Finance Office for application on the borrower's note account as a refund prior to the request for a statement of account.

(2) *Determining balance to be collected.* The County Supervisor will request the Finance Office to send him Form FHA-835, "Certified Statement of Account," to show all amounts owed on the borrower's Farm Ownership account.

(f) *Actions subsequent to final payment—*(1) *Satisfaction of mortgage—*(i) *By lender.* The holder of an insured mortgage (which is not held by the Government under a trust assignment or declaration of trust), upon receiving full payment of the note account, will execute the customary form of satisfaction or release of the real estate mortgage, unless otherwise provided by instructions from the State Director in



certain states using deeds of trust. Upon request of any holder of an insured mortgage, the County Supervisor will furnish an appropriate form of satisfaction or release previously approved for this purpose by the Farmers Home Administration.

(ii) *By Government.* In case of payment in full of an insured loan for which the lender holds only the note, or an insured loan for which the Government holds the mortgage under a trust assignment or declaration of trust, the County Supervisor will execute a satisfaction or release of the real estate mortgage on a form previously approved for this purpose by the Farmers Home Administration, unless otherwise provided by the Farmers Home Administration in certain States using deeds of trust. Whenever the Government holds the mortgage under a trust assignment or declaration of trust, the satisfaction will show that the Government is satisfying the mortgage for itself and as trustee.

(2) *Form FHA-366, "Consent and Release of Interest of United States (Insured Farm Ownership Loans)."* In case of payment in full of an insured loan for which the lender holds the mortgage, the County Supervisor will execute Form FHA-366. The original will be delivered only after the note account and all amounts due the loan insurance account have been paid and a satisfaction or release of the real estate mortgage is ready to be delivered.

(3) *Recordation of satisfaction and Form FHA-366.* The satisfaction or release of the real estate mortgage will be recorded, and the cost of such recording will be borne by the borrower, except when State law requires the mortgagee to record or file satisfactions or releases and to pay the cost of recording. When used, Form FHA-366 will be recorded normally along with the satisfaction or release. The cost of recording Form FHA-366 will not be borne by the Government, except when State law requires the mortgagee to pay such cost. Any recording costs required to be paid by the Government will be paid by voucher.

(4) *Special instructions.* If State law or custom provides for any special method or requirement for processing or executing the satisfaction or release or Form FHA-366, or if any problems arise as to satisfactions or releases to be executed by out-of-state lenders, the State Director will issue instructions covering such special method or requirement.

(Sec. 3, 50 Stat. 523, as amended; 7 U.S.C. 1003)

§ 1866.42 Payment in full from borrower's funds, refinancing by a new lender on a noninsured basis, and sale of farm outside program except when holder finances purchaser.

This section applies to all cases where final payment of the insured loan indebtedness is to be derived from the borrower's funds, the proceeds from refinancing with a new lender on a noninsured basis, and the proceeds from the sale of a farm outside the program when a new lender furnishes the funds. The funds for final payment in such cases

will be processed through the Finance Office.

(a) *Determining balance of indebtedness and collection.* When the borrower is ready to make his final payment, the County Supervisor will, upon receipt of Form FHA-835 from the Finance Office, compute the amount necessary to repay in full the amount owed the holder on the note account, any amount owed the loan insurance account, and the annual charge for notes on Form FHA-251.

(1) The County Supervisor will collect from the borrower any amount owed the loan insurance account, the annual charge, if any, and the balance of the principal and interest owed the holder on the note account. He will remit the collection to the Finance Office with Form FHA-37, "Receipt for Payment."

(2) Since the Farmers Home Administration is the collection agent for the holder, the County Supervisor will advise the borrower, purchaser, or new lender, as the case may be, that the remittance for final payment should be made payable to, or endorsed to, the order of the Farmers Home Administration.

(b) *Finance Office action—(1) Adjustment of records.* Upon receipt of the collection in the Finance Office, if the collection pays the account in full, the Director, Finance Office, will take the appropriate action to close the account.

(2) *Notice to holder.* The Finance Office will send an original and one copy of Form FHA-993A, "Notice and Acknowledgment of Final Payment," to the holder for execution and return of the original, together with the canceled promissory note and any other papers indicated on Form FHA-993A, to the County Supervisor.

(c) *County Office action.* Upon receipt from the holder of the canceled promissory note and the original of the completed Form FHA-993A, and in the case of an insured loan for which the lender holds the mortgage, also receipt of the real estate mortgage and an instrument of satisfaction or release, the County Supervisor will proceed as follows:

(1) In the case of an insured loan for which the lender holds the mortgage, the instrument of satisfaction or release (furnished by the lender in accordance with § 1866.41(f)) and Form FHA-366 will be delivered to the borrower, mortgagee, purchaser, or the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied real estate mortgage will be delivered to the borrower. Any abstracts of title held by the Farmers Home Administration which are the property of the borrower also will be delivered to the borrower. The County Supervisor will make proper disposition of any property insurance as prescribed in Part 1806 of this chapter. The executed original of Form FHA-993A will be retained in the borrower's case folder. The County Office records will be adjusted to show a paid-in-full account.

(2) In the case of an insured loan for which the Government is named as mortgagee in the mortgage or an insured loan for which the Government holds the

mortgage under a trust assignment or a declaration of trust, an instrument of satisfaction or release (furnished by the County Supervisor in accordance with § 1866.41(f)) will be delivered to the borrower, mortgagee, purchaser, or the recorder of deeds and mortgages, as the case may require. The canceled promissory note, the satisfied real estate mortgage, and any abstracts of title held by the Farmers Home Administration which are the property of the borrower will be delivered to the borrower. The County Supervisor will make proper disposition of any property insurance as prescribed in Part 1806 of this chapter. The executed original of Form FHA-993A will be retained in the borrower's case folder. The County Office records will be adjusted to show a paid-in-full account.

§ 1866.43 Payment in full by refinancing with holder on a noninsured basis, or by sale of farm outside the program to person obtaining a noninsured loan from holder.

This section applies when final payment of the insured loan indebtedness is to be made by refinancing by the holder on a noninsured basis, or by sale of the farm outside the program to a person obtaining a noninsured loan from the holder in an amount not less than the outstanding balance owed on the insured note account. In either case, final payment of the note account may be accomplished by exchanging a noninsured note for the insured promissory note and, when applicable, by exchanging a noninsured mortgage for the insured mortgage. Since no funds are involved in making the final payment to the holder, only any amount owed the loan insurance account and the annual charge, if any, will be transmitted to the Finance Office.

(a) *Collection of loan insurance account and annual charge.* When final payment of the account of the insured borrower is to be accomplished by either of the above methods, the County Supervisor, upon receipt of Form FHA-835 from the Finance Office, will collect from the borrower any amount owed the loan insurance account and the annual charge, if any. If Form FHA-835 shows an unpaid balance of any amount advanced from the insurance fund, the County Supervisor will compute the interest on such amount to the date he receives payment. Also, if the loan is evidenced by Form FHA-251, the County Supervisor will compute the annual charge to the date he receives payment. He will remit the funds collected to the Finance Office with Form FHA-37.

(b) *Preparation of Form FHA-993.* The County Supervisor will complete the information in Section I of Form FHA-993 with respect to the borrower, the amount of loan, and the date of note or bond. The original and two copies of the partially completed Form FHA-993 will be delivered to the holder. The County Supervisor will inform the holder of the outstanding balance of principal and interest due him on the insured note account as of the date of Form FHA-835 and the daily rate of accrual



of such interest. The County Supervisor will request that, if such amount is in agreement with the holder's records, the holder should insert the date the final payment is received (date insured loan is refinanced), execute the original and one copy of Form FHA-993, and return to the County Supervisor the executed original and copy of Form FHA-993, together with the canceled promissory note. If the lender holds the mortgage, the County Supervisor also will request the holder to return the satisfied mortgage. If requested by the holder, the County Supervisor will file for recordation any instrument of satisfaction or release of the mortgage furnished by the holder.

(c) *Finance Office action.* Upon receipt of Form FHA-993 from the County Supervisor, the Finance Office will determine if the full amount owed the loan insurance account and the annual charge for notes on Form FHA-251 have been paid. If paid, the Director, Finance Office, will sign Section II of Form FHA-993. The original of Form FHA-993 will be retained in the Finance Office. Finance Office records will be satisfied as a paid-in-full account.

(d) *County Office action—(1) Insured mortgage held by the lender.* For an insured loan for which the lender holds the mortgage, the County Supervisor will, upon receipt of the completed copy of Form FHA-993 from the Finance Office, sign and acknowledge Form FHA-366. Form FHA-366 will be delivered to the lender or to the recorder of deeds and mortgages, as the case may require. The canceled promissory note, the satisfied real estate mortgage, and any abstracts of title held by the FHA which are the property of the borrower will be delivered to the borrower. The completed copy of Form FHA-993 will be placed in the borrower's case folder. Property insurance will be canceled in accordance with Part 1806 of this chapter. The County Office records will be adjusted to show a paid-in-full account.

(2) *Insured note or insured mortgage held by the Government under a trust assignment or declaration of trust.* For an insured Farm Ownership loan for which the Government is named as mortgagee in the mortgage or holds the mortgage under a trust assignment or declaration of trust, the instrument of satisfaction or release (furnished by the County Supervisor in accordance with § 1866.41(f)) will, upon receipt of the completed copy of Form FHA-993 from the Finance Office, be delivered to the lender or the recorder of deeds and mortgages, as the case may require. The canceled promissory note, the satisfied real estate mortgage, and any abstracts of title held by the Farmers Home Administration which are the property of the borrower will be delivered to the borrower. The completed copy of Form FHA-993 will be placed in the borrower's case folder. Property insurance will be canceled in accordance with Part 1806 of this chapter. The County Office records will be adjusted to show a paid-in-full account.

## SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

### PART 1871—CHattel SECURITY

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#### Subpart C—Security Servicing For Special Livestock Loans

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|---------|--|
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#### Subpart A—Servicing

**AUTHORITY:** The provisions of this Subpart A issued under R.S. 161, sec. 41, 50 Stat. 528, as amended; sec. 6, 50 Stat. 870, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 735; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 590x-3, 40 U.S.C. 442. Interpret or apply secs. 21, 44, 51, 50 Stat. 524, as amended, 530, as amended, 531, as amended, secs. 1-7, 50 Stat. 869, as amended, 870, secs. 1-12, 54 Stat. 1119-1125, as amended, sec. 2, 60 Stat. 1062, as amended, sec. 2, 63 Stat. 44, as amended, sec. 2, 64 Stat. 98, sec. 2, 67 Stat. 150, sec. 8, 68 Stat. 668, as amended, secs. 8-10, 68 Stat. 735, secs. 1-3, 68 Stat. 999, as amended, secs. 8, 9, 70 Stat. 1090; 7 U. S. C. 1001 Note, 1007, 1018, 1025, 12 U. S. C. 1148a-1 Note, 1148a-2, 1148a-4, 16 U. S. C. 590r-590x, 590x-1, 590x-2, 590x-3, 590y, 590z, 590z-1-590z-10, 1006a, 1006b, 1007, 40 U. S. C. 440.

##### § 1871.1 General.

This subpart covers the servicing of crop and chattel security for Farmers Home Administration loans, except as otherwise provided in Subpart C of this part with respect to Special Livestock loans. Sections 1871.12 (a), (b), and (c) and 1871.14 also apply to real estate security instruments securing Operating, Emergency, Special Livestock, and other production type loans and direct Water Facilities loans coded J. This subpart does not apply to the servicing of Soil and Water Conservation loans made to associations or loans made to other cooperative associations. After accounts have been approved for liquidation, security property will be disposed of and the proceeds will be used and accounted for in accordance with the provisions of Subpart B of this part. Borrowers must account to the Government for all property mortgaged to secure Farmers Home Administration loans.

##### § 1871.2 Taking additional security and keeping security instruments current.

County Supervisors are responsible for maintaining security instruments which will properly identify all security property, including replacements and increases, and for obtaining additional security, as needed, including crop liens.

(a) *Chattels, crops, and assignments.* When additional chattel and crop security not presently covered by a Farmers Home Administration lien is available and needed to protect the Government's interest, County Supervisors will obtain liens on such property and will obtain assignments of the proceeds from the sale of agricultural products or of other income, including, Agricultural Conservation Program payments, to be received by the borrower except that crop liens will not be taken as additional security for Soil and Water Conservation loans. When a new security instrument is taken, all existing security items will be described thereon except small equipment, tools, and so forth, on which a lien would not be required under current loan making instructions. This, however, will not relieve the borrower of the responsibility for accounting for these items of security which are omitted from the latest mortgage. Ordinarily, when taking additional chattel or crop security for one type of



Farmers Home Administration loan, the security instrument also will describe the notes for other Farmers Home Administration loans which are secured by liens on chattels or crops. However, notes for Soil and Water Conservation loans having final due dates which extend substantially beyond that of other Farmers Home Administration loans being secured will not be described on mortgages covering the borrower's crops, livestock, and farm machinery unless such notes are presently secured by substantially the same items of security property.

(b) *Real estate.* In servicing Operating loan cases, liens on real estate including real estate serving as security for any Farmers Home Administration loan may be taken upon approval of the State Director when (1) the borrower has a substantial equity in the real estate to be mortgaged, (2) the taking of such security is necessary to protect the interest of the Government, (3) chattel security is not adequate, and (4) the financial condition of the borrower is unfavorable, considering the amounts owed the Farmers Home Administration and other creditors. Form FHA-127—, "Real Estate Mortgage," or other form approved by the National Office, will be used for this purpose. Borrowers will be encouraged to insure improvements on real property taken as security for Farmers Home Administration chattel indebtedness in reasonable amounts and against such hazards as are customary in the area. When insurance is necessary, it should be obtained in accordance with the provisions of Part 1806 of this chapter.

(c) *Securing unpaid balances on unsecured loans.* (1) When operating, emergency, or special livestock loans are being made to borrowers owing unsecured balances on prior loans of these types, the notes evidencing such unsecured loans will be described on the mortgage taken to secure the new loans.

(2) When operating, emergency, or special livestock loans are being made to borrowers owing unsecured balances on other Farmers Home Administration loans, the County Supervisor must determine in individual cases whether to request borrowers to give security covering such unsecured balances owed the Farmers Home Administration.

(d) *Extension or renewal of crop and chattel security instruments.* County Supervisors are responsible for seeing that security instruments are extended or renewed as necessary to protect the Government's security interests. This may be accomplished either by (1) obtaining new security instruments as provided in paragraph (a) of this section, or (2) the use of Form FHA-126, "Affidavit of Extension and Renewal," or similar form approved by the Attorney in Charge for this purpose. County Office employees in bonded positions are authorized to execute Form FHA-126 or similar approved form. Form FHA-126 will be recorded or filed in accordance with State Instructions.

### § 1871.3 Furnishing lists of borrowers to purchasers.

County Supervisors may furnish buyers within a trade area with lists of borrowers whose chattels or crops are subject to liens held by the Farmers Home Administration. State Directors may prescribe the use of such lists in specific areas of the State or throughout the entire State. The list will contain the statement: "The chattel mortgages and crop liens held by the Farmers Home Administration are recorded or filed as required by law. This list is furnished only as a convenience to buyers and is not necessarily complete." Lists will be transmitted by letter, Form FHA-852, "List of Farmers Home Administration Borrowers." When the County Supervisor considers it advisable, he should personally deliver the letter and list to the buyers and explain the purpose thereof. The furnishing of these lists will not constitute a substitute for constructive or other notice.

### § 1871.4 Using Form FHA-14 and Form FHA-197A as a basis for exercising authority to release chattel security.

The exercise of release authority in connection with both basic and normal farm income security referred to in § 1871.5 will be based upon information concerning the borrower's farm and home operations as reflected in Form FHA-14, "Farm and Home Plan," or Form FHA-197A, "Operating Budget and Financial Statement," or revisions thereof.

(a) In cases where either a loan has been made for the current year or a Form FHA-14 is required for the year, the exercise of release authority will be based upon the information contained in Form FHA-14 or Form FHA-197A prepared for that year.

(b) In cases other than those referred to in paragraph (a) of this section, the exercise of release authority will be based upon the information contained in the most recent Form FHA-14 or Form FHA-197A available, provided no substantial change has occurred in the borrower's farm and home operations or financial status since such form was prepared. If a substantial change has occurred in the borrower's operations or financial status, the necessary revisions will be made in the existing Form FHA-14 or Form FHA-197A or a new form will be prepared and used in exercising the release authority.

### § 1871.5 Releasing security property.

Property mortgaged to the Farmers Home Administration may be released as provided in this subpart only when it clearly appears from the facts that such release will not be to the financial detriment of the Government. Borrowers will be held strictly accountable to the Government for the proper use of proceeds from the sale of security property. Insurance proceeds derived from the loss of security property will be treated the same as proceeds derived from the sale of security property. The authority to release security for Farmers Home Administration loans is different for basic security and normal farm income secu-

urity. The release authorities in this subpart will be applicable to all Farmers Home Administration loans secured by chattels except when a borrower is indebted on a Special Livestock loan only, or on both a Special Livestock loan and a Soil and Water Conservation loan. In such cases, Subpart C of this part will be followed.

(a) Basic security consists of all equipment serving as security for Farmers Home Administration loans. It also consists of all foundation herds and flocks, including replacements, which serve as a basis for the farming operation outlined in the Farm and Home Plan or yearly budget which serve as security for Farmers Home Administration loans. With respect to livestock herds and flocks, animals that are sold as a result of the normal culling process are basic security unless the borrower has replacements that will keep numbers and production up to planned levels. However, if a borrower plans to make a significant reduction in his basic livestock herd or flocks, the animals or birds that are sold in making this reduction will be considered basic security. County Supervisors are authorized hereby to release basic security when the property has been sold or exchanged for its fair market value, and the proceeds are used for one or more of the following purposes:

(1) To pay on the debts owed to the Farmers Home Administration which are secured by liens on the property sold.

(2) To purchase from the proceeds of the sale, or to acquire through exchange, property more suitable to the borrower's needs, subject to the following conditions: The new property, together with any proceeds applied to the indebtedness, will have security value to the Farmers Home Administration at least equal to that of the lien formerly held by the Farmers Home Administration on the old property. The new property must be made subject to a lien in favor of the Farmers Home Administration by the execution of a new security instrument or by operation of the "replacement" or "after acquired property" clauses in lien instruments.

(3) To make payments to other creditors having liens on the property sold which are superior to the liens of the Farmers Home Administration provided any amount remaining after payments are made to the other creditors is used in accordance with the provisions of subparagraphs (1) and (2) of this paragraph.

(4) To pay costs required to preserve or realize on security property because of an emergency or catastrophe when the need for funds cannot be met through a Farmers Home Administration loan in sufficient time to prevent the borrower and the Farmers Home Administration from suffering a substantial loss.

(b) Normal farm income security consists of all security property not considered as basic security. This will include crops, livestock, livestock products, and poultry covered by Farmers Home Administration liens which are sold in the usual course of operating the farm



business. County Supervisors are authorized to release normal farm income security when the property has been sold for not less than its fair market value and the proceeds are used in accordance with the requirements in this paragraph, or the property is disposed of without sale under one or more of the following conditions in this paragraph:

(1) To pay on debts owed to the Farmers Home Administration.

(2) To pay farm and home expenses provided for in the appropriate tables of Form FHA-14 or Form FHA-197A, including approved revisions thereof.

(3) To pay necessary farm and home expenses which are shown as debts in the financial statement on Form FHA-14 or Form FHA-197A and which are to be paid during the year as shown by the debt payment table, provided these debts were incurred in the production, harvesting, or marketing of crops, livestock, livestock products, poultry, or poultry products sold during the year covered by such forms, or were for family subsistence for that year.

(4) To pay income taxes and Social Security taxes not to exceed the amount of one year's such taxes.

(5) To make payments on debts secured by liens on the property sold which are superior to the liens of the Farmers Home Administration.

(6) To pay annual installments on farm real estate debts owed to creditors other than the Farmers Home Administration provided (i) amounts of such installments are reasonable when related to the normal rental charge for similar farms in the area, and (ii) there is assurance that the borrower will retain possession of the farm for the next crop year.

(7) To make reasonable payments on debts owed to other creditors for essential home equipment and essential passenger automobiles provided for in the debt payment tables of Form FHA-14 or Form FHA-197A or approved revision thereof. Such debts ordinarily will not be paid before the full amount agreed upon for the year has been paid to the Farmers Home Administration. However, reasonable amounts may be paid on such debts to other creditors before the amount agreed upon for the year has been paid to the Farmers Home Administration provided failure to make such payments to other creditors when due would result in the borrower's losing possession of essential home equipment or an essential passenger automobile, and such loss of possession would make it necessary for the borrower to replace the property or to go to substantial additional expense in order to continue his farming operations.

(8) To make payments on debts owed to other creditors and to make purchases or to meet expenses which are not otherwise provided for in this paragraph, including the payment of income taxes and Social Security taxes not included in subparagraph (4) of this paragraph, provided (i) such debt payments, purchases, or expenses are included in the Form FHA-14 or Form FHA-197A, (ii) it appears clear that sufficient income

will be available to pay on the Farmers liens on chattel property the amount Home Administration debts secured by scheduled on the notes to fall due during the year, plus the amount agreed to be paid on any delinquencies on such debts, and (iii) such debt payments, purchases, or expenses are essential to permit the borrower to obtain or retain necessary equipment, or to continue operation of the farm on a sound basis.

(9) To pay costs required to preserve or realize on security property because of an emergency or catastrophe when the need for funds cannot be met through a Farmers Home Administration loan in sufficient time to prevent the borrower and the Farmers Home Administration from suffering a substantial loss.

(10) To permit mortgaged crops to be fed to livestock when it is determined by the County Supervisor that such disposal of the mortgaged crops is preferable to direct marketing of the crops provided a lien or assignment is obtained in accordance with § 1831.10(a)(6) of this chapter, depending upon the type of loan.

(11) When livestock is consumed by the borrower family for necessary subsistence purposes.

(12) When the Farmers Home Administration holds a mortgage on crops in which neither the borrower nor the Farmers Home Administration has an interest, due to the fact that the borrower is no longer occupying or farming the premises described in the mortgage.

(c) The County Supervisor is authorized to redelegate the authority to release security property, as provided in this section, to Assistant County Supervisors, Emergency Loan Supervisors, and Assistant Emergency Loan Supervisors, provided it is determined that the individual to whom such authority is being redelegated has had sufficient training and experience to exercise the authority properly. The County Supervisor also may redelegate such authority to any other employees in bonded positions in his office under the same conditions except that basic security may be released only in the event the use to be made of the proceeds therefrom has been agreed to by the County Supervisor, or Assistant County Supervisor if he has been redelegated release authority, and such agreement has been documented in the borrower's running case record.

#### § 1871.6 Accounting for security property.

County Supervisors are responsible for maintaining currently a record of each borrower's security property.

(a) *Accounting by the borrower*—(1) *Basic security.* Borrowers are required to discuss all proposed dispositions of basic security with supervisory officials prior to the time such dispositions are made. If the proposed dispositions appear proper, Form FHA-851, "Statement of Conditions on Which Lien will be Released," covering such property will be executed by the County Supervisor or his delegate and delivered to the borrower.

(2) *Normal farm income security.* When borrowers make prior inquiries concerning the sale or exchange of normal farm income security, they will be informed that if the property is sold, it must be sold subject to the Farmers Home Administration's lien and that the lien will be released only if the proceeds are used and accounted for as provided in this subpart. Purchasers of mortgaged property who make inquiry will be informed that they should deliver any proceeds in cash to the County Supervisor or make checks payable jointly to the borrower and the Farmers Home Administration.

(b) *Use of Form FHA-99, "Release."* County Supervisors or their delegates are authorized to execute Form FHA-99 or other approved form covering specific items of property when the requirements of § 1871.5 have been met. Such form need not be prepared in any case unless requested by a borrower or by an interested third party.

#### § 1871.7 Releases and suspensions of assignments.

(a) *Authority.* (1) County Supervisors are authorized hereby to release or temporarily suspend assignments of proceeds from the sale of agricultural products, including Agricultural Conservation Program payments and crop insurance assignments received in the form of checks made payable jointly to the borrower and the Farmers Home Administration. This authority may be exercised in emergency situations and in other justifiable circumstances provided its exercise will not be to the financial detriment of the Government and the funds will be used for the purposes enumerated in § 1871.5. County Supervisors will take action to see that suspended or released assignments are reinstated or new assignments are obtained when needed.

(2) State Directors are authorized hereby in justifiable cases to approve requests for suspension or release of assignments other than those specified in subparagraph (1) of this paragraph, provided such action will not be detrimental to the Government's interest.

(b) *Method.* All suspensions or releases of assignments will be made on forms approved by the Office of the General Counsel.

(R.S. 161, secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 735; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 40 U.S.C. 442, 16 U.S.C. 590x-3; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188, 26 F.R. 8403)

§ 1871.8 Waivers and subordinations of crop liens for borrowers receiving loans or selling commodities under Commodity Credit Corporation programs, other than on wool and mohair.

The authorities and procedures outlined in this paragraph for waiver of Farmers Home Administration liens apply to Commodity Credit Corporation cotton loan and cotton purchase programs and for subordination of Farmers Home Administration liens apply to Commodity Credit Corporation loan pro-



grams on other commodities, except release of liens on wool and mohair. The authorities and procedures contained herein apply whether Commodity Credit Corporation loans or purchases are made directly by Commodity Credit Corporation or through a lending or purchasing agency authorized by Commodity Credit Corporation.

(a) *Commodity Credit Corporation loan programs*—(1) *Authority*. County Supervisors are authorized to execute waivers or subordinations of Farmers Home Administration liens on crops in favor of Commodity Credit Corporation or its approved lending agencies, to enable Farmers Home Administration borrowers to obtain Commodity Credit Corporation loans, provided (i) the loan funds are to be used for the purposes set forth in § 1871.5(b) of this subpart, (ii) the loan is for the full amount of the Commodity Credit Corporation loan value of the total quantity of the commodity described in the Commodity Credit Corporation loan forms, and (iii) the producer's note contains a request for disbursement of loan funds, as set forth in subparagraph (2) of this paragraph, and provided further that when the amount of the commodity loan is less than the market value of the crop pledged at the time such loan is made, the borrower has paid or will pay from the Commodity Credit Corporation loan the amount due on debts owed to the Farmers Home Administration for the crop year, including any delinquencies.

(2) *Routines for handling lien waivers or subordinations*. For borrowers to obtain Commodity Credit Corporation loans, County Supervisors will be required to execute waivers or subordinations of Farmers Home Administration liens on Forms CL-AA and CL-B, CCC Rice-B, CCC Dry Bean-B, and CCC Cotton A and G 2, which will be furnished by the Commodity Credit Corporation or its approved lending agencies. If any other type of lien waiver or subordination form is being used locally for Commodity Credit Corporation loans, such form may be used to waive or subordinate the lien of the Farmers Home Administration if approved by the State Director upon the advice of the Attorney in Charge. The borrower will be required by Commodity Credit Corporation to sign a producer's note to evidence the commodity loan. Space is provided in the note for the insertion of the names and addresses of lienholders and the amounts which the producer requests the payee (Commodity Credit Corporation or its associate lending agency involved) to pay to them or to other parties who may have an interest in the proceeds. Before signing the "Lienholder's Waivers," the County Supervisor is responsible for seeing that such space in the producer's note is filled in properly so as to provide for the proper distribution of the Commodity Credit Corporation loan funds. The producer's note should provide for the issuance of a check payable to the Farmers Home Administration for the total amount to be paid to this agency, or a statement will be inserted requiring the issuance of a joint

check for the net proceeds of the loan payable to Farmers Home Administration, the borrower, and any other lienors or designees. Either method of disbursement will be acceptable.

(b) *Commodity Credit Corporation cotton purchase program*—(1) *Authority*. County Supervisors are authorized to execute waivers of Farmers Home Administration liens on cotton in favor of the Commodity Credit Corporation or its approved purchasing agencies to enable borrowers indebted to the Farmers Home Administration to sell cotton being purchased by Commodity Credit Corporation or such agencies, provided the cotton is sold for its present market value, the sales proceeds are to be used for the purposes set forth in § 1871.5(b), and the producer's sales agreement contains a request for payment of the purchase price as set forth in subparagraph (2) of this paragraph.

(2) *Routines for handling lien waivers*. For borrowers to sell the cotton being purchased by Commodity Credit Corporation or its approved purchasing agencies, County Supervisors will be required to execute waivers of Farmers Home Administration liens. Waiver forms on Form CCC Cotton SA will be furnished by Commodity Credit Corporation or its approved purchasing agencies. The borrower will be required by Commodity Credit Corporation to sign Form CCC Cotton SA. Space is provided in this form under "Producer's Sales Agreement" for insertion of the names and addresses of lienholders and the amounts which the producer request the payee (Commodity Credit Corporation or its approved purchasing agency involved) to pay to them or to other parties who may have an interest in the proceeds. Before signing the "Lienholder's Waiver" on this Form, the County Supervisor is responsible for seeing that such space in Form CCC Cotton SA is filled in properly so as to provide for the proper distribution of the purchase price. Form CCC Cotton SA should provide for the issuance of a check payable to the Farmers Home Administration covering the total amounts to be paid to this agency or a statement will be inserted requiring the issuance of a joint check for the net proceeds of the cotton payable to the Farmers Home Administration, the borrower, and any other lienors or designees. Either method of disbursement will be acceptable.

(3) *Special authority*. Because of market locations or other unusual marketing condition, the Administrator may grant special authorization to County Supervisors, other than those serving the area in which the borrower resides, to execute lien waivers for Farmers Home Administration on Form CCC Cotton SA.

(c) *Redelegating authority*. The County Supervisor is authorized hereby to redelegate the authority to execute waivers or subordinations of Farmers Home Administration liens in favor of Commodity Credit Corporation or its approved lending and purchasing agencies as provided in this § 1871.8 to any employees in bonded positions in his office. [25 F.R. 4158, May 11, 1960]

§ 1871.9 Executing releases of liens on wool and mohair marketed by consignment.

(a) *General*. This section provides the procedure and authority for releases by County Supervisors of liens on wool or mohair when producers, who are borrowers from the Farmers Home Administration, market their wool or mohair by consignment through a company, corporation, or marketing association acting as a broker.

(b) *Policy*. Liens on wool and mohair may be released in instances when the security property is marketed by consignment, provided all of the following conditions are met:

(1) The producer assigns to the Farmers Home Administration the proceeds of any advances made, or to be made, on the wool or mohair by the broker, less necessary costs involved in shipping, handling, processing and marketing.

(2) The producer assigns to the Farmers Home Administration the proceeds of the sale of the wool or mohair, less any remaining costs involved in shipping, handling, processing, and marketing, and less the amount of any advance made by the broker against the wool or mohair, including interest.

(3) The producer and broker agree that the net proceeds of any advances on, or from the sale of, the wool or mohair will be paid by checks made payable jointly to the producer and the Farmers Home Administration.

(c) *Authority*. Pursuant to the policy set forth in paragraph (b) of this section, County Supervisors are authorized to execute releases of the Government's lien on wool and mohair on Form FHA-911, "Assignment, Acceptance, and Release." Since Form FHA-911 does not constitute a binding agreement until executed by all parties in interest, including the producer and the broker as well as the Government, the County Supervisor may execute it before it is signed by the other parties. Form FHA-911 will be executed in an original and two copies. The original will be given to the broker and a copy will be delivered to the borrower.

§ 1871.10 Subordination of security.

(a) *Policy*. Farmers Home Administration employees may not guarantee, personally or on behalf of the Government, repayment of advances from other credit sources. However, to assist borrowers to obtain credit from other sources, liens in favor of the Farmers Home Administration may be subordinated when all the following conditions exist:

(1) Such action will assist the Government in preserving or realizing on its security.

(2) The best interest of the borrower will be served by such action.

(3) The Government will suffer no financial detriment by reason of such subordination.

(4) There are no liens junior to the Farmers Home Administration lien, or if there are any such junior liens, the holders thereof consent in writing to the subordination.



(b) *Authorizations and purposes.* State Directors are authorized hereby to execute subordinations of Farmers Home Administration liens on property subject to the above-stated policy and in the following instances:

(1) When an obligation secured by a lien prior to that of the Farmers Home Administration is about to mature or has matured and the prior lien holder desires to extend or renew the obligation, or the obligation can be refinanced, provided the relative lien position of the Farmers Home Administration is maintained.

(2) When the Farmers Home Administration has not and will not advance any funds for the year's operating expenses, provided (i) the subordination covers only livestock increases which are considered normal farm income security or crops, and (ii) the subordination is limited to a specific amount determined to be necessary to meet the year's operating expenses.

(3) When the Farmers Home Administration has not and will not advance funds for the crop year for the expenses directly related to particular crops or particular livestock enterprises provided the subordination covers only such crops, livestock increase, feeder livestock, or other livestock on which the Farmers Home Administration holds a junior lien, and provided the subordination is limited to a specific amount determined to be necessary for annual operating expenses in connection with the particular crops or livestock enterprises involved.

(4) When the Farmers Home Administration has advanced funds for the production of crops and additional funds are needed for harvesting or marketing such crops, provided the subordination of the lien on crops is limited to a specific amount that has been found to be reasonable and necessary for such purposes.

(5) When funds are needed to preserve or realize on security property because of an emergency or catastrophe and such need for funds cannot be met through a Farmers Home Administration loan in sufficient time to prevent the borrower and the Farmers Home Administration from suffering a substantial loss.

(6) When such action is necessary to enable the borrower to obtain insurance on crops mortgaged to the Government, provided the borrower assigns the proceeds of such insurance to the Farmers Home Administration.

(7) When another creditor has made or will make advances to produce, harvest, process, or market a particular crop(s) provided the crop(s) is under written contract with the creditor, and the contract limits advances to production, harvesting, processing, or marketing costs in connection with the contract crop(s) or to purposes related thereto. Under this authority, waivers of Farmers Home Administration lien priority in favor of such creditors may be executed in lieu of subordinations where this is necessary, provided the policy conditions of paragraph (a) of this section,

under which subordinations by the Government may be executed, are met.

(c) *Authority to redelegate.* State Directors are authorized to redelegate to County Supervisors the authority to subordinate the Government's lien in accordance with the requirements contained in this section.

(d) *Method.* Subordinations or lien waivers authorized herein will be made on Form FHA-286, "Subordination by the Government," or on other suitable forms approved by the Farmers Home Administration.

#### § 1871.11 Correcting errors in security instruments.

When security instruments unintentionally have been taken to secure Farmers Home Administration loans covering chattels or crops which the mortgagor did not own, or in which he had no mortgageable interest, County Supervisors are authorized to correct such errors by releasing the lien on the property, except when it is determined that there was bad faith on the part of the borrower in giving the security instrument. This authority will be exercised through the use of Form FHA-99, or other form approved by the Office of the General Counsel.

#### § 1871.12 Satisfaction of instruments securing Operating, Emergency, Special Livestock, and other production-type loans secured by crops and chattels, and Soil and Water Conservation loans, including Water Facilities loans coded J, secured by chattels.

County Supervisors are authorized to satisfy mortgages, deeds of trust, assignments, severance agreements, and other security instruments upon receipt of payment in full of all notes secured by such instruments and in debt settlement cases when the notes are returned to the borrower.

(a) *Form of payment.* When payment is received in the form of currency and coin, U.S. Treasury check, cashier's or certified check, bank draft, postal or bank money order, or a check issued by a responsible lending institution or a responsible title insurance or title and trust company, the security instruments may be satisfied upon receipt of final payment. When the final payment is made in a form other than the forms mentioned above, the security instruments will not be satisfied until 15 days after the date of final payment.

(b) *Recording or filing satisfactions.* Satisfactions will be made on Form FHA-77, "Satisfaction," or other approved form in an original and one copy. The original of the satisfaction form will be delivered to the borrower for recording or filing and the copy will be retained in the County Office. However, if state laws require recording or filing by the mortgagee, a second copy will be prepared for the borrower and the original will be recorded or filed by the County Supervisor.

(c) *Marginal entry or other form of satisfaction.* When state statutes provide that satisfactions may be accom-

plished by marginal entry on the records of the recording office, or when Form FHA-77 is not legally sufficient because special circumstances require some other form of satisfaction, County Supervisors are authorized to make such satisfactions in the appropriate manner.

(d) *Satisfaction in debt settlement cases.* In debt settlement cases, the security instruments will be satisfied only when the notes are to be returned to the borrower in accordance with Part 1864 of this chapter.

(e) *Release of Government's interest in insurance policies.* When liens on property covered by insurance have been released, the County Supervisor is authorized hereby to notify the insurance company that the Government has released its lien on the property covered by the insurance.

(f) *Redelegation of authority to satisfy security instruments.* County Supervisors are authorized hereby to redelegate to employees in bonded positions the authority to satisfy security instruments in accordance with the provisions of this § 1871.12.

#### § 1871.13 Assignment of notes and security instruments.

State Directors are authorized to accept from third parties payment in full of a borrower's notes held by the Farmers Home Administration and to assign such notes to such third parties without recourse against the Government, and to assign related security instruments without warranty by the Government in the situations set forth below. The Attorney in Charge will review each proposed assignment, as to the legal matters involved, and will approve the form of assignment.

(a) When borrowers request or give written consent to such an assignment.

(b) When borrowers have not requested or given written consent to such an assignment and have demonstrated an unwillingness to cooperate voluntarily with the Farmers Home Administration in the servicing and orderly retirement of their accounts which would otherwise be liquidated.

#### § 1871.14 Fees.

(a) *Security instruments.* Borrowers will be required to pay statutory fees for filing or recording mortgages and other security instruments (including renewal mortgages or statements, or Form FHA-126) and notary fees in connection with the execution of such instruments. They will also be required to pay costs of obtaining lien search reports that are necessary in properly servicing security as outlined in this subpart. When possible, borrowers should pay these fees directly to the officials rendering the service. When cash is accepted by personnel of the Farmers Home Administration to be used to pay the above-mentioned fees, Form FHA-385, "Acknowledgment of Payment for Recording and Lien Search Fees," will be executed. If the borrower is unable to pay the necessary fees, the County Supervisor may pay such fees and charge them to the borrower's account.



(b) *Satisfactions.* Fees for filing or recording satisfactions of security instruments must be paid by the borrower unless otherwise required by law. When State law requires the mortgagee to file or record satisfactions and to pay the necessary fees therefor, the fees will be paid by the Farmers Home Administration in accordance with instructions of the State Director.

(c) *Notary fees.* Fees for notary service necessary in connection with releases, subordinations, and other documents executed for and on behalf of the Farmers Home Administration, and which cannot be secured without cost, will be paid by the Farmers Home Administration.

## Subpart B—Liquidations

**AUTHORITY:** The provisions of this Subpart B issued under secs. 41, 51, 50 Stat. 528, as amended, 531, as amended, secs. 2, 6, 50 Stat. 869, as amended, 870; 7 U.S.C. 1015, 1025, 16 U.S.C. 590s, 590w; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188, except as otherwise noted.

### § 1871.21 General.

This subpart establishes the policies, procedures, and authorities for liquidating chattel security and disposing of chattel property acquired by the Government through liquidation, and for handling civil actions, bankruptcy and similar proceedings, and probate or administration proceedings, and alleged criminal violations.

(a) *Insured loans.* When liquidation involving an insured loan is approved, the State Director will take immediate steps to obtain an assignment of the loan to the Government.

(b) *Definitions.* (1) "Government" means the United States of America, Farmers Home Administration and its predecessor agencies, including the Regional Agricultural Credit Corporation, and the United States operating under "2(f) agreements" with State Rural Rehabilitation Corporations or other State agencies or officials pursuant to 40 U.S.C. 440(f).

(2) "Default" is the failure on the part of the borrower to observe his agreements with the Government as contained in notes, mortgages, and other similar instruments.

(3) "Liquidation" is the act of (i) selling chattel security property in line with the policies expressed in § 1871.22 for the purpose of closing out the loan in those cases in which it has been determined that no further assistance will be given, or (ii) instituting civil suit against a borrower or a third party to recover chattel security property or the value thereof, or to recover amounts owed the Government, or (iii) filing claims in bankruptcy or similar proceedings or in probate or administration proceedings for the purpose of closing out the loan. Cases which become paid up from the normal farm income or income resulting from the planned reduction in the size of the enterprise or by refinancing will not be considered as liquidations.

(4) "Civil action" refers to court proceedings to protect the Government's financial interests such as by obtaining

possession of property from borrowers or third parties, judgments on indebtedness evidenced by notes or other contracts or judgments for the value of converted property, or judicial foreclosure of security instruments. "Bankruptcy" and similar proceedings to impound and distribute the bankrupt's assets to his creditors, and "probate" and similar proceedings to settle and distribute estates of incompetents or of decedents under a will, or otherwise, and pay claims of creditors are treated separately in this subpart and are not included in the term "civil action."

(5) "Criminal action" refers to court prosecution by the Government to exact punishment in the form of fines or imprisonment for alleged violations of criminal statutes including, but not limited to, (i) unauthorized sale of mortgaged property with intent to defraud, (ii) purchase of mortgaged property with intent to defraud and without payment of the purchase price to the Government, (iii) falsification of assets or liabilities in loan applications, (iv) application for a loan for an authorized purpose with intent to use and use of loan funds for an unauthorized purpose, (v) decision, after obtaining a loan, to use and using the funds for an unauthorized purpose and then making false statements regarding their use, or (vi) by scheme, trick, or other device, covering up or concealing misuse of loan funds or unauthorized disposition of mortgaged property or other illegal acts, or (vii) any other false statements or representations in any matter relating to Farmers Home Administration matters.

(6) "Abandonment" is the voluntary relinquishment of control by the borrower of security property without providing for its care.

(7) "Security property" is chattel property, including growing crops, which is under lien to the Farmers Home Administration.

(8) "Repossessed security property" is security property of which the Government has custody, but which is still owned by the borrower.

(9) "Foreclosure sale" is the act of selling security property by the Government either under the "Power of Sale" in the mortgage or through court proceedings.

(10) "Acquired security property" is security property of which the Government has become the owner through liquidation action authorized by this subpart and chattel property acquired by the Government by execution or other sales.

### § 1871.22 Policy.

(a) *Liquidation.* It is the policy of the Farmers Home Administration to continue with borrowers until they are able to graduate to other sources of credit so long as they have reasonable prospects of eventual success, and provided they continue to make payments in accordance with their ability, account properly for the security property and otherwise meet their obligations under all loans owed the Farmers Home Administration. However, liquidation ac-

tion will be undertaken when, under the above policy, it is determined that no further assistance will be given to a borrower and when one or more of the conditions set forth below exist. Ordinarily, before a decision is made to initiate liquidation action, the facts in the case will be presented to the County Committee for consideration and recommendations. When liquidation action is taken, it is the policy to liquidate all security property or so much thereof as is necessary to pay the Farmers Home Administration indebtedness in full.

(1) A borrower is delinquent and his refusal or inability to pay on schedule, or as agreed upon, is due to lack of diligence, lack of sound farming operations, or other circumstances within his control.

(2) A borrower whose loan was made with the expectation that he would operate a farm, ceases to farm and voluntary liquidation can be accomplished.

(3) A borrower is in default by unauthorized disposal of security property, or by not properly caring for security property to such an extent that the security interests of the Government are or may be impaired, or by not accounting properly for security property, or by some other action which resulted in bad faith in connection with his loan.

(b) *Civil action.* Court action or other judicial process will be recommended when all other reasonable and proper efforts and methods to obtain payment, to remove other defaults, and to protect the Government's security interests have been exhausted and when one or more of the following conditions exist: There is a need to repossess mortgaged property or foreclose a lien when such action cannot be accomplished by other means authorized in this subpart; there is a need for filing claims against third parties arising out of conversion or other action; the borrower fails to make payments due on his debt in accordance with his reasonable ability to pay and has assets or income from which collection can be made; the Farmers Home Administration or its security property becomes involved in court action through foreclosure by a third party lienholder or through some other action; or other conditions exist which indicate that court action may be necessary to protect the Government's interests. The County Supervisor is not authorized to commit the Government to institute court action to effect collections.

(c) *Criminal action.* When factual information has been obtained indicating that criminal statutes of the United States may have been violated, such facts will be reported promptly.

### § 1871.23 Approval of liquidations.

County Supervisors are authorized to approve liquidation of security property which can be accomplished by the use of Form FHA-217, "Agreement for Public Sale," Form FHA-851, "Statement of Conditions on Which Lien Will Be Released," Form FHA-209, "Agreement for Voluntary Liquidation of Mortgaged Chattels," or under the "Power of Sale" in the lien instrument.



**§ 1871.24 Acceleration of unmatured installments.**

When a case has been approved for liquidation, the unmatured installments will be accelerated.

**§ 1871.25 Advances to protect the Government's interest in security property pending liquidation.**

(a) When liquidation has been approved and property serving as security is in imminent danger of loss or deterioration, State Directors are authorized to protect the Government's interest and approve advances in payment of delinquent taxes or assessments which constitute a lien prior to the lien of the Farmers Home Administration in accordance with § 1871.32, premiums on insurance essential to the protection of the Government's interest, and other costs necessary to protect or preserve property serving as security, including necessary transportation costs. However, such advances may not be made unless the amount advanced becomes a part of the debt secured by the Government's lien, or for expenses of administration of estates or for litigation costs. Such advances may not be made in any case after the United States Marshal or other similar official has taken possession of property to be sold by him, but if he seizes the property and delivers it to the Farmers Home Administration for sale by it, costs incurred by Farmers Home Administration after delivery to Farmers Home Administration will be paid by it.

(b) Any such costs incurred by the Government in protecting its security interest may be paid by means of Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal," and will be charged to the borrower's loan account, or may be paid out of the proceeds of the sale of mortgaged property.

**§ 1871.26 Sale of security property by borrowers.**

(a) *Public sale.* When security property is to be sold by the borrower in his own name, Form FHA-217 will be executed by the borrower, all lienholders, the clerk of the sale or other person who will receive the sale proceeds, and then by the County Supervisor on behalf of the Government. No official of the Farmers Home Administration is authorized to bid at such sales. The County Supervisor or Assistant County Supervisor will arrange to receive promptly the proceeds of the sale which are due the Government for application on the borrower's indebtedness.

(b) *Private sale.* If the borrower has ready purchasers and can effect an immediate private sale of all of the security property for its present market value or the remaining security property consists of items of small value or a limited number of items which do not justify public sale, Form FHA-851 may be used to liquidate the security property. If the security property is not sold within 30 days after the execution of Form FHA-851, it will be disposed of in accordance

with paragraph (a) of this section or § 1871.31.

**§ 1871.27 Repossession of security property.**

(a) *Taking possession.* County Supervisors and Assistant County Supervisors will take possession of security property for the Government in the situations and under the conditions indicated below:

(1) When security property has been abandoned by a borrower.

(2) When Form FHA-209 has been signed by the borrower, the County Supervisor and by all other lienholders authorizing the sale and distribution of proceeds in accordance with the priority of liens. In all cases where Form FHA-209 is executed, minimum prices will be set forth for all items except farm commodities for which there is a locally established market, and perishable property.

(3) When possession of the property can be obtained peaceably even though the borrower has not signed Form FHA-209.

(4) When security property is delivered to the Farmers Home Administration as a result of court action.

(5) In addition, when the Farmers Home Administration holds a junior lien on items of security property, such items will be repossessed and sold only when the prior lienholder(s) does not intend to enforce his lien and then only when the following are met:

(i) With respect to subparagraphs (1) through (3) of this paragraph, the value of such security property, based on a conservative appraisal, is substantially greater than the amount of the prior lien(s).

(ii) With respect to subparagraphs (1) through (3) of this paragraph, agreement is reached with the prior lienholder(s) that the property may be sold and that such lienholders will release their liens on the property after sale. This agreement will be obtained on Form FHA-845, "Agreement of Lienholders to Sale of Mortgaged Chattels."

(iii) With respect to subparagraphs (1) through (3) of this paragraph, in the event the prior lienholders will not agree to the liquidation of the property, the amount of their liens may be paid off if the circumstances justify, based upon a consideration of the factors indicated in subparagraph (5)(i) of this paragraph and provided their notes and liens are assigned to the Government on forms prepared or approved by the Attorney in Charge. Payment of prior liens not in excess of \$2,500 in any one case may be approved by the State Director. Such payments will be made by means of Standard Forms 1034 and charged to the borrower's account in accordance with the provisions of § 1871.31(c). Prior liens in excess of \$2,500 in any one case will not be paid off without prior authorization by the National Office.

**§ 1871.28 Care of repossessed property pending sale.**

When possession has been taken of security property as provided in § 1871.27

(a), County Supervisors, Assistant County Supervisors, Emergency Loan Supervisors, or Assistant Emergency Loan Supervisors will arrange for the custody and care of such property for the period specified in § 1871.31 and are authorized to execute the necessary agreements as follows:

(a) *Livestock.* Livestock will be delivered to a person who is capable of, and has adequate facilities for, caring for and feeding the livestock. Reasonable compensation will be agreed upon in advance. Whenever practicable, animal products will be computed as a part or all of the caretaker's compensation. Delivery, however, will be made pursuant only to a written agreement on Form FHA-210, and the number of days covered by the agreement will be entered in the blank space in paragraph 2 of the form. When an approved extension of time is secured in accordance with § 1871.31, Form FHA-210 will be amended as appropriate and initialed by the parties thereto, or a new agreement executed covering such extension. If a more favorable arrangement cannot be obtained, custody agreements may provide that the Farmers Home Administration will make advances to supply feed necessary to maintain the livestock.

(b) *Machinery, equipment, tools, harvested crops, and other chattels.* This type of property will be properly stored and cared for pending its sale. Space may be leased for this purpose, if necessary, upon prior approval of the State Director, or such property may be stored and cared for by agreement on Form FHA-210 as prescribed above in the case of livestock. This type of property will not be put to use by the caretaker but will be held in storage only.

(c) *Crops.* Arrangements will be made for the custody, care, and disposition of growing crops and for unharvested matured crops. Form FHA-211 will be used for this purpose unless the crops are to be sold in place. When Form FHA-211 is used, it will be executed by the caretaker and by the landlord unless he gives his consent otherwise in writing.

**§ 1871.29 Tests and inspections of livestock.**

If required by State law as a condition of sale, livestock being sold will be tested or inspected prior to the sale.

**§ 1871.30 Authority to bid at execution or foreclosure sales conducted by U.S. Marshals or at liquidation sales by prior lienholders.**

(a) *Execution sales.* State Directors are authorized hereby to bid on behalf of the Government at execution sales when personal property which is not covered by the Farmers Home Administration crop and chattel lien is being sold to satisfy a Farmers Home Administration judgment lien, and at Farmers Home Administration foreclosure sales conducted by U.S. Marshals. Such bidding will be subject to the provisions of § 1871.31(a). (2). This authority may be redelegated on an individual case basis to County Supervisors, Assistant County Supervi-



sors, Emergency Loan Supervisors, or Assistant Emergency Loan Supervisors.

(b) *Liquidation sales by prior lienholders.* County Supervisors, Assistant County Supervisors, Emergency Loan Supervisors, and Assistant Emergency Loan Supervisors are authorized hereby to bid on property on which the Government holds a junior lien subject to the provisions of § 1871.31(a) (2).

**§ 1871.31 Sale of repossessed property by the Government.**

All repossessed property will be sold as soon as practicable and legally permissible after repossession. Livestock, equipment, tools, and other chattels (except irrigation equipment which, together with real estate, serves as security for Soil and Water Conservation loans and is to be sold or transferred with the farm) must be sold within 60 days from the date of the repossession; except in those states where the maximum period of time for which costs of custody, care, and storage legally may be charged to the borrower's account is less than 60 days, the period of time provided by law will be the maximum period for which repossessed property may be held for sale. Crops will be sold within any time limit prescribed by State law. Such sales will be made as soon as the maximum net return can be realized but not later than 60 days after harvesting or the normal marketing time for such crops unless an extension of time is granted by the State Director.

(a) *Public sale.* Repossessed property may be sold at public sale either pursuant to agreement on Form FHA-209, or, when authorized by the State Director, pursuant to the "Power of Sale" in the lien instrument. If requested, Form FHA-213C, "Bill of Sale 'C' (Sale Through Government as Liquidating Agent)," or other necessary instrument to convey all of the right, title, and interest of the Government and the borrowers will be executed and delivered to the purchaser. The method of conducting such public sales will be prescribed by the State Director subject to the following requirements:

(1) *Advertising*—(i) *Pursuant to "Power of Sale" in the lien instrument.* Public sales held pursuant to the "Power of Sale" in the lien instrument will be advertised as provided in the lien instrument or as otherwise required by state law.

(ii) *Pursuant to agreement on Form FHA-209.* Public sales may be advertised by posting handbills.

(2) *Bidding at sales.* The property will be sold to the highest bidder and where the successful bidder is other than the Government, it will be sold for cash (as opposed to credit sales). The County Supervisor, Assistant County Supervisor, Emergency Loan Supervisor, or Assistant Emergency Loan Supervisor will attend all public sales of repossessed property held pursuant to this paragraph and will bid on behalf of the Government where necessary to protect its interests.

(b) *Private sale.* (1) Repossessed property may be sold at private sale for

cash under the conditions agreed to by the borrower through the execution of Form FHA-209, provided the sale price for each item is at least equal to the minimum price established by the agreement. If requested by the purchaser, County Supervisors, Assistant County Supervisors, Emergency Loan Supervisors, or Assistant Emergency Loan Supervisors will execute and deliver to the purchaser Form FHA-213C or other necessary instrument to convey all of the right, title, and interest of the Government and the borrower.

(2) Repossessed property may be sold at private sale for cash for its present market value if agreed to by the borrower by the execution and delivery of Form FHA-213B, "Bill of Sale 'B' (Sale by Private Party)."

(3) Repossessed perishable property, such as certain fresh fruits and vegetables, in immediate danger of deterioration or spoilage will be sold at private sale for the best cash price obtainable. If requested by the purchaser, Form FHA-213C will be executed and delivered to him.

(4) Repossessed property such as wheat, rye, oats, corn, cotton, and tobacco (but not livestock and machinery) may be sold at private sale for cash, provided such sales are authorized by the State Director. The price received must be in line with current market quotations for products of similar grade, type, or other recognized classification. If requested by the purchaser, Form FHA-213C will be executed and delivered to him.

(5) Repossessed property in instances other than those outlined in subparagraphs (1), (2), (3), and (4) of this paragraph may be sold for its present market value at private sale in those states where such method is authorized by the security instrument and is permissible legally. State Directors are authorized hereby to approve, or to delegate to County Supervisors authority to approve, the sale of such repossessed property at private sale under such circumstances.

(c) *Payment of costs and prior lienholders by voucher.* When expenses must be paid before the sale or if cash proceeds are not available from the sale of the property with which to pay costs referred to in § 1871.32(a) or to pay prior lienholders, such costs or prior liens will be paid by invoice or Standard Form 1034 (Standard Form 1144, "Public Voucher for Advertising," for newspaper advertising), and the amount of such voucher will be charged to the respective borrower's account, except as limited by state law. No costs incident to the repossession and sale of security property should be incurred unless they can be charged to the borrower's account, and in no event will any such costs be borne by the Government. Each invoice or voucher will be approved by the County Supervisor, signed by the payee or supported by signed invoices, and submitted to the Finance Office for payment. Invoices or vouchers in payment of such costs as custody, care, storage, harvesting, and marketing will be supported by

the original and one copy of Form FHA-210 or Form FHA-211, "Agreement for Cultivating, Harvesting, and Delivering Crops."

**§ 1871.32 Accounting for proceeds of liquidation sales.**

This section applies to distributing and receipting for proceeds of nonjudicial liquidation sales; that is, liquidation sales conducted under the power of sale in lien instruments or under Form FHA-209, Form FHA-217, or Form FHA-851.

(a) *Order of priorities.* The proceeds of such sales will be distributed in the following order of priority except that if other Federal agencies hold liens on the security property, the case will be referred to the Attorney in Charge for advice as to the order of distribution.

(1) To pay expenses of sale and costs of tests and inspections of livestock and costs of the transportation, custody, care, storage, harvesting, marketing, and other costs and expenses chargeable to the borrower, including amounts already paid by the Government and charged to the borrower's account.

(2) To pay liens which under state law are prior to those of the Farmers Home Administration, in accordance with their state law priorities, except that non-Federal tax liens on security property will be paid only when demand is made by tax collecting officials before distribution of the sale proceeds, and the sale proceeds will not be used to pay real estate taxes or substantial amounts of taxes against nonsecurity personal property.

NOTE: This authority for payment of non-Federal tax liens applies to pending cases in which final distribution of the sale proceeds has not yet been made as well as to future cases. If action is threatened or taken by the sheriff or other official to collect taxes not authorized above to be paid out of the security property or the sale proceeds, the sale will be postponed unless an arrangement can be made to deposit in escrow with a responsible disinterested party an amount equal to the tax claim, pending determination of the priority rights thereto. When such action is taken, or such an escrow arrangement is made, the matter will be reported promptly to the State Director for referral to the Attorney in Charge.

(3) To pay rent for the current crop year out of the proceeds from the sale of other than basic security property provided there are no liens junior to the Farmers Home Administration's other than the landlord's lien, if any, and the borrower consents in writing to such payment. However, if an Emergency loan was made for the current year pursuant to Part 1832 of this chapter, cash or standing rent for cropland used for the production of cash crops will be paid only after the amount due or falling due on that loan has been paid.

(4) To pay debts owed the Farmers Home Administration which are secured by liens on the property sold.

(5) To pay liens junior to those of the Farmers Home Administration in accordance with their priorities on the property sold, including any landlord's liens for rent unless such liens have already been paid under subparagraph (2) or (3) of this paragraph.



(6) To pay rent for the current crop year, if the borrower consents in writing to such payment and if such rent has not already been paid as provided in subparagraph (2), (3), or (5) of this paragraph.

(7) To pay on any other debts owed to the Farmers Home Administration which are unsecured or are secured by liens on property which is not being sold. However, in justifiable circumstances, the State Director may approve the use of a part or all of the remainder of such funds by the borrower for other necessary purposes, provided the other Farmers Home Administration debts are adequately secured or the borrower makes satisfactory arrangements to pay the other debts from income or other sources, which payments likely can be depended upon.

(8) To pay the remainder to the borrower.

(b) *Receipts.* Receipts will be obtained for all amounts paid out of the sale proceeds. Form FHA-37, "Receipt for Payment," will be issued only for the total amount remitted to Farmers Home Administration for credit to the borrower's indebtedness. Such amount will be scheduled to the Finance Office in accordance with Part 1862 of this chapter.

#### § 1871.33 Handling civil and criminal cases.

All cases in which court actions to effect collection or to enforce the rights of the Government under any of the security instruments are recommended, as well as actions relating to apparent violations of Federal criminal statutes, will be forwarded to the Attorney in Charge for submission to the appropriate United States Attorney.

(a) *Actions on cases referred to the Attorney in Charge.* When a case is referred to the Attorney in Charge, the State Director will notify the County Supervisor and the Finance Office of the referral. After notice of the referral is received by the County Supervisor, no collection or security servicing action will be taken except upon specific instructions from the State Director or the Attorney in Charge. However, when the borrower voluntarily proposes to make a payment on his account, the County Supervisor will receive the collection in accordance with established procedure unless he has received notice that the debt has been accelerated or that the case has been referred to the United States Attorney. The County Supervisor will immediately notify the State Director by memorandum, with a copy sent to the Attorney in Charge, of any such collections received.

(b) *Actions on cases referred to the United States Attorney and on judgment cases (including third-party judgments).* The Attorney in Charge will notify the State Director, the Finance Office, and the County Supervisor when a case is referred to the United States Attorney, a judgment (including third-party) is obtained, or a case is otherwise disposed of. After notice has been received that a case has been referred to the United States Attorney or that a judgment has been obtained, no action will be taken

by the County Supervisor except upon specific instructions from the State Director, the Attorney in Charge, or the United States Attorney.

(1) If such a debtor proposes to make a payment, the payment will not be accepted, but an offer will be made to assist in preparing a letter for the debtor's signature to be used in transmitting the payment to the appropriate United States Attorney. In such a case the debtor will be advised to make payment by check or money order payable to the Treasurer of the United States.

(2) Collection items received through the mail from such a debtor or from other sources to be applied to such accounts will be forwarded through the Attorney in Charge to the appropriate United States Attorney. Form FHA-37 will not be issued in any case in which payment is made on a judgment account, or on an account which is in the hands of the United States Attorney. The debtor will be informed in writing by the County Supervisor of the disposition of the amount received and that payments in the future should be made to the United States Attorney at a given address.

(R.S. 367, 34 Stat. 816; 5 U.S.C. 310, 316)

#### § 1871.34 Care and disposition of acquired security property.

The County Supervisor or the Assistant County Supervisor will make immediate arrangements for the care and storage of acquired security property in the same manner as for repossessed property. Acquired security property may not be left with a custodian under a custody agreement executed prior to its acquisition by the Government. A new custody agreement will be executed on Form FHA-210 for the care of such property. Acquired security property will be disposed of as expeditiously as possible, but may not be held more than 120 days, except upon the approval of the State Director in individual situations. Form FHA-210 will contain a statement as to the number of days during which the property will be cared for. Charges for the care, custody, transportation, and sale of such property, including any necessary tests and inspections of livestock, will be paid by the Government by means of Standard Form 1034 or certified invoice approved by the County Supervisor.

(a) *Disposition.* The County Supervisor is authorized to sell acquired security property for the best cash price obtainable at public auction or by privately negotiated sale after giving public notice of such sale in accordance with the provisions of § 1871.31(a) (1) (ii), except that public notice must always be given and Form FHA-212A, "Notice of Sale," will be used for private sales. Determination of the type of sale to be held will be based on the prospects of obtaining the highest net return to the Government. Loans may be used in accordance with Farmers Home Administration regulations to purchase such property.

(1) *Transferring title to purchaser.* Title to acquired security property will be transferred to the purchaser, at the

time the cash purchase price is paid, by execution and delivery of Form FHA-213A, "Bill of Sale 'A' (Sale of Government Property)."

(2) *Reporting sales of acquired security property.* Form FHA-655, "Invoice," will be prepared at the time of sale.

(3) *Transmitting payments received from sale of acquired security property.* Any form of payment that is acceptable as a payment on indebtedness due the Farmers Home Administration may be accepted in payment for acquired security property. Such payments will be scheduled in accordance with Part 1862 of this chapter. Form FHA-37 will not be issued for funds received from the sale of acquired security property.

(Sec. 43, 50 Stat. 530, as amended; 7 U.S.C. 1017)

#### § 1871.35 Reports of inventory transactions; acquired security property.

County Supervisors will prepare inventory reports of acquired Government and Corporation security property and reports of acquisitions and dispositions pertaining thereto on Form FHA-658, "Report of Inventory Transactions." Property lost through death, spoilage, depreciation, or otherwise, will be reported on Form FHA-708, "Statement of Loss of Property." If the property was in the hands of a custodian at the time of loss, the custodian should sign Form FHA-708. Form FHA-708 will show the item number and book value of each item.

#### § 1871.36 Bankruptcy and insolvency.

If a borrower becomes involved as a debtor in proceedings under any State or Federal bankruptcy or insolvency law, the County Supervisor will promptly report the facts and forward the borrower's case files and other pertinent information and documents to the State Director for preparation of a proof of claim, if necessary. The County Supervisor will keep the State Director informed of further developments in the case, but will take no other action unless directed to do so by the State Director or the Attorney in Charge.

(a) *Proof of claim.* If the debtor has any assets out of which a collection could be made, the State Director will prepare and execute a proof of claim covering all indebtedness to the Farmers Home Administration except any judgments obtained by a United States Attorney. The State Director will send to the Attorney in Charge the executed proof of claim on Form FHA-280, "Proof of Claim of the United States of America Entitled to Priority of Payment," or other form approved by the Attorney in Charge, together with attachments required by the Attorney in Charge, for filing with the proper official. A proof of claim on an insured loan will not be executed or filed until the note has been assigned to the Government. The State Director, upon advice from the Attorney in Charge will instruct the County Supervisor concerning any actions to be taken by him with respect to meetings of creditors.

(b) *Unsecured claims—Government's priority.* Under the National Bankrupt-



cy Act, after payment of fees and costs, unsecured claims of the United States (including State Rural Rehabilitation Corporation claims under 2(f) agreements and the amount of any claim in excess of any security therefor), with interest to the date of filing the petition in bankruptcy, are entitled to priority of payment over unsecured claims of other creditors.

(c) *Security released to Farmers Home Administration—liquidation—continuation with borrowers.* Ordinarily, when the value of security does not exceed the Farmers Home Administration liens and any prior liens against it, an effort will be made to get the security released to Farmers Home Administration. When security is released to Farmers Home Administration, it will be liquidated in accordance with this subpart if chattel security, or in accordance with Subpart A of Part 1872 of this chapter if real estate security, unless the State Director, upon recommendation of the County Supervisor, approves continuation with the borrower. If the property is liquidated, the proceeds will be applied first to the interest accrued to the date of the filing of the petition in bankruptcy and then to the principal of the debt, and if there are additional proceeds, to the interest accrued from the date of the filing of the petition in bankruptcy to the date of the payment. The State Director may permit the borrower to continue with the loan and retain the security if he determines that the security property should not be liquidated under the liquidation policy applicable to the type of loan involved.

(1) When continuation with a borrower is approved, he will be required to execute a new promise to pay (on a form prepared by the Attorney in Charge) all his Farmers Home Administration indebtedness which is secured by the property released to Farmers Home Administration in accordance with the terms of the existing instrument(s) evidencing such indebtedness. The new promise to pay will be executed by the borrower and a copy will be given to him. The borrower also will be required to execute any security or other instruments deemed necessary by the Attorney in Charge. A new promise to pay and other required instruments will be executed as soon as possible after release of the security to the Farmers Home Administration and the borrower's adjudication in bankruptcy, unless, under State law the new promise to be effective must be made after discharge in bankruptcy.

(R.S. 3466, secs. 57, 64, 50 Stat. 866, as amended, 874, as amended; 11 U.S.C. 93, 104, 31 U.S.C. 191)

§ 1871.37 Deceased borrowers.

If a survivor will not continue with the loan, it may be necessary to make immediate arrangements with a survivor, executor, or administrator, if any, or other interested parties to complete the year's operations or to otherwise protect or preserve the security.

(a) *Probate or administration proceedings—(1) Institution of probate or*

*administration proceedings.* Generally, probate or administration proceedings are instituted by relatives or heirs of the deceased or creditors other than Farmers Home Administration. Ordinarily, Farmers Home Administration will not institute probate or administration proceedings because of the problems of designation of an administrator or other similar official, posting his bond, and payment of costs. If probate or administration proceedings are instituted by other parties, or by the United States Attorney at the request of Farmers Home Administration, and any security is to be thereafter liquidated by Farmers Home Administration instead of by the administrator or executor or other similar official, the liquidation will be accomplished in accordance with the advice of the Attorney in Charge.

(2) *Filing a proof of claim.* When a proof of claim is to be filed, it will be prepared by the State Director and transmitted for filing in the manner directed by the Attorney in Charge. If an insured loan is involved, the proof of claim will not be prepared until the note has been assigned to the Government. A proof of claim will be filed in any case in which probate or administration proceedings are instituted, unless:

(i) After considering liens and priority rights of Farmers Home Administration and other parties, costs of administration and charges against the estate, there are no assets in the estate which could be reached by Farmers Home Administration except its security and Farmers Home Administration will liquidate the security, if necessary to collect the Farmers Home Administration claim, by foreclosure or otherwise, or

(ii) Continuation with a survivor or transfer to and assumption by another party is approved, and either the Farmers Home Administration debt is fully secured or the amount of the debt in excess of the value of the security which could be collected by filing a claim is obtained in cash or additional security.

(3) *Priority of claims—(1) Secured claims.* Each secured claim will take its relative lien priority to the extent of the value of the property serving as security for it. Secured claims include those secured by mortgages, deeds of trust, landlord's contractual liens, and other contractual liens or security instruments executed by the borrower on real or personal property. However, tax, judgment, attachment, garnishment, laborer's, mechanic's, materialmen's, landlord's statutory liens, and other noncontractual lien claims may or may not constitute secured claims. Therefore, if any claims referred to in the preceding sentence are allowed as secured claims and the Farmers Home Administration claim is not paid in full, the advice of the Attorney in Charge will be obtained as to whether they constitute secured claims and as to their relative priority.

(ii) *Unsecured claims.* The remaining assets of the estate, including any value of security property in excess of the amount of the secured claims against it, are to be applied first to payment of

costs of administration and charges against the estate, and second to unsecured debts of the deceased. If the total of such remaining assets in the estate being administered is insufficient to pay all costs of administration charges against the estate, and unsecured debts of the deceased, unsecured claims are payable out of such remaining assets in the following order of priority:

*First.* Costs of administration and charges against the estate, unless under state law they are payable after the Government's unsecured claims. (Such costs and charges include costs of administration of the estate, allowable funeral expenses, allowances of minor children and surviving spouse, and dower and curtesy rights.)

*Second.* Government's unsecured claims.

(b) *Withdrawal of claim.* When necessary to permit closing of an estate in which a Farmers Home Administration claim has been filed, the United States Attorney may be requested to withdraw the claim upon receipt of cash payment or additional security of a value comparable to the amount of the debt in excess of the value of existing security which it is estimated could be recovered from the estate, provided that withdrawal of the claim will not affect the Government's rights under existing notes or security instruments.

(c) *Liquidation when no probate or administration proceedings and no continuation with survivor or transfer and assumption.* When probate or administration proceedings have not been instituted and continuation with a survivor or transfer to, and assumption by, another party will not be approved as provided in § 1871.38, any chattel security will be liquidated in accordance with this subpart and any real estate security will be liquidated in accordance with Subpart A of Part 1872 of this chapter as expeditiously as possible. In such liquidation cases if the proceeds from the sale of security are insufficient to pay in full the indebtedness owed to the Farmers Home Administration, and other assets are available in the estate from which collection can be made, the State Director will request the Attorney in Charge to take appropriate action to effect collection.

(d) *Continuation with survivor.* When a surviving member of deceased borrower's family desires to continue with the farming operations, continuation may be approved subject to the following:

(1) *Survivor who is liable.* Any survivor who is liable for the indebtedness of the deceased borrower may continue with the loan provided he can comply with the obligations of the notes, other evidence of debt and chattel or real estate security instruments, and so long as liquidation is not necessary to protect the interest of the Farmers Home Administration. When a survivor who is liable for the indebtedness is to continue with the account, the account will be changed to the continuing survivor's name. Form FHA-97, "Assumption Agreement," will be executed and sent to the Finance Office when under state law the wife of a borrower who has



signed the note cannot be held personally liable for the debt without assumption of liability after the borrower's death. In such a case, the account will not be reamortized and the terms of the note will remain the same unless the State Director determines otherwise.

(2) *Survivor who is not liable.* When a surviving member of the deceased borrower's family, not liable for the indebtedness, desires to continue with the farming operations and the loan, the State Director may approve the transfer of chattel security or real estate security, or both, to him and his assumption of the obligations secured by such property without regard to the personal eligibility of the transferee, subject to the following conditions:

(i) The transferee will continue the farming operations for the benefit of all or a part of the deceased borrower's family.

(ii) The transferee will assume the full amount of the unpaid balance of the secured Farmers Home Administration debts unless the market value of the property is less than such Farmers Home Administration debt plus any prior liens in which case he will assume that portion of such Farmers Home Administration debts which, when added to any prior liens, equals the present market value of the security as determined by the current market value appraisal and the recommendation of the County Committee.

(iii) The assumption agreement meets the repayment terms specified in § 1872.13(c)(2)(iii) of this chapter.

(iv) The State Director determines that the continuation with a survivor will not adversely affect the repayment of the loan and will accomplish the objectives for which the loan was made.

(3) *Considerations in continuing with survivor.* In determining whether to continue with a survivor, whether he is already liable or assumes the indebtedness, all pertinent factors will be taken into consideration including the following:

(i) Whether probate or administration proceedings have been or will be instituted and whether the filing of a claim on the Farmers Home Administration debt in such proceedings is necessary to protect the interests of the Farmers Home Administration.

(ii) Whether the survivor can continue with the loan on a sound basis.

(iii) Whether it is possible to make the necessary arrangements with the heirs, creditors, executors, administrators, and other interested parties to transfer title to the security property to the transferee and to avoid forced liquidation of the assets of the estate to the extent of making it impossible for the survivor to continue with the loan on a sound basis.

(4) *Vesting title in survivor.* If the continuation with a survivor, whether already liable or not, is approved, all steps necessary, short of foreclosure or litigation, will be taken to vest in the survivor full title to the security.

(5) *Release of liability.* Ordinarily, the deceased borrower's estate will not

be released from liability for the indebtedness and the deceased borrower's notes and security instruments will not be satisfied or released until the debt has been paid in full, or settled under Part 1864 of this chapter. Other obligors on the notes or other evidence of indebtedness will not be released from liability in connection with transfer to, or assumption by, a survivor without the prior concurrence of the National Office.

(6) *Docket preparation.* Transfers under subparagraph (2) of this paragraph shall be documented and processed in the same manner as transfers and assumptions under § 1871.38.

(e) *Transfers to ineligible.* No transfers or assumptions of deceased borrower's real estate or chattels, or both, shall be approved to a person ineligible under the requirements of § 1872.13(c)(2)(ii) of this chapter, except as provided in paragraph (d)(2) of this section, and except that the State Director may approve transfers of real estate or chattels, or both, of deceased borrowers to eligible or ineligible transferees other than such survivors only upon prior approval of the National Office.

(R.S. 3466; 31 U.S.C. 191)

#### § 1871.38 Transfer and assumption of chattel security and debts.

Transfers and assumptions involving chattel security only may be made as provided in this section. Transfer of one or more accounts, all of which are secured by both chattels and real estate, will be accomplished in accordance with § 1872.13 of this chapter. Continuation of loans with survivors of deceased borrowers, including assumption of indebtedness, is covered by § 1871.37.

(a) *Transfers to eligibles.* The State Director may approve a transfer of chattel security to, and the assumption of, the chattel debt by a transferee who meets the eligibility requirements for transferees as set out in § 1872.13(c)(2)(ii) of this chapter. In such cases the transferee will assume the full amount of the unpaid balance of the Farmers Home Administration debts secured by the chattels unless the present market value of the chattels is less than such debt(s) plus any prior lien(s), in which event he will assume that portion of such Farmers Home Administration debt(s), which, when added to the prior lien(s), equals the present market value of the chattels as determined by the County Supervisor.

(1) Ordinarily, the debt assumed will be repaid in accordance with the rates and terms of the existing note(s) or assumption agreements and any delinquency will be paid on or before the date the transfer is closed. However, if the County Supervisor determines that the transferee cannot pay the delinquency at the time the transfer is closed or cannot repay the loan within the remaining repayment period of the note, he may recommend and the State Director may approve the reamortization of the account for such period as may be necessary but not to exceed seven years from the date of closing of the transfer. The account(s) also will be reamortized when-

ever the transferor is ahead of schedule or prepaid.

(2) When the total amount of the Farmers Home Administration indebtedness is assumed by the transferee, it will be the policy to release the transferor from personal liability to the Government upon the County Committee's making the following memorandum certification: "The value of the security property of (names of all transferors) is not less than the indebtedness against it and in our opinion the transferors do not have any assets from which the Farmers Home Administration could make a substantial recovery. Therefore, we recommend that the transferors be released from personal liability upon assumption of the full indebtedness by the transferee." The transferor will not be released from liability if the full amount of the debt is not assumed.

(b) *Transfers to ineligible.* The State Director may not approve a transfer to, or assumption by, a transferee who does not meet the eligibility standards described in § 1872.13(c)(2)(ii) of this chapter without the prior concurrence of the National Office.

(1) An ineligible transferee generally will be required to assume all of the indebtedness secured by chattels or an amount substantially in excess of the present market value of the security less any prior liens if the security is worth less than the entire secured debt.

(2) An ineligible transferee will be required to make a minimum payment at the time of execution of the assumption agreement of at least 20 percent of the debt to be assumed, calculated before such payment. The balance of the Farmers Home Administration debt(s) will be scheduled for repayment in equal annual installments with interest at 5 percent per annum, within the shortest period consistent with the transferee's ability to pay, but not to exceed five years from the date of closing the transfer.

(3) The transferor will not be released from personal liability.

(c) *Release of liability.* When the transfer by assumption is being made to an eligible transferee in accordance with paragraph (a) of this section and the total amount of the Farmers Home Administration debt is assumed by the transferee, it will be the policy to release the transferor from personal liability to the Government upon the certification by the County Committee as contained in § 1872.13(f)(5)(i) of this chapter with respect to a transferee who is assuming the full amount of the indebtedness. The transferor will not be released from liability if the full amount of the debt is not assumed or if the transferee is ineligible.

(d) *County Committee certification and recommendation.* No transfer or assumption under this paragraph will be approved unless the County Committee makes a certification on the memorandum statement form provided in § 1872.13 of this chapter. The certification will be signed by at least two members of the Committee, dated, and made a part of the transferee's County Office file.



(e) *Docket submission.* The County Supervisor will submit to the State Office the County Office file and the following:

(1) Statement of amount of indebtedness involved, description and statement of value of security, and statement of justification, including a plan of repayment.

(2) Form FHA-197, "Application for FHA Services."

(3) Transferee's plan of operation reflected on Form FHA-14, "Farm and Home Plan," or Form FHA-197A, "Operating Budget and Financial Statement," as appropriate.

(4) County Committee's certification regarding transfer.

(f) *Processing assumption agreements.* The assumption agreement will be executed on Form FHA-97. Additional security instruments will be obtained if required by the Attorney in Charge. Upon receipt of Form FHA-97, the Finance Office will establish an account in the name of the assuming transferee. If a collection is received from the assuming transferee after the assumption agreement is approved but prior to Finance's notification to the County Office, Form FHA-37 will be prepared in accordance with § 1872.13 (f) (3) of this chapter.

#### § 1871.39 Agricultural Stabilization and Conservation Service set-offs.

The Secretary's Order on set-offs authorizes the collection of debts owed to the Farmers Home Administration by set-off against amounts approved for payment to the debtor by Agricultural Stabilization and Conservation Committees.

(a) Recommendations for set-offs will be forwarded by the County Supervisor to the State Director. If the recommendation for set-off is approved, a letter will be written to the borrower stating that a request for a set-off has been made, together with the reasons for such action.

(b) The State Director may withdraw a request for set-off by giving notice to the Agricultural Stabilization and Conservation State Office at any time prior to the processing of set-off voucher. However, set-offs may be withdrawn only if the borrower pays his indebtedness in full, makes substantial payment on his debt, the debt is settled, or it is determined that future collections can be made through ordinary methods.

(c) If the account of the borrower for whom a request for set-off has been submitted is transferred to another Farmers Home Administration County Office jurisdiction, either within or outside the state, the State Director will notify the Agricultural Stabilization and Conservation State Office of the address of the Farmers Home Administration County Office to which the account has been transferred in order that any payments may be sent to such office. If the transfer is to another state, the transferring State Director will notify the receiving State Director that a request for set-off has been made and that he should give consideration to this fact in the servicing of the case, including

the advisability of requesting a set-off in the state to which the borrower has moved.

(d) *Check delivery.* Set-offs will be made by means of checks or sight drafts drawn payable to the Farmers Home Administration and delivered to the County Supervisor. Such remittances will be receipted for and scheduled in accordance with Part 1862 of this chapter, except that if the claim has been forwarded to the Attorney in Charge, the remittance will be sent to the Attorney in Charge and his instructions as to application will be followed.

(R.S. 161; 5 U.S.C. 22; Order of Acting Sec. of Agr., 23 F.R. 3757, 7 CFR Part 13)

#### § 1871.40 Releases and satisfactions.

Release and satisfaction necessary in connection with liquidation action will be executed in accordance with authorities contained in Subpart A of Part 1871 of this chapter.

### Subpart C—Security Servicing for Special Livestock Loans

**AUTHORITY:** The provisions of this Subpart C issued under R.S. 161; 5 U.S.C. 22. Interpret or apply sec. 2, 63 Stat. 44, as amended; 12 U.S.C. 1148a-2.

#### § 1871.41 General.

(a) Accounts and security for Special Livestock loans will be serviced in accordance with all regulations of the Farmers Home Administration which cover the servicing of accounts and security for operating loans insofar as such regulations are applicable and except as expressly provided in this subpart.

[19 F.R. 4105, July 7, 1954, as amended at 23 F.R. 635, Jan. 31, 1958]

#### § 1871.42 Disposition of normal farm income security property.

For Special Livestock loans, § 1871.4 (b) is replaced by the following material.

(b) "Normal farm income security" consists of all security property not considered as basic security.

(1) *With income division agreements.* In connection with normal sales of livestock and livestock products which are covered by an income division agreement executed by the prior lienholder, County Supervisors are authorized to release livestock or livestock products from the Government's junior lien, and proceeds from the sale thereof, when they have been sold for their fair market value, provided the proceeds are used as follows:

(i) To pay on the Special Livestock loan account amounts which the Government is entitled to receive under the income division agreement.

(ii) To pay on the indebtedness owed prior lienholders amounts not in excess of those which such creditors are entitled to receive under the income division agreement.

(iii) To pay other debts as agreed upon when the loan was made, provided the amount which the Government is entitled to receive under the income division agreement has been paid, and prior lienholders permit amounts from the income they are entitled to receive to be used for this purpose.

(2) *Without income division agreements.* In connection with sales of normal farm income security property not covered by an income division agreement, County Supervisors are authorized to release the property from the Government's lien, and proceeds

derived from the sale thereof, when it has been sold for its fair market value, provided the proceeds are used for one or more of the following purposes:

(i) To pay necessary harvesting and marketing expenses not provided for in the loan, or which cannot otherwise be provided by the borrower from his own resources.

(ii) To make payments on the Special Livestock loan account.

(iii) To make payments to other creditors having liens on the property sold which are superior to the liens of the Farmers Home Administration, provided any amount remaining after payments are made to such other creditors is applied on the borrower's Special Livestock loan, or is released under the conditions and for one or more of the purposes specified in § 1871.42 (b) (2).

(iv) To make payments on debts owed to creditors other than those mentioned in subdivision (iii) of this subparagraph, and to make capital purchases as agreed upon when the loan was made, provided:

(a) Creditors having liens superior to those of the Farmers Home Administration have been paid the amounts agreed with them to be paid for the year;

(b) The Farmers Home Administration has been paid the amounts agreed to be paid for the year.

The amounts shown by Table H of Form FHA-197A, "Operating Budget and Financial Statement," will serve as a guide in releasing income for these purposes; and if the amount available is not sufficient to make all the payments to other creditors as anticipated when the loan was made, priority will be given to the debts which must be paid to enable the borrower to continue in business and the remaining income will be prorated in an equitable manner between the other creditors.

(3) *With or without income division agreements.* In connection with sales of normal farm income security property either covered or not covered by an income division agreement, County Supervisors are authorized to release the property from the Government's lien, and proceeds derived from the sale thereof, when it has been sold for its fair market value, provided the proceeds are used for one or more of the following purposes:

(i) To pay necessary farm and home expenses in those instances in which a loan has not been made for the current year, provided:

(a) Such expenses have been included in a budget developed for the year and approved by the State Director (the authority to approve annual budgets for this purpose may be delegated to State Field Representatives or County Supervisors, in the discretion of the State Director);

(b) Other lienholders have agreed for releases to be made for this purpose; and

(c) If there is an income division agreement, the Government has received the amount it is entitled to thereunder.

(ii) To purchase or acquire through exchange property more suitable to the borrower's needs, subject to the following conditions:

(a) The new property must be made subject to a lien in favor of the Farmers Home Administration;

(b) The new property, together with the additional proceeds which may be applied on the Special Livestock loan, must have security value to the Farmers Home Administration at least equal to that of the lien formerly held by the Farmers Home Administration on the old property; and

(c) When a new security instrument is necessary, ordinarily it will be taken at the time of acquisition of the new property; however, in individual cases the County Supervisor may delay the taking of a new security instrument not to exceed one year,



or until a new security instrument is necessary for other reasons, whichever is earlier, when adequate security will continue to exist, and the borrower's Special Livestock loan account is current during such period of delay.

(iii) To pay not normally recurring costs that are necessary for the preservation of the remaining security property.

#### § 1871.43 Termination of nondisturbance agreements.

(a) County Supervisors, with the concurrence of the County Special Livestock Loan Committee or the State Director if a County Special Livestock Loan Committee has not been appointed, are authorized to approve the termination of nondisturbance agreements executed on Form FHA-916, "Agreement—Special Livestock Loans," in individual cases when it is determined that the borrower does not have reasonable prospects of working out of his financial difficulties.

(b) County Supervisors are authorized to approve the termination of nondisturbance agreements in cases in which borrowers have abandoned security property.

### PART 1872—REAL ESTATE SECURITY

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#### Subpart A—Servicing and Liquidations

**AUTHORITY:** The provisions of this Subpart A issued under R.S. 161, secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 510, 63 Stat. 437, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 735; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 42 U.S.C. 1480, 40 U.S.C. 442, 16 U.S.C. 590x-3. Interprets or applies secs. 41, 51, 2, 50 Stat. 528, as amended, 531, as amended, 869, as amended, sec. 2, 60 Stat. 1062, as amended, secs. 1, 2, 510, 1, 63 Stat. 43, as amended, 44, as amended, 437, 883, sec. 2, 64 Stat. 98, secs. 9, 10, 1, 68 Stat. 735, 999, as amended; 7 U.S.C. 1015, 1025, 16 U.S.C. 590s, 7 U.S.C. 1001 note, 12 U.S.C. 1148a-1 and note, 1148a-2, 42 U.S.C. 1480, 7 U.S.C. 1006a, 40 U.S.C. 440, 16 U.S.C. 590x-2, 590x-3, 12 U.S.C. 1148a-1 note. Other statutory provisions interpreted or applied are cited to text in parentheses.

#### § 1872.1 General.

(a) **Definitions.** For the purposes of this part, where appropriate, the following definitions shall apply unless otherwise indicated. The term *FHA* means the Farmers Home Administration, or the United States of America acting through the Farmers Home Administration. The terms *FHA loans*, *FHA accounts*, *FHA liens*, *FHA interests*, *FHA security*, *FHA debts*, and similar terms apply to indebtedness owed to or insured by FHA, related security instruments, and security covered thereby. The term "borrower" includes all persons who are liable for FHA debts or who executed the related security instruments. The term "note" includes any note, bond, assumption agreement, or other evidence of indebtedness. The term "mortgage" includes any deed of trust or other real estate security instrument. The terms *FO*, *FH*, *OL*, *SW*, *EM*, *SE*, *SL*, *WF*, and *ORE* as applied to loans, mortgages, or accounts mean, respectively, Farm Ownership, Farm Housing, Operating, Soil and Water Conservation, Emergency, Special Emergency, Special Livestock, Water Facilities, and Other Real Estate. The term "Attorney in Charge" refers to the attorney in charge of the local field office of the Office of the General Counsel, U.S. Department of Agriculture.

(b) **Scope.** This part delegates authority and prescribes policy and procedure for servicing and liquidating real estate security for all FHA loans except Watershed loans and SW loans to associations.

(c) **General policy.** Real estate security will be serviced, in accordance with the provisions of the mortgages, to accomplish the loan purposes and protect

the Government's financial interest. It will be the policy of FHA to continue to service real estate security in any case where (1) the borrowers have reasonable prospects of accomplishing the purpose of the loan, continue to make payments in accordance with their ability, properly account for and maintain the security, and otherwise meet their loan obligations under the loan, and (2) protection of FHA's financial interest does not require immediate liquidation. If a borrower fails to maintain, protect, or account for security so as to jeopardize FHA's financial interest or makes unauthorized disposition of any security, remedial action will be instituted promptly.

(d) **County Supervisor's responsibility.** The County Supervisor is responsible for seeing that security is being properly maintained, protected, and accounted for by the borrower and for servicing the security in accordance with this part. He will visit the farm at least annually.

(e) **Insured loans; style of execution of documents by FHA.** In insured loan cases servicing documents executed by FHA will be executed in the name of "United States of America, for Itself and as Trustee" when the mortgage is held by FHA under a trust assignment or declaration, in the name of "United States of America, Trustee of the Assets of the ----- Rural Rehabilitation Corporation" when the note and mortgage run to and are held by the United States as Trustee for a State Rural Rehabilitation Corporation (SRRP), and in the name of "United States of America" when the mortgage runs to the United States or when a mortgage running to the insured lender is not held by FHA under a trust assignment or declaration and the note is held by FHA.

(f) **Consent of lienholders.** When this part requires the consent of other lienholders before FHA consents to a transaction which affects its security or its lien, such consent will be obtained and furnished to FHA by the borrower and will include agreement as to the disposition of any funds involved in the transaction. When an insured FO mortgage is held by the lender, his consent will be obtained only if a written partial release, subordination, or other servicing document is required, and on a form approved by FHA.

(g) **Authority of State Directors and County Supervisors to execute instruments.** County Supervisors are authorized to execute on behalf of FHA all appropriate documents and instruments in connection with transactions which they are authorized by any provisions of this part to approve. State Directors are authorized to execute on behalf of FHA all appropriate documents and instruments in connection with transactions which they or County Supervisors are authorized by any provisions of this part to approve. This authorization to State Directors and County Supervisors is in addition to, and not in lieu of, any express authorization to execute documents set forth elsewhere.



**§ 1872.2 Subordination of FHA mortgage to permit refinancing, extension, reamortization, or increase in amount of prior lien.**

(a) *General.* When a borrower requests FHA to subordinate a mortgage taken in connection with a direct or insured loan so that he can refinance, extend, reamortize, or increase the amount of the prior lien, Form FHA-696, "Application for Partial Release, Subordination, or Consent," will be executed by the borrower. In case of an insured FO mortgage held by the lender, the lender's consent will be obtained by having the lender execute the written subordination, partial release, or other servicing document requested on a form approved by FHA. Subject to the provisions of paragraphs (b) and (c) of this section, a subordination may be granted if (1) the borrower is unable to refinance the FHA mortgage on terms which he can reasonably be expected to meet, (2) the terms and conditions of the prior lien will be such that the borrower can reasonably be expected to meet them, and (3) the priority of FHA's lien position is maintained or advanced. In connection with obtaining a loan from a Federal Land Bank, the subordination may permit the Federal Land Bank loan to include funds for the purchase of National Farm Loan Association stock in an amount not more than 5 percent of the prior lien if the borrower is unable to pay for the stock with personal funds. Whenever possible, an assignment of the beneficial interest in such stock will be obtained as collateral security.

(b) *County Supervisor's authority.* Subject to the provisions of paragraph (a) of this section, the County Supervisor is authorized to approve and execute a subordination which involves refinancing, extending, or reamortizing a prior lien provided the amount of the indebtedness secured by the prior lien is not increased by more than nominal cost incident to loan closing plus funds for the purchase of National Farm Loan Association stock where applicable.

(c) *State Director's Authority.* Subject to the provisions of paragraph (a) of this section, the State Director is authorized to approve and execute a subordination which involves increasing the prior lien by an amount to be used for farm development or farm enlargement purposes, as well as the payment of nominal cost incident to loan closing and for National Farm Loan Association stock where applicable, subject to all the following requirements:

(1) The proposed farm development or enlargement will improve the borrower's ability to repay the FHA loan(s).

(2) The proposed farm development or enlargement will increase the present market value of the security by an amount at least equal to the increase in the amount of the prior lien. In the case of an FO loan, the sum of any prior lien and the FO lien must not exceed the fair and reasonable value of the farm unless (i) the subordination is for the purpose of land development necessitated by flood, windstorm, or other casualty, or is for repair or replacement of

essential farm buildings, (ii) such development or enlargement will not result in making an FO farm greater than a family-type unit, and (iii) such enlargement will not cause the fair and reasonable value of an FO farm to exceed the county average value.

(3) Any proposed farm development will be planned and performed in accordance with Subparts B and C of Part 1804 of this chapter or in a manner directed by the creditor and acceptable to FHA.

(4) Funds to be used for farm development or enlargement will be handled in the manner prescribed for loan funds in Part 1803 of this chapter, except that if the creditor will not permit the use of the supervised bank account procedure, arrangements satisfactory to FHA which will assure that the funds will be spent for the planned purposes will be substituted.

(5) In case of land purchase, FHA will obtain a mortgage on such purchased land. In the case of an FO loan, the mortgage on the purchased land will be either a first or second mortgage.

(d) *Processing.* A subordination will be completed in accordance with closing instructions issued by the Attorney in Charge.

**§ 1872.3 Consent, by partial release, subordination, or otherwise, to sale or other disposition of portion of or interest in security, except leases.**

(a) *Provisions of FHA mortgages.* In all FHA mortgages except FH loan mortgages prepared before October 1, 1950, and a few OL loan, EM loan, SL loan, and WF loan mortgages, the borrower has agreed not to sell, transfer, assign, mortgage, or otherwise encumber the security, or any portion of or interest in it, without the prior written consent of the mortgagee. In all FHA mortgages the borrower expressly agrees not to engage, without prior consent, in certain specified transactions including the cutting or removal of timber, or gravel, oil, gas, coal, or other minerals, aside from small amounts used by the borrower for ordinary domestic purposes. Furthermore, even in the case of the few FH, OL, EM, SL, and WF mortgages mentioned above in the exception, any property, or any part thereof or interest therein, which is subject to the FHA mortgage and which is disposed of by the borrower without consent, remains subject to the mortgage lien. The required consent may be in the form of a partial release, subordination, or other form of written consent, depending on the circumstances.

(b) *Consent and partial release and subordination forms.* When FHA consent is required by the mortgage, it will be given by approving a completed Form FHA-696. When requested, the FHA also will give a written partial release or subordination on Form FHA-99, "Release," Form FHA-286, "Subordination by the Government," or other form approved by the Attorney in Charge.

(c) *Conditions of FHA consent.* Ordinarily FHA consent will be granted and a partial release or subordination executed if (1) the net consideration for the transaction is adequate to fully compen-

sate for the security being disposed of or rights granted, (2) the orderly repayment of the FHA indebtedness will not be impaired, (3) the transaction will not interfere with the successful operation of the farming enterprise, (4) in the case of an FO unit which before the transaction is an adequate family-type farm, the transaction will not reduce the farm to less than a family-type farm as defined in Part 1831 of this chapter, and (5) the provisions of paragraphs (d) and (e) of this section are complied with, except that the State Director and County Supervisor are severally authorized to permit the borrower to use a part of the proceeds to pay nominal costs incident to closing the transaction which the borrower has agreed to pay but is unable to pay from personal funds, such as title examination, abstracts, or title insurance (but not taxes other than past-due real estate taxes on the land being sold). When the approval official is uncertain as to whether the proposed payment is adequate to compensate fully for the loss of security or considers it necessary for other reasons, a current appraisal report will be obtained. In the sale of timber which appears to be worth more than \$1,000 or of any minerals other than small amounts of sand and gravel, the borrower will be encouraged to obtain the assistance of a qualified technician other than an FHA employee to advise him as to the quantity or value of the timber or mineral and the manner in which it should be sold. Usually, such assistance can be obtained from State or Federal employees in the area.

(d) *County Supervisor's authority.* Subject to the requirements of paragraph (c) of this section, the County Supervisor, unless foreclosure or voluntary conveyance is pending, is authorized to approve transactions where the entire net proceeds will be applied on prior liens, or to FHA liens in the order of the priority of such FHA liens, provided that when the transaction involves \$500 or more or the sale of land, the County Supervisor will obtain either (1) a statement by the County Committee that the consideration is adequate to fully compensate for the property or rights being disposed of, or (2) a current appraisal report showing that the amount to be received is at least equal to the present market value of such property or rights.

(e) *State Director's authority.* Subject to the requirements of paragraph (c) of this section and subparagraphs (1), (2), (3), and (4) of this paragraph, the State Director is authorized to approve transactions involving exchange of all or part of the security for other farm real estate; use of all or part of the proceeds for farm development, farm enlargement, or application on prior liens or any FHA accounts; release to the borrower of proceeds which are regular income as defined in § 1872.7 when the loan is not in process of forced liquidation through foreclosure or voluntary conveyance; or an easement or right-of-way granted without monetary compensation or for a token consideration. In any case in which the proceeds would be considered as extra payments under § 1872.7



and such proceeds will not be applied on prior liens or FHA accounts secured by real estate liens, the following requirements must be complied with:

(1) Use of any proceeds for farm development or enlargement will create a more favorable outlook for collection of the FHA debt, will not result in making an FO loan farm greater than a family-type farm, and will be carried out in the manner prescribed for real estate loan funds in Part 1803 of this chapter.

(2) Any proposed farm development work is planned and performed in accordance with Subparts B and C of Part 1804 of this chapter.

(3) When other FHA loans not secured by a real estate lien are inadequately secured, proceeds in excess of the normal market value of real estate security being released may be applied to such other FHA accounts with the consent of the borrower and any prior or junior lienholders provided that the FHA loans secured by a lien on real estate will be adequately secured after the transaction. Such payments will be applied as extra payments unless the State Director approves a specific request in writing by the borrower that they be applied as regular payments. That part of the proceeds which represents the normal market value of the security released must be applied to a prior lien or the FHA lien of highest priority.

(4) The present market value of the security for the real estate lien after the transaction plus any amount applied as payments on any prior real estate lien or any FHA account will not be less than the present market value of the security prior to the transaction.

(f) *Processing.* Consent to a transaction will be obtained from any prior lienholders, from junior lienholders in case any proceeds will be used for any purpose other than application to the FHA mortgage or prior liens, and from the holder of an insured mortgage held by the lender when required in § 1872.1(f). If a written release or subordination is requested, the transaction will be completed in accordance with closing instructions issued by the Attorney in Charge.

#### § 1872.4 Consent to junior liens.

As a general policy, FHA borrowers will be discouraged from giving junior liens on their farms. When consent is required by the FHA mortgage and the making of the junior lien is justified, the State Director may consent by executing Form FHA-696 provided (a) the loan is necessary for successful operation of the borrower's farm, (b) the terms of the junior lien debt will not likely jeopardize payment of the FHA loan, (c) any operating plans made with the junior mortgage holder are consistent with any farm plans made by FHA with the borrower, and (d) the junior creditor agrees in writing that he will not foreclose his mortgage before a discussion with the County Supervisor and giving a specified period of notice to FHA.

#### § 1872.5 Consent to borrower's granting lease of security.

When a borrower requests FHA consent to lease and consent is required by the mortgage and this section, Form FHA-696 will be completed. When a prior lienholder is involved and his mortgage requires consent to lease, such consent will be obtained in accordance with § 1872.1(f). For an insured mortgage held by the lender, the holder's consent will be obtained when required in § 1872.1(f). The approval of the County Supervisor will not be given until the document has been executed by the holder. The pertinent provisions of this section and § 1872.7 must be complied with. All leases should be on equitable terms and include full compensation for the rights and privileges granted.

(a) *Leases for agricultural and other purposes except minerals and naval stores.* All except FH, SW, and ORE borrowers will be required to obtain FHA consent to lease real estate security for the purposes covered by this paragraph. The County Supervisor may give such consent by approving Form FHA-696, subject to the following conditions:

(1) All or a portion of the security may be leased for agricultural purposes when foreclosure or voluntary conveyance is pending and leasing is more advantageous to the Government and the borrower, or circumstances beyond the borrower's control, such as death in the family, poor health, or extreme weather conditions, temporarily prevent personal operation of the farm and the following requirements are complied with:

(i) When the State Director has approved foreclosure or voluntary conveyance, Form FHA-435, "Lease of Security Property," will be used and the entire proceeds will be applied on the FHA lien and/or any prior mortgage.

(ii) Any lease entered into by the borrower will not be in effect for more than one year and consent to the lease will in no way affect the borrower's obligations or the FHA's rights under the note, mortgage, and any supplemental agreement.

(iii) The farm will not be leased for more than two consecutive one-year periods without prior consideration by the National Office.

(2) Small acreages of land or buildings not essential to the successful operation of the farm may be leased for agricultural or other purposes except minerals and naval stores. When foreclosure or voluntary conveyance has been approved by the State Director, Form FHA-435 will be used and the entire proceeds will be applied on the FHA lien and/or any prior mortgage.

(b) *Mineral leases.* All FHA borrowers will be required to obtain consent to any mineral lease of security. The County Supervisor, unless foreclosure or voluntary conveyance is pending, and the State Director are severally authorized to execute Form FHA-696 giving FHA's consent to mineral leases and to execute such other instruments on behalf of FHA as may be necessary, under the following conditions:

(1) The lessee agrees, in the lease or elsewhere, to pay adequate compensation for any damage to the real estate, and the borrower and the lessee execute Form FHA-253, "Assignment of Income from Real Estate Security," assigning such compensation to the FHA and agreeing to recognize the assignment.

(2) The bonus and rental are at least equal to the minimums, if any, established in the state. Delay rentals and bonus payments may be assigned on Form FHA-253.

(3) Royalty payments are assigned on Form FHA-253.

(4) The lease, subordination, or consent form is prepared by or is acceptable to the Attorney in Charge. If standard lease forms are acceptable, such forms may be prescribed for use.

(c) *Naval stores lease.* All FHA borrowers will be required to obtain consent to any naval stores lease of security. The County Supervisor, unless foreclosure or voluntary conveyance is pending, and the State Director are severally authorized to execute Form FHA-696 giving FHA consent to lease of naval stores and to execute such other instruments on behalf of FHA as may be necessary, if the lease requires operation consistent with approved naval stores practices in the community and FHA regulations, if any, in the state.

#### § 1872.6 Severance agreements.

(a) When a borrower requests permission of FHA to obtain other financial assistance to construct or install farm facilities, such as grain storage, bulk milk tanks, and irrigation equipment, Form FHA-696 will be completed. The County Supervisor, if the transaction does not exceed \$1,000, and the State Director are each authorized to give FHA consent by executing Form FHA-696 and any necessary severance agreements if it is determined that (1) the facility to be constructed or installed is not in excess of the borrower's needs based on the normal production or requirements of the farm, and (2) the financing arrangements are sound and proper and will not adversely affect the orderly payment of the FHA indebtedness or adversely affect the FHA's security position. The Attorney in Charge will be requested to prepare or review the severance agreement and, where necessary, issue closing instructions.

(b) The County Supervisor is authorized to execute severance agreements on behalf of the FHA as a real estate lienholder when such agreements are required by § 1841.8(a)(8) of this chapter and by the State Director pursuant to § 1842.2(n) of this chapter.

(Order of Acting Sec. of Agric., 19 F.R. 74, 22 F.R. 8188)

#### § 1872.7 Disposition of proceeds of partial release, subordination, and consent transactions.

(a) *Payment on FHA account or prior lien or use for farm development or enlargement.* Proceeds from the sale of a portion of the farm, the granting of an easement or right-of-way, royalties and



damage compensation under mineral leases, the sale of timber managed on other than a sustained-yield basis, naval stores production not managed by or under the supervision of the borrower, and all similar transactions will be either paid on the prior lien, applied as an extra payment on the FHA loan as provided in Subpart A of Part 1861 of this chapter, used as provided in § 1872.3 (c), (d), or (e), or used for replacement or repair of damages for which compensation was paid.

(b) *Regular farm income.* Proceeds from leases for agricultural and other purposes except minerals and naval stores, bonuses and rentals under mineral leases, proceeds from the sale of timber managed on a sustained-yield basis or from naval stores production managed by or under the supervision of the borrower, compensation to the borrower for labor or services in cutting, loading, and hauling of security, and all similar transactions will be considered as regular farm income.

(c) *Assignment.* Any proceeds to be paid to FHA subsequent to the time of closing the transaction will be assigned to FHA by the use of Form FHA-253 or other assignment form approved by the Attorney in Charge.

**§ 1872.8 Actions by FHA for account of borrower, including advances for preservation of security or protection of lien.**

When necessary to protect the interest of FHA, action will be taken by FHA for the account of the borrower as provided in this section. Any other action necessary to protect the interest of FHA will be taken with the advice of the Attorney in Charge. Advances made for such purposes will be charged to the borrower's account.

(a) *Operation of security by lessee or caretaker.* When necessary to protect the security interest of FHA and approved by the State Director, the County Supervisor will enter into a lease or caretaker's agreement for the account of the borrower on the best terms obtainable for periods not to exceed one year each or, without prior consideration by the National Office, two consecutive one-year terms. Such agreements will not be used as an alternative for, or as a means of delaying, prompt liquidation of the loan. Lease agreements will be entered into on Form FHA-435. Caretaker's agreements will be entered into on Form FHA-529, "Caretaker's Agreement (Real Property Only)."

(b) *Taxes and assessments.* Real estate taxes and assessments will be handled in accordance with §§ 1863.1 through 1863.3 of this chapter.

(c) *Insurance.* For FO, SW, FH, and ORE loans, property insurance will be required and serviced in accordance with §§ 1806.1 through 1806.6 of this chapter. For other FHA loans secured by liens on real estate, property insurance will be obtained and serviced in accordance with requirements for the kind of loan involved.

(d) *Maintenance.* Where repairs are necessary to protect the security from

damage or deterioration and to protect the financial interest of FHA, the State Director may authorize such repairs if they are fully justified and properly documented on Form FHA-643, "Farm Development Plan." Such repairs will be authorized only in emergency situations and usually will be authorized only in connection with liquidation which is pending or in process. If a prior lien is involved, such expenditures for maintenance will not be made unless the prior lienholders refuse to make them.

**§ 1872.9 Actions by third parties which affect security.**

(a) *Borrower's responsibility.* The borrower will be expected to protect his own interest in condemnation, trespass, and other cases affecting the security, and to report to the County Supervisor the complete facts concerning any action taken by third parties which may affect the security.

(b) *Sale under prior lien foreclosure.* When a prior lien foreclosure sale is to be held, the State Director may authorize a bid in accordance with § 1872.15(b) (7) provided the State Director determines that a substantial net recovery can be made upon resale of the security. An insured loan will be assigned to FHA in sufficient time before the foreclosure sale to enable FHA to protect its interest. If the amount of the prior lien(s) exceeds \$25,000, the prior concurrence of the National Office will be obtained before a bid on behalf of FHA is authorized by the State Director.

(c) *Foreclosure sale subject to FHA mortgage.* If a lien junior to the FHA lien is foreclosed and the property is sold subject to the FHA mortgage, the account will be transferred under § 1872.13 or liquidated.

**§ 1872.10 Deceased borrowers.**

Deceased borrower cases will be handled in accordance with the policy outlined in Subpart B, Part 1871 of this chapter for such cases.

**§ 1872.11 Bankruptcy and insolvency.**

Bankruptcy and insolvency cases will be handled in accordance with the policy outlined in Subpart B, Part 1871 of this chapter for such cases, except that when real estate security is released from bankruptcy or insolvency action to FHA, the State Director will not approve continuation with the borrower until concurrence of the National Office is obtained.

**§ 1872.12 Liquidation action.**

(a) *Policy and methods.* When it is determined with the advice of the County Committee and the Area Supervisor that liquidation is necessary because further servicing action will not accomplish the objectives of the loan or for other reasons, liquidation of the account(s) will be accomplished as expeditiously as possible by one of the following methods:

- (1) Immediate payment of the loan in full by refinancing, sale of the property outside of the program, or otherwise;
- (2) transfer of the account; (3) voluntary conveyance of the security to the

Government; or (4) foreclosure. If the Borrower is willing to convey the security to the Government or transfer the account in accordance with § 1872.13 and the County Supervisor and County Committee recommend such action, Forms FHA-411, "Offer to Convey Security," or FHA-922, "Transfer of Real Estate Security," as appropriate, will be completed. In all cases other than payment in full, voluntary conveyance, or transfer the County Supervisor will submit to the State Director Form FHA-506, "Report on Real Estate Problem Case," showing the County Committee's and County Supervisor's recommendations. When a borrower is indebted to FHA for more than one type of loan, a thorough study should be made of each loan involved and the effect liquidation of one or more of the loans would have on any other loans involved. When liquidation of one or more loans is necessary and it will jeopardize the accomplishment of the purpose of other loans involved, all the FHA loans should be liquidated if legally possible. Under such conditions, ordinarily the loans secured by real estate mortgages will be liquidated simultaneously and if chattel security is involved, the liquidation of the two types of security will be co-ordinated. However, the chattel security will be liquidated in accordance with Subpart B, Part 1871 of this chapter unless it is to be transferred in accordance with § 1872.13.

(b) *Failure to live on and personally operate farm.* Any FO borrower who, without consent, does not live on and personally operate his farm is violating his agreement with FHA. Such a borrower will be informed of this violation. If the borrower will not live on and operate the farm in accordance with his agreement or promptly pay the loan in full, the County Supervisor will report the case to the State Director on Form FHA-506. The State Director will either take further action to have the borrower comply with such agreements or will proceed to liquidate the loan.

(c) *Execution of instruments by County Supervisor.* If an account is to be liquidated by any method other than immediate payment of cash to pay the account in full, the State Director is authorized to approve such action. After such approval, the County Supervisor will take appropriate action and execute all necessary instruments for completion of the transaction except as otherwise provided in this part.

(d) *Release of lien.* When mortgaged real estate securing an EM, SL, or OL loan is sold for its present market value, all the proceeds are applied on the mortgage debts in accordance with their respective priorities, and the secured FHA account is paid in part but not in full, the lien(s) on the real estate in favor of FHA may be released by the State Director or the County Supervisor, upon prior approval of the National Office, on Form FHA-99 or on similar forms approved by FHA.

**§ 1872.13 Transfer of loan accounts.**

(a) *Sale of security.* Borrowers should be encouraged to discuss any proposed



sale of FHA real estate loan security before firm agreements have been reached with purchasers. If the terms of the proposed sale would not result in the FHA account being paid in full at the time of sale, the County Supervisor should explain thoroughly the requirements of this part regarding such transactions. If real estate security, including water rights, is sold and the mortgage requires FHA consent to the sale and the FHA debt is not transferred by assumption agreement, FHA consent will not be given and the account will be liquidated.

(b) *Authority.* The State Director is authorized to approve the transfer of FHA accounts by assumption agreement with or without release of personal liability, including FO cases which involve the sale of the farm within less than five years from the date of the initial FO loan. Proposed transfers by assumption agreement will be submitted to the National Office for review prior to approval whenever (1) the FHA debt being assumed and other liens against the security being transferred total more than \$25,000, (2) the proposed transfer will result in the transferee being indebted to the FHA on all types of loans for more than \$50,000, or (3) the proposed transfer will result in the transferee being indebted for more than \$15,000 for OL loans, \$25,000 for SW loans, or \$25,000 for EM loans.

(c) *Transfer of loan accounts by Form FHA-97, "Assumption Agreement"*—(1) *General.* The following requirements will apply whenever an FHA borrower sells real estate which is security for an FHA loan(s) and the loan account(s) is transferred by assumption agreement.

(i) Title to all real estate security, including water rights, for the FHA account(s) must be conveyed to the transferee not later than the date of the assumption agreement. However, in case of EM, SL, FH, or SW security which involves a large tract of land or more than one farm, upon approval of the National Office, the security may be transferred in separate parcels to different transferees or only a portion of the real estate may be transferred.

(ii) When the account(s) is secured by both chattel and real estate, all the security must be transferred to the transferee, or the chattel security must be sold or liquidated prior to transfer of the account(s) except that in case of EM or SL loans, the real estate security may be transferred without transfer or liquidation of the chattel security upon prior approval of the National Office.

(iii) When the full amount of the FHA debt is assumed, there must be no liens, judgments, or other claims against the security which are junior to any FHA liens being assumed unless the State Director, with the advice of the Attorney in Charge, determines that such liens, judgments, or claims will not adversely affect the Government's security interest or impair the transferee's ability to pay the FHA debt.

(iv) When less than the full amount of the FHA debt is being assumed, there must be no liens, judgments, or other

claims against the security junior to the FHA debt being assumed.

(v) The interest rate on each FHA debt being assumed will remain unchanged except as provided in subparagraph (4) of this paragraph.

(vi) An initial or subsequent loan for which the transferee is eligible may be made in connection with a transfer subject to the policies and procedures governing the kind of loan being made. Loan funds may not be used for the payment of equity, except that FO loan funds may be so used when the transfer will result in a family-type farm or is made to a qualified disabled veteran.

(vii) If any equity payment is involved in a case where the transfer would be made for less than the full amount of the FHA debt, such transfer may not be made unless all or a portion of the equity payment up to the amount of the FHA debt not to be assumed is first applied on the FHA lien or prior liens. Any balance of an equity payment in such a case and any equity payment in all other cases should, whenever possible, be applied to the FHA debt(s) secured by real estate except that, if the FHA real estate debt(s) is adequately secured, such equity payment should be applied to any other debts of the transferor that are not adequately secured.

(viii) If he is financially able, the transferee will make a down payment on the FHA secured debt and such down payment should be made prior to or at the time of closing the transaction.

(2) *Transfer of direct loans to eligible applicants*—(i) *FO loans on family-type farms.* In determining whether a direct FO loan should be classified as "family-type," the County Supervisor will consider the definition of a "family-type" farm in Part 1821 of this chapter and the manner in which the farm will be operated. In order for security for a direct FO loan to be transferred as or to create a family-type farm, it must be transferred either to an applicant eligible for an FO loan under Part 1821 of this chapter and subject to the policies thereof or to an ineligible transferee under the conditions prescribed in subparagraph (4) of this paragraph. Ordinarily, the transferee will be required to assume the full amount of the unpaid balance of the FHA secured debt unless the fair and reasonable value of the farm as certified by the County Committee is less than the FHA debt plus any prior lien. In the latter case, the transferee will assume that portion of the FHA secured debt which when added to any prior lien against the farm equals the fair and reasonable value of the farm, with the following exception. When the present market value of the farm is such that a transfer at its fair and reasonable value would result in a substantial loss to the Government, the loan will be transferred at the present market value of the farm as determined in subdivision (ii) of this subparagraph, unless the transferee does not have the necessary debt-paying ability or cannot accomplish essential farm development from his own resources and a loan is necessary. If in the latter event it appears to be to the

best interest of the FHA to transfer the loan at less than the present market value of the farm, but not less than its fair and reasonable value, rather than foreclose, the State Director will send his recommendation and justification for such a transfer along with the transfer docket to the National Office for review prior to approval.

(ii) *Other loans.* For other type loans to be transferred, the transferee must meet the following eligibility requirements:

(a) Be a citizen of the United States, except in the case of an EM or SL loan, and have legal capacity to contract for the debt.

(b) Be without resources on his own account to purchase the real estate and pay the FHA loan in full and be unable to obtain the necessary credit from other sources upon terms and conditions which he could reasonably be expected to fulfill.

(c) Possess the character, ability, and experience necessary to carry out the undertakings and obligations required of him in connection with the transfer.

(d) Be a bona fide farmer, rancher, or stockman after the transfer is made, except that in FH and SW cases the transferee will not be required to be a bona fide farmer but preference will be given to applicants who will be primarily engaged in farming and will need the land and buildings in their farming operations.

(e) Not be indebted, after the transfer is made, on OL, SW, SE, or Orchard loans in excess of the applicable total principal indebtedness limitations for such loans.

The transferee will be required, under the assumption agreement, to comply with all the covenants of the mortgage securing the debt being assumed, including, in the case of an FO loan, the covenant to live on as well as operate the farm. In transfers to eligible applicants of loans which are not FO loans on family-type farms, the transferee will assume the full amount of the unpaid balance of the secured FHA debt(s) unless the present market value of the property is less than such FHA debt(s) plus any prior lien(s). In the latter case he will assume that portion of such FHA debt(s) which when added to any prior lien(s) equals the present market value of the security as determined by the State Director on the basis of a present market value appraisal and the recommendation of the County Committee.

(iii) *Payment terms.* The assumption agreement will provide for the transferee to pay the assumed FHA indebtedness in accordance with the payment schedule(s) of the existing note(s) unless the facts justify reamortization. The account, including all or part of any delinquencies to the extent necessary, may be reamortized by shortening or lengthening the remainder of the payment period to make it commensurate with the transferee's capacity to pay. The payment period after the date of the transfer may not be longer than the following for each kind of loan: OL, EM, and SL 7 years; FH 33 years; FO 40



years; SW 20 years. All delinquencies, except any included in a reamortization, will be paid by the time the transfer is closed.

(3) *Transfer of insured loans to eligible applicants.* Any insured loan account may be transferred by assumption agreement provided:

(i) The transferee is eligible for a family-type FO loan under Part 1821 of this chapter or, in case of less than family-type FO or any insured SW loan, meets the eligibility requirements of subdivision (ii) of this subparagraph.

(ii) When the note is not held by FHA or the United States as trustee of an SRRC, the holder's prior consent is obtained.

(iii) All obligations of the note (except any down payments made by the transferee) and the related mortgage (including charges connected with the insurance of the loan) are assumed without change in the payment schedule of the note, except that the repayment schedule may be changed upon justification and prior approval of the National Office.

(iv) Unless otherwise authorized by the National Office, any delinquent amounts due the loan insurance account are paid at or prior to the transfer.

(v) If the farm also is security for a direct FHA loan, the transferee also will assume the direct loan.

(4) *Transfer of direct loans to ineligible applicants.* If a direct loan borrower sells the real estate security to a person(s) who is not eligible under subparagraph (2) (i) or (ii) of this paragraph and the mortgage securing the loan requires the consent of FHA to the transaction, it will be the policy not to give such consent but immediately liquidate the account unless the State Director determines that it is to the best financial interest of FHA to permit assumption of the account. In the latter event the State Director may consent to the transfer by assumption agreement provided:

(i) The transferee assumes the entire outstanding FHA real estate indebtedness less any amount he pays on the FHA secured debts in connection with the transfer or an amount of such FHA debt(s) which when added to any prior lien(s) equals the present market value of the security as determined by the State Director on the basis of a present market value appraisal and the recommendation of the County Committee. Whenever practicable, the payment made by the transferee will be at least 20 percent of the debt(s) assumed, calculated before such payment.

(ii) The balance of the FHA debt assumed is scheduled for repayment in equal annual principal installments with interest at 5 percent per annum within the shortest period consistent with the transferee's ability to pay but in no case more than 5 years.

(iii) The transferee has ability to pay the FHA debt in accordance with the assumption agreement and the legal capacity to assume the obligations of the note and mortgage by entering into the assumption agreements.

(iv) The County Committee finds that the transferee will honestly endeavor to make payments in accordance with the assumption agreement, maintain the security property, and carry out his other obligations in connection with the loan.

(v) The transfer will not adversely affect the FHA program in the area.

(5) *Insured loans and ineligible applicants.* Insured loans will not be transferred to ineligible applicants unless prior approval of the National Office is obtained.

(d) *Consent of FHA not required to transfer.* Where the FHA mortgage(s) does not require the Government's consent to the sale of the farm (this includes mortgages taken as security for some OL, EM, and WF loans, as well as FH mortgages prepared before October 1, 1950) and the borrower conveys or proposes to convey the farm to a person who is ineligible or unwilling to assume the FHA debt in accordance with paragraph (c) of this section, the Government will not consent to the sale. If the loan is not in default or the State Director determines that definite, satisfactory arrangements have been made for the purchaser to remove any default promptly, the borrower's billings, correspondence, and notices concerning the account will be sent to the purchaser at his address. If the loan is in default and the State Director finds that the default is not likely to be corrected, the account will be liquidated.

(e) *Release of transferor from liability.* When real estate security for an FHA loan is transferred to an applicant who is eligible under paragraph (c) (2) or (3) of this section, it will be the policy to release the borrower from personal liability to the Government provided:

(1) The County Committee makes the appropriate certification and recommendations prescribed in paragraph (f) of this section.

(2) The transferor does not have assets from which the FHA could make substantial recovery.

(f) *Processing transfer by assumption of indebtedness—(1) Transfer docket.* The docket will include transferor's financial statement and, when the transfer is being made to an eligible transferee, Form FHA-197, "Application for FHA Services," and, when applicable, Forms FHA-14, FHA-14A, FHA-404, "Supplementary Payment Agreement," and FHA-643. When an initial or subsequent loan is being made, the docket also will include any additional forms required by the applicable regulation.

(2) *Refund of unused funds.* Unexpended funds in the supervised bank account will be applied as a refund unless FO, FH, SW, or EM security is involved and the funds are needed for completing planned farm development.

(3) *Collections and receipts.* (i) After receipt by the County Supervisor of a statement of account from the Finance Office, collections on the indebtedness to be assumed by the transferee (not including any payments to be made to reduce the amount of the debt to be

assumed) will be made in the names of the transferor and transferee and transmitted to the Finance Office to be held in suspense until the transfer is consummated. Form FHA-37, "Receipt for Payment," will be issued to: "Transfer in process of farm owned by (borrower's name and case number) to be transferred to (name of transferee and case number, if any)." In such a case the original receipt will be given to the party making the payment.

(ii) Payments made to FHA by the transferee or transferor as a prerequisite to the transfer will be collected on or before the date the transfer is closed and applied on the transferor's account, thereby reducing the amount to be assumed. The receipt will be completed in the same manner as any other receipt in connection with a transfer, the name of the one making payment will be inserted on the receipt as the source of the remittance, and the original receipt will be given to him.

(iii) When a payment is due on the assumption agreement shortly after the transfer is completed, such a payment should, if possible, be collected at the time of transfer and remitted in the name of the transferee.

(4) *Farm and home plans and financial statements.* When the transfer involves an ineligible transferee, Form FHA-14 will be used with Tables A and J being completed in the same manner as for any other borrower but other tables and portions of the Form will be completed only to the extent necessary to determine the debt-paying ability of the transferee and to give sufficient information for completing Table J. When a transfer is to be made to an eligible applicant and a release of liability is involved, a current financial statement of the transferor will be obtained.

(5) *County Committee recommendation and certification.* For FO loans transferred as family-type FO units when the County Committee recommends a release of the transferor from liability, one of the applicable statements in subdivision (i) of this subparagraph will be added as item 6 of Form FHA-491. For FO loans being transferred not as family-type FO units, Form FHA-121, "County Committee Certification," will be used and for such loans and SW and FH loans involving a release of liability, one of the applicable statements shown in subdivision (i) of this subparagraph will be added as item 4 of Form FHA-121. For all other loans, a memorandum statement will be prepared to include the information required in subdivision (ii) of this subparagraph and will be attached to the transferee's application.

(i) *Committee recommendation.* When the transfer by assumption is being made to an eligible transferee, a release of the transferor(s) from personal liability will be contingent upon the County Committee making one of the following recommendations. If the transferee is assuming the full amount of indebtedness, the following will be used: "The value of the security property of (names of all transferors) is not



less than the indebtedness against it and in our opinion the transferors do not have any assets from which the Farmers Home Administration could make a substantial recovery. Therefore, we recommend that transferors be released from personal liability upon assumption of the full indebtedness by the transferees." If the transferee is assuming less than the full amount of the outstanding indebtedness, the following will be used: "(names of transferors), in our opinion, do not have any assets from which the Farmers Home Administration could make a substantial recovery. They have cooperated in good faith, farmed in a workmanlike manner, used due diligence to maintain the security against loss, and otherwise fulfilled the covenants incident to their indebtedness to the best of their abilities. Therefore, we recommend that transferors be released from personal liability."

(ii) *Memorandum statement.* When Forms FHA-491 and FHA-121 are not applicable and the transfer is being made to an eligible applicant, the transfer will be contingent upon the Committee making the following recommendations: "In our opinion, the transferee (Name of transferee) will honestly endeavor to make payments in accordance with the assumption agreement, maintain the security, and carry out all undertakings and obligations required of him under the proposed assumption of indebtedness. We find that this applicant is without resources on his own account to purchase the security being transferred and pay the Farmers Home Administration loan in full and that he is unable to secure the necessary credit from other sources upon terms and conditions which he could reasonably be expected to fulfill. Therefore, we recommend the transfer." When the transfer is to be made to an ineligible applicant, only the first and last sentences of the foregoing quoted statement will be required.

(6) *Property insurance.* The transferee will obtain property insurance in accordance with the insurance requirement for the loan(s) involved at the time of the transfer unless the approval official requires additional insurance as a condition of approval. The insurance company will be notified by the County Supervisor immediately after completion of the transfer.

(7) *Title clearance and legal services.* The Attorney in Charge will issue closing instructions in connection with all transfers where such closing instructions are required in accordance with this section. The State Director, with the advice of the Attorney in Charge, will determine whether title clearance and loan closing will be accomplished by the Attorney in Charge with the assistance of the designated or other local attorney, title insurance company or a combination thereof, or other method.

(i) In case of the transfer of an FO, FH, or SW (not coded J) loan or when such a loan is being made in connection with a transfer, § 1872.3 will be applicable.

(ii) For all other kinds of loans being transferred, title clearance and loan

closing services will not be required unless the approval official with the advice of the Attorney in Charge determines that such services are needed in order to maintain the Government's security position or for other reasons. In such a case, the title clearance and loan closing services will be accomplished in the same manner as outlined in subdivision (i) of this subparagraph. If other than an FHA mortgage is involved which requires the mortgagee's consent to the transfer, it will be obtained.

(8) *Assumption agreement, release from personal liability, receipts.* Form FHA-97 and, when applicable, Form FHA-437, "Release from Personal Liability," and Form FHA-37 will be completed and executed simultaneously with closing of the transaction. The original (signed copy for insured loan) Form FHA-97 and, when applicable, Form FHA-37, and a signed copy of Form FHA-437 will be retained by FHA. The original Form FHA-437 will be given to the borrower. In case of an insured loan, the executed original of Form FHA-97 will be sent to the holder of the note.

(9) *Transfer of unused farm development funds.* Any remaining funds in the transferor's supervised bank account to be used for farm development work will be transferred to the transferee's supervised bank account simultaneously with the closing of the transfer.

#### § 1872.14 Voluntary conveyance of security to FHA.

(a) *Authority.* The State Director, subject to the policies outlined in this section, is authorized to approve a voluntary conveyance with or without release of personal liability.

(b) *Other real estate liens.* In case of voluntary conveyance of security to FHA, real estate liens (except the taxes and assessments which are to be advanced by FHA under Form FHA-411) held by other creditors must be satisfied by the borrower without FHA assistance.

(c) *Processing.* When a borrower offers to convey his property to the FHA in full or partial satisfaction of his indebtedness and agrees to carry out all the conditions contained in Form FHA-411, the form will be completed and he will signify his agreement by signing the form. A warranty deed on a form approved by the State Director will be required and, whenever possible, completed and signed simultaneously with Form FHA-411; however, it will not be recorded until closing of the transaction. Also, if water rights involved are not fully conveyed in the warranty deed, any necessary assignments or transfers of water stock or membership certificates or other water right title documents required by the Attorney in Charge will be obtained simultaneously with the execution of Form FHA-411 whenever possible but not later than the execution of the deed, and will be recorded, if necessary or appropriate, in connection with closing the transaction. When the borrower executes Form FHA-411, a preliminary determination will be made by the County Supervisor as to whether the

property constitutes a family-type farm as defined in Part 1831 of this chapter.

(1) *Acceptance of offer.* When the offer provides for a credit to be allowed on the account equal to the value of the security as determined by FHA, the State Director will immediately accept the offer subject to the conditions outlined in Form FHA-411, irrespective of the value of the security. If the offer provides for full satisfaction of all FHA debts secured by the real estate, it will be accepted if and when it is determined that the security will satisfy the debt or that the borrower will be released from personal liability for the deficiency. If the offer to convey in full satisfaction of such debts is not acceptable, it will be returned and an attempt made to obtain an offer to convey for a credit equal to the value of the security. When the State Director decides to accept an offer to convey security connected with an insured loan, action will be taken to have the insured loan assigned to FHA.

(2) *Borrower's financial statement.* When a voluntary conveyance involves a release of liability, a current financial statement of the borrower will be obtained.

(3) *Appraisals.* When an FO loan is involved, appraisal reports for family-type farms will show the normal earning capacity value and present market value based on present condition of the farm. For all other property, the appraisal report will show the normal market value and the present market value based on present condition of the property.

(4) *County Committee's certification and recommendation.* For each farm to be voluntarily conveyed, the County Committee will make in memorandum form the following certification: "We certify that the fair and reasonable value of (Name of borrower(s)) property to be voluntarily conveyed in its present condition is \$-----, based upon its (Insert as appropriate either normal earning capacity value or normal market value)." When the amount to be credited to the borrower's account is less than the FHA debt, and the County Committee recommends a release of personal liability, the following will be added to the above certification: "We further certify that in our opinion (Name of borrower(s)) does not have any assets from which the Farmers Home Administration could make substantial recovery on the deficiency, has cooperated in good faith, farmed in a workmanlike manner, used due diligence to maintain the security against loss, and otherwise fulfilled the covenants incident to his indebtedness to the best of his abilities; and we recommend that the borrower(s) be released from personal liability upon acceptance of title to the security property by the Farmers Home Administration."

(5) *Determining the value of real estate to be conveyed.* The value of real estate security offered to be conveyed to FHA will be determined by the State Director. Farms which are suitable as family-type should have values established based upon their sale to applicants eligible for family-type FO loans; how-



ever, if it appears that a substantially higher price can be obtained by sale as surplus on the basis of present market value, the present market value should be used as a basis for establishing the value. The value of all property other than that considered suitable for family-type farms will be the estimated sale value based on present market value and terms of 20 percent down with the balance payable annually in five equal installments of principal plus interest at 5 percent per annum. In determining the estimated sale value of any property, the State Director will consider the recommendation of the County Committee.

(6) *Obtaining statement of account and refunding unused loan funds.* Any funds remaining in the supervised bank account will be applied as a refund.

(7) *Title examination and closing instructions.* Upon acceptance of the borrower's offer, title examination will be accomplished in accordance with § 1807.3 of this chapter, and the State Director, with the advice of the Attorney in Charge, will determine whether title clearance will be accomplished by the Attorney in Charge with the assistance of the designated attorney, other local attorney, title insurance company, or combination thereof, or by other method. Any additional title defects and encumbrances will be removed by the borrower except those recited in the FHA mortgage or subsequently approved by FHA.

(8) *Closing of conveyance.* The conveyance transaction will be closed in accordance with closing instructions issued by the Attorney in Charge. When an insured loan is involved, the transaction will not be closed until the assignment of the insured loan to FHA is completed. In all cases title to the property conveyed will vest in FHA when, and not before, the deed to it is recorded. If an oral lease of the farm or a portion of the farm exists, it will be reduced to writing on Form FHA-435.

(9) *Credit on indebtedness.* The credit allowed on the account will be either the value of the real estate conveyed as determined in accordance with subparagraph (5) of this paragraph or the total amount of the indebtedness owed on the account after all expense items have been charged thereto, whichever is less.

(i) *Satisfied account.* The Finance Office will stamp the borrower's note "satisfied by surrender of security" when the credit allowed as the value of the farm satisfies the indebtedness in full, or "satisfied by surrender of security and release from liability" when the borrower is to be released from personal liability for any deficiency. The stamped note will be delivered to the borrower.

(ii) *Unsatisfied account.* Where the account is not fully satisfied, it will be classified as collection-only and serviced in accordance with §§ 1861.1 through 1861.9 of this chapter.

#### § 1872.15 Foreclosure by FHA.

Foreclosure action will be instituted in a default case when liquidation has been decided upon and foreclosure is determined to be the most practicable method of liquidation by which the interest of

FHA can be protected, or failure to foreclose would adversely affect the FHA program in the area, and a substantial net recovery can be obtained on the FHA account(s). (If these requirements cannot be met under the circumstances existing when foreclosure is first considered but conditions change so that the requirements can be met at a later date, foreclosure will be instituted at a later date.) When there is a prior lien in default and the State Director determines that foreclosure is necessary, the prior lienholder will be given an opportunity to institute the foreclosure proceedings, with FHA taking whatever action is necessary to protect its interest. If the prior lienholder is unable or unwilling to institute the foreclosure, FHA will institute foreclosure proceedings subject to the prior lien, if feasible. Whether foreclosure of the FHA mortgage will be subject to the prior lien will depend upon such factors as the state law, the action or inaction of the prior lienholder, the condition of the prior lien account, the amount of the prior lien debt in relation to the debt, and other factors. After issuance of the acceleration notice, account and security servicing action will be taken only with the advice of the Attorney in Charge.

(a) *Authority.* The State Director is authorized to approve foreclosures and to execute any necessary documents. After such approval, the County Supervisor will take appropriate action and is authorized to execute all necessary forms except as otherwise provided in this section.

(b) *Actions after approval of foreclosure.* When foreclosure action is approved, steps will be taken to consummate the foreclosure as follows:

(1) *Unused loan funds.* Any funds remaining in the supervised bank account will be returned for credit on the account.

(2) *Assignment of insured mortgage.* In case of an insured FO mortgage held by the lender after the State Director approves foreclosure, the Finance Office will have the note and mortgage assigned to FHA in accordance with Part 1875 of this chapter.

(3) *Cancellation of foreclosure action.* When it has been determined that foreclosure is warranted and the circumstances change which, in the opinion of the State Director or County Supervisor and County Committee, make liquidation of the account unnecessary, the State Director may stop the action and reinstate the account. If the action is stopped, the borrower will be so informed.

(4) *Deficiency judgment.* Where foreclosure action does not automatically result in a deficiency judgment and there are other assets from which substantial recovery can be made, the Attorney in Charge will be requested by the State Director to obtain such a judgment if legally permissible.

(5) *Issuance of acceleration notice.* The State Director will date, sign, and forward an acceleration notice to the borrower. Thereafter, except where state law requires acceptance of defaulted installments after acceleration,

the County Supervisor will not accept payment of less than the full amount of the indebtedness but will notify the State Director of any such offer and ask for instructions.

(6) *Institution of foreclosure action.* When the period provided by the acceleration notice expires, the following action will be taken:

(i) If it is an insured loan case and the note is not held by FHA, the Finance Office will have the note assigned to FHA in accordance with Subpart G or Subpart H of this part, as appropriate.

(ii) Title evidence required by the Attorney in Charge will be obtained and furnished to him so that he can issue his opinion as to whether FHA will acquire a title merchantable in fact if it is the successful bidder.

(iii) Ordinarily, no curative action will be taken with respect to title defects before foreclosure sale. However, where for special reasons the State Director with the advice of the Attorney in Charge determines that it would be in the best interest of FHA to cure certain defects before the foreclosure sale, the State Director may authorize the necessary curative action.

(iv) The Attorney in Charge will be requested to proceed with, or issue instructions regarding, foreclosure. When it has been determined that a title merchantable in fact can be obtained, the Attorney in Charge will advise the County Supervisor, who will prepare and submit to the Finance Office Standard Form 1034 for payment of all real estate taxes and assessments (including water assessments to protect the right to use water) which are due and payable.

(7) *Maximum bid.* The State Director will establish the maximum amount of the FHA bid as either the estimated resale value of the security or gross investment, whichever is less. The State Director will notify the County Supervisor of the maximum amount to be bid by the person authorized pursuant to subparagraph (8) of this paragraph. In court action foreclosures, the Attorney in Charge will inform the United States Attorney of the maximum amount recommended by FHA to be bid.

(i) The estimated resale value means the amount which the FHA can expect to realize from resale of the property in its present condition on terms of 20 percent down with the balance payable in five equal annual installments of principal plus interest at 5 percent per annum. The State Director will determine the estimated resale value after considering pertinent information, including the appraisal report. When the foreclosure sale is subject to any outstanding mineral rights, easements, or other interests, these exceptions will be taken into consideration in arriving at the estimated resale value. If there are title defects which are not to be cured and which, in the judgment of the State Director with the advice of the Attorney in Charge, will not make the title unmerchantable in fact but will adversely affect the value of the property, such title defects will also be taken into consideration in arriving at the estimated resale value.



When the foreclosure is subject to a prior lien, the unpaid balance of the debt so secured will be deducted from the value otherwise determined.

(ii) Gross investment means the aggregate amount of the FHA indebtedness secured by the mortgage, including all advances made or to be made by FHA and charged to the mortgage debt before the foreclosure sale, plus the amount of any prior liens to be paid from the foreclosure sale proceeds, plus any costs, and plus any other items which must be paid from proceeds of the foreclosure sale before payment of the FHA mortgage debt.

(8) *Bidding.* In cases where the estimated resale value of the security is 10 percent or more in excess of the gross investment or in States where redemption is for bid price, and it is necessary to place a bid to protect the FHA's interest, the only FHA bid made will be the authorized maximum. In all other cases the FHA bidder may engage in competitive bidding between 90 percent and 100 percent of the authorized maximum bid, and judgment should dictate when he should cease bidding provided, however, the FHA bidder will begin bidding at 90 percent of the authorized maximum if no one else bids that amount or more, will cease bidding as soon as another party bids 98 percent or more of the authorized maximum, and will not in any case bid in excess of the authorized maximum. The State Director or an employee designated by him is authorized to bid on behalf of FHA. However, the prior concurrence of the National Office will be obtained before authorizing a bid which is to include an amount for payment of a prior lien(s) exceeding \$25,000. Ordinarily, the State Director will designate the County Supervisor to bid on behalf of FHA unless circumstances make it necessary or advantageous to designate another FHA employee.

(9) *Leases acquired through foreclosure.* If FHA is the successful bidder at a foreclosure sale made subject to an agricultural, mineral, or other lease in which the lessor's interest is acquired by FHA through the sale, the original or a copy of the lease will be submitted to the Finance Office for processing in accordance with § 1872.14(c) (8). If the lease is oral, it will be reduced to writing, using Form FHA-435. The County Supervisor will notify any lessee in writing that FHA has acquired the lessor's rights under the lease and will direct the lessee to remit all payments to the County Office. Payments to FHA under a lease which by its terms were due and payable prior to the date of the foreclosure sale will be applied first on any deficiency claim resulting from the foreclosure and then on any other FHA claim against the borrower. Any surplus remaining will be remitted to the borrower. Payments due and payable to FHA after the date of foreclosure will be collected and forwarded to the Finance Office as miscellaneous income. Receipts for collections made in accordance with this paragraph will be issued to: "Lease proceeds from farm formerly owned by (borrower's name and case number) and leased to (name of lessee)."

(10) *Property insurance.* Property insurance will be canceled in accordance with Part 1806 of this chapter.

#### § 1872.16 Assignment of direct loans.

The policy prescribed in Subpart A of Part 1871 of this chapter for assigning notes and security instruments shall apply to all direct loans secured by real estate. Payment of the FHA debt in full will be collected at the time the assigned instruments are delivered.

#### § 1872.17 Release of valueless junior liens.

A valueless FHA junior lien can be released without consideration only when requested by a prior lienholder and such release can be made only by the Comptroller General of the United States.

(a) *Action by prior lienholder.* A prior lienholder requesting release of an FHA junior lien without consideration will submit the following:

(1) Original and two copies of an application in narrative form, addressed to the FHA or an officer thereof.

(2) Original and two copies of a statement of the account secured by each lien prior to the FHA lien sworn to by the lienholder or a duly authorized officer thereof.

(3) Three photostat or certified copies of the FHA lien and of all liens superior thereto, including information as to the place and date of recording.

(4) Original and two copies of a certificate by the tax assessor or other appropriate public officer showing the assessed value of the property for the current tax year and the previous tax year and indicating the percentage of the full market value of the property on which the assessment was based.

(5) Original and two copies of a current statement by the County Treasurer or other appropriate public officer showing the total amount of tax liens on the property described in the FHA junior lien.

(6) Original and two copies of the opinion of a trust officer or real estate officer of a bank, trust company, or title company, or of a qualified appraiser, as to the market value of the property, or if such an opinion is not available, the opinion of a reputable local real estate dealer or broker.

(b) *Action by State Director.* If the foregoing information indicates that the FHA junior lien is valueless, the State Director will obtain a present market value appraisal of the security. If, after considering all information, the State Director finds that the FHA lien is valueless, he will submit his findings to the National Office.

(Sec. 5, 46 Stat. 1529; 28 U.S.C. 2410)

#### § 1872.17a Assignment and release of Soil Bank Program payments.

The County Supervisor may take an assignment on income to be received under a Soil Bank contract to protect the financial interest of the Government or to facilitate loan servicing. The assignment or all or a portion of the income from the assignment, may be re-

leased to the borrower by the County Supervisor when not to the financial detriment of the Government and payments due on all Farmers Home Administration loans have been made from other income or the income is urgently needed to meet emergency expenses or other justifiable uses.

(R.S. 161, secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 510, 63 Stat. 437, as amended, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 735; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 42 U.S.C. 1480, 40 U.S.C. 442, 16 U.S.C. 590x-3; Order of Sec. of Agr., 19 F.R. 74, 22 F.R. 8188, 26 F.R. 8403)

#### § 1872.18 Redelegation of authority.

The State Director is authorized to redelegate in writing any authority delegated to the State Director in this part, except authority to execute documents or instruments which may be recorded or filed for record, to one or more of the following State Office employees: Chief, Real Estate Loans; Chief, Operating Loans; Chief, Program Operations; Program Loan Officer; Real Estate Loan Officer; Operating Loan Officer.

### Subparts B Through D—[Reserved]

### Subpart E—Management and Disposition of Acquired Farms

**AUTHORITY:** The provisions of this Subpart E issued under sec. 41, 50 Stat. 528, as amended, sec. 4, 62 Stat. 100; 7 U.S.C. 1015, 40 U.S.C. 442. Interpret or apply secs. 43, 51, 50 Stat. 530, as amended, 531, as amended; 7 U.S.C. 1017, 1025. Other statutory provisions interpreted or applied are cited to text in parentheses.

#### § 1872.81 General.

This subpart prescribes the authorities, policies, and procedures for the management of acquired farms from the time title to such farms is vested in the United States until they are sold or otherwise disposed of, and for their sale or other disposition. However, if the acquired farm represents an asset of a State Rural Rehabilitation Corporation and an agreement, pursuant to section 2 (f) of the Rural Rehabilitation Corporation Trust Liquidation Act (Public Law 499, 81st Congress) (referred to in this subpart as a "section 2(f) agreement") is not currently in effect, the State Director will not sell the property until otherwise authorized but will retain it in inventory and manage it in the same manner as stipulated for other acquired farms.

(a) *Applicability.* For the purposes of this subpart, acquired farms are farms which before acquisition were security for:

(1) Direct loans made pursuant to title I of the Bankhead-Jones Farm Tenant Act, as amended, including such loans made under a section 2(f) agreement.

(2) Loans insured under title I of the Bankhead-Jones Farm Tenant Act, as amended.

(3) Credit sales of farms pursuant to sections 43 and 51 of the Bankhead-Jones Farm Tenant Act, as amended, and Public Law 563, 79th Congress.



(4) Credit sales by a State Rural Rehabilitation Corporation, directly or under an agreement with the Secretary of Agriculture.

(5) Loans for farm improvements or farm development made from Loans, Grants, and Rural Rehabilitation funds.

(6) Loans where the note and mortgage were assigned to the Government as security for, or the payment of, loans to, or in liquidation of, Defense Relocation Corporations, and Land Leasing and Land Purchasing Associations.

(7) The following types of Operating loans:

(i) Production and Subsistence loans.

(ii) Rural Rehabilitation loans.

(iii) Emergency Crop and Feed loans.

(iv) Flood, and Flood and Windstorm Restoration loans, made during the fiscal years 1944, 1945, and 1946.

(b) *Expeditious disposition of acquired farms.* Acquired farms will be sold or otherwise disposed of as expeditiously as possible consistent with the protection of the Government's investment in such farms.

#### § 1872.82 Delegation of authority.

Subject to the policies and procedures prescribed in this subpart:

(a) The State Director is authorized to:

(1) Sell acquired farms and to execute deeds and other documents and instruments necessary in connection with such sales.

(b) The State Director or his delegate is authorized to:

(1) Lease or operate acquired farms.

(2) Execute caretakers' agreements.

(3) Enter into agreements prorating the payment of rent as between the Government and purchasers of acquired farms.

(4) When appropriate, pay taxes or to make payments in lieu of taxes on acquired farms.

(5) Authorize such repairs and maintenance of acquired farms as may be necessary to protect the Government's interest.

#### § 1872.83 State Office routine subsequent to acquisition of farms.

When title to a farm becomes vested in the Government the State Director will take such of the following actions with respect to each acquired farm as may be appropriate:

(a) *Suitability of acquired farms for title I purposes.* If the farm is, or can be developed into, or used in the development of an efficient family-type unit having a total value, as repaired, improved, or enlarged, not exceeding the average value of efficient family-type units in the county, the State Director will determine that the farm is suitable for title I purposes. The County Supervisor will be advised when the decision is reached as to the suitability or unsuitability of an acquired farm for title I purposes.

(b) *Care of growing crops on acquired farms.* At the time of acquisition, upon the advice of the representative of the Office of the General Counsel, the State Director shall instruct the County Supervisor with respect to the disposition

to be made of any crops growing on acquired farms.

(c) *Care and leasing of acquired farms.* The State Director will furnish the County Supervisor with instructions regarding the care and leasing of acquired farms.

(1) *Caretaking.* Whenever it is impracticable to lease an acquired farm, and caretaking is deemed necessary to protect the Government's interest, such a farm may be placed under a caretaker's arrangement on terms approved by the State Director. Form FHA-529, "Caretaker's Agreement," to be signed by the caretaker, should be specific with respect to such items as the period covered by the agreement, care of the property, cultivation, harvesting, and care of growing crops, and the compensation to be allowed the caretaker for his services. Compensation allowed the caretaker for his services will be paid by use of Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal." In no event will the Government operate an acquired farm under a caretaker's agreement for a period exceeding one year from the date of acquisition. No provision shall be included in the caretaker's agreement which will interfere with the expeditious sale or other disposition of the farm.

(2) *Leasing.* Acquired farms will be leased for the current cropping season, or the remainder thereof, when it is determined that such leasing is necessary to protect the Government's investment. Form FHA-435, "Lease of Farm," will be used in such cases. The term of a lease may not exceed one year. Subject to the limitations on the period for sale, a farm may be leased for subsequent periods when necessary to protect the Government's interest. All leases will be on the best reasonable terms obtainable as determined by the State Director. Rent must be payable in cash, but the amount may be based on the market value of shares of agricultural commodities as provided on Form FHA-435. Leases will be on terms that will not delay unnecessarily the sale of farms.

(d) *Maintenance and minor repairs on acquired farms.* (1) Expenses for maintenance and minor repairs necessary to protect the Government's interest, which cannot practicably be deferred until after sale, may be incurred and paid by the Government. Where the contemplated expenditures for maintenance or repairs amount to \$500 or less, the State Director will authorize the work to be done on a confirmatory basis. Upon completion of the maintenance or repairs a certified invoice or Standard Form 1034 will be obtained from the contractor and forwarded to the appropriate Finance Office for payment. Such invoice or voucher must include an itemization of the maintenance or repairs.

(2) Where the contemplated expenditures for maintenance or repairs amount to more than \$500, the Finance Office will prepare and issue an invitation to bid for the work to be performed.

(e) *Taxation on acquired farms.* Except as provided in this paragraph the Farmers Home Administration is re-

quired, in accordance with section 50 (a) of the Farmers Home Administration Act of 1946, to pay taxes on farms acquired on behalf of the Government which are determined to be suitable for title I purposes, and, in accordance with section 50 (b) of the act, to make payments in lieu of taxes on farms acquired on behalf of the Government which are determined to be unsuitable for title I purposes.

(1) Taxes will be paid on acquired real property which represents an asset of a State Rural Rehabilitation Corporation, provided:

(i) There is a section 2 (f) agreement in effect whereunder the corporation or agency or official designated by the State legislature has authorized the Government to pay such taxes; and

(ii) The real estate would be taxable under State laws if it had been transferred to such corporation or agency or official under section 2 (d) of the Rural Rehabilitation Corporation Trust Liquidation Act, with no return transfer to the United States under a section 2 (f) agreement.

(2) In the absence of a section 2 (f) agreement tax payments will not be made on acquired farms which represent assets of a State Rural Rehabilitation Corporation.

(f) *Sale of acquired farms within the Farm Ownership Program.* Acquired farms will be sold as expeditiously as possible, and will not be held for an unreasonable length of time for within-program disposal.

(1) *Determination of selling price.* The State Director will establish a selling price, based upon the normal earning capacity value of the farm, taking into consideration such amounts as may be required to repair, improve, or enlarge the farm to meet established Farm Ownership minimum standards. If the acquired land, or a part thereof, will be sold for the purpose of enlarging another Farm Ownership unit, the sales price of the land to be added will be established on the basis of an appraisal report, prepared for the enlarged farm in accordance with §§ 1809.1 to 1809.2 of this chapter and will be consistent with the normal market value of comparable properties in the community and must be within the certified value for the enlarged farm. If there are buildings on the land being added, and such buildings are needed by the borrower in carrying out his farming operations, consideration will be given to the use value of such buildings, to be acquired by the purchaser, in arriving at the sales price of the real property being sold to the borrower. If there are buildings that will not be sold to the borrower, such buildings should be disposed of in accordance with §§ 1872.101 to 1872.109 of this chapter prior to the consummation of the sale of the land, and if such buildings are not removed from the land being sold by the date of the sale, adequate provisions will be stipulated in the sales instruments to allow sufficient time for removal. Also, the fair and reasonable value of the Government's interest in the mineral rights will be considered in determining the selling price.



(2) *Disposition of growing crops.* Growing crops, when not harvested under a caretaker's agreement, may be sold with the farm or separately. The State Director will determine the selling price thereof separately from that of the farm. Such crops may be sold for cash, but title I funds may not be loaned to enable a purchaser to make such purchases. When growing crops are sold on credit to a person eligible for the benefits of title I, either with the farm or separately, a separate note will be taken to evidence the sale price, payable not later than when the crops will be harvested. The separate note will be secured by a lien on the growing crops. When the growing crops are sold to any person not eligible for the benefits of title I, such crops will be sold pursuant to §§ 1872.101 to 1872.109.

(3) *Selection of purchaser.* The purchaser will be selected from applicants tentatively approved in accordance with Part 1801 of this chapter with preference accorded veterans as provided in §§ 1801.22 and 1821.5 of this chapter.

(4) *Sale to present Farm Ownership borrower.* An acquired farm, or part thereof, may be sold to a present Farm Ownership borrower, provided the State Director determines (i) the borrower's present unit is not an efficient family-type unit, and (ii) the addition of the acquired unit, or part thereof, will result in the borrower having an efficient family-type unit.

(g) *Methods of selling acquired farms within the Farm Ownership Program.* Acquired farms determined to be suitable for title I purposes may be sold within the program to present Farm Ownership borrowers or to applicants for Farm Ownership loans under such of the following methods as may be prescribed by the State Director.

(1) *Sale to Farm Ownership borrower.* An acquired farm, or part thereof, may be sold to a Farm Ownership borrower in a manner consistent with the policies and procedures for making a subsequent loan for farm enlargement purposes, on a credit basis, through a subsequent direct loan, through a subsequent insured mortgage loan or through a new direct or insured mortgage loan. If additional funds are needed by the Farm Ownership borrower with which to perform farm development necessary to make the enlarged farm an efficient family-type unit, such funds may be provided, in the case of sale on credit, through a direct loan processed simultaneously with the credit sale. In the case of sales through either new or subsequent direct or insured mortgage loans, such funds may be included in the loan made in connection with the purchase of the land.

(2) *Sale to Farm Ownership applicant.* The sale of acquired real estate to an approved Farm Ownership applicant, other than a present Farm Ownership borrower, may be accomplished by a sale on a credit basis when funds are not needed for repairs, improvements or enlargement; by a sale on a credit basis when funds are needed for repairs, improvements or enlargement, or by a sale

through a direct or insured loan, which may include funds for repairs, improvements or enlargement. Where the State Director determines it to be impracticable to sell an acquired farm to a Farm Ownership applicant by any other method, the sale may be accomplished through a direct or insured loan.

(h) *Disposal of farms outside the Farm Ownership Program.* Acquired farms, or parts thereof, determined to be not suitable for title I purposes and suitable farms which cannot be sold to an eligible purchaser within a reasonable time will be sold as expeditiously as possible outside the program by the Farmers Home Administration unless special reasons require their transfer to the appropriate Government agency for disposal. The State Director is authorized to sell such farms at public or private sale to any individual at the best price obtainable, after public notice. Such sale may be accomplished by selling the land and buildings separately if such method of sale will result in the Government realizing a greater return from the sale. The sale may be either for cash or on terms of at least twenty percent cash with the balance secured by a first mortgage on the property and payable in equal annual installments within five years with interest at five percent on the unpaid principal payable annually.

(Secs. 1, 43, 44, 50, 50 Stat. 522, as amended, 530, as amended, 531, as amended, sec. 2, 64 Stat. 98; 7 U. S. C. 1001, 1017, 1018, 1024, 40 U. S. C. 440)

#### § 1872.81 Miscellaneous matters pertaining to the sale of acquired farms.

The following general provisions will apply in connection with the sale of acquired farms:

(a) *Applications.* Applications to purchase acquired farms within the Farm Ownership Program will be processed in substantially the same manner as applications for initial loans as prescribed in Part 1832 of this chapter.

(b) *Type of deed form.* Conveyances will be made by deed without warranty and will be executed by the State Director. If legally possible, and the sale is to be made within the Farm Ownership Program, the deed should create an estate with the right of survivorship. On or after September 6, 1957, the sale of acquired farms will include only mineral interests acquired in the last acquisition of the farm and any State Rural Rehabilitation Corporation reserved mineral interest held in trust under an agreement entered into pursuant to section 2 (f), 64 Stat. 98. (Sec. 3, 64 Stat. 769; 7 U. S. C. 1035)

(c) *Abstracts of title.* Abstracts of title owned by the Government which cover only the land involved in a particular sale will be sold with the farm by adequate provision in the sales agreement. When the sale is on credit terms or a loan is made in connection with the sale, the abstract will be retained by the Government as additional security until the security instruments securing the credit sale or loan are fully satisfied.

(d) *Sales expense.* No expenses incident to the sale, such as revenue

stamps, recording of mortgage, intangible taxes, or title insurance when required, will be borne by the Government.

(e) *Title clearance.* Title clearance for farms suitable for title I purposes will be effected in accordance with the applicable provisions of §§ 1807.1 to 1807.6 of this chapter.

(f) *Closing sales of acquired farms.* Each sale of an acquired farm will be closed in accordance with closing instructions issued by the representative of the Office of the General Counsel.

(g) *Cancellation of outstanding leases.* When an outstanding lease on an acquired farm is to be canceled pursuant to the terms of the sale, Form FHA-244, "Cancellation of Lease," will be used, one signed copy of which will be delivered to the lessee.

(h) *Sale subject to outstanding lease.* When it is necessary or desirable, the State Director may sell an acquired farm subject to an outstanding agricultural or mineral lease. In such cases the State Director will address a letter to the lessee informing him of the conveyance by the Government of its interest under the lease and furnish him with the name and address of the purchaser of the farm.

(i) *Proration of rent.* Ordinarily lease benefits will be sold with the property, however, when an acquired farm, or part thereof, is under lease which is not sold with the land and the Government's interest canceled at the time of sale, the rent has not become due before the sale is closed, and the lease does not contain provisions governing the proration of rent in the event of sale of the farm, the State Director will arrange for any prorated distribution of rent between the Government and the purchaser which is found by the State Director to be equitable and not detrimental to the financial interest of the Government.

(Sec. 9, 60 Stat. 1080; 7 U.S.C. 1031)

#### § 1872.85 Easements and rights-of-way.

Generally, it will not be the policy of the Farmers Home Administration to grant or sell easements or rights-of-way on acquired real property, title to which is vested in the Government. When a request is received for an easement or right-of-way on such acquired real property, the State Director will make a determined effort to dispose of the property, thereby making it possible for the easement or right-of-way to be obtained from the purchaser of such property. In a case where it is impossible to sell the property, thereby enabling the purchaser to enter into an easement or right-of-way permit, the State Director will refer the matter to the National Office, giving a complete report on the case. Such a case will be handled on an individual case basis.

(Sec. 43, 50 Stat. 530, as amended; 7 U. S. C. 1017)

#### Subpart F—Sale of Farms Not Suitable For Purposes of Title I

**AUTHORITY:** The provisions of this Subpart F issued under sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015. Interpret or apply secs. 43, 51, 50 Stat. 530, as amended, 531, as amended; 7 U.S.C. 1017, 1025. Other statu-



tory provisions interpreted or applied are cited to text in parentheses.

**§ 1872.101 General.**

Sections 1872.102 to 1872.109 prescribe supplemental authorities, policies, and procedures for the sale outside the Farm Ownership program by the Farmers Home Administration of acquired farms, or parts thereof, which have been determined to be not suitable for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended. (See §§ 1872.81 to 1872.84.)

**§ 1872.102 Delegation of authority.**

Subject to the policies and procedures contained in §§ 1872.102 to 1872.109 and in §§ 1872.81 to 1872.84, with respect to acquired farms, or parts thereof, determined not to be suitable for the purposes of title I:

(a) The State Director is authorized to:

(1) Accept or reject bids and negotiate for the sale of such farms, or parts thereof.

(2) Execute deeds and other instruments necessary in connection with such sales.

(b) The State Director or his delegate is authorized to:

(1) Procure, and approve vouchers in payment of, appraisals of such farms, or parts thereof.

(2) Invite bids or solicit offers in connection with the sale of such farms, or parts thereof.

**§ 1872.103 Terms and conditions of sale.**

Each sale of real property, pursuant to §§ 1872.101 to 1872.109, will be subject to the following terms and conditions:

(a) *Eligible purchasers.* A sale may be made to any individual or corporation. Farmers Home Administration employees are eligible to purchase such farms, or parts thereof, only when the sale is based upon competitive bids: *Provided*, That no sale shall be made, either directly or indirectly, to an employee who was in any way connected with its declaration as surplus or who was formerly accountable for the property or connected in any way with negotiations for the sale thereof. This restriction applies to State and County Committeemen. No sale may be made to persons related to ineligible employees, including Committeemen, within the third degree of consanguinity or affinity, without the prior approval of the Administrator.

(b) *Mineral rights.* On or after September 6, 1957, the sale of acquired farms will include only mineral interests acquired in the last acquisition of the farm and any State Rural Rehabilitation Corporation reserved mineral interests held in trust under an agreement entered into pursuant to section 2 (f), 64 Stat. 98.

(Sec. 3, 64 Stat. 769; 7 U.S.C. 1035)

(c) *Sale of abstracts.* Abstracts of title or other evidence of title held by the Government, which cover only the land involved in a particular sale, may be sold with the property, provided that when the sale is on credit such abstract(s) or other evidence of title will be retained by

the Government until the purchase price is fully paid.

(d) *Terms.* The property shall be sold for the best price obtainable after public notice is given. The property should be sold preferably for cash, but may be sold on credit, secured by the property, when a purchaser for cash is not available, and will be sold on credit when a greater recovery can be obtained by credit sale (see § 1872.108(b)). In credit sales, an initial cash down payment of not less than twenty percent (20%) of the sale price must be made upon each sale, and the balance of the sale price must be paid in equal annual installments payable over a period of not to exceed five (5) years, with interest on the unpaid balance at the rate of five percent (5%) payable annually.

(Sec. 46, 50 Stat. 530, as amended, sec. 9, 60 Stat. 1080; 7 U.S.C. 1020, 1031)

**§ 1872.104 Plan of sale.**

The State Director will, in order to secure the best price obtainable, develop a plan of sale for each property to be sold. In developing such a plan consideration should be given to (a) subdivision and offering the property in units; (b) sale of land and marketable timber separately in order to obtain a better price than would be secured from the sale of the land with the timber thereon; and (c) determination of the terms on which bids will be invited.

**§ 1872.105 Request for allotment to defray sales costs.**

In the event that it is necessary to procure an outside appraisal report or formally advertise the property in newspapers, the State Director will request the establishment of an allotment of funds for such purposes in connection with the sale of each farm. Estimates for the cost of maintenance or repair work may be included when in the opinion of the State Director it will be impossible to sell the property for its reasonable value without making such expenditures, and the repairs or maintenance will add more to the fair market value of the property than the cost of the repairs or maintenance. Each request for an allotment will show the type of asset or security represented by the property.

**§ 1872.106 Public notice.**

The State Director will arrange for exposing the property to the market and for giving public notice of sale. The manner and form of giving public notice will be approved as to legal sufficiency by the representative of the Office of the General Counsel before release. If public notice and efforts to negotiate a sale of the property should fail to produce a reasonable offer or bid, public notice will again be given if, in the opinion of the State Director, such notice is likely to create additional interest.

(a) *When the value is \$2,500 or less.* When the fair market value of the property, as determined by the State Director, does not exceed \$2,500, public notice will be given by the State Director either by having appropriate notice of sale

posted in not less than three public places (e. g., courthouse, postoffice building, and so forth) in the area where the property is located, or by publishing such notice of sale in the newspapers in accordance with the procedure for placing of advertising. When the State Director deems it desirable, in the interest of adequately exposing the property to the market, he may give such public notice by both posting the notices of sale and publishing them in the newspapers.

(b) *When the value exceeds \$2,500.* When the fair market value of the property, as determined by the State Director, exceeds \$2,500, public notice will be given by advertising the property formally, in sufficient newspapers, periodicals, trade journals, and other publications, and the employment of handbills, posters, and so forth, to expose the property adequately to the market.

**§ 1872.107 Invitation to submit offer or bid.**

(a) *When value is \$2,500 or less.* When the fair market value of the property, as determined by the State Director, is \$2,500 or less, the sale may be negotiated without sealed bids. After the period specified in the notice of sale has expired, the State Director, or the Farmers Home Administration employees authorized to do so by the State Director, will undertake negotiations for sale of the property with all persons who may be interested. Each designation of an employee to negotiate the sale will be made by the State Director in writing. A written report will be made of all negotiations conducted. When the negotiations are undertaken by the State Director and the best offer is acceptable to him, the offer will be reduced to writing on Form FHA-216, "Invitation, Bid, and Acceptance." The original and one copy of Form FHA-216 will be signed by the bidder and accompanied by the amount of the required deposit in the form of a certified check, money order, or cashier's check payable to the Treasurer of the United States. When the negotiations are undertaken by an employee other than the State Director, the best offer obtained, if it is likely to be considered to be acceptable, will likewise be reduced to writing on Form FHA-216, and Form FHA-216 then will be submitted to the State Director together with the deposit and the written report of all negotiations. Before final acceptance of an offer, the State Director will submit Form FHA-216 to the representative of the Office of the General Counsel for review as to legal sufficiency. The applicable procedure outlined in § 1872.108 will be followed with respect to analyzing, accepting, and awarding such offers.

(b) *When the value exceeds \$2,500.* Sealed bids will be invited in connection with the offering of each property when the fair market value, as determined by the State Director, exceeds \$2,500. The State Director will furnish prospective bidders with sufficient copies of Form FHA-216, and with properly addressed envelopes (requiring postage to be paid by the bidder) for transmitting bids, and



will request conformity with the detailed instructions contained in Form FHA-216 for the preparation and submission of bids. The State Director will sign section I of Form FHA-216 as issuing officer.

(c) *Preparation of invitation to bid.* (1) Form FHA-216 provides optional payment plans. If the State Director determines to invite bids on an all cash bid only, payment plan "A" will be made applicable by deleting payment plan "B" and paragraph "C" of section IV of Form FHA-216.

(2) If the State Director determines that offers will be acceptable on either payment plan "A" or payment plan "B", he will make the determination as to the percentage of the bid that will be required as an initial cash payment, which in no case will be less than twenty percent (20%), and fill in the blank in line 1 of payment plan "B". The State Director also will determine the period within which the balance of the sale price is to be paid, which period must not exceed five (5) years. The terms of payment of the balance of the sale price, together with the interest rate of five percent (5%) per annum, will be filled in on the two blank lines under payment plan "B".

(3) The State Director will determine the percentage of the bid to be required as a deposit, and will fill in the blank space in paragraph A 1 of section IV of Form FHA-216. The amount of deposit ordinarily should be ten percent (10%) of the total bid, but in no case shall it be less than five percent (5%).

(4) Whenever practicable, taxes or payments in lieu of taxes, rents, or receipts from the operation of the property for the current year will be prorated as of the date of delivery of the deed, and, when so prorated, "date of delivery of deed" will be inserted in the blank space in paragraph A 7 of section IV of Form FHA-216. When the property is under lease for the crop year and is sold during the crop year in two or more tracts, or when existing leases are on a share-of-the-crop basis and it is impracticable for these or other reasons to prorate rent as of the date of delivery of the deed, the State Director will insert a definite future date to which the Government will continue to receive all rents, and paragraph A 7 of section IV will be modified by making separate provision for proration of rents or other receipts, as distinguished from taxes or payments in lieu of taxes.

(5) A legal description of the property will be prepared and attached to Form FHA-216 as "Exhibit A". When applicable, the following sentence will be inserted under the legal description: "The above described land will be sold subject to the following specific conditions, reservations, and exceptions:". Following this, any specific conditions, reservations, and exceptions, such as easements, leases, back taxes, and so forth, will be listed.

#### § 1872.108 Receiving, custody, and acceptance of bids.

The State Director will indicate the date and hour bids are received in the State Office by placing this information

on all envelopes containing bids. Bids received prior to the hour and date stipulated in the advertisement for the bid opening will be kept in a locked container until the time fixed for opening. The State Director will have sole custody of the key at all times. Bids may be withdrawn or modified by written or telegraphic request received from the bidders prior to the time fixed for opening bids, but no bids may be withdrawn or modified after the time fixed for opening.

(a) *Opening of bids.* (1) All bids received will be opened at the hour stipulated in the advertisement. The State Director and at least three Farmers Home Administration employees will be present at the opening. All other interested persons who may desire to attend also may be present. The State Director will designate a secretary who will record the date and hour the bid opening began, the names of the Farmers Home Administration employees present, and tabulate information with respect to each bid as it is opened.

(2) When a bid is not accompanied by certified check, money order, or cashier's check, payable to the Treasurer of the United States, in an amount at least equal to the amount of deposit required in Form FHA-216, the bid will be disqualified, except that when such bid is the high bid and is otherwise acceptable, the bidder will be requested to make the required deposit within a stipulated period of time. If the bidder does not comply with this request, the bid will likewise be disqualified.

(b) *Analysis of bids.* In analyzing bids, as to acceptability, the highest qualified bid shall be the determining factor without regard to whether the bid is under payment plan "A" or payment plan "B". That is, a bid under payment "B" must be accepted if it is higher than any bid under payment plan "A", or vice versa.

(c) *Acceptance of bids.* When a bid exceeds \$12,000, the State Director shall obtain the prior approval of the National Office before accepting or rejecting the bid. The request for approval submitted to the National Office will include (i) the information tabulated at the opening with respect to each bid, (ii) a copy of Form(s) FHA-596, "Appraisal Report," made on the property, (iii) a report on the type and extent of the advertisement of sale of the property, (iv) a copy of the advertisement, (v) the originals of Forms FHA-216 received from the three highest bidders, and (vi) the recommendations of the State Director.

(1) *Manner of acceptance.* The State Director will accomplish acceptance of a bid by signing in the "Acceptance" block in section III on the original and one copy of Form FHA-216. The signed copy of the accepted bid Form will be mailed to the successful bidder on the acceptance date by registered mail with return receipt requested.

(2) *When a bid is accepted immediately.* If a bid is accepted immediately, the State Director will transmit the deposit of the successful bidder to the Finance Office for scheduling into the Special Deposits Account of the United

States Treasury Regional Disbursing Office, and the deposits of the unsuccessful bidders will be returned promptly by registered mail with a covering letter of explanation.

(3) *When a bid is not accepted immediately.* If a bid is not accepted immediately, the State Director will transmit the deposits of the three highest bidders to the Finance Office for scheduling into the Special Deposits Account of the United States Treasury Regional Disbursing Office, where they will be held until final action is taken. All deposits of bidders other than the deposits of the three highest bidders will be returned promptly by registered mail with a covering letter of explanation. If one of the three highest bids is later accepted, the State Director will request the Director, Finance Office, to refund the deposits of other bidders. If all bids are rejected, the State Director will request the Director, Finance Office, to refund the deposits of all three bidders. At the time the State Director requests the Director, Finance Office, to refund deposits, the State Director will notify each unsuccessful bidder in writing that his bid has been rejected and that the Director, Finance Office, has been requested to refund the deposit.

(d) *Award to successful bidder.* Upon acceptance of a bid by the State Director, Standard Form No. 1036, "Statement and Certificate of Award," will be prepared in an original and two conformed copies. The original will be signed by the State Director. In the space below the "Certificate" will be shown the name and address of the successful bidder, and the following statement: "Award was made pursuant to authority contained in sections 43 (d) and 51 of the Bankhead-Jones Farm Tenant Act, as amended by Public Law 731, 79th Congress (60 Stat. 1062)."

(e) *Negotiated sale.* In the event that all bids are rejected or no bids are received, the State Director may negotiate immediately with the bidders and other prospective purchasers, and consummate the sale of the property, when the negotiated offer is less than \$12,000, at the best price obtainable without further advertising, provided that there are no indications that readvertising will create additional interest and result in a higher bid. When the negotiated offer is \$12,000 or more, the State Director shall obtain the prior approval of the National Office in the same manner as provided in paragraph (c) of this section. Any negotiated sale shall be on terms not less favorable, and at a price not lower, than the best terms and highest price offered as a result of public notice.

#### § 1872.109 Closing of sale and routing of documents.

Promptly after acceptance of the bid, the State Director will conform three copies of Form FHA-216 and will forward to the representative of the Office of the General Counsel the originals of Form FHA-216 and Standard Form No. 1036 and such other pertinent material as may be necessary to close the sale. He will request the representative of the



Office of the General Counsel to prepare the necessary legal instruments and closing instructions. The quitclaim deed, promissory note and security instrument will conform as nearly as possible to the type used in closing ordinary business transactions involving the sale of land in the locality where the property is located. The representative of the Office of the General Counsel will return the originals of Form FHA-216 and Standard Form No. 1036 and other pertinent material to the State Director with the closing instruments and instructions. After a sale on credit is closed, all documents executed in complying with the closing instructions will be forwarded to the representative of the Office of the General Counsel who will return the documents to the State Director with an opinion as to whether the sale has been properly closed.

(a) *Notification to tax officials and lessees.* After the deed has been delivered to the purchaser, the State Director immediately will send notice of the sale to the proper tax officials by registered mail, giving the name and address of the purchaser, the date of delivery of the deed, a description of the land, and stating that the United States of America no longer holds title to the property. If the property is subject to an oil, gas, or mineral lease, the State Director will notify the lessee(s) in the same manner.

(b) *Scheduling of proceeds.* All payments received (whether as deposit, down payment, installment payment, or full payment) on the purchase price of the property under the terms of the accepted bid will be scheduled by the collecting official to the Finance Office. No receipt will be issued on Form FHA-37, "Receipt for Payment," for any part of the down payment, or for full cash payment at the time of closing. However, Form FHA-37 will be issued in receipting payments on that part of the purchase price evidenced by a promissory note.

## PART 1873—ASSIGNMENT OF INSURED NOTES

- Sec.  
1873.1 Scope.  
1873.2 Definitions.  
1873.3 Authorities.  
1873.4 General policies.  
1873.5 Assignment of an insured note by a private holder to a private buyer.  
1873.6 Assignment of insured notes to the Farmers Home Administration.  
1873.7 Assignment of notes from the Insurance Fund.  
1873.8 Assignment of insured notes held by the Farmers Home Administration as trustee for a State Rural Rehabilitation Corporation under a section 2 (f) agreement.

**AUTHORITY:** The provisions of this Part 1873 issued under secs. 308, 309, 339, 75 Stat. 308, 309, 318, sec. 510, 63 Stat. 437, sec. 4, 64 Stat. 100, sec. 514, 75 Stat. 186; 7 U.S.C. 1928, 1929, 1989, 40 U.S.C. 442, 42 U.S.C. 1480, 1484; Orders of Sec. of Agr., 19 F.R. 74, 26 F.R. 8403, 27 F.R. 5005, except as otherwise noted.

### § 1873.1 Scope.

This part prescribes the authorities, policies, and procedures for processing the assignment of insured Soil and Water

Conservation, insured Farm Ownership, and insured domestic Farm Labor Housing notes for loans for which the mortgage runs to the United States as mortgagee.

### § 1873.2 Definitions.

As used in this part, the term:

(a) "Private buyer" is any purchaser of an insured note other than the Farmers Home Administration (Insurance Fund) or the Farmers Home Administration as trustee for a State Rural Rehabilitation Corporation under section 2(f) of the Rural Rehabilitation Corporation Trust Liquidation Act.

(b) "Holder" is the current owner of an insured note.

(c) "Value" of an insured note is the outstanding unpaid principal plus the amount of unpaid accrued interest on the note account.

(d) "Insurance Fund" is the Agricultural Credit Insurance Fund which is the revolving fund made available pursuant to section 309 of the Consolidated Farmers Home Administration Act of 1961 for the making of insured loans and the discharge of obligations of the Farmers Home Administration under its insurance endorsements.

(e) "Annual charge" is the amount retained by the Farmers Home Administration out of interest payments on loans evidenced by note forms bearing a form date (or revision date) of January 8, 1959, or later.

(f) "Fixed period" is the period during which the note cannot be assigned by the holder to the Farmers Home Administration except at the request of the Government.

(g) "Option period" is the 12 months following the expiration of the fixed period.

(Sec. 2, 64 Stat. 98; 40 U.S.C. 440)

### § 1873.3 Authorities.

Subject to the policies and procedures prescribed in this part:

(a) The Director, Finance Office, is authorized, on behalf of the Government, in connection with the assignment of insured notes, to execute required documents and to perform other necessary steps, including but not limited to:

(1) Endorsing the note, executing the insurance endorsement, and endorsing the note for reinsurance.

(2) Acknowledging receipt of notice of assignment of an insured note.

(3) Requiring the holder of an insured note to assign the note to the Government, when requested to do so by the State Director.

(4) Approving the request of a holder to have the Farmers Home Administration purchase the note.

(5) Accepting the assignment of an insured note on behalf of the Insurance Fund.

(6) Authorizing disbursements from the Insurance Fund for notes being assigned to the Government.

(7) Executing Form FHA 471-5, "Supplemental Purchase Agreement (Automatic Renewal)," and Form FHA 471-6, "Reinsurance and Repurchase Agreement (Automatic Renewal)."

(8) Assigning an insured Soil and Water Conservation or Farm Ownership note held by the United States as trustee under a section 2(f) agreement.

(b) The State Director is authorized to require assignment of an insured note to the Farmers Home Administration in connection with voluntary conveyance, foreclosure, transfer, or any other servicing action relating to liquidation of the borrower's account. If the State Director believes assignment is necessary for servicing actions not involving liquidation of the borrower's account, such assignment may be approved in justified cases upon prior concurrence of the National Office. Ordinarily a case will be submitted to the National Office only when it is determined to be in the best interests of the Government. The State Director also is authorized to assign an insured Soil and Water Conservation or Farm Ownership note held by the Farmers Home Administration as trustee under a section 2(f) agreement.

### § 1873.4 General policies.

(a) *Conditions of assignment.* When insured notes are assigned between private holders, notice of such assignment, executed by both the assignor and the assignee, must be given to the Farmers Home Administration. The Farmers Home Administration may require assignment of an insured note to the Government at any time upon request to the holder, and, upon assignment of the note to the Government accompanied by the insurance endorsement, the Government will pay the holder the unpaid balance of principal and interest owing to him on the note.

(b) *Selling price.* Whenever a note on a form bearing a form date (or revision date) of January 8, 1959 or later is purchased or sold by the Government, for itself or as trustee under a 2(f) agreement, the selling price will be the value of the note as of the effective date of the sale minus the annual charge computed to such date of sale. Whenever, any other insured note is purchased or sold by the Farmers Home Administration, for itself or as trustee, the selling price will be the value of the note as of the effective date of the sale. The selling price of an insured note assigned by one private holder to another will be the price determined by the assignor and the assignee.

(c) *Responsibilities of the Director, Finance Office.* The Director, Finance Office, will:

(1) Advise holders or purchasers regarding the procedures to be followed for assigning insured notes.

(2) Perform the necessary steps, on behalf of the Farmers Home Administration, in connection with the assignment of insured notes.

(3) Advise the holder of the options available to him at the expiration of the fixed period. Any holder of the note may, at his option:

(i) Within a period of one year beginning after the expiration of the period specified in the insurance endorsement relating to such note, have the note purchased by the Government, and if



such option is exercised, the Government will pay the holder by United States Treasury check the amount of unpaid principal and interest owing on the note to the holder;

(ii) Accept any new agreement which may be offered by the Government to purchase the note; or

(iii) Retain the note until it is paid in full, refinanced, or assigned to another lender.

(d) *Responsibility of the National Office.* The National Office is responsible for negotiating with private buyers for the assignment of notes held by the Insurance Fund or for the account of a State Rural Rehabilitation Corporation under a section 2(f) agreement.

(Sec. 2, 64 Stat. 98; 40 U.S.C. 440)

**§ 1873.5 Assignment of an insured note by a private holder to a private buyer.**

(a) Upon receipt of notice from a holder of intention to assign an insured note, the Director, Finance Office, will send any accumulated payments on the note to which the holder is entitled and furnish the holder with appropriate information on how to complete the assignment. The Director, Finance Office, also will send the holder a copy of Form FHA-756 or FHA 471-7, "Notice and Acknowledgment of Sale," and a statement of account.

(b) If the Director, Finance Office, receives information that an insured note has already been assigned, he will request the holder to furnish Form FHA-756 or FHA 471-7 completed with respect to information and signatures by the holder and buyer.

(c) Upon receipt of a properly completed Form FHA-756 or FHA 471-7, the Director, Finance Office, will prepare, execute, and date the acknowledgment section of the Form. He will send a facsimile of the completed Form to the assignee and the assignor, and retain the original.

(d) The Finance Office will transmit payments to the assignee after the date of acknowledgment of Form FHA-756 or FHA 471-7 and will notify the assignor and assignee of any payments processed to the assignor subsequent to the date of the assignment or the statement of account, whichever is earlier, and prior to the date of the acknowledgment. The Farmers Home Administration will assume no liability for failure to give such notice and for adjustment of these payments between the assignor and the assignee.

**§ 1873.6 Assignment of insured notes to the Farmers Home Administration.**

(a) *Assignment at the request of the holder.* The following actions will be taken whenever the holder of an insured note requests that the Farmers Home Administration accept assignment of the note during the option period.

(1) The Director, Finance Office, will inform the holder regarding the procedures to be followed to effect the assignment.

(2) Upon receipt of the endorsed note, the Director, Finance Office, will:

(i) Acknowledge receipt of the note.  
(ii) Process payment to the assignor.  
(iii) Send to the County Office a copy of Form FHA 451-5, "Notification of Insured Loan Payment," as notice of the payment to the assignor.

(b) *Assignment at the request of the Farmers Home Administration.* The County Supervisor will request the Finance Office to require the holder to assign the note to the Government when approval of such assignment is received from the State Office. The procedures for assigning such an insured note will be the same as those prescribed in paragraph (a) of this § 1873.6.

(R.S. 3648, as amended; 31 U.S.C. 529)

**§ 1873.7 Assignment of notes from the Insurance Fund.**

(a) Upon completion of the negotiations for assignment to a buyer of notes held by the Insurance Fund, the National Office will advise the Director, Finance Office, of:

(1) The name and case number shown on the notes to be sold, if known.

(2) The legal name and correct mailing address of the buyer; also, the legal name and address of the recipient, if collections are to be remitted to other than the buyer.

(3) The manner and time of delivery of the notes.

(4) Agreed upon arrangements for making payment.

(5) The effective date of the sale.

(6) Any other information particularly significant or pertinent to the terms and conditions of the sale.

(b) The Director, Finance Office, will send to the buyer a list of the notes showing each borrower's name and case number and the selling price of each note as of the effective date of the assignment.

(c) If payment will be made in advance of delivery of the endorsed notes, the Director, Finance Office, will request the buyer to forward a check or draft before the effective date of assignment, drawn to the order of the Farmers Home Administration, in the amount of the total selling price of all the notes. If the buyer is an individual, payment by certified check or cashier's check will be required. Upon receipt of payment, the Director, Finance Office, will:

(1) Endorse each note for assignment.

(2) Whenever notes on forms bearing a form date (or revision date) of January 8, 1959, or later are assigned from the insurance fund, execute Form FHA 440-5, "Insurance Endorsement (Insured FO, LH, or SW Loan)," for each note, or he will execute such other form of insurance endorsement as the National Office may approve. The rate of annual charge and the length of the fixed period to be stipulated in the insurance endorsement or other agreement will be determined by negotiation with the buyer, but in no case will the rate of annual charge be less than ½ of one percent, nor will the initial fixed period be less than 3 years. The initial fixed period will begin from the date of execution of the insurance endorsement.

(3) Execute a Form FHA 471-6 for each note assigned from the Insurance Fund after the initial fixed period has expired, except when a repurchase agreement has not been offered to the buyer. When both Forms FHA 471-6 and FHA 440-5 are executed for a note on a form bearing a form date (or revision date) of January 8, 1959, or later, paragraph 7 of Form FHA 440-5 will be stricken and the deletion initialed in the margin by the Director, Finance Office. When Form FHA 471-6 or FHA 440-5 is not executed, a reinsurance provision will be added to the endorsement of the note as follows: "The debt evidenced by this note is hereby reinsured as of \_\_\_\_\_, 19\_\_."

(4) Send the notes, and when applicable, Forms FHA 440-5 and FHA 471-6 to the purchaser by certified mail, return receipt requested.

(d) If a sight draft is used, the Director, Finance Office, will attach it to the endorsed notes and send them to the bank designated by the buyer by certified mail, return receipt requested. The buyer will pay the bank's charge for handling the transaction. The remittance must be dated on or before the effective date of assignment.

(e) If the negotiated terms and conditions of the sale provide for delivery and payment by means other than those enumerated above, the Director, Finance Office, will make the necessary arrangements.

(f) If any collection has been processed to the borrower's note account subsequent to the date on which the selling price of the note was computed and prior to the effective date of the assignment, the Finance Office will process a check to the assignee for the amount of the payment to which he is entitled.

**§ 1873.8 Assignment of insured notes held by the Farmers Home Administration as trustee for a State Rural Rehabilitation Corporation under a section 2(f) agreement.**

(a) *Assignment to a private buyer.*

(1) Upon completion of negotiations for assignment to a buyer of notes held under a 2(f) agreement, the State Office will send the notes to be assigned to the Director, Finance Office, by certified mail, return receipt requested, and will advise the Director, Finance Office, of:

(i) The legal name and correct mailing address of the buyer; also, the legal name and mailing address of the recipient, if collections are to be remitted to other than the buyer.

(ii) The manner and time of delivery of the notes.

(iii) Agreed upon arrangements for making payment.

(iv) The effective date of the sale.

(v) Any other information particularly significant or pertinent to the terms and conditions of the sale.

(2) The Director, Finance Office, will send to the buyer a list of the notes showing each borrower's name and case number and the selling price of each note as of the effective date of the assignment.



(3) If payment will be made in advance of delivery of the endorsed notes, the Director, Finance Office, will request the buyer to forward a check or draft before the effective date of assignment, drawn to the order of "Farmers Home Administration, Trustee of the (insert name of the State Rural Rehabilitation Corporation)," in the amount of the total selling price of all the notes. If the buyer is an individual, payment by certified check or cashier's check will be required. Upon receipt of payment, the Director, Finance Office, will:

(i) Endorse each promissory note for assignment.

(ii) Send the notes to the buyer, return receipt requested, with a letter of transmittal listing each note separately and acknowledging the assignment thereof.

(4) If a sight draft is used, the Director, Finance Office, will attach it to the endorsed notes and forward them to the bank designated by the buyer.

(5) If the negotiated terms and conditions of the sale provide for delivery and payment by means other than those enumerated above, the Director, Finance Office, will make the necessary arrangements.

(6) If any collection has been processed to the borrower's note account subsequent to the date on which the selling price of the note was computed and prior to the effective date of assignment, the Finance Office will process a check to the assignee for the amount of the payment to which he is entitled.

(b) *Assignment to the Insurance Fund.* When it becomes necessary to assign to the Insurance Fund a loan held under a 2(f) agreement, the State Director will send the note to the Finance Office and request the Director, Finance Office, to take the necessary steps immediately to assign the loan to the Insurance Fund.

(Sec. 2, 64 Stat. 98; 40 U.S.C. 440)

## PART 1874—ASSIGNMENT OF INSURED MORTGAGES

### Subpart A—General

- Sec.
- 1874.1 Scope.
- 1874.2 Definitions.
- 1874.3 Authorities.
- 1874.4 General policies.
- 1874.5 Assignment of insured mortgage by private holder to private buyer.
- 1874.6 Assignment of insured mortgages to the Government.
- 1874.7 Assignment of insured mortgage from insurance fund to private buyer.
- 1874.8 Assignment of insured mortgage held by the Farmers Home Administration as trustee for a State Rural Rehabilitation Corporation under a section 2(f) agreement.

### Subpart B—Assigning Insured Mortgages to the Government as Trustee

- 1874.21 General.
- 1874.22 Authorities.
- 1874.23 Assigning mortgages to the Government as trustee.
- 1874.24 Assignment of notes.
- 1874.25 Notification to State Director.

### Subpart C—Placing Mortgages in Trust with the Government by Declaration of Trust

- Sec.
- 1874.31 General.
- 1874.32 Execution of declarations of trust.
- 1874.33 Distribution of documents.
- 1874.34 Assignment of notes.

**AUTHORITY:** The provisions of this Part 1874 issued under secs. 308, 309, 339, 75 Stat. 308, 309, 318, sec. 4, 64 Stat. 100; 7 U.S.C. 1928, 1929, 1989, 40 U.S.C. 442; Orders of Sec. of Agr., 19 F.R. 74, 26 F.R. 8403, 27 F.R. 5005, 9957, except as otherwise noted.

### Subpart A—General

#### § 1874.1 Scope.

This subpart prescribes the authorities, policies, and procedures for processing the assignment of insured Farm Ownership mortgages which run to the lender as mortgagee and which are not subject to a trust assignment pursuant to subpart B of this part 1874 or to a declaration of trust pursuant to Subpart C of this part. It includes the assignment by a private holder to a private buyer or to the Government, the assignment by the Government (insurance fund) to a private buyer, and the assignment to a private buyer or to the Government of an insured mortgage held by the Farmers Home Administration as trustee of the assets of a State Rural Rehabilitation Corporation under section 2(f) of the Rural Rehabilitation Corporation Trust Liquidation Act (40 U.S.C. 440(f)).

#### § 1874.2 Definitions.

As used in this subpart the term:

(a) "Private buyer" is any purchaser of an insured mortgage other than the Government or the Government as trustee for a State Rural Rehabilitation Corporation under a section 2(f) agreement.

(b) "Holder" is the current owner of an insured mortgage. "Private holder" is any holder other than the Government or the Government as trustee for a State Rural Rehabilitation Corporation under a section 2(f) agreement.

(c) "Value" of an insured mortgage is the outstanding unpaid principal plus the amount of unpaid accrued interest on the note account, plus the unpaid amount of advances, if any, made by a holder for property insurance premiums, taxes, assessments, water charges, and other payments in discharge of liens which are prior to the mortgage.

(d) "Insurance fund" is the Agricultural Credit Insurance Fund made available under section 309 of the Consolidated Farmers Home Administration Act of 1961 for the discharge of obligations of the Farmers Home Administration under its insurance endorsements.

(e) "Mortgage and related instruments" includes the original mortgage (deed of trust or other security instrument), the promissory note (bond), the triple agreement (Form FHA-359), if any, the original executed instrument of assignment, if a separate instrument was used, and any other documents held by the assignor relating to the mortgage transaction, such as copies of any partial releases from the lien of the mort-

gage, the originals of any previous instrument of assignment, and Form FHA-38, "Letter of Certification," if one was issued.

(f) "Fixed period" is the agreed period of years during which a mortgage is not assignable to the Government unless the borrowed is in default.

#### § 1874.3 Authorities.

Subject to the policies and procedures prescribed in this subpart:

(a) The Director, Finance Office is authorized, on behalf of the Government, in connection with the assignment of insured mortgages, to execute required documents and to perform other necessary steps, including but not limited to:

(1) Acknowledging receipt of notice of assignment of an insured mortgage.

(2) Requiring the holder of an insured mortgage to assign the mortgage to the Government, when requested to do so by the State Director.

(3) Approving the request of a holder to have the Government purchase the mortgage.

(4) Accepting the assignment of an insured mortgage on behalf of the insurance fund, assigning such mortgage, endorsing the note for assignment, and endorsing the note for reinsurance.

(5) Authorizing disbursements from the insurance fund for mortgages being assigned to the Government.

(6) Executing Form FHA 471-5, "Supplemental Purchase Agreement (Automatic Renewal)," and Form FHA 471-6, "Reinsurance and Repurchase Agreement (Automatic Renewal)."

(7) Assigning an insured mortgage held by the United States as trustee of the assets of a State Rural Rehabilitation Corporation under a section 2(f) agreement.

(b) The State Director is authorized to require assignment of an insured mortgage to the Farmers Home Administration when the borrower is in default in connection with voluntary conveyance, foreclosure, transfer, or any other servicing action relating to liquidation of the borrower's account. If the State Director believes assignment is necessary for other servicing actions not relating to liquidation of the account, such assignment may be approved in justified cases when the borrower is in default upon prior concurrence of the National Office. Ordinarily, a case will be submitted to the National Office only when it is determined to be in the best interests of the Government.

#### § 1874.4 General policies.

(a) *Conditions of assignment.* When insured mortgages are assigned between private holders, notice of such assignment, executed by both the assignor and the assignee, must be given to the Farmers Home Administration. The Government may require assignment of an insured mortgage if the borrower is in default. The holder has the privilege of assigning a mortgage to the Government when a borrower has been in default for more than 12 months or during the one-year period following the expiration of a fixed period. Insured loans



that have been acquired by the insurance fund may be assigned to private buyers provided the borrower is not in default.

(b) *Selling price.* Whenever an insured mortgage is purchased or sold by the Government, whether in its own right or as trustee of the assets of a State Rural Rehabilitation Corporation, the selling price will be the value of the mortgage. The selling price of an insured mortgage assigned by one private holder to another will be determined by the assignor and the assignee and may differ from the value of the mortgage.

(c) *Method of assignment.* Insured mortgages will be assigned in accordance with the law of the State in which the mortgaged property is located. The Office of the General Counsel will advise the Director, Finance Office, of the appropriate method or methods of assignment to be used in each State. In States in which recordation is necessary (see paragraph (e) of this section), the mortgage will be assigned by a separate instrument of assignment, except that recordation may be made by marginal entry when a mortgage is assigned between private parties and the mortgaged property is located in Arkansas, Indiana, Iowa, Kentucky, Mississippi, Nevada, Ohio, or Wyoming. The promissory note will be assigned by endorsement "to the order of" and delivery to, the assignee. Assignment of the mortgage may be affected by endorsement and delivery of the note when the mortgaged property is located in Colorado, Louisiana, Missouri, Tennessee, Virginia, or Puerto Rico.

(d) *Form of assignment.* Assignment forms will be furnished by the Farmers Home Administration to the holder for use in states in which recordation is necessary. In assignments between private parties, the holder may, at his option, use any other appropriate form of assignment which transfers to the assignee all rights, interests, and claims of the assignor arising out of the mortgage transaction.

(e) *Recording of assignments.* All assignments will be recorded in the land records except when the mortgaged property is located in Colorado, Louisiana, Missouri, Tennessee, Virginia, or Puerto Rico. The assignee is responsible for recording the assignment of an insured mortgage and for paying the recording fee. When the Farmers Home Administration is the assignee and recordation is necessary as provided herein, the County Supervisor will have the assignment recorded and pay the fee.

(f) *Responsibilities of the Director, Finance Office.* The Director, Finance Office, will:

(1) Advise holders regarding the procedures to be followed for assigning insured mortgages.

(2) Perform the necessary steps, on behalf of the Government, in connection with the assignment of insured mortgages.

(3) Notify the National Office of mortgages held by the insurance fund that are eligible for assignment.

(4) Notify the National Office 60 days prior to the expiration of the fixed period of each loan.

(5) Notify holders whenever a borrower is in default on the installments on his note, whenever other defaults occur of which the Director, Finance Office, receives notice from the State Director, and whenever any of such defaults are corrected.

(6) Advise the holder of the options available to him at the expiration of the fixed period. Any holder may, at his option, (i) within a period of one year beginning after the expiration of the period specified in the triple agreement or in the insurance endorsement, as the case may be, have the mortgage loan purchased by the Government, and if such option is exercised, the Government will pay the holder by United States Treasury check an amount equal to the value of the mortgage; (ii) accept any new agreement which may be offered by the Government to purchase the loan; or (iii) retain the loan until it is paid in full, refinanced or assigned to another lender.

(g) *Responsibilities of the National Office.* The National Office is responsible for negotiating with private buyers for the assignment of mortgages acquired by the insurance fund or for the account of a State Rural Rehabilitation Corporation under a section 2(f) agreement.

#### § 1874.5 Assignment of insured mortgage by private holder to private buyer.

(a) Upon receipt of notice from a holder of intention to assign an insured mortgage, the Director, Finance Office, will send any accumulated payments on the loan to the holder and furnish the holder with appropriate information on how to complete the assignment. The Director, Finance Office, also will send the holder a copy of Form FHA-756 or FHA 471-7, "Notice and Acknowledgement of Sale," a statement of account, and assignment forms, if needed.

(b) If the Director, Finance Office, receives information that an insured mortgage has already been assigned, he will inform the holder of any additional steps that are needed to complete the assignment and request the holder to furnish a completed Form FHA-756 or FHA 471-7.

(c) Upon receipt of a properly completed Form FHA-756 or FHA 471-7 and a conformed copy of the instrument of assignment, if a separate instrument of assignment was used, the Director, Finance Office, will prepare, execute, and date the acknowledgment section of Form FHA-756 or FHA 471-7. He will send a facsimile of the completed Form FHA-756 or FHA 471-7 to the assignee, the assignor, and the County Supervisor, and retain the original. Upon execution of the acknowledgement of notice of sale on Form FHA-756 or FHA 471-7, the assignment shall be binding upon the Government from the date of the assignment, provided a valid assignment of the note and mortgage has been effected, and provided further that, except when the mortgaged property is located in Colorado, Louisiana, Missouri, Puerto Rico, Tennessee, or Virginia, the assignment

has been properly recorded in the land records. The Government assumes no liability for any payment transmitted to the assignor prior to the date of the acknowledgment of notice of sale on Form FHA-756 or FHA 471-7.

(d) The Finance Office will transmit payments to the assignee after the date of the acknowledgement on Form FHA-756 or FHA 471-7 and will notify the assignor and assignee of any payments processed to the assignor subsequent to the date of the assignment or the statement of account, whichever is earlier, and prior to the date of acknowledgment. The Farmers Home Administration will assume no liability for failure to give such notice and for adjustment of these payments between the assignor and the assignee.

#### § 1874.6 Assignment of insured mortgages to the Government.

(a) *Assignment at the request of the holder.* The following actions will be taken whenever the holder of an insured mortgage requests that the Government accept assignment of the mortgage after the borrower has been in default for more than a year or during the 12-month period following the expiration of a fixed period.

(1) The Director, Finance Office, will inform the holder regarding the procedures to be followed to effect the assignment. He also will send him copies of the assignment form, unless the assignment can be effected merely by endorsement and delivery of the note.

(2) Upon receipt of the mortgage and related instruments, and the executed instrument of assignment, if any, the Director, Finance Office, will acknowledge receipt of the mortgage and related instruments, process payment to the assignor for an amount equal to the value of the mortgage as of the date of the Treasury check and send to the County Office a copy of Form FHA 451-5, "Notification of Insured Loan Payment," for the payment to the assignor, together with the original mortgage and related documents. If a separate instrument of assignment was used, it will be sent to the County Office for recording with a request that it be returned to the Finance Office when recorded.

(b) *Assignment at request of the Farmers Home Administration.* The County Supervisor will request the Finance Office to require the holder to assign the insured mortgage to the Government when approval of such assignment is received from the State Office. The procedures for assigning such an insured mortgage will be the same as those prescribed in paragraph (a) of this section, except that the Director, Finance Office, will inform the holder that it is necessary for the Government to require assignment of the Mortgage in order to service the account properly.

(R.S. 3648, as amended; 31 U.S.C. 529)

#### § 1874.7 Assignment of insured mortgage from insurance fund to private buyer.

Upon completion by the National Office of the negotiations for assignment to a private buyer of insured mortgages held



by the insurance fund, the National Office will advise the Director, Finance Office, of the terms, conditions, and effective date of the assignment. The Director, Finance Office, will send to the buyer a list of the mortgages showing each borrower's name and case number and the value of each mortgage as of the effective date of the assignment.

(a) If payment will be made in advance of delivery of the executed security documents, the Director, Finance Office, will request the buyer to forward a check or draft before the effective date of assignment, drawn to the order of the Farmers Home Administration in the amount of the total value of all the mortgages. If the buyer is an individual, payment by certified check or cashier's check will be required. Upon receipt of payment, the Director, Finance Office will:

(1) Prepare and execute an instrument of assignment for each mortgage, if one is required.

(2) Endorse each note for assignment.

(3) Execute a Form FHA 471-6 except when the original fixed period has not expired, or when a Repurchase Agreement has not been offered to the buyer. When Form FHA 471-6 is not executed, a reinsurance provision will be added to the endorsement of the note as follows: "The debt evidence by this note is hereby reinsured as of -----, 19--."

(4) Send the mortgage and related instruments including Form FHA 471-6, if one was executed, to the purchaser by registered mail, return receipt requested.

(b) If the sight draft method is used, the Director, Finance Office, will attach a sight draft to the executed security documents and send them to the bank designated by the buyer by registered mail, return receipt requested. The buyer will pay the bank's charge for handling the transaction. The remittance must be dated on or before the effective date of assignment.

(c) The Director, Finance Office, will request the assignee to have the assignment recorded in States where recordation is necessary. He will send a conformed copy of the assignment form to the County Supervisor for filing in the borrower's County Office case folder. In States where a separate instrument of assignment is not used, the Director, Finance Office, will advise the County Supervisor of the assignment by letter.

(d) If any payment has been processed to the borrower's note account subsequent to the date on which the value of the mortgage was computed and prior to the effective date of the assignment, the Finance Office will process a check to the assignee for the amount of the payment.

**§ 1874.8 Assignment of insured mortgage held by the Farmers Home Administration as trustee for a State Rural Rehabilitation Corporation under a section 2(f) agreement.**

(a) *Assignment to a private buyer.* The steps involved in assigning a mortgage from the United States as trustee for a State Rural Rehabilitation Cor-

poration to a private buyer are generally the same as those prescribed in § 1874.7 for the assignment of mortgages from the insurance fund, except that Form FHA 471-6 will not be executed and a reinsurance provision will not be included in the endorsement of the note.

(1) The Director, Finance Office, will request the State Director to forward to the Finance Office, return receipt requested, the mortgages and related instruments to be assigned.

(2) The Director, Finance Office, will request the buyer to make the check or draft payable to the "Farmers Home Administration, Trustee of the (insert name of the State Rural Rehabilitation Corporation)."

(3) Upon receipt of payment from the buyer, the Director, Finance Office, will:

(i) Execute an assignment form for each mortgage, unless the assignment is accomplished merely by endorsement and delivery of the note.

(ii) Endorse each promissory note on behalf of the United States as trustee of the (use name of the State Rural Rehabilitation Corporation). When a separate instrument of assignment is not used, the effective date of the assignment will be added to the endorsement.

(iii) Send the mortgage and related instruments to the buyer, return receipt requested, with a letter of transmittal listing each mortgage separately and acknowledging the assignment thereof.

(4) If the sight draft method is used, the Director, Finance Office, will attach a sight draft to the executed assignment form, if any, the mortgage, and related instruments and forward these documents to the bank designated by the buyer.

(b) *Assignment to the insurance fund.* When the State Director approves such assignment, he will:

(1) Execute any necessary assignment instruments in accordance with the advice of the Director, Finance Office, and endorse the note in the manner specified in paragraph (a) of this section.

(2) Notify the Director, Finance Office, that he has taken the necessary action to assign the loan to the insurance fund.

(3) Request the Director, Finance Office, to process payment to the revolving fund of the State Rural Rehabilitation Corporation for the value of the mortgage as of the effective date of assignment.

### Subpart B—Assigning Insured Mortgages to the Government as Trustee

#### § 1874.21 General.

This subpart prescribes the authorities, policies, and procedure for assigning to the Government, as trustee, those insured Farm Ownership mortgages which run to the lender as mortgagee. The mortgage will be held in trust for the benefit of the holder of the note. When such an assignment has been completed, the Government will take all actions usually performed by mortgagees, including the execution of partial re-

leases, subordinations, and satisfactions. Holders of the notes may then sell them separately by endorsement and delivery without further assignment of the mortgages. Notice of such sales, nevertheless, must be given to the Government.

(a) Assignments of insured Farm Ownership mortgages to the Government in trust may be executed by holders of such mortgages when they sell the notes to buyers who have agreed to such assignment, except when the mortgaged property is located in Colorado, Louisiana, Missouri or Puerto Rico.

(b) Assignments of insured Farm Ownership mortgages to the Government in trust also may be executed by holders who retain the notes, except when the mortgaged property is located in Alaska, Colorado, Louisiana, Missouri, Nevada, Puerto Rico, or South Carolina.

(c) Assignments of insured Farm Ownership mortgages to the Government in trust may be executed by holders preparatory to selling the notes to the Government for the insurance fund, except when the mortgaged property is located in Alaska, Colorado, Louisiana, Missouri, Nevada, Puerto Rico, or South Carolina.

#### § 1874.22 Authorities.

Subject to the policies and procedures prescribed in this subpart, the Director, Finance Office, is authorized on behalf of the Government, in connection with insured Farm Ownership mortgages assigned or to be assigned to the Government under a trust assignment, to execute required documents and perform other necessary acts, including but not limited to:

(a) Informing holders and prospective holders of insured Farm Ownership mortgages of the advantage of, and procedure for, making assignments of mortgages in trust, and of the options available to the holder at the expiration of the fixed period as provided in § 1874.4(f) (6).

(b) Furnishing approved forms of trust assignment.

(c) Acknowledging notices of sale of Farm Ownership notes.

(d) Executing Form FHA 471-6, "Reinsurance and Repurchase Agreement (Automatic Renewal)," and Form FHA 471-5, "Supplemental Purchase Agreement (Automatic Renewal)."

#### § 1874.23 Assigning mortgages to the Government as trustee.

(a) The Director, Finance Office, will advise any holder or buyer of an insured Farm Ownership mortgage who is interested in a trust assignment of the procedures to be followed.

(b) When the Government holds salable notes and mortgages, either for the insurance fund, or as Trustee of a State Rural Rehabilitation Corporation under a section 2(f) agreement, the mortgages may be assigned to the Government in trust in connection with the sale of the notes.

(c) The assignment of mortgages to the Government in trust shall be accomplished by the holder executing an approved form of trust assignment covering



each mortgage. The Director, Finance Office, will provide the holder with the required number of forms and with instructions for completing and executing them. The holder, after executing a form for each loan, will return it to the Finance Office, along with the original recorded mortgage and related documents, such as previous assignments, partial releases, subordination agreements, and water stocks. Any Forms FHA-359, "Borrower-Insurer-Lender Triple Agreement," FHA-38, "Letter of Certification," and FHA 471-5 will not be sent to the Finance Office, but will be transferred or retained with the note.

(d) Upon receipt of the executed form of trust assignment, the Director, Finance Office, will forward it and any prior assignments which have not been recorded, to the appropriate County Supervisor for recording where the original mortgage was recorded. The recordation fee will be paid by the Government. The original mortgage and related documents will be kept in the County Office, except for water stock which will be kept in the State Office. The State Director will take such action as may be necessary to transfer the water stock on the books of the company, have the certificates endorsed or new certificates issued, or obtain a new pledge agreement, when required, as the case may be. The original recorded trust assignment will be forwarded to the holder of the note.

#### § 1874.24 Assignment of notes.

(a) *Between private parties.* After a trust assignment has been effected, the note may be bought and sold by private holders independently of the mortgage, without disturbing the trust. The assignment will be processed in accordance with § 1873.5 of this chapter. The original trust assignment and any Forms FHA-359, FHA-38, or FHA 471-5 will be delivered to the buyer with the note.

(b) *To the Government.* (1) When the noteholder requests that the Government accept assignment of the note during the 12-month period following the expiration of a fixed period, the assignment will be handled in accordance with § 1873.6 of this chapter. The original trust assignment and any Forms FHA-359, FHA-38, or FHA 471-5 will be delivered to the Government with the note.

(2) Assignment of the note to the Government at the request of the Farmers Home Administration will be handled in accordance with § 1874.3(b). When the State Director approves such assignment he will request the Director, Finance Office, to require the holder to endorse the note to the Government and to deliver the endorsed note, the original trust assignment, and any Forms FHA-359, FHA-38, or FHA 471-5 to the Government; to pay the holder in full from the insurance fund; and in case of foreclosure, assign the mortgage to the Government for the account of the insurance fund by executing an assignment from the Government as trustee on an approved form.

(c) *From the insurance fund to a private buyer.* Upon completion of negotiations for assignment to a private buyer of an insured note held by the insurance fund, when the mortgage is subject to a trust assignment, the assignment will be handled in accordance with § 1873.7 of this chapter. The original trust assignment and any Forms FHA-359, FHA-38, or FHA 471-6 will be delivered to the buyer with the note. The buyer will be informed in the transmittal letter that the mortgage is held by the United States in trust for the noteholder.

#### § 1874.25 Notification to State Director.

Whenever servicing actions require the consent or approval of the State Director, the County Supervisor will be responsible for informing him that the mortgage is held by the Government in trust for the noteholder.

#### Subpart C—Placing Mortgages in Trust With the Government by Declaration of Trust

##### § 1874.31 General.

This subpart provides for placing in trust with the United States as trustee those insured Farm Ownership mortgages running to the lender which were assigned outright to the United States for the account of the insurance fund and are not subject to a trust assignment pursuant to Subpart B of this part, in order that the security may be serviced by the Government as trustee and the holder of the note may sell it without executing an assignment of the mortgage. Such mortgages may be placed in trust preparatory to selling the notes secured thereby out of the insurance fund. This subpart does not apply when the mortgaged property is located in Colorado, Louisiana, Missouri, or Puerto Rico.

##### § 1874.32 Execution of declarations of trust.

The mortgages will be placed in trust by having the Government execute a "Declaration of Trust In Mortgage With United States As Trustee" (Form FHA-175...). The Director, Finance Office, is authorized on behalf of the United States of America to execute declaration of trust instruments and to perform any other necessary act or function in connection with placing such mortgages in trust with the United States; and to endorse promissory notes, execute Form FHA 471-6, "Reinsurance and Repurchase Agreement (Automatic Renewal)," and other required documents, and perform other necessary acts or functions in connection with loans secured by mortgages placed in trust with the United States under such declarations.

##### § 1874.33 Distribution of documents.

After a declaration of trust is executed it will be forwarded to the County Supervisor for recording, and the original recorded declaration of trust and the mortgage and related documents will be distributed in a manner similar to that provided in § 1871.23(d) of this chapter.

#### § 1874.34 Assignment of notes.

After a mortgage has been placed in trust under such declaration, the procedure prescribed in § 1874.24 generally will apply with respect to the assignment of the note secured by the mortgage.

### SUBCHAPTER G—MISCELLANEOUS REGULATIONS

## PART 1886—DISPOSAL OF RESERVED MINERAL INTERESTS

### Subpart A—Sales

Sec.	General.
1886.1	General.
1886.2	Actions by State Directors.
1886.3	Sales in \$1.00 per application areas.
1886.4	Sales in fair market value areas.
1886.5	Failure to accept delivery of quitclaim deeds.

**AUTHORITY:** The provisions of this Part 1886 issued under secs. 4, 6, 64 Stat. 100, 770; 40 U.S.C. 442, 7 U.S.C. 1038. Interpret or apply sec. 2, 60 Stat. 1062, as amended, sec. 2, 64 Stat. 98, secs. 1, 2, 3, 5, 7, 64 Stat. 769, 770; 40 U.S.C. 440, 7 U.S.C. 1001 note, 1033, 1034, 1035, 1037, 1039.

### Subpart A—Sales

#### § 1886.1 General.

(a) Public Law 760, 81st Congress, approved September 6, 1950, provides for the disposal by the Government of certain reserved mineral interests under the jurisdiction of the Farmers Home Administration. Such reserved mineral interests covered by a single application will be sold for a total consideration of one dollar in areas in which the Secretary of Agriculture determines that there is no active mineral development or leasing. Such areas are referred to in this subpart as "\$1.00 per application areas." In other areas the reserved mineral interests will be sold for their fair market value. Such areas are referred to in this part as "fair market value areas."

(b) This part prescribes the authorities, policies, and procedures for sale of reserved mineral interests which are under the jurisdiction of the Farmers Home Administration, including reserved mineral interests representing assets of Defense Relocation Corporations which are conveyed to the Government pursuant to liquidation or other agreements, and reserved mineral interests representing assets of State Rural Rehabilitation Corporations which are conveyed to the Government pursuant to agreements entered into under section 2 (f) of Public Law 499, 81st Congress, authorizing the Government to sell such reserved mineral interests in the manner and on the terms and conditions provided for in Public Law 760.

#### § 1886.2 Actions by State Directors.

Subject to the policies and procedures contained in this subpart, State Directors will take the following actions with respect to the sale of reserved mineral interests covered by this subpart.

(a) Accept or reject applications and offers to purchase.

(b) Obtain appraisal reports and determine fair market values in fair market value areas.

(c) Procure and approve vouchers and certified invoices in payment of authorized expenses.



(d) Execute deeds and other instruments necessary in connection with sales. § 886.3 Sales in \$1.00 per application areas.

(a) *Issuance of forms and advice to applicants.* Upon request, the County Supervisor will furnish each prospective applicant with two copies of Form FHA-987, "Application to Purchase Reserved Mineral Interests in \$1 Per Application Areas," and will instruct him as to the manner in which it should be completed. The County Supervisor will also advise each prospective applicant as to the terms and conditions applicable to the sale of the reserved mineral interests under his land.

(b) *Terms and conditions of sale.* Each sale will be made under the following terms and conditions:

(1) *Eligible purchasers.* To be eligible for the purchase of such reserved mineral interests, applicants must be private persons who at the time of application are the owners of the surface of the land covered by the application.

(2) *Application to purchase.* The original of Form FHA-987 will be filed with the County Supervisor serving the county in which the reserved mineral interests are located. Such applications could not be made prior to December 5, 1950, and cannot be made later than September 5, 1957. A single application may cover all of the reserved mineral interests under lands owned by the applicant in the same county, whether the tracts are contiguous or not and even though the mineral reservations were made in more than one deed. No application will be accepted for an undivided interest in the minerals reserved by the Government or State Rural Rehabilitation or Defense Relocation Corporation. One of several joint owners may apply on behalf of all owners of the surface rights.

(3) *Establishment of surface title.* Applicants must establish, at their own expense, to the satisfaction of the Government, that on the date of their application, they and any other persons on whose behalf the application is made, are the owners of the surface of the land covered by their application. Applicants will be required to furnish evidence of their surface title in the form of a supplemental abstract of title or an attorney's opinion or certificate of title based on examination of the records. Additional title evidence which the Government deems necessary for use in determining the surface ownership also may be required. Such evidence of surface title will cover at least the period from the time of recordation of the surface deed or deeds in which the mineral reservations were made (or from the time of recordation of the transfer deed or deeds approved by the Government in transfer cases) through the date of execution of Form FHA-987.

(4) *Sales price and terms.* The reserved mineral interests covered by a single application will be sold for \$1.00 to be tendered with the application.

(5) *Conveyance.* The reserved mineral interests will be conveyed by use of Form FHA-65-., "Quitclaims Deed to Min-

erals." All surface owners will be named as grantees in the quitclaim deed. The Government will not furnish the purchaser any base or supplemental abstract of title or any other title evidence. Fees for recording the quitclaim deed, and any revenue, sales, stamp, or other taxes that may be required by law in connection with the conveyance will be paid by the purchaser.

(c) *Transmitting application dockets to the State Office.* When Form FHA-987, the \$1.00, and surface title evidence are delivered to the County Supervisor in proper form, he will issue Form FHA-37, "Receipt for Payment," for the \$1.00 tendered with the application, and will transmit Form FHA-987 and the title evidence to the State Director.

(d) *Disposition of \$1.00 tendered with application.* The \$1.00 tendered with the application will be held in suspense by the Finance Office until it receives notification that the application has been rejected or that the sale has been consummated. If the application is rejected, the \$1.00 will be returned to the applicant. If the sale is consummated, it will be applied as payment of the purchase price.

(e) *Processing dockets in State Office and closing sales.* Upon receipt of an application docket from the County Office, the State Director will review the docket and will take the following actions:

(1) *Dockets showing applicants to be ineligible.* If the docket as originally submitted or as subsequently corrected discloses that the applicant is not eligible to purchase the reserved mineral interests, the State Director will deliver or mail to the applicant Form FHA-988, "Notice of Rejection of Application to Purchase Reserved Mineral Interests in \$1 Per Application Areas," notifying the applicant that the application has been rejected.

(2) *Dockets showing applicants to be eligible.* If the docket as originally submitted or as subsequently corrected discloses that the applicant is eligible to purchase the reserved mineral interests, the State Director will accept the application and will execute and forward to the County Supervisor the original of Form FHA-65-., and any abstract of title submitted by the applicant as evidence of his surface title, together with closing instructions. The County Supervisor will close the sale transaction in the manner required by the closing instructions.

#### § 886.4 Sales in fair market value areas.

(a) *Issuance of forms and advice to applicants.* Upon request, the County Supervisor will furnish each prospective applicant with two copies of Form FHA-990, "Application and Offer to Purchase Reserved Mineral Interests in Fair Market Value Areas," and will instruct him as to the manner in which it should be completed. The County Supervisor will also advise each prospective applicant as to the terms and conditions applicable to the sale of the reserved mineral interests under his land.

(b) *Terms and conditions of sale.* Each sale will be made under the following terms and conditions:

(1) *Eligible purchasers.* To be eligible for the purchase of such reserved mineral interests, applicants must be private persons who at the time of application are the owners of the surface of the land covered by the application.

(2) *Application and offer to purchase.* The original of Form FHA-990 must be filed with the County Supervisor serving the county in which the reserved mineral interests are located. Such applications could not be made prior to December 5, 1950, and cannot be made later than September 5, 1957. However, if an application is made within that period and is withdrawn, rejected, or terminated, another application and offer may be made within the same period of time. A single application may cover all of the reserved mineral interests under lands owned by the applicant in the same county, whether the tracts are contiguous or not and even though the mineral reservations were made in more than one deed. No application will be accepted for an undivided interest in minerals reserved by the Government or State Rural Rehabilitation or Defense Relocation Corporation. One of several joint owners may apply on behalf of all owners of the surface rights.

(3) *Subsequent offers.* If the offer contained in the application is rejected by the Government and the application remains in effect, subsequent offers on Form FHA-992, "Subsequent Offer to Purchase Reserved Mineral Interests in Fair Market Value Areas," may be filed by the applicant with the County Supervisor at any time while the application remains in effect.

(4) *Establishment of surface title.* Applicants must establish, at their own expense, to the satisfaction of the Government, that on the date of their application, they and any other persons on whose behalf the application is made, are the owners of the surface of the land covered by their application. Applicants will be required to furnish evidence of their surface title in the form of a supplemental abstract of title or an attorney's opinion or certificate of title based on examination of the records. Additional title evidence which the Government deems necessary for use in determining the surface ownership also may be required. Such evidence of surface title will cover at least the period from the time of recordation of the surface deed or deeds in which the mineral interests were reserved (or from the time of recordation of the transfer deed or deeds approved by the Government in transfer cases) through the date of execution of Form FHA-990.

(5) *Sales price.* The reserved mineral interests covered by each application and offer will be sold for their fair market value as determined by the State Director in accordance with paragraph (c) of this section.

(6) *Terms.* The reserved mineral interests will be sold for cash.

(7) *Conveyance.* The reserved mineral interests will be conveyed by use of



Form FHA-65. --, "Quitclaim Deed to Minerals." All surface owners will be named as grantees in the quitclaim deed. The Government will not furnish the purchaser any base or supplemental abstract of title or any other title evidence. Fees for recording the quitclaim deed, and any revenue, sales, stamp, or other taxes that may be required by law in connection with the conveyance will be paid by the purchaser. If any documentary, Internal Revenue, or other stamp taxes are required by law to be paid on the conveyance, the stamps will be furnished, affixed, and canceled by the purchaser at the time of delivery of the deed. If, at the date of the quitclaim deed, the reserved mineral interests are subject to any mineral lease, lease permit, or contract, the purchaser will be entitled to the Government's interest thereunder in:

(i) Any rentals under any lease on such minerals for the lease year or years beginning subsequent to the date of the quitclaim deed;

(ii) The balance of minimum royalty becoming due and payable on such minerals subsequent to the date of the quitclaim deed; and

(iii) Any royalties or other income from the production or sale of such minerals produced subsequent to the date of the quitclaim deed.

(8) *Duration of applications and offers.* Applications and offers on Form FHA-990 will terminate automatically one year from date thereof, unless they are previously accepted or rejected by the Government or withdrawn by the applicant. Withdrawal or rejection of an offer will not in itself constitute withdrawal or rejection of an application, but withdrawal, rejection or termination of an application will constitute withdrawal, rejection, or termination of an offer.

(c) *Transmitting application and offer dockets to the State Office.* When Form FHA-990 and surface title evidence are delivered to the County Supervisor in proper form, he will:

(1) Prepare a fair market value appraisal report reflecting the appraisal by the County Committee and County Supervisor as required in paragraph (e) (2) of this section.

(2) Transmit to the State Director the original of Form FHA-990, the original appraisal report by the County Committee and County Supervisor, and the required title evidence.

(d) *Processing dockets in State Office and closing sales.* Upon receipt of an application and offer docket from the County Office, the State Director will take the following action:

(1) *Docket showing applicant to be ineligible.* If the docket as originally submitted or as subsequently corrected discloses that the applicant is not eligible to purchase the reserved mineral interests, the State Director will deliver or mail to the applicant Form FHA-991, "Notice of Acceptance or Rejection (Fair Market Value Areas)," notifying the applicant that the application and offer have been rejected.

(2) *Docket showing applicant to be eligible.* If the docket as originally submitted or as subsequently corrected dis-

closes that the applicant is eligible to purchase the reserved mineral interests, the State Director will determine whether a technical appraisal is necessary and, if so, obtain it as provided for in paragraph (e) (3) of this section, and will determine the fair market value in accordance with paragraph (e) of this section.

(i) If the offer represents the fair market value, the State Director will accept the application and offer and will execute and forward to the County Supervisor the original of Form FHA-65. --, and any abstract of title submitted by the applicant as evidence of his surface title, together with closing instructions. The County Supervisor will close the sale transaction in the manner required by the closing instructions. The amount of the sale price will be collected at the time of closing the sale, in the form of cash, a cashier's check, certified check, or United States Postal Money Order. The County Supervisor will issue Form FHA-37 to the purchaser.

(ii) If the offer does not represent the fair market value of the reserved mineral interests, the State Director will notify the applicant that the application has been accepted but that the offer has been rejected. The notification will be made by use of Form FHA-991, which will be completed to show the reason for the rejection of the offer, and to advise the applicant as to the amount determined to represent the fair market value of the reserved mineral interests, and as to the period of time within which a subsequent offer in that amount would be acceptable to the Government. Two copies of the subsequent offer form, Form FHA-992, will be furnished to the applicant with the notice of rejection.

(iii) If a subsequent offer on Form FHA-992 is received within the time and in the amount specified in Form FHA-991, the State Director will accept the offer, and the sale transaction will be completed in the manner provided for in subdivision (i) of this subparagraph. If a subsequent offer is received within the time specified in Form FHA-991 but in a different amount than specified therein, the offer will not be considered but will be immediately returned to the applicant personally or by mail with appropriate explanation. If a subsequent offer on Form FHA-992 is received after the date specified in Form FHA-991 and while the application is still in effect, the subsequent offer will be considered on the basis of the fair market value existing at the time action is taken thereon, and the offer will be handled as if it were an original offer. If an application is withdrawn by the applicant, rejected by the Government, or terminates, any abstract of title submitted by the applicant as evidence of his surface title will be returned to him.

(e) *Establishment of fair market value.* In fair market value areas, appraisals will be required and the reserved mineral interests will be sold for their fair market value. "Fair market value" as applied to the sale of such reserved mineral interests means the cash price for which they could reasonably be expected to sell upon negotiations be-

tween a reasonably well-informed owner who is willing but not obligated to sell, and a reasonably well-informed buyer who is able and willing but not obligated to buy.

(1) *Fair market value.* The fair market value of the reserved mineral interests in each case will be established by the State Director taking into consideration the appraisal information, his personal knowledge, and any other available pertinent information, including any information which is obtainable from State authorities on mineral development, production, and other relevant matters.

(2) *Appraisal by County Committee and County Supervisor.* A fair market value appraisal will be made by the appropriate Farmers Home Administration County Committee and County Supervisor for the reserved mineral interests covered by each application in fair market value areas. Some of the factors to be considered in making such appraisals and to be covered by the appraisal report are geological information which may be available, leasing activity, lease bonus and rental prices, prices being paid for royalty or mineral rights in the immediate area, trading activity in royalty or minerals and leases, proximity to drilling or mining activity, and results of previous drilling or mining operations.

(3) *Technical appraisals.* In some cases, the State Director may, because of the existence of development or other conditions, deem it necessary to obtain technical appraisals by persons experienced in the field of appraising minerals. Such appraisals may be made by qualified Government appraisers or by other qualified persons.

#### **§ 1886.5 Failure to accept delivery of quitclaim deeds.**

In any case in which the applicant does not accept delivery of the quitclaim deed of mineral interests (and pay the purchase price in fair market value areas) within fifteen (15) days from the date delivery is tendered to him, the contract resulting from the application, offer, and acceptances will terminate automatically, and the County Supervisor will return the deed to the State Director for cancellation. The applicant will agree to such cancellation by the execution of a rider attached to his application Form FHA-987 or FHA-990, and made a part of such application.

### **PART 1887—SALE OF ABSTRACTS OF TITLE**

Sec.	
1887.1	General.
1887.2	Sales authority.
1887.3	Sales.

**AUTHORITY:** The provisions of this Part 1887 issued under R.S. 161; 5 U.S.C. 22. Interpret or apply sec. 203, 63 Stat. 385, as amended; 40 U.S.C. 484.

#### **§ 1887.1 General.**

Government-owned abstracts of title covering lands in which the Government no longer has any interest will be considered surplus personal property and sold. By memorandum dated February 27,



1952, the Administrator, General Services Administration, authorized the Secretary of Agriculture to dispose of surplus property abstracts under his jurisdiction without further report of such abstracts to that Administration.

#### § 1887.2 Sales authority.

State Directors, State Field Representatives, and County Supervisors are authorized to dispose of surplus abstracts of title as outlined in this part. Finance Office officials have negotiated sales authority.

#### § 1887.3 Sales.

Sales of surplus abstracts of title will be for cash and generally will be negotiated in cases where the reasonable recovery value involved in any one sale does not exceed \$500. In the event it appears that the reasonable recovery value in any one sale will exceed \$500, it is required that such abstracts be advertised for sale. All abstracts covering land owned by a particular individual may be sold as a unit, even though they cover separate, noncontiguous tracts.

(a) *Negotiated sales.* Sales will be negotiated to the extent practical, at the best price obtainable, with (1) the owners, either surface or mineral, (2) local title companies, lawyers, or other persons engaged in preparing abstracts of title for the public generally, and (3) persons holding a mortgage or other interest. When equal offers are received from owners and others, the sale should be made to the owners. In those cases where an abstract covers a tract of land which has been subdivided, and the land interests are held by several parties, determination should be made as to whether they wish to purchase the abstract jointly. If all of them are not interested in making a joint purchase of the abstract, the abstract may be sold to any one or more of the several owners who are interested in buying it.

(b) *Advertised sales.* If there should be cases where it appears that the reasonable recovery value of surplus abstracts of title in any one sale will exceed \$500, the Finance Office will furnish the State Office with the required invitation to bid forms and necessary instruction for handling the matter and for the return of the bid docket to the Finance Office for execution of the contract of sale by an authorized contracting officer.

### PART 1891—WATERSHED LOANS

#### Subpart A—Policies and Authorities

Sec.	
1891.1	General.
1891.2	Application for loans.
1891.3	Eligibility for loans.
1891.4	County Committee recommendations and comments.
1891.5	Loan purposes.
1891.6	Loan limitations.
1891.7	Special requirements.
1891.8	Terms of loans.
1891.9	Security requirements.
1891.10	Approval of loans.
1891.11	Planning advances.
1891.12	Multiple loan advances.
1891.13	Loan closing.

Sec.	
1891.14	Use of and accountability for loan funds.
1891.15	Accounts and records of local organization.

#### Subpart B—Processing and Servicing

1891.21	General.
1891.22	Application for loan.
1891.23	County Committee recommendations.
1891.24	Preparation, assembly, and submission of loan dockets.
1891.25	Approval of loans.

**AUTHORITY:** The provisions of this Part 1891 issued under R.S. 161, 5 U.S.C. 22. Interpret or apply secs. 1-8, 68 Stat. 666-668, as amended, secs. 8, 9, 70 Stat. 1090; 16 U.S.C. 1001-1007, 1006a, 1006b, E.O. 10584, 19 F.R. 8725, 3 CFR 1954 Supp.

#### Subpart A—Policies and Authorities

##### § 1891.1 General.

Watershed loans to local organizations are authorized under the Watershed Protection and Flood Prevention Act (Pub. Law 566, 83d Cong., as amended by Pub. Law 1018, 84th Cong.) referred to in this part as the act. The Secretary of Agriculture is authorized by the act to give technical and financial help to local organizations in planning and carrying out works of improvement for protecting and developing the land and water resources in small watershed or subwatershed project areas. Local people acting through their own local organizations must take the initiative and full responsibility for starting small watershed projects.

(a) *Definitions.* (1) For Watershed loan purposes, the term "local organization" means a State or a department, agency, or political subdivision thereof, soil or water conservation district, irrigation district, drainage district, flood prevention or control district, municipal corporation, or similar agency having authority under State law to carry out, maintain and operate works of improvement, and to borrow any repay loans for the installation thereof.

(2) "Works of improvement" are defined as structural or land treatment measures needed in small watershed or subwatershed areas and included in a watershed work plan for (i) flood prevention to reduce floodwater, sediment, and erosion damage, or (ii) the conservation, development, utilization, and disposal of water.

(3) A "watershed work plan" is a plan agreed upon by a local organization and the Soil Conservation Service for carrying out, operating, and maintaining works of improvement for protecting and developing land and water resources in a particular watershed or subwatershed area. It describes the watershed and its problems and needs. It contains estimates of costs, proposed cost-sharing arrangements, responsibilities, and economic justification for specific works of improvement desired by local people for protection and improvement of that watershed. When approved, it is the basis for extending Federal, technical, and cost-sharing assistance. It will be used by the Farmers Home Administra-

tion when considering an application for a Watershed loan.

(4) A "watershed project" is a system of works of improvement in a watershed or subwatershed area of not more than 250,000 acres for flood prevention, irrigation, drainage, municipal water supply, or other water management purposes.

(b) *Coordination of Soil Conservation Service and Farmers Home Administration responsibilities and activities.* The Secretary of Agriculture assigned to the Farmers Home Administration responsibility for administering section 8 of the act relative to loans. The Soil Conservation Service is responsible for administering the other sections of the act. The Memorandum of Understanding entered into by the Soil Conservation Service and the Farmers Home Administration covers policies and methods coordinating these assigned responsibilities.

(c) *Cost sharing.* The act provides for sharing certain costs of installing works of improvement by the Federal Government and by local organizations. Under certain conditions, cost sharing and free engineering services are available for the items listed under § 1891.5(a)(1). No cost sharing is available to pay installation costs allocated to water storage for the purposes listed in § 1891.5(a)(2). Cost sharing arrangements will be included in the watershed work plan.

##### § 1891.2 Application for loans.

Each local organization requesting a Watershed loan will make application by submitting a letter to the State Director of the Farmers Home Administration. The letter should give the address of the applicant, the name and location of the watershed, a brief description of the facilities to be installed with the loan, the estimated amount of the Watershed loan needed, and a brief statement about the organization including an exact reference to, and citation of, the statute under which the applicant is, or will be, organized, and the statute or statutes which give the applicant authority and power to obtain the loan and repay it. The letter should be signed by the presiding officer if the group is incorporated, or by the members of the organizing committee if the group is not incorporated.

(a) Upon receipt of an application, the State Director will consult with the State Conservationist of the Soil Conservation Service to ascertain the status of a watershed plan, the estimated cost of the proposed works to be installed with the loan, and any cost sharing which may be available to the organization. This information, the letter of application, and any other pertinent information the State Director has will be forwarded to the National Office with his comments and recommendations.

(b) If the National Office determines that favorable consideration should be given to the application, it will provide further instructions and assistance for the development and submission of a loan docket. If it is determined that no further consideration should be given to the application, the National Office will advise the State Director why favorable action cannot be taken.



### § 1891.3 Eligibility for loans.

To be eligible for a Watershed loan, the local organization must:

(a) Be a public or quasi-public organization such as a political subdivision of a State, a municipality or a drainage district, or similar organization with authority under State law to install, maintain, and operate works of improvement to be installed with the Watershed loan.

(b) [Reserved]

(c) Have the legal capacity and organizational arrangements necessary for obtaining, giving security for, and raising revenues for repaying the loan and for operating and maintaining the facilities to be financed with the loan.

(d) Sponsor, co-sponsor, or agree to participate in a watershed work plan which provides for the installation, operation, and maintenance of works of improvement.

### § 1891.4 County Committee recommendations and comments.

County Committee recommendations and comments will be obtained on each Watershed loan application.

(a) Comments will be obtained from the County Committee in the county in which the applicant's principal place of business is located. When the watershed covers more than one county, recommendations and comments may be obtained from such of the other County Committees as the State Director deems desirable to have on issues such as the local sentiment and the need for the project.

(b) The recommendations will cover, but need not be limited to, the community need for and interest in the proposed works of improvement, local issues, and other items of a similar character which will be helpful to the approving official.

### § 1891.5 Loan purposes.

(a) Watershed loans may be made for the following purposes:

(1) Installing, repairing, or improving works of improvement in the following categories:

(i) Facilities for the storage and conveyance of water to farms for irrigation.

(ii) Drainage facilities in farm areas.

(iii) Facilities for the storage or development, treatment, and conveyance of water in rural areas primarily for use on farms for farmstead, livestock, and orchard and crop spraying purposes.

(iv) Other agricultural water management measures and practices for such purposes as the stabilization of annual streamflow, increasing the recharge of ground water reservoirs, and the conservation of existing water supplies by the control of undesirable vegetation such as salt cedars and willows.

(v) Special land treatment measures, structures, or equipment which are primarily, though not exclusively, for flood prevention but will produce community benefits sufficient to justify the use of taxes or other revenues available to the local organization to install and maintain such measures, structures, or equipment, and to repay loans for that purpose. These include:

(a) Observation towers, dwellings for fire guard personnel, tank trucks, and

other equipment for fire prevention and control.

(b) Tree plantings and the establishment of other vegetative cover needed for the stabilization of critical runoff and sediment producing areas.

(c) Minor structural and vegetative measures to stabilize stream channels and gullies.

(d) On-farm measures such as level water retention terraces used to control runoff and sediment in lieu of downstream flood prevention structures.

(2) Installing, repairing, or improving water storage facilities, including outlet works for such purposes as municipal water supply, recreation, fish and wildlife improvement, and pollution abatement by stream-flow regulation and saline water intrusion control. A Watershed loan for a storage reservoir for municipal water supply may include funds for pipelines to convey the water from the reservoir to the existing municipal treatment facilities or water system.

(3) The purchase of land or an interest therein for sites of rights-of-way upon which works of improvement will be located and associated costs such as the removal, relocation, or replacement of bridges, roads, railroads, pipelines, buildings, and fences.

(4) The acquisition of a water supply or a water right. This may be acquired by purchase or by appropriation pursuant to local, State, and Federal laws. The loan may include funds for the purchase of land on which the water supply or water right is presently being used when the water supply or water right cannot be purchased without the land.

(5) The hiring of, or contracting for, personal services such as the services of engineers, attorneys, auditors, construction foremen and clerks needed for organizing the group, making engineering surveys, developing construction plans, administering construction contracts, and supervising the construction of works of improvement. Funds to pay costs incidental to loan closing, such as those incurred to obtain title evidence, clear titles, and to file or record lien instruments may be included in a loan.

(6) The purchase of equipment and machinery needed by the local organization for construction, installation, and maintenance of planned works of improvement in the categories under subparagraph (1) of this paragraph, provided the equipment is not available at reasonable rental cost or the cost of works of improvement will be lower as the result of such purchase.

(7) To refinance debts of a local organization when all of the following conditions exist:

(i) The indebtedness being refinanced was incurred in the installation or rehabilitation of works of improvement of the types for which loan funds could be advanced.

(ii) The creditor(s) is unwilling to extend, subordinate, or modify the terms of the debts and any security instruments to provide a satisfactory basis for the loan.

(iii) The amount to be advanced for refinancing is an incidental part of the loan being made.

(b) Loan funds may not be used for:

(1) Irrigation or drainage facilities for the primary purpose of bringing into production land which has not previously been in agricultural production; however, this will not preclude using funds to install facilities which result in the incidental conversion of some land from nonagricultural to agricultural production. Land in agricultural production shall be construed to refer to all land which has been cleared or substantially improved and is used for any farm crop, including pasture. It does not include woodland, brush, wildland, native range, swampland, or marshland unless such land was formerly in agricultural production and has since reverted to a condition of nonuse or lesser use.

(2) Land treatment measures on individual farms except as provided in paragraph (a) (1) (v) of this section.

(3) Recreational facilities such as boat docks, picnic and lodging accommodations, golf courses, and other facilities of a similar character.

(4) Water treatment plants and pipelines or other facilities for distributing water in urban, suburban, or other non-rural areas substantially developed for residential and commercial uses. When such facilities will be needed to make use of the stored water, and loan repayments will depend upon income derived from such use, the applicant must present evidence, before loan closing, that these facilities can be financed and installed as needed.

(5) Electric generating, transmission, and distribution facilities.

(6) Fish and wildlife facilities such as hatcheries, rearing ponds, and fences.

(7) Paying costs allocated in a watershed work plan to structural measures for flood prevention.

(8) Storm and sanitary sewers.

(9) Drainage facilities primarily for nonrural areas.

### § 1891.6 Loan limitations.

The total amount of principal outstanding for all Watershed loans for any one watershed project, whether made to one or more borrowers, shall not exceed \$5,000,000. However, a local organization sponsoring, co-sponsoring, or participating in more than one watershed project may receive a separate Watershed loan for each watershed project, provided the amount of each such separate Watershed loan to the local organization together with the amount of Watershed loans to other borrowers does not exceed \$5,000,000 for any one watershed project.

### § 1891.7 Special requirements.

(a) *Water rights.* Applicants under this program will be required to comply with applicable State and local laws and regulations governing appropriating, diverting, storing and using water, changing the place and manner of use of water, and in disposing of water. All of the rights of any landowner, appropriator, or user of water from any source shall be fully honored in all respects as they may be affected by facilities installed with Watershed loans. If, under the provisions of State law, notice of the proposed diversion or storage of water by the



applicant may be filed, the applicant will be required to file such a notice. Even though such filing may be optional under State law, the record might be of value at some future time to protect the borrower's rights or priority to the use of water.

(b) *Title requirements.* Title clearance on real estate or interest in real estate to be taken as security for loans will be in accordance with applicable regulations governing Soil and Water Conservation loans to associations.

(c) *Insurance.* The applicant will obtain insurance coverage in the amounts and types specified by the Administrator of the Farmers Home Administration in his loan approval memorandum.

(d) *Bonding.* (1) Prior to the execution of construction contracts by the local organization, contractors shall furnish Surety Bonds to guarantee both performance and payment.

(2) The local organization will provide Fidelity Bond coverage for the officials entrusted with the receipt and disbursement of its funds and the custody of any property. The amount of the bond will be at least equal to the maximum amount of money that the local organization will have on hand at any one time exclusive of loan funds deposited in a supervised bank account.

(3) The amount of coverage required in Surety and Fidelity Bonds will be specified by the Administrator in his loan approval memorandum.

#### § 1891.8 Terms of loans.

(a) *Repayment period.* Loans will be scheduled for repayment within the shortest period consistent with the ability of the borrower to pay. In no instance will the repayment period exceed 50 years from the date when the principal benefits from works of improvement first become available. Ordinarily, installments will be amortized and payments will be scheduled annually on January 1, starting with the first January following the date of loan closing or the end of any approved deferment period. There must be adequate evidence that income will be sufficient to meet all scheduled repayments.

(b) *Deferred or partial payments.* Deferred or partial payments may be scheduled for a period not to exceed the second January 1 after the date when the principal benefits from works of improvement first become available. Deferred or partial payments will be permitted only when:

(1) Repayments will be dependent upon the increased returns expected from planned works of improvement, or from the installation on individual farms of land development or other soil and water improvements essential for obtaining benefits from works of improvement to be installed with loan funds.

(2) The deferment or partial payment will not be used to permit the accelerated repayment of other debts, to make capital improvements, or to create operating reserves.

(3) The deferment or partial payment does not violate State or local laws affecting the creation and repayment of debts by the borrower.

(c) *Interest.* (1) Interest will begin with the date of the note or bond. When a loan is made in multiple advances, interest on the first advance will begin with the date of the note or bond and interest will begin on each subsequent advance on the date of the check.

(2) The interest rate on loans will be the average rate, as determined by the Secretary of the Treasury, payable by the United States Treasury upon its marketable public obligations outstanding at the beginning of the fiscal year in which a loan agreement is executed, which are neither due nor callable for redemption for 15 years from date of issue. The rate will be announced as of July 1 for each fiscal year, and this rate will prevail throughout the fiscal year. When a loan is approved, the interest rate for that particular loan will be the interest rate in effect for the fiscal year in which the loan agreement is executed and will not change during the life of the loan.

(d) *Payments.* (1) Each borrower may make prepayments in any amount at any one time.

(2) Payments will be applied first to interest accrued on the note to the date of the receipt of payment, and second to the principal balance on the note. If the regular payments plus any prepayments exceed the cumulative amount due on the note, the excess payments will be applied on next due installments except that loan refunds and proceeds from the sale of security property will be applied on the final unpaid installment(s).

#### § 1891.9 Security requirements.

Watershed loans will be secured in a manner which will adequately protect the interests of the Government. Security requirements will be determined and made as a loan approval condition for each applicant. In general, however, bonds or other evidence of debt will be required that meet all statutory requirements pertaining to their authorization, sale, and acceptance and, unless the loan is approved with security of a pledge of revenues only, one or more of the following types of security will be required:

(a) A statutory tax or mortgage lien.

(b) A first lien on real and personal property, exclusive of easements, rights-of-way, and water rights owned by the applicant at the time the loan is approved. If a first lien is not obtainable, a junior lien may be taken.

(c) A first lien on property acquired with loan funds exclusive of easements, rights-of-way, and water rights.

(d) A lien on the interest of the applicant in all easements, rights-of-way, and water rights used in connection with works of improvement. In some instances, such easements or rights-of-way will involve private lands, and will not be derived pursuant to State Statutes authorizing the installation of works of improvement across lands of other owners. In such instances, local organizations will obtain partial releases or consents to such easements and rights-of-way from holders of outstanding liens which are disclosed by lien searches covering a period of at least 10 years prior

to the execution of the easements and rights-of-way.

(e) Assignment of income.

#### § 1891.10 Approval of loans.

(a) State Directors will be authorized to approve Watershed loans to local organizations on an individual case basis after review by the National Office of loan dockets and related watershed work plans, and State Directors' recommendations. Following the review, the Administrator will issue a memorandum to the State Director (1) authorizing the approval of the loan, (2) specifying conditions that must be met by the local organization, and (3) containing any special instructions needed for closing the loan. When the State Director approves a loan, he will send a memorandum of approval to the County Supervisor. The memorandum will include the conditions specified by the Administrator that must be met. The original of the memorandum will be delivered to the applicant by the County Supervisor.

(b) The Farmers Home Administration will not approve a Watershed loan until after the approval of a watershed work plan, which provides for the works of improvement to be financed with the loan. Watershed work plans are approved by the Soil Conservation Service and, if necessary, by Committees of the Congress. Congressional Committee approval is required when a watershed work plan involves an estimated Federal contribution to construction costs in excess of \$250,000, or includes any structure which provides more than 2500 acre-feet of total water storage capacity. If there is an urgent need to start construction, the loan docket may be prepared and submitted prior to the final approval of the watershed work plan by the Soil Conservation Service. The Farmers Home Administration will advise the local organization of work that needs to be done prior to loan closing; however, no loan commitment will be made until approval of the watershed work plan.

#### § 1891.11 Planning advances.

A portion, not to exceed the lesser of five percent or \$50,000, of the estimated amount of a Watershed loan may be advanced to the local organization, prior to loan closing, to pay for technical services and other expenses incidental to obtaining a Watershed loan. Such advances will be scheduled for repayment over a period of not to exceed five years except that at the time the total Watershed loan is closed, any unpaid portion of a planning advance may be rescheduled for repayment corresponding with the amortization schedule for the loan. These advances may be made provided all of the following conditions exist:

(a) The watershed work plan has been approved.

(b) A loan approval memorandum has been issued by the National Office and the applicant has agreed in writing to meet the conditions set forth therein.

(c) The local organization lacks, or cannot raise, funds of its own to pay for such services or is unable to arrange for the payment of such services and supplies until after the loan is closed.



(d) The local organization is legally organized and has the necessary powers to obligate itself for the advance of funds.

(e) The local organization either has or will raise income sufficient to meet scheduled payments on the advance.

(f) The advance can be secured in the manner specified in § 1891.9.

#### § 1891.12 Multiple loan advances.

A Watershed loan may be disbursed in multiple advances in accordance with the need of the local organization for funds, as shown by a construction schedule approved by the Soil Conservation Service.

#### § 1891.13 Loan closing.

Except for planning advances, no Watershed loan will be closed until:

(a) The Soil Conservation Service has scheduled the construction of works of improvement for which a loan, or any part thereof, is to be advanced.

(b) The local organization has met all requirements for receiving Federal assistance in the installation and operation of the scheduled works of improvement and the Soil Conservation Service has obligated funds and is ready to make payments to the local organization to cover the Federal share, if any, of installing such works of improvement.

(c) The local organization is ready to use the loan funds and has either met or will comply with those loan approval conditions and requirements in closing instructions which are to be completed on or before the day of loan closing.

#### § 1891.14 Use of and accountability for loan funds.

Each local organization will be required to use loan funds in accordance with its agreements with the Government. Watershed loan funds and any funds furnished by the local organization to supplement the loan will be deposited in a supervised or special bank account and will not be commingled with other funds of the local organization.

(a) The borrower may be required to deposit Watershed loan funds in a supervised bank account on the date of loan closing in accordance with Part 1803 of this Chapter.

(b) In lieu of a supervised bank account, the borrower may be permitted to deposit loan funds in a special bank account upon which withdrawals will be made by checks signed by two of the borrower's officials who are covered by a Fidelity Bond obtained in accordance with § 1891.7(d)(2).

(c) Preferably, loan funds should be deposited in banks covered by Federal Deposit Insurance. If the bank is not covered by Federal Deposit Insurance, or the amount deposited in a bank covered by Federal Deposit Insurance is not fully protected, the bank shall place in escrow account sufficient obligations of the United States to cover the amount of loan funds not protected.

(d) Funds deposited in joint bank accounts or in special bank accounts shall be pledged to the United States of America as security for the loan until expended for authorized purposes under a deposit agreement approved by the Farmers Home Administration.

(e) As long as any loan funds remain in a bank account, such account shall be subject to inspection by the Farmers Home Administration and to such periodic audits as the Farmers Home Administration may require. The borrower shall furnish to the County Supervisor for examination each bank statement.

(f) Payments to contractors or for other expenses incurred in the planning and construction of works of improvement will be made by checks drawn on a supervised or special bank account. Payments may be made in a lump sum at the completion of a job, or partial payments may be made as work progresses in accordance with partial payment provisions of construction contracts or other prearranged agreements with suppliers of materials or services. All payments for construction items will be based upon Form SCS-49a, "Contract Payment Estimate," prepared in an original and two copies by the borrower and approved by the Soil Conservation Service. Payments for personal services will be based upon periodic payrolls, and payments for other purposes such as title clearance and miscellaneous supplies will be based upon invoices or bills.

(1) If payments are to be made from a supervised bank account, the borrower will present Form SCS-49a, a periodic payroll, and an invoice or a bill, as appropriate, to the County Supervisor before checks are countersigned.

(2) If payments are to be made from a special bank account, the borrower will make a report to the County Supervisor covering such period as agreed upon by the borrower and the Farmers Home Administration, showing the payee, amount, and purpose of each check drawn during the period. The borrower will attach to the report a copy of the payroll, Form SCS-49a, receipts, or receipted bills or invoices for the checks issued. The receipts and receipted bills or invoices will be returned to the borrower.

#### § 1891.15 Accounts and records of local organization.

Borrowers shall establish and maintain such accounts and other records pertaining to transactions related to the installation, operation, and maintenance of works of improvement as may be required by the Farmers Home Administration. These accounts and records shall be kept in a form and manner satisfactory to the Farmers Home Administration and shall be open to inspection and audits by representatives of the Farmers Home Administration during the borrower's regular business hours. The borrower shall prepare and furnish to the County Supervisor at intervals designated by the State Director such written reports as may be required by the Farmers Home Administration.

### Subpart B—Processing and Servicing

#### § 1891.21 General.

This subpart and regulations contained in Part 1854 of this chapter will be used as a guide for processing Watershed loans. These regulations will be supplemented

on an individual loan basis by special instructions, approval memorandums, and closing instructions. To the extent possible, the National Office of the Farmers Home Administration will provide technical assistance to State Directors for developing and submitting loan dockets. Watershed loans will be serviced in accordance with regulations contained in Parts 1861 and 1862 of this chapter applicable to Soil and Water Conservation loans to associations. State Directors will utilize the authorities contained in subparagraphs (3), (6), (7), (8), (11), (12), and (14) of § 1861.43(a) of this chapter only with the prior approval of the National Office on an individual case basis. The Administrator may prescribe such special instructions on a case basis which he deems necessary for making and servicing of Watershed loans.

#### § 1891.22 Application for loan.

Loan applications will be processed in accordance with the provisions of § 1891.2.

#### § 1891.23 County Committee recommendations.

County Committee recommendations will be obtained on each application in accordance with the provisions of § 1891.4.

#### § 1891.24 Preparation, assembly, and submission of loan dockets.

(a) The preparation of a loan docket will not be started until the National Office has reviewed the application letter and has issued to the State Director such special instructions as may be needed, as provided in § 1891.2.

(b) If the National Office determines that favorable consideration should be given to the application, the County Supervisor will proceed with the assembly of the loan docket and will be responsible for its submission to the State Director.

(c) The applicant, with the advice and guidance of Farmers Home Administration personnel will:

(1) Prepare and execute Form FHA-28, "Association Proposal and Request for Funds."

(2) Supply or assist in obtaining information that is required by Farmers Home Administration personnel in preparing the narrative report on the application that will become a part of the loan docket.

(3) Prepare all documents that may have been required by the National Office in previous correspondence regarding the particular loan.

(d) The completed docket together with the recommendations of the State Director will be forwarded to the National Office.

#### § 1891.25 Approval of loans.

The Administrator will authorize the approval of loans and issue any special instructions needed for completing the processing of loans. When the State Director exercises the approval authority delegated to him by the Administrator, he will issue a memorandum of approval to the County Supervisor pursuant to



§ 1891.10. When authorization cannot be given for the approval of a loan, the Administrator will notify the State Director, who in turn will notify the applicant.

[F.R. Doc. 66-12023; Filed, Nov. 3, 1966; 8:45 a.m.]

# Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

## PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

### Subpart—U.S. Standards for Grades of Green Olives<sup>1</sup>

A proposal to revise the U.S. Standards for Grades of Green Olives was published in the FEDERAL REGISTER of September 14, 1965 (30 F.R. 11723). By notices in the FEDERAL REGISTER of January 8, 1966 (31 F.R. 270), March 29, 1966 (31 F.R. 5074), and May 17, 1966 (31 F.R. 7185), the originally published time for receiving written data, views, and arguments was extended first to April 1, 1966, then to May 2, 1966, and lastly to July 1, 1966.

*Statement of consideration leading to the revised standards.* Certain changes are made to the proposal of September 14, 1965, as a result of comments from interested persons. The more significant changes are:

(1) Lowering the required sodium chloride content of the packing media.

(2) Providing for the addition of suitable garnishes, spices, seasoning ingredients, or any other ingredient(s) permitted under the Federal Food, Drug, and Cosmetic Act.

(3) Relaxing the average count per pound limit for U.S. Grades B and C. Petite size (originally designated "midget") is now permitted in U.S. Grade A. Subpetite size (originally designated "Peewee") is permitted in, but limited to, U.S. Grade B. Olives counting 221 to 275 per pound are limited to U.S. Grade C. Counts above 275 olives per pound are limited to Substandard, regardless of the product's total score.

(4) Redefining major wrinkles to combine the originally proposed classifications of major wrinkles and serious wrinkles.

(5) Removing the stipulated limits for, and method for determining the presence of, reducing sugars.

Other changes include some editorial reorganization of text and modification of wording for clarification of meaning.

After considering all relevant data, views, and arguments presented, including the proposal set forth in the aforesaid notice, the following U.S. Standards for Grades of Green Olives are hereby promulgated pursuant to the au-

thority contained in the Agricultural Marketing Act of 1946.

(Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627)

The revision is as follows:

#### Subpart—United States Standards for Grades of Green Olives

##### PRODUCT DESCRIPTION, TYPES, STYLES, GRADES

###### Sec.

- 52.5441 Product description.
- 52.5442 Types of green olive pack.
- 52.5443 Styles of green olives.
- 52.5444 Grades of green olives.

##### SIZE DESIGNATIONS

- 52.5445 Sizes of whole style green olives.
- 52.5446 Size of pitted and stuffed styles of green olives.

##### RECOMMENDED MINIMUM DRAINED WEIGHTS

- 52.5447 Recommended minimum drained weights.
- 52.5448 Compliance with recommended minimum drained weights.

##### FACTORS OF QUALITY

- 52.5449 Ascertaining the grade of a sample unit.
- 52.5450 Ascertaining the rating for the factors which are scored.
- 52.5451 Color.
- 52.5452 Uniformity of size.
- 52.5453 Absence of defects.
- 52.5454 Character.

##### DEFINITION OF TERMS AND METHODS OF ANALYSIS

- 52.5455 Definition of terms.
- 52.5456 Methods of analysis.

##### LOT COMPLIANCE

- 52.5457 Ascertaining the grade of a lot.

##### SCORE SHEET

- 52.5458 Score sheet for green olives.

**AUTHORITY:** The provisions of this subpart, issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

##### PRODUCT DESCRIPTION, TYPES, STYLES, GRADES

###### § 52.5441 Product description.

Green olives are completely fermented and cured fruit of the olive tree (*Olea europaea*) which have been prepared from a firm fruit of suitable maturity and variety that have been properly treated to partially remove the characteristic bitterness. The cured olives and the brine packing media have a pH of not more than 4.00 and a sodium chloride content of not less than 6.00 percent. Not more than a trace of reducing sugars may be present. Suitable garnishes, spices, seasoning ingredients, or any other ingredient(s) permitted under the Federal Food, Drug, and Cosmetic Act may be added.

###### § 52.5442 Types of green olive pack.

(a) "Thrown pack" means green olives packaged without regard to placement or arrangement within the package.

(b) "Placed (or stick) pack" means green olives packaged in such a manner as to indicate that the individual olives have been carefully positioned in a definite pattern.

###### § 52.5443 Styles of green olives.

(a) "Whole" or "plain" green olives are those which have not been pitted.

(b) "Pitted" green olives are those from which the pits have been removed.

(c) "Stuffed" green olives are pitted green olives that have (1) pimiento; (2) onion; (3) almond; (4) celery; or (5) any other suitable ingredient stuffed into the pit cavity.

(d) "Halved" green olives are pitted green olives that have been cut lengthwise into two approximately equal parts.

(e) "Sliced" green olives are pitted green olives cut into parallel slices of fairly uniform thickness.

(f) "Chopped" or "Minced" (or "Relish-type") green olives are small random-sized cut pieces or cut bits prepared from pitted green olives.

(g) "Broken pitted" or "Salad pack" green olives are pitted olives, whole or broken or stuffed, that have not been cut or sliced.

###### § 52.5444 Grades of green olives.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of whole, pitted, stuffed, halved, and sliced green olives that: (1) Have similar varietal characteristics; (2) have normal flavor and odor; (3) have good color; (4) are practically uniform in size in whole, pitted, and stuffed styles of single sizes; (5) are practically free of defects; (6) have good character; and (7) score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of whole, pitted, stuffed, halved, sliced, and chopped or minced styles of green olives that: (1) Have similar varietal characteristics; (2) have normal flavor and odor; (3) have reasonably good color; (4) are reasonably uniform in size in whole, pitted, and stuffed styles of single sizes; (5) are reasonably free of defects; (6) have reasonably good character; and (7) score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U.S. Grade C" (or "U.S. Standard") is the quality of whole, pitted, stuffed, halved, sliced, chopped, or minced, and broken pitted styles of green olives that: (1) Have similar varietal characteristics; (2) have normal flavor and odor; (3) have fairly good color; (4) are fairly uniform in size in whole, pitted, and stuffed styles of single sizes; (5) are fairly free of defects; (6) have fairly good character; and (7) score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of any style of green olives that fails to meet the applicable requirements of U.S. Grade C.

##### SIZE DESIGNATIONS

###### § 52.5445 Sizes of whole style green olives.

(a) *General.* (1) The count for green olives is calculated on the basis of the drained weight of the olives from all sample units comprising the sample.

(2) The "counts per pound" in Table I are expressed as a range in count from the minimum to maximum number for a stated size. Where a single approximate count per pound is stated, it is an

<sup>1</sup> Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.



weight of the sieve and olives minus the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of 1-quart size containers and smaller, and a sieve 12 inches in diameter for larger containers.

TABLE 11—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR GREEN OLIVES (WHOLE, PITTED, AND STUFFED STYLES)

(Container sizes)	$\frac{1}{2}$ pint		1 pint		1 quart		1 gallon
	Whole	Fitted and stuffed	Whole	Fitted and stuffed	Whole	Fitted and stuffed	Whole
<i>Size designations</i>	Ounces	Ounces	Ounces	Ounces	Ounces	Ounces	Ounces
Subpettle; Petto.....	5 $\frac{1}{2}$	4	11	9	22	18	88
Small; Select; Standard (s).....	5	3 $\frac{3}{4}$	10	8	21	17	88
Medium.....	5	3 $\frac{3}{4}$	10	8	21	17	88
Large.....	5	4	10	8 $\frac{1}{2}$	21	18	88
Extra Large.....	5	4	10	8 $\frac{1}{2}$	21	18	88
X-Large.....	4 $\frac{3}{4}$	4	10	8 $\frac{1}{2}$	21	18	88
XLanth.....	4 $\frac{3}{4}$	3 $\frac{3}{4}$	9 $\frac{1}{2}$	8	20 $\frac{1}{2}$	17	80
Giant.....	4 $\frac{1}{2}$	3 $\frac{3}{4}$	9 $\frac{1}{2}$	8	20 $\frac{1}{2}$	17	80
Jumbo.....	4 $\frac{1}{2}$	3 $\frac{3}{4}$	9 $\frac{1}{2}$	6	19 $\frac{1}{2}$	16 $\frac{1}{2}$	80
Colossal.....	4 $\frac{1}{2}$	3 $\frac{3}{4}$	9 $\frac{1}{2}$	7 $\frac{1}{2}$	20 $\frac{1}{2}$	17	80
Super Colossal.....	4 $\frac{1}{2}$	3 $\frac{3}{4}$	9 $\frac{1}{2}$	7 $\frac{1}{2}$	20 $\frac{1}{2}$	17	80
Mixed Sizes.....	5	4	10	8 $\frac{1}{2}$	21	18	88

<sup>1</sup> Recommended minimum drained weight for other container sizes are proportionate to the 1 quart recommendation, based on the applicable size and style.

TABLE III—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR GREEN OLIVES (HALVED, CHOPPED OR MINCED, SUCED AND BROKEN PILED STYLES)

Container sizes <sup>2</sup>	4.4 ounces	1 pint	1 quart	1 gallon
<i>Styles</i>	Ounces	Ounces	Ounces	Ounces
Healed	2 1/4	7 1/2	15	72
Chopped or minced	4 1/4	15 1/2	31	122
Sliced	2 1/4	7 1/2	15	72
Broken pitted	2 1/4	7 1/2	15	72

<sup>a</sup> Recommended minimum drained weights for other container sizes are proportionate to the 1 quart recommendations for the applicable style.

**§ 52.5418 Compliance with recommended minimum drained weights.**

Compliance with the recommended minimum drained weights for green olives is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

## FACTORS OF QUALITY

§ 52.549 Ascertaining the grade of a sample unit.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) Factor not rated by score points.  
(i) Flavor and order.

(2) *Factors rated by score points.* The

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each factor are:

(i)	Color	20
(ii)	Uniformity of size	20
(iii)	Absence of defects	30
(iv)	Character	30
Total score		100

Total score-----100

(ii) Approximate the size illustrated in Table I; and












(iii) Are within the count range for such size.

(2) *Mixed sizes.* Green olives shall be considered "Mixed sizes" when the olives are not classifiable as a single size.

§ 52.5146 Size of pitted and stuffed styles of green olives.

The size designation for pitted and stuffed styles of green olives shall be that of the single size or a blend of sizes which conforms most closely to the size or sizes illustrated in Table I.

## TABLE I

ILLUSTRATION OF SIZES AND NUMERICAL DESIGNATION	SIZE DESIGNATION	OTHER SIZE DESIGNATIONS		ILLUSTRATION OF SIZES AND NUMERICAL DESIGNATION	SIZE DESIGNATION	OTHER SIZE DESIGNATIONS	
		CONUS SPACING RATIO	APPROXIMATE COUNT PER POUND			CONUS SPACING RATIO	APPROXIMATE COUNT PER POUND
Smaller than	Sub-Petite	221 or more more than 42%	420-430				
	Sub-Petite	Approximate 200 (181 to 220)			Medium	Approximate 70 (63 to 77)	350/70 340/70
	Petite or Light	Approximate 340/360 (310 to 380)			Light	23 to 64	330/70 320/70
	Small or Select or Standard	Approximate 435 (420 to 460)			June	42 to 52	310/70 300/110 290/100
	Medium	Approximate 515 (495 to 527)			Coarse	33 to 48	280/90 270/80
	Large	Approximate 598 (570 to 605)			Super Coarse	25 or less	60/70
	Extra Large	Approximate 82 (76 to 93)					

illustrations reduced to 461% percent of original size.

RECOMMENDED MINIMUM DRAINED WEIGHTS

**§ 52.5447 Recommended minimum drained weights.**

(a) *General.* The minimum drained weight recommendations for the various styles in Table II and Table III are not incorporated in the grade of the finished product, since drained weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for determining drained weight.* The drained weight of green olives is determined by emptying the container contents upon a U.S. Standard No. 8 sieve, of proper diameter, containing 8 meshes to the inch (0.0937-inch,  $\pm 3$  percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for 2 minutes. The drained weight is the



**§ 52.5450 Ascertaining the rating for the factors which are scored.**

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

**§ 52.5451 Color.**

(a) *General.* The evaluation of color shall be determined immediately after the container has been opened and, as applicable for the style, is based upon the exterior color, the interior flesh color, and general appearance. The exterior color of "halved" style is determined on the uncut surfaces.

(b) (A) *Classification.* Green olives that have good color may be given a score of 18 to 20 points. "Good color" has the following meaning for the applicable styles:

(1) *Whole; pitted; stuffed; halved.* The olives have a practically uniform bright yellow-green to green exterior color that is characteristic of the variety, a light colored flesh, and not more than 5 percent, by count, of the olives or units thereof may vary from such color that is typical of the variety from which prepared: *Provided*, That in stuffed style or when garnish is added the stuffing or garnish shall have a good characteristic color typical of the product used.

(2) *Sliced.* The general color of the olives is normal and typical of these styles prepared from olives having at least reasonably good color and when garnish is added the garnish shall have a good characteristic color typical of the product used.

(c) (B) *Classification.* Green olives that have reasonably good color may be given a score of 16 or 17 points. "Reasonably good color" has the following meaning for the applicable styles:

(1) *Whole; pitted; stuffed; halved.* The olives have a reasonably uniform yellow-green to green exterior color, a light colored flesh, and not more than 10 percent, by count, of the olives or units thereof may vary from such color that is typical of the variety from which prepared: *Provided*, That in stuffed style or when garnish is added the stuffing or garnish shall have a reasonably good characteristic color typical of the product used.

(2) *Sliced; chopped or minced.* The general color of the olives is normal and typical of the styles prepared from olives having at least fairly good color and when garnish is added the garnish shall have a reasonably good characteristic color typical of the product used.

(d) (C) *Classification.* Green olives that have fairly good color may be given a score of 14 or 15 points. Green olives that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" has the following meaning for the applicable styles:

(1) *Whole; pitted; stuffed; halved.* The olives have a fairly uniform yellow-

green to green exterior color, may have a variable colored flesh, and not more than 20 percent by count, of the olives or units thereof may vary from such color that is typical of the variety from which prepared: *Provided*, That in stuffed style or when garnish is added the stuffing or garnish shall have a fairly good characteristic color typical of the product used.

(2) *Sliced; chopped or minced.* The general color of the olives is normal and varies more markedly than these styles prepared from olives with fairly good color.

(3) *Broken pitted.* The general color of the olives is normal and may be variable, but is typical of this style prepared from olives with good, reasonably good, or fairly good color.

(e) (SStd) *Classification.* Green olives that are extremely dull grey-green, dark, oxidized, or have other abnormal color or that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

**§ 52.5452 Uniformity of size.**

(a) *General.* (1) Uniformity of size refers to the variation in diameters of whole, pitted, and stuffed styles. "Diameter" means the shortest measurement at the greatest diameter thickness of the olive when measured at right angles to the pit or pit cavity.

(2) The factor of uniformity of size is not applicable to mixed sizes or to halved, sliced, chopped or minced, and broken pitted styles; and is not scored. For mixed sizes and these styles the sum of the scores for the other factors (color, defects, and character) is multiplied by 10 and divided by 8, dropping any fractions, to determine the total score.

(b) (A) *Classification.* Whole, pitted, and stuffed style green olives of a single size that are practically uniform in size may be given a score of 18 to 20 points. "Practically uniform in size" means that of all the olives, the variation in diameters does not exceed  $\frac{1}{8}$  inch; and in 90 percent, by count, that are most uniform in diameter, the olive with the largest diameter does not exceed the olive with the smallest diameter by more than  $\frac{1}{16}$  inch.

(c) (B) *Classification.* Whole, pitted, and stuffed style green olives of a single size that are reasonably uniform in size may be given a score of 16 or 17 points. "Reasonably uniform in size" means that of all the olives, the variation in diameters does not exceed  $\frac{3}{16}$  inch; and in 80 percent, by count, that are most uniform in diameter, the olive with the largest diameter does not exceed the olive with the smallest diameter by more than  $\frac{1}{16}$  inch. Green olives of subpetite size (or olives of whole style that count 181 to 220 per pound) shall not be graded above U.S. Grade B or U.S. Choice, regardless of the total score for the product.

(d) (C) *Classification.* Whole, pitted, and stuffed style green olives of a single size that are fairly uniform in size or whole, pitted, or stuffed style green olives

of mixed sizes may be given a score of 14 or 15 points. "Fairly uniform in size" means that of all the olives, in 60 percent, by count, that are most uniform in diameter the olive with the largest diameter does not exceed the olive with the smallest diameter by more than  $\frac{1}{16}$  inch. Olives of whole style that count 221 to 275 per pound shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product.

(e) (SStd) *Classification.* Green olives of whole style that have an average count of more than 275 per pound or that otherwise fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

**§ 52.5453 Absence of defects.**

(a) *General.* Absence of defects refers to the degree of freedom from harmless extraneous material, pit material, stems and portions thereof, blemishes, wrinkles, mutilated olives, internal gas pockets, and from any other defects which affect the appearance or edibility of the product.

(b) *Definitions of defects*—(1) *Harmless extraneous material.* "Harmless extraneous material" means any vegetable substance that is harmless.

(2) *Pit material.* "Pit material" is classified as follows:

(i) "Pit" means any whole pit in other than whole olives, whether loose or partially attached to the flesh.

(ii) "Piece of pit" means any portion of pit regardless of size in pitted, stuffed, halved, sliced, or broken pitted styles.

(iii) "Fragments of pit" means any portion of pit in chopped or minced style that weighs more than 5 milligrams.

(3) *Stem.* A "stem" or any portion thereof that measures  $\frac{3}{32}$  inch or less from the shoulder of the olive is not considered a defect. Stems are classified as follows:

(i) A "minor stem" is a stem or portion thereof that measures more than  $\frac{3}{32}$  inch, but not more than  $\frac{5}{32}$  inch, from the shoulder of the olive.

(ii) A "major stem" is a stem or portion thereof that measures more than  $\frac{5}{32}$  inch from the shoulder of the olive.

(4) *Blemishes.* "Blemishes" mean dark-colored surface marks which may or may not penetrate into the flesh or internal discoloration. Blemishes are classified as follows:

(i) "Insignificant blemishes" are surface marks which do not penetrate perceptibly into the flesh and which individually or collectively do not more than slightly affect the appearance of the olive or unit.

(ii) "Minor blemishes" are surface marks which do not penetrate perceptibly into the flesh and which individually or collectively materially affect the appearance of the olive or unit.

(iii) "Major blemishes" include:

(a) Surface marks or similar injury which may or may not be associated with a soft texture below the skin and which individually or collectively seriously af-



fect the appearance or edibility, or both, of the olive or unit;

(b) Surface marks or bruises or similar injury which penetrate perceptibly into the flesh and which individually or collectively seriously affect the appearance or edibility, or both, of the olive or unit; and

(c) Internal discolorations of any type, or intensity, involving any portion of the flesh.

(5) *Wrinkles*. Classification of wrinkles shall be determined while olives are moist and any increase in wrinkling due to dehydration after removing from the container shall not be considered. Wrinkles are classified as follows:

(i) "Insignificant wrinkles" are those which are hairline in appearance and approximate less than  $\frac{1}{64}$  inch in width and, regardless of area covered, are not considered as defects.

(ii) "Minor wrinkles" are those which approximate  $\frac{1}{64}$  inch but not more than  $\frac{1}{32}$  inch in width and cover not more than approximately one-sixth of the area of the olive.

(iii) "Major wrinkles" are: (a) Minor wrinkles which cover more than one-sixth of the area on the olive; or (b) are wrinkles which are more than  $\frac{1}{32}$  inch in width and cover more than approximately one-sixth of the area of the olive.

(6) *Mutilated*. A "mutilated" olive in whole, pitted, or stuffed styles means an olive that is so pitter-torn or damaged by other means that the entire pit cavity is exposed or the appearance of the olive is seriously affected to the same degree.

(7) *Internal gas pockets*. Internal gas pockets that exceed  $\frac{1}{8}$  inch in length.

(c) (A) *Classification*. Green olives of whole, pitted, stuffed, halved, and sliced styles that are practically free of defects may be given a score of 27 to 30 points. "Practically free of defects" means that the green olives are practically free of any defects not specifically mentioned and that these defects may no more than slightly affect the appearance or edibility of the olives; that the packing media of stuffed olives is practically free of detached pieces of stuffing; that the overall appearance of the product is not materially affected by olives or units with insignificant blemishes; and, in addition, that the specifically mentioned defects do not exceed the allowances for U.S. Grade A set forth in Tables IV or V, as applicable.

(d) (B) *Classification*. (1) Green olives of whole, pitted, stuffed, halved, sliced, and chopped or minced styles that are reasonably free of defects may be given a score of 24 to 26 points. Green olives that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score of the product (this is a limiting rule).

(2) "Reasonably free of defects" means that the green olives are reasonably free of any defects not specifically mentioned and that these defects may more than slightly, but not materially, affect the appearance or edibility of the olives; that the packing media of stuffed

olives is reasonably free of detached pieces of stuffing; that the overall appearance of the product may be materially affected by olives or units with insignificant blemishes; and, in addition, that the specifically mentioned defects do not exceed the allowances for U.S. Grade B set forth in Tables IV or V, as applicable.

(e) (C) *Classification*. Green olives of whole, pitted, stuffed, halved, sliced, chopped or minced, and broken pitted styles that are fairly free of defects may be given a score of 21 to 23 points. Green olives that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free of defects" means that the olives are fairly free of any defects not

specifically mentioned and that these defects may materially, but not seriously, affect the appearance and edibility of the olives; that the packing media of stuffed olives is fairly free of detached pieces of stuffing; that the overall appearance of the product may be seriously affected by olives or units with insignificant blemishes; and, in addition, that the specifically mentioned defects do not exceed the allowances for U.S. Grade C set forth in Tables IV or V, as applicable.

(f) (SStd) *Classification*. Green olives that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE IV—DEFECT ALLOWANCES—GREEN OLIVES FOR WHOLE—PITTED—STUFFED—HALVED STYLES

Defects	U.S. grade A or U.S. fancy	U.S. grade B or U.S. choice	U.S. grade C or U.S. standard			
	<i>Maximum (on an average) per 100 whole, pitted, or stuffed olives or per 200 halved olives</i>					
Harmless extraneous material.	1 piece.....	2 pieces.....	3 pieces.			
Pit material (pitted, stuffed, and halved styles).	1 pit or piece of pit.....	2 pits or pieces of pits.....	3 pits or pieces of pits.			
Stems: minor and major.	Total of 6 but not more than 3 major stems.	Total of 10 but not more than 5 major stems.	Total of 20 but not more than 10 major stems.			
Darkened or blemished stuffing material (stuffed style).	5 olives.	7 olives.....	10 olives.			
Total and limiting (maximum) percentages by count of olives with defects stated						
	Total	Provided these limits are not exceeded	Total	Provided these limits are not exceeded	Total	Provided these limits are not exceeded
Blemishes: minor and major.	10 percent by count.	5 percent major blemishes or major wrinkles (combined).	15 percent by count.	10 percent major blemishes or major wrinkles (combined).	25 percent by count.	15 percent major blemishes or major wrinkles (combined).
Olives with internal gas pockets/mutilated olives.		3 percent with internal gas pockets and/or mutilated.		10 percent with internal gas pockets, 5 percent mutilated.		15 percent with internal gas pockets, 8 percent mutilated.

TABLE V—DEFECT ALLOWANCES—GREEN OLIVES FOR SLICED—CHOPPED—BROKEN PITTED STYLES

Defects	Broken pitted style	Sliced style	Sliced; chopped styles	Sliced; chopped styles
	U.S. Grade C or U.S. Standard	U.S. Grade A or U.S. Fancy	U.S. Grade B or U.S. Choice	U.S. Grade C or U.S. Standard
Harmless extraneous material:	Maximum (per pound of drained olives—average)			
Pit material.	2 pits or pieces of pit.	These or any other defects (including pieces of pits and fragments) do not more than slightly affect the appearance or edibility of the product.	These or any other defects (including pieces of pits and fragments) do not materially affect the appearance or edibility of the product.	These or any other defects (including pieces of pits and fragments) do not seriously affect the appearance or edibility of the product.
Stems: minor and major.	4 stems.			
Olives that are blemished by and/or major blemishes.	Maximum (by weight of drained olives) 15 percent.			

#### § 52.5154 Character.

(a) *General*. Character refers to the firmness, crispness, and texture characteristic for the variety and the condition of the epidermal tissue.

(b) *Definition of term*. (1) "Slip skin" refers to epidermal tissue that has become loosened and/or detached from the underlying flesh of the olive.

(c) (A) *Classification*. Green olives of whole, pitted, stuffed, halved, and

sliced styles that have good character may be given a score of 27 to 30 points. "Good character" means that the olives have a uniform tender texture that is characteristic of the variety and that is firm, crisp, and fleshy; and that the olives are practically free of slip skins.

(d) (B) *Classification*. Green olives of whole, pitted, stuffed, halved, sliced, and chopped or minced styles that have reasonably good character may be given



a score of 24 to 26 points. Green olives that score into this classification shall not be graded above U.S. Grade B, regardless of the total score (this is a limiting rule). "Reasonably good character" means that the olives have a reasonably uniform tender texture that is characteristic of the variety; that there may be a moderate variation in the firmness, crispness, and fleshiness; and that the olives are reasonably free of slip skins.

(e) (C) *Classification*. Green olives of whole, pitted, stuffed, halved, sliced, chopped, or minced, and broken pitted styles that have fairly good character may be given a score of 21 to 23 points. Green olives that score into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the olives have a fairly good texture that is typical of the variety; that they may vary from fairly firm and crisp to fairly hard and tough; and that the olives are fairly free of slip skins.

(f) (SStd) *Classification*. Green olives that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

#### DEFINITION OF TERMS AND METHODS OF ANALYSIS

##### § 52.5455 Definition of terms.

(a) "Completely fermented olives" means that the olives and brine contain not more than a trace of reducing sugars.

(b) "Normal flavor and odor" means that the green olives are free of any objectionable flavors or odors including, but not limited to, Zapatera and/or butyric acid flavors or odors.

(c) "Garnishes" means diced, cut, or chopped pimiento or sweet pepper; sliced, cut, chopped, or whole onions; sliced, cut, or chopped ripe olives; or other similar ingredients.

##### § 52.5456 Methods of analysis.

The reducing sugars and salt in green olives are determined in accordance with the latest official method outlined in Official Methods of Analysis of the Association of Official Analytical Chemists or any other method that gives equivalent results.

#### LOT COMPLIANCE

##### § 52.5457 Ascertaining the grade of a lot.

The grade of a lot of green olives covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§ 52.1 through § 52.87).

#### SCORE SHEET

§ 52.5458 Score sheet for green olives.

Number, size, and kind of container.....		
Label (including size declaration).....		
Container mark or identification.....		
Net weight (ounces).....		
Vacuum (inches) if any.....		
Drained weight (ounces).....		
Type of pack.....		
Size.....		
Style.....		
Average count per pound (whole style).....		
pH.....		
Percent NaCl (sodium chloride).....		
Factors	Score points	
Color.....	20	(A) 18-20
		(B) 16-17
		(C) 14-15
		(SStd) 10-13
		(A) 18-20
Uniformity of size.....	20	(B) 16-17
		(C) 14-15
		(SStd) 10-13
		(A) 27-30
		(B) 124-26
Absence of defects.....	30	(C) 121-23
		(SStd) 10-20
		(A) 27-30
		(B) 124-26
		(C) 121-23
Character.....	30	(D) 10-20
Total Score.....	100	
Normal flavor and odor.....		
Grade.....		

- 1 Limiting rule.
- 2 Limiting rule for Subpetite size.
- 3 Limiting rule for sizes counting 221 to 275 per pound.
- 4 Limiting rule for sizes counting more than 275 per pound.

The U.S. Standards for Grades of Green Olives (which is the second issue) contained in this subpart, shall become effective 60 days after the date of publication hereof in the FEDERAL REGISTER, and will thereupon supersede the U.S. Standards for Grades of Green Olives which have been in effect since June 1, 1946.

Dated: October 28, 1966.

G. R. GRANGE,  
Deputy Administrator,  
Marketing Services.

[F.R. Doc. 66-11945; Filed, Nov. 3, 1966;  
8:45 a.m.]

#### Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

##### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amtd. 11]

#### PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

##### Pooling and Transfer of Allotments

(a) This amendment is issued pursuant to section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)), section 124 of the Soil Bank Act (7 U.S.C. 1812), and the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g-p). This amendment (1) defines feed grain base, (2) provides that the pooling and trans-

fer provision of these regulations be inapplicable where a public entity acquires land for designation under the Cropland Adjustment Program pursuant to Part 751 of this chapter, and (3) provides that, subject to certain conditions, allotments and bases for an acquired farm need not be pooled in cases where the cropland on the acquired farm represents 15 percent or more of the total cropland on the farm.

(b) Since farms are now being acquired, it is essential that this amendment be made effective as soon as possible. It is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The regulations for Reconstitution of Farms, Allotments, and Bases (29 F.R. 13370, as amended), are amended as follows:

A new subparagraph designated (6) shall be inserted after subparagraph (5) of paragraph (a) of § 719.11 and subparagraphs (6) through (9) of such paragraph (a) shall be redesignated as subparagraphs (7) through (10). In addition, subparagraph (5) of paragraph (b) of § 719.11 is amended and a new subparagraph (6) of such paragraph shall be inserted after subparagraph (5) to read as follows:

§ 719.11 Pooling and transfer of farm acreage allotments and feed grain bases where the farm owner is displaced by an agency having the right of eminent domain.

(a) *Definitions*. \* \* \*

(6) *Feed grain base*. Bases established for corn, grain sorghums, and barley.

\* \* \* \* \*

(b) *Limitations on applicability of this section*. \* \* \*

(5) (i) To a farm acquired for non-farming purposes if the cropland on the acquired farm represents less than 15 percent of the total cropland on the farm. In such cases, the allotment and bases attributable to that portion of the farm so acquired shall remain with that portion of the farm not so acquired.

(ii) To a farm acquired for nonfarming purposes if the cropland on the acquired farm represents 15 percent or more of the total cropland on the farm: *Provided*, That (a) the owner from whom the farm is acquired files a request in writing that he be permitted to retain the allotment and feed grain base, or any part thereof, attributable to that portion of the farm so acquired on that portion of the farm not so acquired; (b) the sum of allotment and feed grain base does not exceed the cropland on that portion of the farm not acquired; and (c) the amount of allotment or feed grain base on that portion of the farm not ac-



quired does not exceed that amount established for other farms in the same area which are similar, taking into consideration the land, labor, and equipment available for the production of the commodity, crop rotation practices, and other physical factors affecting production. If any one of these conditions limits the acreage of allotment or feed grain base which may remain with the portion of the farm not acquired such acreage shall be pooled for the benefit of the displaced owner. In applying the provisions of this subparagraph, if a parent farm is composed of tracts under separate ownership, each separately-owned tract being acquired in whole or in part shall be considered a separate farm.

(6) To a farm acquired by a public entity having the right of eminent domain where the land is acquired for designation under the Cropland Adjustment Program pursuant to Part 751 of this chapter and the owner of the acquired farm as a part of the acquisition transaction agrees in writing that he will not request that any allotment or feed grain base be transferred from the farm so acquired.

(Secs. 375, 378, 52 Stat. 66, as amended, 72 Stat. 995, as amended, 7 U.S.C. 1375, 1378; sec. 124, 70 Stat. 198, 7 U.S.C. 1812; secs. 16(b), 74 Stat. 1030, 16(c), 75 Stat. 5, 16(d), 75 Stat. 302, 105(c), 75 Stat. 301, 16(h), 77 Stat. 45, 16 U.S.C. 590p)

**Effective date.** Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 31, 1966.

H. D. GODFREY,  
Administrator, Agricultural Sta-  
bilization and Conservation  
Service.

[F.R. Doc. 66-12041; Filed, Nov. 3, 1966;  
8:48 a.m.]

[Amdt. 1]

## PART 722—COTTON

### Subpart—1966 Upland Cotton Program

#### MISCELLANEOUS AMENDMENTS

The regulations governing the 1966 Upland Cotton Program, 31 F.R. 4884, are hereby amended as follows:

1. Section 722.809 is amended by changing the last sentence of paragraph (a) to read as follows: "The rate of diversion payment under the program with respect to land which is leased or rented on a cash-rent basis from the Federal, State, county, or local government, or subdivisions thereof, if such land is not otherwise ineligible for participation in the program, shall be the smaller of (i) the per acre payment rate for which the farm would have qualified if the exception for land cash-rented from a governmental unit were not in effect, or (ii) one-half of such rate plus the actual cash-rent per acre of the land, adjusted to take into account the quality of the acres actually diverted when compared

with the total acres rented and the services performed and capital improvements made at the producer's expense which are in addition to rent."

2. Section 722.815 is amended as follows:

a. Change the first sentence of paragraph (f) to read as follows: "A farm shall be eligible for a price support payment if producers on the farm file a Form 378 in accordance with § 722.812 and comply with all of the regulations in this subpart."

b. Change the third sentence of paragraph (f) to read as follows: "An acreage on the farm which the county committee determines was not planted to cotton because of flood, drought, or other natural disaster shall be deemed to be planted to cotton in accordance with instructions issued by the Deputy Administrator provided such acreage is not subsequently planted to any other crop for which marketing quotas or a voluntary adjustment program is in effect."

3. Section 722.817 is amended by adding at the end of paragraph (d) the following new sentence: "(The provisions of paragraph (b) of this section shall not apply to a cash tenant, standing-rent tenant, or a fixed-rent tenant unless such tenant was living on the farm in 1965 or received 50 percent or more of his income in such year from farming.)"

(Sec. 163(d), 79 Stat. 1194, 7 U.S.C. 1444(d))

**Effective date.** Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 31, 1966.

H. D. GODFREY,  
Administrator, Agricultural Sta-  
bilization and Conservation  
Service.

[F.R. Doc. 66-12042; Filed, Nov. 3, 1966;  
8:48 a.m.]

## SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 4]

## PART 751—LAND USE ADJUST- MENT PROGRAM

### Subpart—Cropland Adjustment Pro- gram for 1966 Through 1969

#### MISCELLANEOUS AMENDMENTS

The regulations governing the 1966-1969 Cropland Adjustment Program (31 F.R. 3483) are amended as follows:

§ 751.108 [Amended]

Section 751.108, *Cropland adjustment program bases*, paragraph (a) is amended by adding a new sentence at the end thereof to read as follows: "Effective beginning with 1967 agreements, (1) no cropland adjustment program base shall be determined for wheat and rice, and (2) the cropland adjustment program base determined for feed grains shall include only corn and grain sorghums."

§ 751.109 [Amended]

Section 751.109, *Awarding cropland adjustment agreements*, paragraph (a) (1) is amended by adding a new sentence

at the end thereof to read as follows: "Notwithstanding any other provision of this paragraph, at the prior request of the producer, an acreage of the feed grain base not to exceed 3 acres need not be diverted when the production of such acreage of corn or grain sorghums will be used primarily for home consumption."

§ 751.113 [Amended]

Section 751.113, *Agreement period*, paragraph (d) is amended by adding a new sentence at the end thereof to read as follows: "Notwithstanding any other provision of this paragraph, the agreement period for 1966 agreements under which wheat, rice, or barley is designated shall not be extended."

§ 751.115 [Amended]

Section 751.115, *Annual adjustment payments*, paragraph (e) is amended by adding a new sentence at the end thereof to read as follows: "Notwithstanding any other provisions of this paragraph, beginning with 1967 agreements, the adjustment payments shall be made in annual payments after compliance is determined but not before October 1 during each of the years of the agreement period."

§ 751.118 [Amended]

Section 751.118, *Designation and use of acreage diverted*, paragraph (b) (2) (xiii) is amended by changing the period at the end of the last sentence in parentheses to a colon and adding the following proviso: "Provided, That beginning with 1967 agreements, the continuation of an agreement by a new owner shall be permitted only if the county committee determines that the original agreement was entered into by the original owner in good faith with no intention of transferring his interest in the farm to another party."

§ 751.121 [Amended]

Section 751.121, *Permitted acreage on cropland adjustment program base crops diverted under the program*, is amended by changing the period at the end of the first sentence to a comma and adding the following: "except as otherwise authorized in § 751.109(a) (1)."

§ 751.123 [Amended]

Section 751.123, *Provisions relating to tenants and sharecroppers*, paragraph (d) is amended by deleting "the farm" at the end thereof and inserting in lieu thereof the word "farming".

Section 751.137 is amended to read as follows:

§ 751.137 **Preservation of cropland, crop acreage, and allotment history.**

The cropland, crop acreage, and allotment history shall be preserved in accordance with the regulations governing the preservation of cropland, crop acreage and allotment history, 7 CFR, Part 719, as amended.

§ 751.101 [Amended]

Section 751.101, *Definitions*, paragraph (e) is amended by adding at the end thereof the following new sentence: "The



word 'agreement' preceded by a year means an agreement containing an agreement period beginning with such year."

(Sec. 602(q), 79 Stat. 1210)

**Effective date.** Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 31, 1966.

H. D. GODFREY,  
Administrator, Agricultural Sta-  
bilization and Conservation  
Service.

[F.R. Doc. 66-12043; Filed, Nov. 3, 1966;  
8:48 a.m.]

## Title 29—LABOR

### Chapter XIV—Equal Employment Opportunity Commission

#### PART 1601—PROCEDURAL REGULATIONS

##### Processing of Cases

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-12(a), the Equal Employment Opportunity Commission hereby amends Part 1601 of its regulations to add a new § 1601.25a.

Section 706(e) of the Civil Rights Act requires that the Commission notify the charging party where it has failed to achieve voluntary compliance with Title VII within 60 days of the filing of the charge, and provides that upon receipt of such notice the charging party may bring an action in Federal court. Section 706(e) contemplates that such notification occur subsequent to the Commission investigation, determination of reasonable cause, and efforts at conciliation; however, because of its caseload the Commission has been and is unable to process cases through the stage of conciliation within 60 days. The Commission believes that in general the purposes of Title VII are better served by delaying the notification under section 706(e) until the proceedings before the Commission have been completed. However, we recognize that there may be circumstances under which either the charging party or the respondent may desire that the right to bring an action accrue as promptly as possible upon the expiration of the 60-day period, and where such a desire is clearly manifested, we believe it consistent with the statutory scheme that notification issue irrespective of the status of the case before the Commission. Accordingly, this amendment is intended to state clearly the circumstances under which the Commission will issue notification of its failure to achieve voluntary compliance pursuant to section 706(e) of the Act.

This amendment also reaffirms and makes a part of the Commission's procedural regulations the Commission determination of August 18, 1965, made pursuant to section 706(e) of the Act, extending the period for processing all cases from 30 to 60 days.

Because the amendments herein adopted are procedural in nature the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, for public notice and delay in effective date are inapplicable, and these regulations shall become effective immediately and shall apply to cases presently before the Commission.

1. The table of contents of Part 1601 is amended to insert the following item:

1601.25a Processing of cases; when notice issues under § 1601.25.

2. Part 1601 is amended to add a new § 1601.25a, reading as follows:

§ 1601.25a Processing of cases; when notice issues under § 1601.25.

(a) The time for processing all cases is extended to 60 days except insofar as proceedings may be earlier terminated pursuant to § 1601.19.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Commission shall not issue a notice pursuant to § 1601.25 prior to a determination under § 1601.19 or, where reasonable cause has been found, prior to efforts at conciliation with respondent, except that the charging party or the respondent may upon the expiration of 60 days after the filing of the charge or at any time thereafter demand in writing that such notice issue, and the Commission shall promptly issue such notice to all parties.

(c) Issuance of notice pursuant to § 1601.25 does not terminate the Commission's jurisdiction of the proceeding, and the case shall continue to be processed.

Signed at Washington, D.C., this 28th day of October 1966.

STEPHEN SHULMAN,  
Chairman.

[F.R. Doc. 66-12025; Filed, Nov. 3, 1966;  
8:46 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, De- partment of the Treasury

[T.D. 66-245]

#### PART 25—CUSTOMS BONDS

##### Bond for Articles for Exhibition

Section 25.4(a)(17) of the Customs Regulations provides that the bond for articles for exhibition, customs Form 7565, shall be taken in an amount equal to one and one-quarter times the estimated duties on the articles covered thereby.

Headnote 2, part 5B, schedule 8, Tariff Schedules of the United States, provides that the above-mentioned bond shall be given for the payment of lawful duties, but it does not prescribe the amount of the bond. In the opinion of the Bureau, an amount equal to the estimated duties determined at the time of entry is adequate.

Accordingly, § 25.4(a)(17) is amended by deleting therefrom "one and one-

quarter times" so that it will read as follows:

§ 25.4 Bonds approved by collectors; form and execution.

(a) \* \* \*

(17) Bond for articles for exhibition, customs Form 7565, in an amount equal to the estimated duties, as determined at the time of entry.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

The purpose of this amendment is to reduce the amount of the bond to be taken for articles imported for exhibition to an amount which has been found to be adequate to assure the collection of lawful duties. This is a determination which is necessarily based on facts within the knowledge of the Bureau of Customs. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice and public procedure are found to be unnecessary and good cause is found for making this amendment effective upon publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,  
Commissioner of Customs.

Approved: October 28, 1966.

TRUE DAVIS,  
Assistant Secretary  
of the Treasury.

[F.R. Doc. 66-12027; Filed, Nov. 3, 1966;  
8:46 a.m.]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

#### PART 204—DANGER ZONE REGULATIONS

#### PART 207—NAVIGATION REGULATIONS

Pacific Ocean, Hawaii; Black War-  
rior-Tombigbee Rivers, Alabama  
and Mississippi

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.223 establishing and governing the use and navigation of danger zones in the Pacific Ocean, Hawaii, is hereby amended with respect to paragraph (a) (1), revoking the danger zone off Kahuku Point, Island of Oahu, Hawaii, effective on publication in the FEDERAL REGISTER, since the area is no longer needed, as follows:

§ 204.223 Pacific Ocean, Hawaii; dan-  
ger zones.

(a) Danger zones—(1) Low level aer-  
ial radar target off Kahuku Point, Island  
of Oahu, Hawaii. [Revoked]



[Regs., Oct. 21, 1966, 1507-32 (Pacific Ocean, Hawaii)-ENGW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.180 is hereby amended with respect to paragraph (d) (8) deleting that portion of the regulation governing the operation of tows on the Black Warrior-Tombigbee River System, Alabama and Mississippi, effective on publication in the FEDERAL REGISTER since tows are now able to pass over the dams at old Locks 13, 14, and 15, as follows:

§ 207.180 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries and outlets) from St. Marks, Fla., to the Rio Grande; use, administration and navigation.

(d) Locks and floodgates. . . .

(8) Number of lockages. Tows or rafts locking in sections will generally be allowed only two consecutive lockages if individual vessels are waiting for lockage, but may be allowed more in special cases. If tows or rafts are waiting above and below a lock for lockage, sections will be locked both ways alternately whenever practicable. When two or more tows or rafts are waiting lockage in the same direction, no part of one shall pass the lock until the whole of the one preceding it shall have passed.

[Regs., Oct. 21, 1966, 1507-32 (Black Warrior-Tombigbee Rivers, Alabama and Mississippi)-ENGW-ON] (sec. 7, 40 Stat. 266; 33 U.S.C. 1)

KENNETH G. WICKHAM,  
Major General, U.S. Army,  
The Adjutant General.

[F.R. Doc. 66-12005; Filed, Nov. 3, 1966  
8:45 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter III—International Regulatory Agencies (Fishing and Whaling)

#### SUBCHAPTER A—INTERNATIONAL PACIFIC HALIBUT COMMISSION

#### PART 301—PACIFIC HALIBUT FISHERIES

Regulations of the International Pacific Halibut Commission adopted pursuant to the Pacific Halibut Fishery Convention between the United States of America and Canada, signed March 2, 1953: Part 301 of Title 50 is revised to read as follows:

- Sec.
- 301.1 Regulatory areas.
  - 301.2 Length of halibut fishing seasons.
  - 301.3 Closed seasons.
  - 301.4 Catch limits in Areas 2, 3A and 3B.
  - 301.5 Size limits.
  - 301.6 Licensing of vessels.
  - 301.7 Statistical return by vessels.
  - 301.8 Statistical return by dealers.
  - 301.9 Dory gear prohibited.
  - 301.10 Retention of halibut taken by nets.
  - 301.11 Retention of tagged halibut.
  - 301.12 Responsibility of master.

- Sec.
- 301.13 Supervision of unloading and weighing.
  - 301.14 Sealing of fishing equipment.
  - 301.15 Previous regulations superseded.

AUTHORITY: The provisions of this Part 301 issued under Art. III, 5 U.S.T. 5; TIAS 2900.

#### § 301.1 Regulatory areas.

(a) The "convention waters" which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern and the western coasts of Alaska shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

(b) Area 1 (south of Willapa Bay) shall include all convention waters southeast of a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in November 1964 (42d Edition) by the U.S. Coast and Geodetic Survey, which light is approximately latitude 46°44'03" N., longitude 124°04'38" W.

(c) Area 2 (Willapa Bay to Cape Spencer) shall include all convention waters off the coasts of the United States of America and of Alaska and of Canada between Area 1 and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in September 1964 (9th Edition) by the U.S. Coast and Geodetic Survey, which light is approximately latitude 58°11'57" N., longitude 136°38'18" W.; thence south one-quarter east.

(d) Area 3A (Cape Spencer to Shumagin Islands) shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running southeast one-half east from the highest point on Kupreanof Point, which highest point is approximately latitude 55°34'08" N., longitude 159°36'00" W.; the highest point on Kupreanof Point shall be determined from Chart 8859 as published March 1964 (4th Edition) by the U.S. Coast and Geodetic Survey.

(e) Area 3B (Shumagin Islands to Atka Island, not including Bering Sea) shall include all convention waters off the coast of Alaska that are between Area 3A and the meridian of 175° W. and that are south of straight lines running from Cape Kabuch Light at the head of Ikatan Bay, which light is approximately latitude 54°49'00" N., longitude 163°21'36" W.; thence to Cape Sarichef Light at the western end of Unimak Island, which light is approximately latitude 54°36'00" N., longitude 164°55'42" W.; thence to the head of Pumicestone Bay on Unalaska Island at a point approximately latitude 53°31'45" N., longitude 166°58'15" W.; thence to Ananiuliak Island Light on the southwest side of Unimak Island, which light is approximately latitude 52°59'48" N., longitude 168°55'06" W.; thence to Segum Island Light, which light is approximately latitude 52°23'16" N., longitude 172°26'15" W.; thence to the point at intersection with the meridian of 175° W. on Atka Island at a point ap-

proximately latitude 52°04'08" N. The positions of Cape Kabuch Light and Cape Sarichef Light were determined from Chart 8860 published in October 1964 (14th Edition); the positions of the head of Pumicestone Bay and Ananiuliak Island Light were determined from Chart 8861, published in March 1965 (2d Edition); the positions of Segum Island Light and the point on Atka Island were determined from Chart 8862, published in September 1953 (4th Edition), all charts as published by the U.S. Coast and Geodetic Survey.

(f) Area 3C (west of Atka Island, not including Bering Sea) shall include all convention waters off the coast of Alaska that are between Area 3B and a straight line running west northwest from Cape Wrangell, the westernmost extremity of Attu Island at a point approximately latitude 52°55'20" N., longitude 172°26'50" E., and that are south of straight lines running from a point on Atka Island at approximately latitude 52°04'08" N., longitude 175°00'00" W.; thence to Cape Amagalik on Tanaga Island, which cape is approximately latitude 51°40'40" N., longitude 178°07'00" W., thence to Aleut Point at the northwest end of Amchitka Island, which point is approximately latitude 51°38'20" N., longitude 178°37'20" E.; thence to Cape Wrangell. The position of Cape Amagalik was determined from Chart 8863, published in May 1959 (6th Edition), revised September 1963; the position of Aleut Point was determined from Chart 8864, published in June 1962 (6th Edition), revised March 1965; and the position of Cape Wrangell was determined from Chart 8865, published July 1963 (4th Edition), all charts as published by the U.S. Coast and Geodetic Survey.

(g) Area 4A (the edge between Unimak Pass and the Pribilof Islands in Bering Sea) shall include all the convention waters within the following boundary: From Cape Sarichef Light at the western end of Unimak Island, which light is approximately latitude 54°36'00" N., longitude 164°55'42" W.; thence in a straight line to a point at latitude 54°00'00" N., longitude 170°00'00" W.; thence true north to a point northeast of St. Paul Island, approximately latitude 57°15'00" N., longitude 170°00'00" W.; thence to the point of origin at Cape Sarichef Light.

(h) Area 4B (Fox Islands in Bering Sea) shall include all the convention waters within the following boundary: From Cape Sarichef Light at the western end of Unimak Island, which light is approximately latitude 54°36'00" N., longitude 164°55'42" W., westerly along the boundary line of Area 3B, as described in paragraph (e) of this section, to the point of intersection with the meridian of 170° W. at a point approximately latitude 52°48'00" N.; thence true north to a point at latitude 54°00'00" N., longitude 170°00'00" W.; thence to the point of origin at Cape Sarichef Light.

(i) Area 4C (south of a line between Cape Sarichef and Cape Navarin between 170° W. and 175° W. in Bering Sea) shall include all the convention waters



between the meridians of 170° W. and 175° W. that are north of the boundary of Area 3B as defined in paragraph (e) of this section, and that are south of a straight line between a point at latitude 57°15'00" N., longitude 170°00'00" W. and a point at latitude 59°42'00" N., longitude 175°00'00" W.

(j) Area 4D (west of 175° W. and the northeastern flats in Bering Sea) shall include all the convention waters which are not included in Areas 1, 2, 3A, 3B, 3C, 4A, 4B, 4C, and 4E.

(k) Area 4E (southeastern flats in Bering Sea) shall include all the convention waters within the following boundary: From Cape Sarichef Light at the western end of Unimak Island, which light is approximately latitude 54°36'00" N., longitude 164°55'42" W.; thence to a point northeast of St. Paul Island, approximately latitude 57°15'00" N., longitude 170°00'00" W.; thence to Cape Newenham, which cape is approximately latitude 58°39'00" N., longitude 162°10'25" W.; thence easterly and southerly along the Alaska coastline to Cape Kabuch Light at the head of Ikatan Bay, which light is approximately latitude 54°49'00" N., longitude 163°21'36" W.; thence to the point of origin at Cape Sarichef Light. The position of Cape Newenham was determined from Chart 9103 as published in September 1958 (3d Edition), revised April 1962 by the U.S. Coast and Geodetic Survey.

#### § 301.2 Length of halibut fishing seasons.

(a) In Area 1, the halibut fishing season shall commence and terminate at the same time as the halibut fishing season in Area 2 shall commence and terminate.

(b) In Area 2, the halibut fishing season shall commence at 1800 hours of the 9th day of May and terminate at 1800 hours on a date to be determined and announced under paragraph (b) of § 301.4, or at 1800 hours of the 15th day of October, whichever is earlier.

(c) In Area 3A, the halibut fishing season shall commence at 1800 hours of the 9th day of May and terminate at 1800 hours on a date to be determined and announced under paragraph (b) of § 301.4, or at 1800 hours of the 15th day of October, whichever is earlier.

(d) In Area 3B, there shall be two halibut fishing seasons: the first season shall commence at 1800 hours of the 18th day of April and terminate at 1800 hours of the 28th day of April; the second season shall commence on the 9th day of May and terminate at 1800 hours on a date to be determined and announced under paragraph (b) of § 301.4, or at 1800 hours of the 15th day of November, whichever is earlier.

(e) In Area 3C, the halibut fishing season shall commence at 1500 hours of the 25th day of March and terminate at 1800 hours of the 15th day of November.

(f) In Area 4A, the halibut fishing season shall commence at 1500 hours of the 6th day of April and terminate at 1800 hours of the 15th day of April.

(g) In Area 4B, the halibut fishing season shall commence at 1500 hours of the 1st day of September and terminate at 1800 hours of the 10th day of September.

(h) In Area 4C, the halibut fishing season shall commence at 1500 hours of the 25th day of March and terminate at 1800 hours of the 20th day of June.

(i) In Area 4D, the halibut fishing season shall commence at 1500 hours of the 25th day of March and terminate at 1800 hours of the 15th day of November.

(j) In Area 4E, the halibut fishing season shall commence at 1500 hours of the 25th day of March and terminate at 1800 hours of the 20th day of June.

(k) All hours of opening and closing of areas in this section and other sections of the regulations in this part shall be Pacific standard time, except in Areas 3C, 4A, 4B, 4C, 4D and 4E, where they shall be local standard time.

#### § 301.3 Closed seasons.

(a) Under paragraph 1 of Article I of the Convention, all convention waters shall be closed to halibut fishing except as provided in § 301.2.

(b) All convention waters, if not already closed under other provisions of the regulations in this part, shall be closed to halibut fishing at 1800 hours of the 15th day of November and shall remain closed until reopened as provided in § 301.2, and the retention and landing of any halibut caught during this closed period shall be prohibited.

(c) Nothing contained in the regulations in this part shall prohibit the fishing for species of fish other than halibut during the closed halibut seasons, provided that it shall be unlawful for a vessel to have halibut aboard, or for any person to have halibut in his possession while so engaged. Nor shall anything in the regulations in this part prohibit the International Pacific Halibut Commission, hereafter in the regulations in this part referred to as "the Commission," from conducting or authorizing fishing operations for investigation purposes as provided for in paragraph 3 of Article I of the Convention.

#### § 301.4 Catch limits in Areas 2, 3A, and 3B.

(a) The quantities of halibut to be taken during the halibut fishing seasons in areas with catch limits shall be limited to 23 million pounds in Area 2, to 33 million pounds in Area 3A, and to 3,500,000 pounds in Area 3B, each of the above quantities to consist of salable halibut and the weights in each limit to be computed as with heads off and entrails removed.

(b) The Commission shall as early in the said year as is practicable determine and announce the date on which it deems each limit of catch defined in paragraph (a) of this section will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and fishing for halibut in the area to which each limit applies shall at that date be prohibited until each area is reopened to halibut fishing as provided in § 301.2, and provided that if it shall at

any time become evident to the Commission that the limit will not be reached by such date, it may substitute another date.

(c) Catch limits shall apply only to the halibut fishing seasons in Area 2, Area 3A, and Area 3B.

#### § 301.5 Size limits.

The catch of halibut to be taken from all areas shall be limited to halibut which with head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are 5 pounds or more in weight, and the possession of any halibut of less than the above length, or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

#### § 301.6 Licensing of vessels.

(a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the Commission, provided that vessels of less than five net tons or vessels which do not use set lines need not be licensed.

(b) Each vessel licensed by the Commission shall carry on board at all times while at sea the halibut license thus secured when it is validated for halibut fishing, and this license shall at all times be subject to inspection by authorized officers of the Governments of Canada or the United States or by representatives of the Commission.

(c) The halibut license shall be issued without fee by the customs officers of the Governments of Canada or the United States or by representatives of the Commission or by fishery officers of the Governments of Canada or the United States at places where there are neither customs officers nor representatives of the Commission.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical return is required and at such times as required by other provisions of the regulations in this part. This validation of a license shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of § 301.7 have been complied with for all landings and all fishing operations since issue of the license, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.7, the halibut license of such vessel may be validated by customs officers or by fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with,



or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(e) The halibut license of any vessel fishing for halibut in Area 3B when Area 3A is closed to halibut fishing must be validated at Sand Point, Alaska, prior to such fishing, except as provided in paragraph (f) of this section.

(f) Any vessel already fishing in Area 3B prior to the date of closure of Area 3A may continue to fish in said area until first entry at a port or place with a validating officer or until any halibut is unloaded. The vessel must comply with paragraph (g) of this section when it departs from Area 3B.

(g) The halibut license of any vessel departing from Area 3B into Area 3A with any halibut on board when Area 3A is closed to halibut fishing, must be validated at Sand Point, Alaska, subsequent to fishing and prior to such departure.

(h) The halibut license of any vessel fishing for halibut in Areas 3C, 4A, 4B, 4C, 4D, or 4E must be validated at Sand Point, Alaska, both prior to such fishing and prior to unloading any halibut at any port or place other than Sand Point, Alaska.

(i) A halibut license shall not be validated for departure for halibut fishing in Areas 1 or 2 more than 48 hours prior to the commencement of any halibut fishing seasons in said areas.

(j) A halibut license shall not be validated for departure for halibut fishing in Area 3A from any port or place outside Area 3A more than 96 hours prior to commencement of the halibut fishing season in Area 3A, except that a halibut license shall not be validated for departure for halibut fishing in Area 3A from any port or place within Area 3B more than 60 hours prior to commencement of the halibut fishing season in Area 3A.

(k) A halibut license shall not be validated for departure for halibut fishing in Areas 3A or 3B from any port or place inside said areas more than 48 hours prior to the commencement of the halibut fishing season in each of said areas.

(l) A halibut license shall not be validated for departure for halibut fishing in Areas 3C, 4A, 4C, 4D, or 4E more than 96 hours prior to commencement of the halibut fishing season in each of said areas.

(m) Notwithstanding the provisions of paragraph (i) of § 301.2, a halibut license shall not be valid for halibut fishing in that portion of Area 4D that is east of the meridian of 175° west after 1800 hours of the 20th day of June, unless the master or operator of the vessel shall report by radio telegraph to the International Pacific Halibut Commission, Seattle, at least 24 hours prior to entry into said area the intention of the vessel to shift its fishing activities into the area.

(n) A halibut license shall not be valid for halibut fishing in more than one of Areas 1 or 2, as defined in § 301.1, during any one trip, nor shall it be revalidated for halibut fishing in another of said areas while the vessel has any halibut on board.

(o) A halibut license may be validated for halibut fishing in more than one of Areas 2 or 3A after 1800 hours of the 9th day of May provided that the master or operator of the vessel shall declare in which one of said two areas the vessel intends to fish for halibut and provided the master or operator shall report by radio telegraph to the International Pacific Halibut Commission, Seattle, the intention of the vessel to shift its fishing activities to another of said areas, the date and approximate time of the shift and the amount of halibut that is on board at the time of shifting, and such radio report shall be recorded at the time in the log book of the vessel.

(p) A halibut license validated for halibut fishing in Areas 3C, 4C, 4D, or 4E prior to the opening of Area 4A or Area 3B may at the same time be validated for halibut fishing in Area 4A and Area 3B when the latter areas are opened.

(q) A halibut license may be validated for halibut fishing in more than one of Areas 3B, 3C, 4B, 4C, 4D, or 4E after 1800 hours of the 16th day of April provided that when Area 3B is open to halibut fishing the master or operator of the vessel shall declare in which one of said areas the vessel intends to fish and provided the master or operator shall report by radio telegraph to the International Pacific Halibut Commission, Seattle, the intention of the vessel to shift its fishing activities into or out of Area 3B to or from another of said areas, the date and approximate time of the shift and the amount of halibut that is on board at the time of shifting, and such radio report shall be recorded at the time in the log book of the vessel.

(r) A halibut license may be validated for halibut fishing in more than one of Areas 3A and 3B after 1800 hours of the 9th day of May provided that after July 15 the master or operator of the vessel shall report by radio telegraph to the International Pacific Halibut Commission, Seattle, the intention of the vessel to shift its fishing activities to another of said areas, the date and approximate time of the shift and the amount of halibut that is on board at the time of shifting, and such radio report shall be recorded at the time in the log book of the vessel, and except that when Area 3A is closed such validation shall be subject to the conditions contained in paragraphs (e), (f), and (g) of this section and to any other applicable provisions of the regulations in this part.

(s) A halibut license shall not be valid for halibut fishing in any area closed to halibut fishing nor for the possession of halibut in any area closed to halibut fishing except while in actual transit to an area open to halibut fishing, or to or within a port of sale. The said license shall become invalid for the possession of halibut if the licensed vessel is fishing or attempting to fish for any species of fish in any area closed to halibut fishing, or if the vessel has not complied with the provisions of § 301.14, if applicable.

(t) Any vessel which is not required to be licensed for halibut fishing under paragraph (a) of this section shall not possess any halibut of any origin in any

area closed to halibut fishing except while in actual transit to or within a port of sale.

(u) A halibut license shall not be valid for halibut fishing in any area in 1966 if the vessel has fished in Areas 4A, 4B, 4C, 4E, and that portion of Area 4D east of 175° W. longitude in 1966 with set lines of the type commonly used in the Pacific Coast halibut fishery during the 48 hours prior to commencement of the halibut fishing season in the aforesaid areas in Bering Sea; and the fishing with set lines shall in said areas and within this 48-hour period be construed to include the setting out of mark buoys.

(v) No person on any vessel which is required to have a halibut license under paragraph (a) of this section shall fish for halibut or have halibut in his possession, unless said vessel has a valid license issued and in force in conformity with the provisions of this section.

#### § 301.7 Statistical return by vessels.

(a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under the regulations in this part within 96 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return.

(b) The statistical return must state the port of landing and the amount of halibut taken within the area or areas defined in the regulations in this part, for which the vessel's license is validated for halibut fishing.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required.

(d) The master or operator or any person engaged on shares in the operation of any vessel licensed under the regulations in this part may be required by the Commission or by any officer of the Governments of Canada or the United States authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a halibut license after such sworn return is made shall be provisional and shall not render the license valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a license under the regulations in this part shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be retained for a period of 2 years and shall be open to inspection by representatives of the Commission authorized for this purpose.

(f) The master, operator or any other person engaged on shares in the operation of any vessel licensed under the regulations in this part may be required by the Commission or by any officer of the Governments of Canada or the United



States to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

(g) The master or operator of any vessel holding a license validated for fishing in Areas 3C, 4A, 4B, 4C, 4D, or 4E on entering Sand Point, Alaska, enroute to another port to unload, must report to an authorized representative of the United States or of the Commission the estimated amount of halibut on board that was caught in each regulatory area.

### § 301.3 Statistical return by dealers.

(a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of the Governments of Canada or the United States or to representatives of the Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut.

(b) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut shall be retained for a period of 2 years and shall be open at all times to inspection by any enforcement officer of the Governments of Canada or the United States or by any authorized representative of the Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(c) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by a vessel without a valid halibut license is prohibited.

(d) No person, firm or corporation shall unload any halibut from any vessel that has fished for halibut in Areas 3B, 3C, 4A, 4B, 4C, 4D, or 4E after the closure of Area 3A unless the license of said vessel has been validated at Sand Point, Alaska as required in paragraphs (e) and (g) of § 301.6, and unless the vessel has complied with the provisions of § 301.14, or unless permission to unload such halibut has been secured from an enforcement officer of the Governments of Canada or the United States.

### § 301.9 Dory gear prohibited.

The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of the regulations in this part is prohibited in all convention waters.

### § 301.10 Retention of halibut taken by nets.

(a) It is prohibited to retain halibut taken with a net of any kind or to have in possession any halibut while fishing with any net or nets other than bait nets in any convention waters.

(b) All vessels with any halibut on board are prohibited to use or possess any net or nets other than bait nets.

(c) The character and the use of bait nets referred to in paragraphs (a) and (b) of this section shall conform to the laws and regulations of the country where they may be utilized and shall be of a type commonly used for such purposes and said bait nets shall be utilized for no other purpose than the capture of bait for use of the vessel carrying them.

### § 301.11 Retention of tagged halibut.

Nothing contained in the regulations in this part shall prohibit any vessel at any time from retaining and landing any halibut which bears a Commission tag at the time of capture, provided that such halibut with the tag still attached is reported at the time of landing to representatives of the Commission or to enforcement officers of the Governments of Canada or the United States and is made available to them for examination.

### § 301.12 Responsibility of master.

Wherever in the regulations in this part any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

### § 301.13 Supervision of unloading and weighing.

The unloading and weighing of the halibut of any vessel licensed under the regulations in this part shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of the regulations in this part.

### § 301.14 Sealing of fishing equipment.

Any fishing vessel, prior to departing from Area 3B into Area 3A with any halibut on board when Area 3A as defined in § 301.1 is closed to halibut fishing, shall be equipped with approved attachments on the chute to permit the securing of a seal or seals, and prior to such departure shall request that said chute or the gurdy used for hauling gear or both chute and gurdy be sealed with such seal or seals as shall be required by any customs or fishery officer or any other duly authorized officer of the Government of the United States. The vessel shall keep such seal or seals intact until removed by a customs or fishery officer of the United States or of Canada and shall not unload any halibut until such time as said officer removes the seal or seals and grants permission to unload.

### § 301.15 Previous regulations superseded.

The regulations in this part shall supersede all previous regulations adopted pursuant to the Convention between Canada and the United States of America for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, signed March 2, 1953, except as to offenses occurring prior to the approval of the regulations in this

part. The regulations in this part shall be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the Commission pursuant to the regulations in this part shall become effective immediately.

Haakon M. Selvar,  
*Chairman.*

William M. Sprules,  
*Vice Chairman.*

Harold E. Crowther.  
Martin K. Eriksen.  
L. Adolph Mathisen.  
Francis W. Millerd.

HAAKON M. SELVAR,  
*Chairman.*

F. HEWARD BELL,  
*Secretary.*

Approved: March 21, 1966.

LYNDON B. JOHNSON.

[F.R. Doc. 66-12022; Filed, Nov. 3, 1966;  
8:49 a.m.]

## Title 12—BANKS AND BANKING

### Chapter II—Federal Reserve System

#### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. K]

### PART 211—CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT

#### Monthly Average Deposits

#### § 211.102 Calculating deposits in determining aggregate liabilities of Edge Corporation.

(a) The question has been raised as to the proper method of calculating deposits in determining aggregate liabilities for the purpose of § 211.9(c), which provides, in part, that "Except with prior Board permission, a Corporation's aggregate outstanding liabilities on account of acceptances, monthly average deposits, borrowings, guarantees, endorsements, debentures, bonds, notes, and other such obligations shall not exceed 10 times its capital and surplus."

(b) The Board has concluded that in determining "monthly average deposits" in calculating the limitation on aggregate outstanding liabilities in § 211.9(c), a Corporation may deduct from the amount of its gross demand deposits the amounts permitted in § 204.2(b) of this chapter (Regulation D).

(12 U.S.C. 615. Interprets or applies 12 U.S.C. 615)

Dated at Washington, D.C., this 25th day of October 1966.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,  
*Assistant Secretary.*

[F.R. Doc. 66-12028; Filed, Nov. 3, 1966;  
8:46 a.m.]



## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Department of Defense

Section 213.3306 is amended to show that the position of Private Secretary to the Assistant Secretary of Defense, Office of the Director of Defense Research and Engineering, is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (23) of paragraph (a) of § 213.3306 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,

Executive Assistant to the Commissioners.

[F.R. Doc. 66-12035; Filed, Nov. 3, 1966; 8:47 a.m.]

#### PART 213—EXCEPTED SERVICE

##### Housing and Home Finance Agency and Department of Housing and Urban Development

#### § 213.3344 [Amended]

1. Section 213.3344 is amended to show that the positions of Assistant Administrator (International Housing) and Special Assistant to the Secretary are no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER subparagraphs (4) and (8) of paragraph (a) of § 213.3344 are revoked.

2. Section 213.3384 is amended to show that the positions of Director, Division of International Affairs, and Special Assistant to the Secretary are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER subparagraph (17) is amended and subparagraph (18) is added to paragraph (a) of § 213.3384 as set out below.

#### § 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* . . .

(17) Two Special Assistants to the Secretary.

(18) Director, Division of International Affairs.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,

Executive Assistant to the Commissioners.

[F.R. Doc. 66-12036; Filed, Nov. 3, 1966; 8:47 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 101—Federal Property Management Regulations

#### SUBCHAPTER E—SUPPLY AND PROCUREMENT

#### PART 101-25—GENERAL

##### Subpart 101-25.1—General Policies

##### USE OF ANNUAL MAINTENANCE CONTRACTS

Subpart 101-25.1 is amended to provide in § 101-25.106 for certain considerations and a determination to be made prior to the use of annual maintenance contracts or per-call arrangements for servicing of office machines.

The table of contents for Part 101-25 is amended to provide a new entry as follows:

Sec.

101-25.106 Servicing of office machines.

Section 101-25.106 is added as follows:

#### § 101-25.106 Servicing of office machines.

(a) The determination as to whether office machines are to be serviced by use of annual maintenance contracts or per-call arrangements shall be made in each case after comparison of the relative cost affecting specific types of equipment in a particular location and consideration of the factors set forth in paragraph (b) of this section.

(b) Prior to making the determination required by paragraph (a) of this section, consideration shall be given to:

- (1) Standard of performance required;
- (2) Degree of reliability needed;
- (3) Environmental factors; i.e., dusty surroundings or other unfavorable conditions;
- (4) Proximity to available repair facilities;
- (5) Past experience with service facility; i.e., reputation, performance record, quality of work, etc.;
- (6) Daily use (heavy or light) and operator's care of machine;
- (7) Age and performance record of machine;
- (8) Machine inventory in relation to operating needs; i.e., availability of reserve machine in case of breakdown;
- (9) Number of machines; including overall frequency of repairs required;
- (10) Security restrictions, if any; and
- (11) Other pertinent factors.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

**Effective date.** This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: October 31, 1966.

LAWSON B. KNOTT, Jr.,  
Administrator of General Services.

[F.R. Doc. 66-12019; Filed, Nov. 3, 1966; 8:46 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

#### SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-AL-1]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Revocation of Control Area Extension, Alteration of Control Zone, and Designation of Transition Area

On September 8, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11760) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the vicinity of Cold Bay, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective January 5, 1967, as hereinafter set forth.

1. In § 71.165 (31 F.R. 2055) the Cold Bay, Alaska, control area extension is revoked.

2. In § 71.171 (31 F.R. 2065) the Cold Bay, Alaska, control zone is amended to read:

##### COLD BAY, ALASKA

Within a 5-mile radius of Cold Bay Airport (latitude 55°12' N, longitude 162°43' W); within 2 miles each side of the Cold Bay VOR 335° radial and 2 miles each side of the Cold Bay ILS localizer N course, extending from the 5-mile radius zone to 12 miles N of the Cold Bay RR.

3. In § 71.181 (31 F.R. 2149) the Cold Bay, Alaska, transition area is added as follows:

##### COLD BAY, ALASKA

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 041° bearing from the Cold Bay RR, extending from the RR to 6 miles NE of the RR, and within 2 miles each side of the 263° bearing from the Cold Bay RR, extending from the RR to 6 miles W of the RR; and that airspace extending upward from 1,200 feet above the surface within 5 miles SE of the 041° bearing from the Cold Bay RR, extending from the RR to 18 miles NE of the RR; within 5 miles S of the 263° bearing from the Cold Bay RR, extending from the RR to 18 miles W of the RR; and within the arc of an 18-mile radius circle centered on the Cold Bay RR, extending clockwise from the 263° bearing to the 041° bearing from the RR.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 26, 1966.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 66-12007; Filed, Nov. 3, 1966; 8:45 a.m.]



[Airspace Docket No. 65-CE-124]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Alteration of Federal Airway**

On October 14, 1966, Federal Register Document No. 66-11186 was published in the FEDERAL REGISTER (31 F.R. 13315) and designated a segment of V-430 from Minot, N. Dak., to Devils Lake, N. Dak., effective December 8, 1966. The lateral extent of a portion of this segment was reduced to 3 nautical miles on the south side. It was the intent that the reduced width be on the north side. Corrective action is taken herein.

Since this amendment is editorial in nature, notice and public procedure hereon are impractical and it may be made effective immediately.

In consideration of the foregoing, Federal Register Document No. 66-11186 (31 F.R. 13315) is amended effective immediately as hereinafter set forth.

In the text of V-430 "(4 miles N and 3 miles S of centerline)" is deleted and "(3 miles N and 4 miles S of centerline)" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 26, 1966.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 66-12008; Filed, Nov. 3, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-54]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Alteration of Transition Area**

On September 20, 1966, a final rule was published in the FEDERAL REGISTER (31 F.R. 12432) which amended Part 71 of the Federal Aviation Regulations by redesignating the Kansas City, Mo., transition area. The designation contained an incorrect latitude coordinate. The correct designation should have been 39°47'45" instead of 39°48'55".

Since this correction is minor in nature and does not involve an increase in controlled airspace, no additional burden is placed on any person, and notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. November 10, 1966, concurrently with the originally proposed final rule, as hereinafter set forth:

In § 71.181 (31 F.R. 2149), the Kansas City, Mo., transition area is amended to read:

KANSAS CITY, MO.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.),

within 2 miles each side of the Riverside, Mo., VOR 018° radial and 2 miles W of the Kansas City ILS localizer N course, extending from the 10-mile radius area to 8 miles N of the OM; within an 8-mile radius of the Mid-Continent International Airport (latitude 39°18'05" N., longitude 94°43'36" W.), and within 2 miles each side of the Mid-Continent ILS localizer N and S courses, extending from the 8-mile radius area to 13 miles N of the airport and to 8 miles S of the Mid-Continent OM; within a 7-mile radius of the Sherman AAF (latitude 39°22'05" N., longitude 94°54'45" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the SE by the arc of a 42-mile radius circle centered on the Kansas City Municipal Airport, beginning at the W boundary of V-205 and extending counter-clockwise to the S boundary of V-12 thence along the S boundary of V-12 to longitude 93°30'00" W., thence N along longitude 93°30'00" W. to SE boundary of V-10 thence direct to latitude 39°47'45" N., longitude 93°34'30" W., thence SW along the NW boundary of V-10 to the E boundary of V-161, thence W to latitude 39°44'00" N., longitude 94°43'20" W., thence SW to latitude 39°30'00" N., longitude 94°49'00" W., thence W along latitude 39°30'00" N. to the SW boundary of V-71 thence NW along the SW boundary of V-71 to longitude 95°09'00" W., thence S along longitude 95°09'00" W., to the SE boundary of V-10, thence NE along the SE boundary of V-10 to the arc of a 10-mile radius circle centered on the Kansas City Municipal Airport, thence counter-clockwise to the W boundary of V-205, thence S along the W boundary of V-205 to the point of beginning; and that airspace extending upward from 5,000 feet MSL bounded on the W by longitude 93°30'00" W., on the S by V-4 on the E by V-424 on the N by V-116 and on the NW by V-206; and within an area bounded on the W by longitude 93°30'00" W. on S by V-116 on E by V-206 and on the N by V-10, and within an area bounded on the W by V-161 and the E by V-10 and on the N by V-50.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on October 19, 1966.

DANIEL E. BARROW,  
Acting Director, Central Region.

[F.R. Doc. 66-12009; Filed, Nov. 3, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SW-40]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Alteration of Transition Area**

On August 31, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11,492) stating that the Federal Aviation Agency proposed to alter the Flippin, Ark., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

In § 71.181 (31 F.R. 2187) the Flippin, Ark., transition area is amended to read:

FLIPPIN, ARK.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Flippin Municipal Airport (latitude 36°17'30" N., longitude 92°35'30" W.), within an 8-mile radius of the Twin Lakes Airport (latitude 36°22'00" N., longitude 92°28'00" W.), within 2 miles each side of the Flippin VOR 086° radial extending from the Flippin Municipal Airport 10-mile radius area to 8 miles E of the VOR, and within 2 miles each side of the Flippin VOR 175° radial extending from the Twin Lakes 8-mile radius area to 8 miles S of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles N and 5 miles S of the Flippin VOR 086° radial extending from the VOR to 13 miles E, and within 8 miles E and 5 miles W of the Flippin VOR 175° radial extending from the VOR to 12 miles S.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on October 25, 1966.

HENRY L. NEWMAN,  
Director, Southwest Region.

[F.R. Doc. 66-12010; Filed, Nov. 3, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-77]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Alteration of Control Zone and Transition Area**

On September 15, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 12061) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Muscle Shoals, Ala., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., January 5, 1967 as hereinafter set forth.

In § 71.171 (31 F.R. 2065) the Muscle Shoals, Ala., control zone is amended by deleting:

\* \* \* and within 2 miles each side of the Muscle Shoals VOR 292° radial extending from the 5-mile radius zone to the VOR.

In § 71.181 (31 F.R. 2149) the Muscle Shoals, Ala., 700-foot transition area (31 F.R. 2651, 6960) is amended to read:

MUSCLE SHOALS, ALA.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 25, 1966.

WILLIAM M. FLENER,  
Acting Director, Southern Region.

[F.R. Doc. 66-12011; Filed, Nov. 3, 1966; 8:45 a.m.]



## SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7692; Amdt. 508]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

## Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

## ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Rockland RBN	Bar Harbor RBN	Direct	2500	T-dn	300-1	300-1	200-1½
Augusta VOR	Bar Harbor RBN	Direct	3000	C-dn	600-1	600-1	600-1½
				A-dn	NA	NA	NA

Procedure turn W side of crs, 038° Outbd, 218° Inbd, 1900' within 10 miles.

Minimum altitude over facility on final approach crs, 800'.

Crs and distance, facility to airport, 218°—2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2 miles after passing RBN, make right-climbing turn to 1900', return to Bar Harbor RBN, hold NE, Inbd 218°, right turns, 1 minute.

NOTES: (1) State-owned facility must be monitored aurally during approach. (2) Use Bangor altimeter setting.

MSA within 25 miles of facility: 000°-090°—2500'; 090°-180°—3000'; 180°-270°—2500'; 270°-360°—2500'.

City, Bar Harbor; State, Maine; Airport name, Bar Harbor; Elev., 84'; Fac. Class., MHW; Ident., BHB; Procedure No. 1, Amdt. 5; Eff. date, 26 Nov. 66; Sup. Amdt. No. 4; Dated, 20 July 63

FAR VOR	LOM	Direct	2300	T-dn	300-1	300-1	200-1½
FAR RBN	LOM	Direct	2300	C-dn	500-1	500-1	600-1½
Rice Int	Leslie Int	Direct	2300	S-dn-35	500-1	500-1	500-1
FAR VOR	Leslie Int	Direct	2300	A-dn	500-2	800-2	800-2
Leslie Int	LOM (final)	Direct	2100				

Procedure turn E side of crs, 171° Outbd, 351° Inbd, 2300' within 10 miles.

Minimum altitude over LOM on final approach crs, 2100'.

Crs and distance, facility to airport, 351°—4.1 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb on crs, 351° from LOM to 2500' within 10 miles, or when directed by ATC, make left-climbing turn to intercept FAR VOR, R 281°, climb to 2800' on R 281° within 20 miles of FAR VOR.

MSA within 25 miles of facility: 000°-090°—2500'; 090°-180°—2400'; 180°-270°—2300'; 270°-360°—3200'.

City, Fargo; State, N Dak; Airport name, Hector; Elev., 900'; Fac. Class., LOM; Ident., FA; Procedure No. 1, Amdt. 17; Eff. date, 26 Nov. 66; Sup. Amdt. No. 16; Dated, 21 Nov. 64

				T-dn#	600-1	600-1	600-1
				C-dn#	1100-1½	1100-1½	1100-2
				A-dn	NA	NA	NA

Procedure turn S side of crs, 267° Outbd, 087° Inbd, 3500' within 10 miles.

Minimum altitude over facility on final approach crs, 2300'.

Crs and distance, facility to airport, 087°—2.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing LCI RBN, climb on 087° magnetic bearing from LCI RBN to 2000', then left-climbing turn to 3500' direct LCI RBN. Hold W of LCI RBN, 1-minute, right turns, 087° Inbd.

NOTES: (1) Approach from a holding pattern not authorized, procedure turn required. (2) Use Concord altimeter setting. (3) State-owned facility must be monitored aurally during approach.

CAUTION: 1000' to 2400' terrain, from 1 to 5 miles, in the southern quadrant of airport.

DEPARTURES: Runway 26 or 35, make right-climbing turn to 2300' or above direct LCI RBN. Continue climb in holding pattern to MHA 3500' or MEA, for direction of flight. Runway 8, make left-climbing turn to 2300' or above direct LCI RBN. Continue climb in holding pattern to MHA 3500' or MEA, for direction of flight.

\*Night operations on Runways 8/26 only.

\*No takeoffs on Runway 17.

MSA within 25 miles of facility: 000°-090°—5500'; 090°-180°—3500'; 180°-270°—4000'; 270°-360°—4500'.

City, Lacopla; State, N.H.; Airport name, Lacopla Municipal; Elev., 552'; Fac. Class., MHW (State owned); Ident., LCI; Procedure No. 1, Amdt. 4; Eff. date, 26 Nov. 66; Sup. Amdt. No. 3; Dated, 10 June 65

OKC VOR	LOM	Direct	2600	T-dn	300-1	300-1	200-1½
Bethany Int	LOM	Direct	2000	C-dn	400-1	600-1	600-1½
Cashion Int	TWO RBN	Direct	3100	S-dn-351	400-1	400-1	400-1
TWO RBN	LOM	Direct	2600	A-dn	800-2	800-2	800-2
Newcastle Int	LOM (final)	Direct	2400				

Radar available.

Procedure turn E side of crs, 171° Outbd, 351° Inbd, 2600' within 10 miles.

Minimum altitude over LOM Inbd final, 2400'.

Crs and distance, facility to airport, 351°—3.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 3100' on 351° crs within 15 miles, or when directed by ATC, turn left, climb to 2500' direct to the OKC VOR.

MSA within 25 miles of facility: 315°-045°—3900'; 045°-135°—2900'; 135°-315°—2600'.

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1284'; Fac. Class., LOM; Ident., OK; Procedure No. 1, Amdt. 14; Eff. date, 26 Nov. 66; Sup. Amdt. No. 13; Dated, 7 May 66



ADF STANDARD INSTRUMENT PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SLN VOR..... Lindsborg 19-mile DME Fix, R 175° SLN VOR.	SL LOM..... SL LOM (final).....	Direct..... Direct.....	3100 2900	T-dn..... C-dn..... S-dn-35..... A-dn.....	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-1½ 500-1½ 400-1 800-2

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 3100' within 10 miles.  
Minimum altitude over facility on final approach crs, 2900'.  
Crs and distance, facility to airport, 351°—5.7 miles.  
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, climb to 2900' on 351° bearing from SL LOM within 15 miles, make right turn and return to LOM, climbing to 3100' upon reaching LOM, or when directed by ATC, climb to 2900' on 351° bearing from SL LOM within 15 miles, make right turn and proceed direct to SLN VOR.  
CAUTION: Restricted area, 7 miles SW of airport.  
MSA within 25 miles of facility: 000°-360°—3000'.

City, Salina; State, Kans.; Airport name, Municipal; Elev., 1271'; Fac. Class., LOM; Ident., SL; Procedure No. 1, Amdt. Orig.; Eff. date, 26 Nov. 66

Coweta Int.....	TU LOM.....	Direct.....	2800	T-dn.....	300-1	300-1	#200-1½
TUL VOR.....	TU LOM.....	Direct.....	2500	C-dn.....	400-1	500-1	500-1½
Shell Lake INT.....	TU LOM.....	Direct.....	3100	S-dn-35 R.....	400-1	400-1	400-1
Glenpool Int.....	TU LOM.....	Direct.....	2500	A-dn.....	800-2	800-2	800-2
Stebbins Int.....	TU LOM.....	Direct.....	2500				
OKM VOR.....	TU LOM (final).....	OKM R 345° and 354° bearing to TU LOM.	2300				

Radar available.  
Procedure turn E side crs, 175° Outbnd, 355° Inbnd, 2500' within 10 miles.  
Minimum altitude over T U LOM Inbnd final 2300'.  
Crs and distance, facility to airport, 355°—5.4 miles.  
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing TU LOM, climb to 2500' on crs, 355° within 15 miles, or when directed by ATC, climb to 2500' on R 036° TUL VOR within 20 miles.  
#300-1 required on runways 3L, 21R, 17R, 35L.  
MSA within 25 miles of facility: 000°-090°—2300'; 090°-180°—3600'; 180°-360°—3200'.

City, Tulsa; State, Okla.; Airport name, Tulsa International; Elev., 674'; Fac. Class., LOM; Ident., TU; Procedure No. 1, Amdt. 12; Eff. date, 26 Nov. 66; Sup. Amdt. No. 11; Dated, 3 Apr. 65

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.  
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Binghamton VOR.....	3-mile DME Fix, R 076° (final).....	Direct.....	2100	T-dn..... C-dn..... S-dn-10..... A-dn..... DME minimums—DME equipment required: S-dn-10.....	300-1 500-1 500-1 800-2 400-1	300-1 500-1 500-1 800-2 400-1	200-1½ 500-1½ 500-1½ 800-2 400-1

Radar available.  
Procedure turn S side of crs, 256° Outbnd, 076° Inbnd, 3300' within 10 miles.  
Minimum altitude over facility on final approach crs, 2700'; 3-mile DME Fix, 2129'.  
Crs and distance, facility to airport, 076°—7 miles.  
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7 miles after passing BGM VOR, climb to 3500' on R 076° within 10 miles, return to BGM VORTAC. Hold W, 1-minute right turns, Inbnd crs, 076°.  
MSA within 25 miles of facility: 270°-090°—3300'; 090°-180°—3600'; 180°-270°—2900'.

City, Binghamton; State, N. Y.; Airport name, Broome County; Elev., 1629'; Fac. Class., L-BVORTAC; Ident., BGM; Procedure No. 1, Amdt. Orig.; Eff. date, 26 Nov. 66

				T-dn.....	300-1	300-1	200-1½
				C-dn.....	700-1	700-1	700-1½
				S-dn-27°.....	700-1	700-1	700-1½
				A-dn.....	800-2	800-2	800-2

Procedure turn N side of crs, 078° Outbnd, 258° Inbnd, 1900' within 10 miles.  
Minimum altitude over facility on final approach crs, 1400'.  
Crs and distance, facility to airport, 257°—5.3 miles.  
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing STX VOR, climb to 2000' on R 258° within 20 miles of STX VOR.  
NOTE: Tower hours of operation 0600-2100.  
Reduction in landing visibility not authorized.  
MSA within 25 miles of facility: 000°-090°—1900'; 090°-180°—1900'; 180°-270°—1900'; 270°-360°—2200'.

City, Christiansted; Island, St. Croix; Territory, V.I.; Airport name, Alexander Hamilton; Elev., 60'; Fac. Class., L-BVOR; Ident., STX; Procedure No. 1, Amdt. 3; Eff. date, 26 Nov. 66; Sup. Amdt. No. 2; Dated, 16 Oct. 65



## VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
OE LFR.....	OME VORTAC.....	Direct.....	2500	T-dn..... C-dn..... S-dn-27°..... A-dn.....	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-1½ 500-1½ 400-1 800-2

Procedure turn S side of crs, 090° Outbnd, 270° Inbnd, 1600' within 10 miles.

Nonstandard terrain N.

Minimum altitude over facility on final approach crs, 1100'; over 2-mile DME Fix or OE LFR on final, 650'.

Crs and distance, facility to airport, 270°—4.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing OME VORTAC, turn left, climb to 2100' on R 090° within 15 miles.

NOTE: When authorized by ATC, DME may be used to position aircraft for final approach at 3000' between radials 007° clockwise to 048° and at 2500' between radials 048° clockwise to 138° within 15 miles with the elimination of a procedure turn.

CAUTION: 11½ mile terrain to 1200' beyond 3 miles N. Radio tower 284', 3.3 miles ESE of airport.

\*400-1½ authorized with operative SALS except for 4-engine turbojets.

\*400-¾ authorized with operative REIL and HIRL except for 4-engine turbojets.

MSA within 25 miles of facility: 000°-090°—3300'; 090°-180°—1100'; 180°-270°—2000'; 270°-360°—4000'.

City, Nome; State, Alaska; Airport name, Nome FAA; Elev., 37'; Fac. Class., II-BVORTAC; Ident., OME; Procedure No. 1, Amdt 5; Eff. date, 26 Nov. 66; Sup. Amdt. No. 4; Dated, 4 Dec. 65

17-mile DME Fix, R 299°, OGD VOR.....	10-mile DME Fix, R 299°, OGD VOR.....	Direct.....	6700	T-dn*%.....	300-1	300-1	200-1½
10-mile DME Fix, R 299°, OGD VOR.....	OGD VOR (final).....	Direct.....	5500	C-dn*.....	500-1	500-1	500-1½
15-mile DME Fix, R 260°, OGD VOR.....	13-mile DME Fix, R 260°, OGD VOR.....	Direct.....	8200	S-dn-7°.....	400-1	400-1	400-1
13-mile DME Fix, R 260°, OGD VOR.....	10-mile DME Fix, R 260°, OGD VOR.....	Direct.....	6700	A-dn.....	800-2	800-2	800-2
10-mile DME Fix, R 260°, OGD VOR.....	10-mile DME Fix, R 299°, OGD VOR.....	Via 10-mile Arc.....	6700				

Radar available.

Procedure turn N side of crs, 299° Outbnd, 119° Inbnd, 6700' within 10 miles. All turns to be made on the N side of the crs; high terrain to S.

Minimum altitude over facility on final approach crs, 5500'.

Crs and distance, facility to airport, 098°—3.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing OGD VOR or at 3.7-mile DME Fix, R 098°, make immediate right turn, climb to 9000' on R 299° within 20 miles.

NOTE: When authorized by ATC, DME may be used within 10 miles at 6700' between R 159° clockwise to R 328° to position aircraft for final approach with the elimination of procedure turn.

\*T-dn Runway 3, 400-1.

\*600' minimum circling altitude S of airport due to 4744' tower.

\*Takeoff all runways, climb on R 260° of OGD VORTAC within 10 miles of VORTAC to minimum crossing altitude required for direction of flight, or as directed by ATC.

Direction of flight	MCA
N J-9.....	7,500
NE V-6.....	10,000
W V-6.....	6,000

MSA within 25 miles of facility: 060°-150°—10,800'; 150°-240°—7600'; 240°-330°—8600'; 330°-060°—10,800'.

City, Ogden; State, Utah; Airport name, Ogden Municipal; Elev., 4455'; Fac. Class., II-BVORTAC; Ident., OGD; Procedure No. 1, Amdt. 12; Eff. date, 26 Nov. 66; Sup. Amdt. No. 11; Dated, 3 Oct. 64

				T-d.....	300-1	NA	NA
				C-d.....	1000-2	NA	NA
				A-d.....	NA	NA	NA
				If Richwood Int received the following minimums apply: *			
				C-d.....	600-1	NA	NA

Radar available.

Procedure turn not authorized. Descend to 2000' in OOD VOR holding pattern, 1-minute left turns, 031° Inbnd, or descend to 2000' in OOD VOR holding pattern, 1-minute left turns, 031° Inbnd.

Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to airport, 056°—10.3 miles.

Crs and distance, Richwood Int to airport, 056°—3.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.3 miles after passing OOD VOR or 3.7 miles after passing Richwood Int, make right-climbing turn to 2000' returning to OOD VOR. Hold SW, 1-minute left turns, 031° Inbnd.

CAUTION: Radio tower 1049', 5.5 miles SE of airport.

NOTE: Night operations not authorized.

\*Maintain 1100' until passing Richwood Int.

MSA within 25 miles of the facility: 000°-090°—2400'; 090°-360°—1800'.

City, Pitman; State, N.J.; Airport name, Pitman; Elev., 100'; Fac. Class., L-BVOR; Ident., OOD; Procedure No. 1, Amdt. 2; Eff. date, 26 Nov. 66; Sup. Amdt. No. 1; Dated, 19 Dec. 64

Wheeling LOM.....	AIR VOR.....	Direct.....	3000	T-dn.....	300-1	300-1	NA
				C-d.....	700-1	700-1	NA
				C-n.....	700-2	700-2	NA
				A-dn.....	NA	NA	NA
				DME minimums—DME equipment required:			
				C-d.....	600-1	600-1	NA
				C-n.....	600-2	600-2	NA

Procedure turn S side of crs, 113° Outbnd, 293° Inbnd, 3000' within 10 miles.

Minimum altitude over facility on final approach crs, 2600'; over 6-mile DME Fix, R 293°, 1900'.

Crs and distance, facility to airport, 293°—7.1 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles after passing AIR VOR, climb to 3000' and proceed direct to Newcomerstown VOR. Hold SE, 1-minute, right turns, 296° Inbnd.

NOTES: (1) Lights available on request. (2) Rotating beacon on field. (3) No weather service. UNICOM.

CAUTION: 1520' radio tower, 1.6 miles NE, and 1405' high-tension line, 2.7 miles SE of airport.

MSA within 25 miles of facility: 000°-090°—3100'; 090°-360°—2700'.

City, St. Clairsville; State, Ohio; Airport name, Alderman Field; Elev., 1195'; Fac. Class., L-BVORTAC; Ident., AIR; Procedure No. 1, Amdt. 5; Eff. date, 26 Nov. 66; Sup. Amdt. No. 4; Dated, 20 Nov. 65



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 262°, SLN VOR clockwise	R 003°, SLN VOR	Via 8-mile DME Arc.	3100	T-dn	300-1	300-1	200-1½
R 086°, SLN VOR counterclockwise	R 003°, SLN VOR	Via 8-mile DME Arc.	3100	S-dn-17	500-1	500-1	500-1½
8-mile DME Fix, R 003°, SLN VOR	SLN VOR (final)	Direct	400	A-dn	500-1	500-1	500-1
				Minimums with DME:	800-2	800-2	800-2
				C-dn	400-1	500-1	500-1½
				S-dn-17	400-1	400-1	400-1

Procedure turn W side of crs, 003° Outbnd, 183° Inbnd, 2900' within 10 miles.  
Minimum altitude over facility on final approach crs, 2400'; 2.5-mile DME Fix (R 183°) 1771'.

Crs and distance, facility to airport 183°—4.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing the SLN VOR, turn left climbing to 2900' on SLN VOR, R 175° within 15 miles of SLN VOR, make left turn and return to SLN VOR, or when directed by ATC climb to 3100' and proceed direct of SLN VOR.

NOTE: Final approach from holding pattern at SLN VOR not authorized, procedure turn required.

CAUTION: Restricted area 7 miles SW of airport.

MSA within 25 miles of facility: 000°—360°—3000'.

City, Salina; State, Kans.; Airport name, Municipal; Elev., 1271'; Fac. Class., H-BVORTAC; Ident., SLN; Procedure No. 1, Amdt. 2; Eff. date, 26 Nov. 66; Sup. Amdt. No. 1; Dated, 6 Aug. 66

				T-d	300-1	300-1	NA
				C-d	900-1	900-1	NA
				A-d	NA	NA	NA

Procedure turn S side of crs, 260° Outbnd, 080° Inbnd, 2300' within 10 miles.

Minimum altitude over facility on final approach crs, 2300'.

Crs and distance, facility to airport, 080°—8.3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.3 miles after passing the VOR make climbing right turn to 3000' return to VORTAC. Hold NE on R 031°, 1-minute right turns, 211° Inbnd.

NOTES: (1) Daylight operations only. (2) Obtain Danville, Va., FSS weather and altimeter setting before conducting IFR approach.

MSA within 25 miles of facility: 000°—270°—1900'; 270°—360°—2300'.

City, South Boston; State, Va.; Airport name, William M. Tuck; Elev., 411'; Fac. Class., L-BVORTAC; Ident., SBV; Procedure No. 1, Amdt. 1; Eff. date, 26 Nov. 66; Sup. Amdt. No. Orig.; Dated, 21 May 66

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Deer Park VOR	Garden Int (9-mile DME/Radar Fix)	Direct	2000	T-dn	300-1	300-1	200-1½
Garden Int (9-mile DME/Radar Fix)	Elmont Int (4-mile DME/Radar Fix)	Direct	912	C-dn	900-1	900-1	900-1½
Elmont Int (4-mile DME/Radar Fix)	JFK VOR (final)	Direct	912	S-dn-22L	900-1	900-1	900-1
				A-dn	900-2	900-2	900-2
				If Elmont Int (4-mile DME/Radar Fix) identified, the following minimums apply.*			
				C-dn	600-1	600-1	600-1½
				S-dn-22L	500-1	500-1	500-1

Radar available.

Procedure turn not authorized.

Minimum altitude on final approach crs (JFK R 048°) over Garden Int (9-mile DME/Radar Fix)—2000' over Elmont Int (4-mile DME/Radar Fix)—912'.

Facility on airport. Breakoff point to runway, 222°—1 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, 1.8 miles after passing Elmont Int, climb straight ahead to JFK VOR, then via JFK R 189° to Channel Int climbing to 2000'. Hold S, 1-minute right turns, Inbnd crs, 006°.

\*Aircraft must be equipped with dual VOR receivers, VOR and DME receivers, or position established over Elmont Int by Kennedy Radar.

#500-¾ for HIRL. 500-½ for ALS authorized except for 4-engine turbojet aircraft.

MSA within 25 miles of facility: 000°—090°—1900'; 090°—180°—1400'; 180°—270°—1600'; 270°—360°—2600'.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., H-BVORTAC; Ident., JFK; Procedure No. Ter VOR-22L, Amdt. 11; Eff. date, 26 Nov. 66; Sup. Amdt. No. Ter VOR-22 R/L, 10; Dated, 18 Dec. 65



4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

## VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Boston VORTAC	9-mile DME Fix (BOS VOR, R 030°)	Direct	2000	T-dn	300-1	300-1	300-1
9-mile DME Fix (BOS VOR, R 030°)	12-mile DME Fix (BOS VOR, R 030°) final.	Direct	1100	C-dn	500-1	500-1	500-1½
				S-dn	NA	NA	NA
				A-dn	NA	NA	NA

Radar available.

Procedure turn not authorized.

Minimum altitude over 9-mile DME Fix, BOS R 030°, 2000'; 12-mile DME Fix (BOS R 030°), 1100'.

Crs and distance, facility to airport, 030°—13.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over the 13.7-mile DME Fix, climb on BOS R 030° to 2500' direct Ipswich Int. Hold NE of Ipswich Int, 1-minute right turns, 212° Inbnd.

NOTES: (1) Use Boston altimeter setting. (2) Monitor Boston TRACON frequency until landing assured.

MSA within 25 miles of facility: 000°-180°—2000'; 180°-360°—2500'.

City, Beverly; State, Mass.; Airport name, Beverly Municipal; Elev., 180'; Fac. Class., II-VORTAC; Ident., BOS; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 26 Nov. 66

PROCEDURE CANCELED, EFFECTIVE 26 NOV. 1966.

City, Binghamton; State, N.Y.; Airport name, Broome County; Elev., 1629'; Fac. Class., BVORTAC; Ident., BQM; Procedure No. VOR/DME No. 1, Amdt. 6; Eff. date, 23 May 64; Sup. Amdt. No. 5; Dated, 18 Aug. 62

OME LFR	OME VORTAC	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 271° Outbnd, 091° Inbnd, 2500' within 10 miles beyond 11-mile DME Fix.

Minimum altitude over 11-mile DME Fix on final approach crs, 2000', over 5-mile DME Fix on final, 437'.

Crs and distance, 11-mile DME Fix to airport, 091°—5.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5-mile DME Fix, climb to 2100' on R 091°, OME VORTAC within 15 miles.

NOTE: When authorized by ATC, DME may be used to position aircraft for final approach at 2500' between radials 048° clockwise to 138° and at 2000' between 138° to 271° within 20 miles with the elimination of a procedure turn.

CAUTION: High terrain to 1200' beyond 3 miles N., radio tower 284', 3.3 miles ESE of airport.

\*400-½ authorized with operative REIL and HIRL except for 4-engine turbojets.

MSA within 25 miles of facility: 000°-090°—3300'; 090°-180°—1100'; 180°-270°—2000'; 270°-360°—4000'.

City, Nome; State, Alaska; Airport name, Nome FAA; Elev., 37'; Fac. Class., II-BVORTAC; Ident., OME; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 26 Nov. 66

PROCEDURE CANCELED, EFFECTIVE 26 NOV. 1966.

City, Ogden; State, Utah; Airport name, Ogden Municipal; Elev., 4455'; Fac. Class., BVORTAC; Ident., OGD; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 3 Oct. 64; Sup. Amdt. No. 2; Dated, 18 July 64

Allegheny VORTAC	Manifold Int/DME Fix (final)	Direct	2600	T-dn	300-1	300-1	NA
Wheeling VOR	Manifold Int/DME Fix	Direct	3000	C-dn	800-1	800-1	NA
				A-dn	NA	NA	NA

Radar available.

Procedure turn N side of crs, 059° Outbnd, 239° Inbnd, 3000' within 10 miles of Manifold Int/DME Fix.

Minimum altitude over Manifold Int/DME Fix on final approach crs, 2600'.

Crs and distance, Manifold Int/DME Fix, 239°—4.3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing Manifold Int/DME Fix, climb straight ahead to 3000', make right turn and return to Manifold Int/DME Fix. Hold NE, 1-minute right turns, 239° Inbnd. Alternate missed approach procedure: Within 4.3 miles after passing Manifold Int/DME Fix, make climbing right turn to 3000', proceed direct to HLG VOR. Hold SE, 1-minute right turns, 302° Inbnd.

CAUTION: 1707' antenna, 2 miles E of airport.

MSA within 25 miles of facility: 000°-360°—3100'.

City, Washington; State, Pa.; Airport name, Washington County; Elev., 1183'; Fac. Class., II-BVORTAC; Ident., AGC; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 26 Nov. 66; Sup. Amdt. No. Orig.; Dated, 13 Feb. 65



## 5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

## ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bangor VORTAC.....	BG LOM.....	Direct.....	2300	T-dn.....	300-1	300-1	200-1½
				C-dn.....	500-1	500-1	500-1½
				S-dn-33.....	200-½	200-½	200-½
				A-dn.....	600-2	600-2	600-2
				With glide slope inoperative:			
				S-dn-33°.....	400-1	400-1	400-1

Radar available.

Procedure turn S side of crs, 153° Outbnd, 333° Inbnd, 2300' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2000'.

Altitude at glide slope and distance to approach end of runway at OM, 1906'—5.9 miles; at MM 396'—0.7 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing BG LOM, make left-climbing turn to 2300' direct to BG LOM. Hold SE of BG LOM left turns, 1 minute, 333° Inbnd.

NOTE: Approach from a holding pattern not authorized, procedure turn required.

CAUTION: 327' standpipe, 0.5 mile NE of approach end Runway 33, 632' antenna, 2.5 miles NE, 882' antenna located 0.8 mile NE of LOM.

\*400-½ authorized with operative high-intensity runway lights except for 4-engine turbojets. 400-½ authorized with operative ALS except for 4-engine turbojets.

City, Bangor; State, Maine; Airport name, Dow AFB; Elev., 192'; Fac. Class., ILS; Ident., I-BGR; Procedure No. ILS-33, Amdt. 2; Eff. date, 26 Nov. 66; Sup. Amdt. No. 1; Dated, 9 July 66

Fargo VOR.....	LOM.....	Direct.....	2300	T-dn%.....	300-1	300-1	200-½
Fargo RBN.....	LOM.....	Direct.....	2300	C-dn.....	500-1	500-1	500-1½
Rice Int.....	Leslie Int.....	Direct.....	2300	S-dn-35°#.....	200-½	200-½	200-½
FAR VOR.....	Leslie Int.....	Direct.....	2300	A-dn.....	600-2	600-2	600-2
Leslie Int.....	LOM (final).....	Direct.....	2100				

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2300' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2100'.

Altitude at glide slope and distance to approach end of runway at OM, 2092'—4.1 miles, at MM, 1105'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM climb on N crs, Fargo ILS to 2500' within 10 miles, or when directed by ATC, make left-climbing turn to intercept FAR VOR, R 281°, climb to 2800' within 20 miles of FAR VOR.

\*RVR 2400' authorized Runway 35.

\*400-½ required when glide slope not utilized and 400-½ authorized with operative ALS except for 4-engine turbojets.

\*RVR 2400'. Descent below 1100' not authorized unless approach lights are visible.

City, Fargo; State, N. Dak.; Airport name, Hector; Elev., 900'; Fac. Class., ILS; Ident., I-FAR; Procedure No. ILS-35, Amdt. 18; Eff. date, 26 Nov. 66; Sup. Amdt. No. 17; Dated, 10 July 65

Southgate Int\$.....	W crs ILS and 10-mile DME Fix.....	12-15 arc.....	2200	T-dn%.....	300-1	300-1	200-½
Honolulu VOR.....	LOM.....	Direct.....	3600	C-dn.....	600-1	600-1	500-1½
Breakers Int.....	W crs ILS and 10-mile DME Fix.....	Via W crs ILS.....	2200	S-dn-8°.....	300-¾	300-¾	300-¾
W crs ILS and 10-mile DME Fix.....	LOM (final).....	Direct.....	2200	A-dn.....	600-2	600-2	600-2

Radar available.

Procedure turn S side crs, 259° Outbnd, 079° Inbnd, 3600' within 10 miles.

Minimum altitude at glide slope interception Inbnd, #2200'.

Altitude at glide slope and distance to approach end of Runway at OM, 1961'—5.9 miles; at MM, 247'—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing MM, make right turn, climb to 2000' and proceed to Southgate VHF Int via HNL VOR, R 168°.

CAUTION: (1) Terrain rises sharply on N side final approach crs; within 2.2 miles, 1000'; 4.1 miles, 2566'; 5.4 miles, 3098'. (2) ILS unusable from MM Inbnd.

\*500-1 required Runway 4. Right turn required to 150° for Runways 4 and 8. Left turn as soon as practical for Runway 26.

\*Do not descend below 2200' until intercepting glide slope due NAS Barber's Point 1500' jet traffic pattern.

\*400-¾ required when glide slope not utilized. \*300-¾ authorized with operative ALS except for 4-engine turbojets.

\*Circling N of airport not authorized because of terrain 385', 1.5 miles N, and 624', 2 miles NE.

\$When authorized by ATC.

City Honolulu; State, Hawaii; Airport name, Honolulu International; Elev., 13'; Fac. Class., ILS; Ident., I-HNL; Procedure No. ILS-8, Amdt. 5; Eff. date, 26 Nov. 66; Sup. Amdt. No. 4; Dated, 19 Mar. 66

				T-dn.....	300-1	300-1	200-½
				C-dn.....	700-1	700-2	700-2
				S-dn-13.....	600-1	600-2	600-2
				A-dn.....	800-2	800-2	800-2

Radar required.

Procedure turn not authorized.

Minimum altitude over radar fix/Palisades Park MHW on final approach crs, 1600'.

Crs and distance radar fix/Palisades Park MHW to airport, 134'—5.4 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after leaving radar fix/Palisades Park MHW or crossing the 233° bearing from the UR LOM, make climbing left turn to 4000' on LGA VOR, R 045° to Stamford VHF Int, cross Scarsdale VHF Int at 3000' or above. Hold NE Stamford, 1-minute left turns, Inbnd crs, 225°.

AIR CARRIER NOTE: Sliding scale not authorized for landings.

NOTE: Localizer procedure only: No glide slope.

City, New York; State, N. Y.; Airport name, La Guardia; Elev., 21'; Fac. Class., ILS; Ident., I-GDI; Procedure No. ILS-13, Amdt. 2; Eff. date, 26 Nov. 66; Sup. Amdt. No. 1; Dated, 27 Mar. 65



## ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 66 knots
					65 knots or less	More than 65 knots	
OKC VOR.....	LOM.....	Direct.....	2600	T-dn.....	300-1	300-1	*200- $\frac{1}{2}$
Bethany Int.....	LOM.....	Direct.....	2600	C-dn.....	400-1	500-1	500- $\frac{1}{2}$
Cashion Int.....	TWO R Bu.....	Direct.....	3100	S-dn-35L#.....	200- $\frac{1}{2}$	200- $\frac{1}{2}$	200- $\frac{1}{2}$
TWO R Bu.....	LOM.....	Direct.....	2600	A-dn.....	600-2	600-2	600-2
Newcastle Int.....	LOM (final).....	Direct.....	2400				

Radar available.

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2600' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2400'.

Altitude of glide slope and distance to approach end of runway at OM, 2337'—3.8 miles; at MM, 1466'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 3100' on N crs, ILS within 20 miles, or when directed by ATC, turn left, climb to 2500' direct to the OKC VOR.

NOTE: Glide slope unusable below 1417'.

\*RVR 2400' authorized Runway 35L.

#RVR 2400'. Descent below 1484' not authorized unless approach lights are visible.

#300- $\frac{1}{2}$  (RVR 2400) authorized without glide slope and with operative ALS except for 4-engine turbojets.

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1284'; Fac. Class., ILS; Ident., I-OKC; Procedure No. ILS-35L, Amdt. 12; Eff. date, 26 Nov. 66; Sup. Amdt. No. 11; Dated, 7 May 66

SLN VOR.....	SL LOM.....	Direct.....	3100	T-dn.....	300-1	300-1	200- $\frac{1}{2}$
Lindsborg 19-mile DME Fix, R 175°, SLN VORT.....	SL LOM (final).....	Direct.....	3100	C-dn.....	400-1	500-1	500- $\frac{1}{2}$
				S-dn-35@.....	300- $\frac{1}{2}$	300- $\frac{1}{2}$	300- $\frac{1}{2}$
				A-dn.....	600-2	600-2	600-2

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 3100' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 3100'.

Altitude of glide slope and distance to approach end of runway at OM, 3032'—5.7 miles; at MM, 1538'—0.7 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing SL LOM, climb to 2900' on N crs, SLN ILS within 15 miles, make right turn and return to SLN VORT, or when directed by ATC, climb to 2900' on N crs, SLN ILS within 15 miles, make right turn and return to LOM, climbing to 3100' upon reaching LOM.

CAUTION: Restricted area 7 miles SW of airport.

@400-1 required when glide slope not utilized, and 400- $\frac{1}{2}$  authorized with operative ALS or HIRL, except for 4-engine turbojets.

City, Salina; State, Kans.; Airport name, Municipal; Elev., 1271'; Fac. Class., ILS; Ident., I-SLN; Procedure No. ILS-35, Amdt. Orig.; Eff. date, 26 Nov. 66

Shell Lake INT.....	LOM.....	Direct.....	3100				
Coweta Int.....	LOM.....	Direct.....	2800	T-dn.....	300-1	300-1	*200- $\frac{1}{2}$
Glenpool Int.....	LOM.....	Direct.....	2500	C-dn.....	400-1	500-1	500- $\frac{1}{2}$
TUL VOR.....	LOM.....	Direct.....	2500	S-dn 35R*%.....	200- $\frac{1}{2}$	200- $\frac{1}{2}$	200- $\frac{1}{2}$
Stebbins Int.....	LOM.....	Direct.....	2500	A-dn.....	600-2	600-2	600-2
OKM VORT.....	LOM (final).....	Via OKM R 346° and TUL ILS S crs.	2500				

Radar available.

Procedure turn E side of S crs, 175° Outbnd, 355° Inbnd, 2500' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2500'.

Altitude of glide slope and distance to approach end of runway at OM, 2164'—5.4 miles; at NM, 828'—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500' on N crs, ILS (355°) within 20 miles, or when directed by ATC, climb to 2500' on R 036°, TUL VOR within 20 miles.

#300-1 required on Runways 3L, 21R, 17R, 35L. RVR 2400' authorized Runway 35R.

\*400- $\frac{1}{2}$  RVR 4000' required when glide slope inoperative. 400- $\frac{1}{2}$  RVR 2400' authorized with operative ALS except for 4-engine turbojets.

%RVR 2400'. Descent below 874' not authorized unless approach lights are visible.

City, Tulsa; State, Okla.; Airport name, Tulsa International; Elev., 674'; Fac. Class., ILS; Ident., I-TUL; Procedure No. ILS-35R, Amdt. 14; Eff. date, 26 Nov. 66; Sup. Amdt. No. 13; Dated, 17 Apr. 65



## 6. By amending the following radar procedures prescribed in § 97.19 to read:

## RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°	360°	Within:	9300	T-dn%----- C-dn----- S-dn-14/32#----- A-dn-----	Precision approach		
					300-1 800-1 300-3/4 1000-2	300-1 800-1 300-3/4 1000-2	200 1/2 800-1 1/2 300-3/4 1000 2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 32: Climb direct to LMT VOR thence, turn left, climb to 8000' in a 1-minute left turn holding pattern on R 256° of LMT VOR. Runway 14: Climb to 7500' direct to LFA RBN, or when directed by ATC, climb direct to LMT VOR, thence turn right, climb to 8000' in a 1-minute left turn holding pattern on R 256° of LMT VOR.

CAUTION: High terrain all quadrants. PA R monitored ILS approaches not approved.

%Takeoffs all runways: Climb via LMT ILS localizer SE crs/LMT VORTAC, R 140° to 6000', then turn right heading 250° to intercept and proceed via LMT VOR, R 162° to cross the LMT VOR at or above 7000'.

%200-1/2 authorized only on Runways 14 and 32.

#AIR CARRIER NOTE: Sliding scale for landing not authorized. Visibility reduction not authorized.

City, Klamath Falls; State, Oreg.; Airport name, Kingsley Field; Elev., 4092'; Fac. Class., and Ident., Klamath Falls Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 26 Nov. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 20, 1966.

W. E. ROGERS,  
Acting Director, Flight Standards Service.

[F.R. Doc. 66-11699; Filed, Nov. 3, 1966; 8:45 a.m.]

## Title 35—PANAMA CANAL

### Chapter I—Canal Zone Regulations

#### PART 119—LICENSING OF OFFICERS

##### Qualification Requirements for Panama Canal Pilots

Effective December 16, 1966, § 119.141 of Title 35 of the Code of Federal Regulations is revised to read as follows:

§ 119.141 Pilot, Panama Canal; qualifications.

(a) The minimum requirements to qualify an applicant for a license as Panama Canal Pilot are as follows:

(1) He must not have reached his 40th birthday at the time of his employment as Pilot-in-Training by the Panama Canal Company;

(2) He must hold a license issued by the U.S. Coast Guard as Master of Steam or Motor Vessels, Any Gross Tons, Any Ocean;

(3) He must have served at least 6 months as Chief Mate of Ocean, Steam

or Motor Vessels of 1,000 gross tons or over;

(4) Prior to receiving a license as Pilot an applicant must pass the prescribed examination. In addition, the applicant must satisfactorily complete the following experience requirements:

(i) For a license as Pilot, Limited to vessels not over 225 feet in length, he must have been employed as Pilot-in-Training by the Panama Canal Company for at least four (4) months;

(ii) For a license as Pilot, Limited to vessels not over 526 feet in length, he must have been employed by the Panama Canal Company as Pilot-in-Training and Pilot, Limited to vessels not over 225 feet, for at least seven (7) months; and

(iii) For a license as Pilot, Panama Canal, of Vessels of Any Tonnage upon All Canal Zone Waters, he must have been employed by the Panama Canal Company as Pilot, Limited to vessels not over 526 feet, for at least twelve (12) months.

(b) Whenever qualified applicants meeting the age criteria specified in sub-

paragraph (1) of paragraph (a) of this section are not available in sufficient numbers to meet the need for pilot trainees, the Marine Director may waive the age requirement in individual cases where the applicant otherwise fully meets the requirements but in no case may an applicant be employed after he has reached his 45th birthday.

(c) In the case of a pilot who has had any minimum-employment period specified in paragraph (a) (4) of this section extended, any subsequent employment period may be shortened, in any amount not exceeding the period of such prior extension, upon recommendation of the Marine Director approved by the Governor.

(2 C.Z.C. 1331(4), 76A Stat. 39; 35 CFR 3.3(a) (4) as added by E.O. 11305 of Sept. 14, 1966, 31 F.R. 12007)

Dated: October 25, 1966.

[SEAL] ROBERT J. FLEMING, Jr.,  
Governor.

[F.R. Doc. 66-12051; Filed, Nov. 3, 1966; 8:49 a.m.]



# Proposed Rule Making

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 73 ]

[ Airspace Docket No. 65-WA-51 ]

### RESTRICTED AREAS

#### Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 73 of the Federal Aviation Regulations that would alter Restricted Areas R-2906 Rodman, Fla., R-2907 Lake George, Fla., and R-2910 Pinecastle, Fla.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Navy has stated in a request to modify these restricted areas that due to the use of new and faster aircraft, advanced weapons systems and changed ordnance delivery techniques, the three restricted areas should be modified to provide the airspace required to contain the training activities. Changes in use made of the three targets also require alteration of the areas.

The activities to be contained in the restricted areas include dive bombing, glide bombing, low level delivery tactics, slant range strafing, loft, high altitude and night flare bombing, rocket delivery, mine drops, close air support, bull-pup delivery, and air burst weapon deliveries.

Highways, waterways, and scattered housing can be found within these restricted areas, but they are not close to impact areas. In view of this situation, if these proposals are adopted, the rule designating these restricted areas would expressly withhold any exemption for the user from the requirements of § 91.79 of the Federal Aviation Regulations, so that the Navy would be required to ob-

serve the minimum safe altitudes specified in that section over any congested area, person, vessel, vehicle, or structure on the surface, not owned, operated or leased by the Navy, while operating within these restricted areas. The Navy has agreed to this requirement.

All these areas are joint use restricted areas and are available to the public when not activated by the user.

The proposed changes to the present designations of R-2906, R-2907 and R-2910 would be as follows:

#### R-2906 RODMAN, FLA.

Boundaries: A 5-nautical-mile radius of latitude 29°29'00" N., longitude 81°46'00" W., excluding the area within a 2,000-foot radius of Welaka, Fla.

Designated altitudes: Surface to 14,000 feet MSL.

Time of designation: Continuous.

#### R-2907 LAKE GEORGE, FLA.

##### SUBAREA A

Boundaries: Beginning at latitude 29°23'00" N., longitude 81°31'10" W., to latitude 29°12'30" N., longitude 81°30'00" W., to latitude 29°12'30" N., longitude 81°38'30" W., to latitude 29°15'05" N., longitude 81°40'00" W., to latitude 29°20'30" N., longitude 81°40'00" W., to latitude 29°23'00" N., longitude 81°40'00" W., to latitude 29°23'00" N., longitude 81°39'10" W., thence via a 5-nautical-mile arc centered at latitude 29°19'11" N., longitude 81°35'15" W., to point of beginning.

Designated altitudes: Surface to FL 240.

Time of designation: Continuous.

Controlling agency: FAA, Jacksonville, ARTC Center.

Using agency: Commander, Fleet Air, Jacksonville NAS, Jacksonville, Fla.

##### SUBAREA B

Boundaries: Beginning at latitude 29°20'05" N., longitude 81°40'00" W., to latitude 29°15'05" N., longitude 81°40'00" W., to latitude 29°15'05" N., longitude 82°03'00" W., to latitude 29°20'05" N., longitude 82°03'00" W., to point of beginning.

Designated altitudes: Surface to 9,000 feet MSL from a line of longitude 81°40'00" W., to a line of longitude 81°42'55" W.; surface to 6,000 MSL feet from a line of longitude 81°42'55" W., to a line of longitude 81°51'50" W., 1,000 feet MSL to 2,000 feet MSL from a line of longitude 81°51'50" W., to a line of longitude 82°03'00" W.

Time of designation: Continuous.

Controlling agency: FAA, Jacksonville, ARTC Center.

Using agency: Commander, Fleet Air, Jacksonville NAS, Jacksonville, Fla.

##### SUBAREA C

Boundaries: Beginning at latitude 29°23'00" N., longitude 81°40'00" W., to latitude 29°17'10" N., longitude 81°40'00" W., to latitude 29°22'00" N., longitude 81°50'55" W., to latitude 29°26'20" N., longitude 81°48'25" W., to point of beginning.

Designated altitudes: Surface to 9,000 feet MSL beginning at latitude 29°23'00" N., longitude 81°40'00" W., to latitude 29°17'10" N., longitude 81°40'00" W., to latitude 29°-

18'31" N., longitude 81°42'55" W., to latitude 29°20'05" N., longitude 81°42'55" W., to latitude 29°23'02" N., longitude 81°40'07" W., to latitude 29°23'00" N., longitude 81°40'00" W. Surface to 6,000 feet MSL beginning at latitude 29°23'02" N., longitude 81°40'07" W., to latitude 29°20'05" N., longitude 81°42'55" W., to latitude 29°18'31" N., longitude 81°42'55" W., to latitude 29°22'00" N., longitude 81°50'55" W., to latitude 29°26'20" N., longitude 81°48'25" W., to latitude 29°23'02" N., longitude 81°40'07" W.

Time of designation: Continuous.

Controlling agency: FAA, Jacksonville, ARTC Center.

Using agency: Commander, Fleet Air, Jacksonville NAS, Jacksonville, Fla.

#### R-2910 PINECASTLE, FLA.

Boundaries: Beginning at latitude 29°14'00" N., longitude 81°45'50" W., to latitude 29°11'50" N., longitude 81°43'00" W., clockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°06'52" N., longitude 81°42'55" W., to latitude 29°10'05" N., longitude 81°38'50" W., to latitude 28°57'55" N., longitude 81°28'25" W., to latitude 28°53'50" N., longitude 81°33'45" W., to latitude 29°03'05" N., longitude 81°47'00" W., clockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°06'52" N., longitude 81°42'55" W., to latitude 29°07'55" N., longitude 81°48'20" W., to latitude 29°10'00" N., longitude 81°50'35" W., to point of beginning.

Designated altitudes: Surface to FL 240 within the circle of 5 nautical miles in radius centered at latitude 29°06'52" N., longitude 81°42'55" W. Surface to 9000 feet, MSL beginning at latitude 29°14'00" N., longitude 81°45'50" W., to latitude 29°11'50" N., longitude 81°43'00" W., counterclockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°06'52" N., longitude 81°42'55" W., to latitude 29°07'55" N., longitude 81°48'20" W., to latitude 29°10'00" N., longitude 81°50'35" W., to latitude 29°14'00" N., longitude 81°45'50" W. Surface to 9000 feet MSL beginning at latitude 29°10'05" N., longitude 81°38'50" W., to latitude 29°04'25" N., longitude 81°33'55" W., to latitude 28°58'50" N., longitude 81°40'30" W., to latitude 29°03'05" N., longitude 81°47'00" W., counterclockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°06'52" N., longitude 81°42'55" W. Surface to 6000 feet MSL beginning at latitude 29°04'25" N., longitude 81°33'55" W., to latitude 28°57'55" N., longitude 81°28'25" W., to latitude 28°53'50" N., longitude 81°33'45" W., to latitude 28°58'50" N., longitude 81°40'30" W., to latitude 29°04'25" N., longitude 81°33'55" W.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 26, 1966.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 66-12012; Filed, Nov. 3, 1966; 8:45 a.m.]



# Notices

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### SALES OF CERTAIN COMMODITIES

##### November Sales List

*Notice to buyers.* Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The U.S. Department of Agriculture announced the prices at which CCC commodity holdings are available for sale beginning at 3 p.m., e.s.t., on October 31, 1966, and, subject to amendment, continuing until superseded by the December Monthly Sales List. The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, linseed oil, and tung oil.

For November there is no change in commodities listed.

Corn, oats, barley or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-3) for November 1966

are 6 percent for U.S. bank obligations and 7 percent for foreign bank obligations, without regard to credit periods involved up to a maximum of 36 months. CCC-owned commodities currently available for export sale under the CCC Export Credit Sales Program are: Wheat, grain sorghum, barley, oats, rye, rice, flaxseed, extra long staple cotton, plus tobacco from CCC loan stocks. Commodities from private stocks now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, milled and brown rice, cottonseed oil, soybean oil, and dairy products.

Information on commodities available under Title IV, P.L. 480, private trade agreements, and current information on interest rates and other phases of the program may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. Wheat and grain sorghum are also available under conditions noted in the individual commodity listings. (In addition, free market stocks of corn, grain sorghum, wheat, wheat flour, tobacco, cottonseed, and soybean oils are eligible for barter programming under barter contracts covering procurements for Federal agencies that will reimburse CCC except that hard red winter, hard red spring, and durum wheats, and flour produced from those wheats, may not be exported through west coast ports.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricul-

tural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal or resident agent upon whom service of judicial process may be had.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Viet-Nam except under validated license issued by



the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

#### SALES PRICE OR METHOD OF SALE

##### WHEAT, BULK

###### Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 108 percent of the 1966 support price for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel—in store).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
\$0.11	\$0.07½	Minneapolis—No. 1 DNS (\$1.56) 108 percent +\$0.07¾; \$1.76¾. Portland—No. 1 SW (\$1.46) 108 percent +\$0.07¾; \$1.65¾. Kansas City—No. 1 HRW (\$1.43) 108 percent +\$0.07¾; \$1.62¾. Chicago—No. 1 RW (\$1.49) 108 percent +\$0.07¾; \$1.68¾.

D. *Availability information.* Contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

###### Export.

All classes of wheat are available for export sale at all U.S. coasts including the Great Lakes and St. Lawrence ports, however, sales at east and west coast ports are subject to the exceptions for the various programs as follows:

A. *Announcement GR-345 (Revision III, July 6, 1962, as amended),* wheat export program. Hard Red Winter and Hard Red Spring wheat will not be sold at west coast ports. For Durum wheat offered for sale under this announcement at west coast ports buyer must show export from west coast ports and shipment into a dollar market (including shipment under CCC approved credit sale—non-P.L. 480) to a destination west of the 170 meridian, west longitude and east of the 60th meridian, east longitude, or to countries on the west coast of Central and South America. Hard Red Spring wheat will not be sold at east coast ports.

B. *Announcement GR-346 (Revision I, June 23, 1960, as amended),* for export as flour.

C. *Announcement GR-261 (Revision II, Jan. 9, 1961, as amended and supplemented)* for export as wheat as follows:

(1) All classes will be sold for application to barter contracts except that wheat of the

classes Hard Red Winter, Hard Red Spring, and Durum will not be sold for barter at west coast ports nor will evidence of export at west coast ports be acceptable under a sale for barter;

(2) All classes will be sold for application to approved CCC credit sales except that (a) in the case of Hard Red Winter and Hard Red Spring wheat sold at west coast ports, buyers must show export from a west coast port to a destination within the geographical area described in A above, and (b) Durum wheat will not be sold at west coast ports for application to credit sales nor will evidence of export from west coast ports be acceptable under a sale of Durum for application to a credit transaction;

(3) Hard Red Winter and Hard Red Spring wheat will be sold at west coast ports for export commodity certificates to fill a dollar market sale and buyer must show export from west coast port to a destination within the geographical area described in A above. Hard Red Spring wheat will be sold at east coast ports for export commodity certificates and buyer must show export from an east coast port.

D. *Announcement GR-262 (Revision II, Jan. 9, 1961, as amended),* for export as flour as follows: All classes will be sold for application to barter and approved CCC credit transactions except that sales for barter will not be made at west coast ports nor will evidence of export from west coast ports be acceptable under a sale for barter pursuant to this announcement.

E. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS offices.

##### CORN, BULK

###### Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1966 price-support loan rate for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

###### B. General sales.

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price support rate<sup>2</sup> (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store<sup>1</sup> basis No. 2 Yellow Corn 14 percent M.T. 2 percent F.M.).*

Markup in-store received by—		Examples
Truck	Rail or barge	
\$0.05¾	\$0.05¾	Feed grain program domestic PIK certificate minimums: McLean County, Ill. (\$1.01+\$0.03+\$0.05¾); \$1.09¾. Agricultural Act of 1949 stat. minimums: McLean County, Ill. (\$1.01+\$0.19+\$0.03); 105 percent +\$0.05¾; \$1.35¾.

D. *Availability information.* For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

###### Export.

Corn from CCC inventory is not available for export sale.

##### GRAIN SORGHUM (BULK)

###### Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1966 price-support loan rate for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

###### B. General sales.

1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate<sup>2</sup> (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store<sup>1</sup> No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
\$0.11½	\$0.05¾	Feed grain program domestic PIK certificate minimums: Hale County, Tex. (\$1.60+\$0.11½); \$1.61½. Kansas City, Mo. (ex-rail) (\$1.78+\$0.05¾); \$1.84¾. Agricultural Act of 1949; stat. minimums: Hale County, Tex. (\$1.50+\$0.34); 105 percent +\$0.11½; \$2.05¾. Kansas City, Mo. (ex-rail) (\$1.78+\$0.34); 105 percent +\$0.05¾; \$2.28¾.

D. *Availability information.* For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland, or Minneapolis ASCS grain offices shown at the end of this sales list.

###### Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcements:



A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966, and to approved CCC credit sales.

C. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

#### BARLEY, BULK

##### Unrestricted use.

A. Redemption of domestic payment-in-kind certificates. Such CCC dispositions of barley as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1966 price-support loan rate for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

##### B. General sales.

1. *Storable.* Such CCC dispositions of storable barley as CCC may designate as general sales will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate<sup>2</sup> (published loan rate plus 13 cents per bushel) for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section, applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store<sup>1</sup> No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
\$0.10 <sup>3</sup> / <sub>4</sub>	\$0.07 <sup>3</sup> / <sub>4</sub>	Feed grain program domestic PIK certificate minimums: Cass County, N. Dak. (\$0.76 + \$0.10 <sup>3</sup> / <sub>4</sub> ); \$0.86 <sup>3</sup> / <sub>4</sub> . Minneapolis, Minn. (ex-rail) (\$0.99 + \$0.07 <sup>3</sup> / <sub>4</sub> ); \$1.06 <sup>3</sup> / <sub>4</sub> . Agricultural Act of 1949; statutory minimums: Cass County, N. Dak. (\$0.76 + \$0.13; 105 percent + \$0.10 <sup>3</sup> / <sub>4</sub> ); \$1.04 <sup>3</sup> / <sub>4</sub> . Minneapolis, Minn. (ex-rail) (\$0.99 + \$0.13; 105 percent + \$0.07 <sup>3</sup> / <sub>4</sub> ); \$1.25 <sup>3</sup> / <sub>4</sub> .

D. *Availability information.* For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Kansas City, Evanston, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

##### Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for barley. Sales will be made pursuant to the following announcements.

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales.

C. Available: Kansas City, Evanston, and Minneapolis ASCS grain offices.

#### OATS, BULK

##### Unrestricted use.

A. Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1966 price-support rate<sup>2</sup> for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markups and examples (dollars per bushel in-store<sup>1</sup> basis No. 2 XHWO).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
\$0.08 <sup>3</sup> / <sub>4</sub>		Redwood County, Minn. (\$0.56 + \$0.03 quality differential); 105 percent + \$0.08 <sup>3</sup> / <sub>4</sub> ; \$0.70 <sup>3</sup> / <sub>4</sub> .

C. *Nonstorable.* At not less than the market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through the ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

##### Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to barter contracts and to approved CCC credit sales.

C. Available: Kansas City, Evanston, Minneapolis, and Portland ASCS grain offices.

#### RYE, BULK

##### Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent<sup>2</sup> of the applicable 1966 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store<sup>1</sup> No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
\$0.11	\$0.07 <sup>3</sup> / <sub>4</sub>	Rolette County, N. Dak. (\$0.89; 105 percent + \$0.11; \$1.05. Minneapolis, Minn. (ex-rail) (\$1.23; 105 percent + \$0.07 <sup>3</sup> / <sub>4</sub> ); \$1.37 <sup>3</sup> / <sub>4</sub> .

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

##### Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales.

C. Available: Evanston, Kansas City, Portland, and Minneapolis ASCS grain offices.

#### RICE, ROUGH

##### Unrestricted use.

Market price but not less than 1966 loan rate plus 5 percent, plus 22 cents per hundredweight, basis in store.

##### Export.

As milled or brown under Announcement GR-369 (Revision III, as amended), rice export program—and under GR-379 (Revision I), for approved credit sales.

Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

#### COTTON, UPLAND

##### Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO-C-32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the current loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO-C-31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, which shall be the highest price offered but not less than the minimum determined by CCC, and in no event at less than the loan rate for such cotton.

##### Export.

CCC disposals for barter (1966-67 marketing year). Competitive offers under the terms and conditions of Announcements CN-EX-28 (Acquisition of Upland Cotton for Export under the Barter Program) and NO-C-31 (described above), as amended.

#### COTTON, EXTRA LONG STAPLE

##### Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

##### Export.

A. CCC sales for export. Competitive offers under the terms and conditions of Announcements CN-EX-20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO-C-23 (Sale of Foreign-Grown Extra Long Staple Cotton), as amended.



Competitive offers under the terms and conditions of Announcements CN-EX-22 (Extra Long Staple Cotton Export Program) and NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

B. *CCC credit sales and barter.* Competitive offers under the terms and conditions of Announcements CN-EX-26 (Purchase of Extra Long Staple Cotton for Export under the Export Credit Sales Program), or CN-EX-27 (Acquisition of Extra Long Staple Cotton for Export under the Barter Program), and NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

*Availability information.* Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

#### PEANUTS, SHELLED

##### A. *Domestic crushing or export.*

1. Shelled peanuts of less than U.S. No. 1 grades may be purchased for foreign or domestic crushing.

2. U.S. Medium—Virginia type—for export.

3. Terms and conditions of sales as set forth in Peanut Announcement PR-1 effective July 1, 1966, Amendment 1, and the lot list.

B. When stocks of any of the above categories are available in their area of responsibility, weekly lot lists are issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

All sales are made on the basis of competitive bids submitted each Wednesday to the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C.

#### TUNG OIL

##### *Domestic or export.*

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C.

The quantity offered and the date bids are to be received are announced to the trade in notices of invitation to bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss.

Terms and conditions of sale are as set forth in Announcement NTOM-PR-3, effective September 26, 1966, and the applicable invitation to bid.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS, Telephone Washington, D.C., area code 202, DUpon 8-3901 or DUpon 8-2967.

#### FLAXSEED, BULK

##### *Unrestricted use.*

A. *Storable.* Market price but not less than the applicable 1966 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store).*

Markup per bushel received by—		Examples of minimum prices (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents \$0.12½	Cents \$0.08	Minneapolis..	No. 1.....	\$3.37½

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Available.* Through the Minneapolis Grain Merchandising ASCS Office.

##### *Export.*

A. Announcement PS-GR-4, Revision 1, as amended, dispositions of flaxseed, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales. Such sales will be at the domestic market price as determined by CCC less the applicable export payment allowance. The flaxseed to be exported shall be No. 2 grade, or better.

C. *Available.* Through the Minneapolis Grain Merchandising ASCS Office.

#### LINSEED OIL, RAW (BULK)

##### *Export.*

Under Announcement PS-GR-4, Revision 1, as amended, dispositions of raw linseed oil, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

*Available.* Through the Minneapolis ASCS Commodity Office.

#### DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

##### *Submission of offers.*

Submit offers to the Minneapolis ASCS Commodity Office.

#### NONFAT DRY MILK

##### *Unrestricted use.*

Announced prices, under MP-14: Spray process, U.S. Extra Grade, 21.60 cents per pound.

##### *Export.*

Competitive bid, under MP-10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and approved CCC credit.

Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to MP-10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

#### BUTTER

##### *Unrestricted use.*

Announced prices, under MP-14: 70.5 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 69.75 cents per pound—Washington, Oregon, and California. All other States 69.50 cents per pound.

##### *Export.*

Competitive bid under Announcement MP-10, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and CCC credit.

Any butter offered but not sold under the invitation to bid issued pursuant to MP-10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

#### CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

##### *Unrestricted use.*

Announced prices, under MP-14: 49 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 48 cents per pound.

##### *Export.*

Competitive bid under Announcement MP-10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Of-

fice. Announced prices under MP-10. Sales under this announcement may be made for application to CCC credit.

Any cheese offered but not sold under the invitation to bid issued pursuant to MP-10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

#### FOOTNOTES

<sup>1</sup> The formula price delivery basis for bin site sales will be f.o.b.

<sup>2</sup> To compute, multiply applicable support price by 1.05 round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight and handling charges.

#### USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

##### GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Emerson 1-0860.

Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming.

Branch Office—Evanston ASCS Branch Office, 2001 Howard Street, Evanston, Ill. 60202. Telephone: Long Distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.).

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: 334-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Ore. 97205. Telephone: 226-3361.

Idaho, Nevada, Oregon, Utah, and Washington (Domestic & Export Sales), Arizona and California (export sales only).

Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif. 94704. Telephone: Thornwall 1-5121. Arizona and California (domestic sales only).

##### PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: 334-3300.

##### COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: 527-7766.

##### GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidingler, 80 Lafayette Street, New York, N.Y. 10013. Telephone: 264-8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: 556-6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note).)



Signed at Washington, D.C., on November 1, 1966.

H. D. GODFREY,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 66-12039; Filed, Nov. 3, 1966;  
8:47 a.m.]

## DEPARTMENT OF COMMERCE

Bureau of the Census

### RETAILERS' INVENTORIES, SALES, NUMBER OF ESTABLISHMENTS, MERCHANDISE LINES

#### Notice of Consideration To Continue Survey

Notice is hereby given that the Bureau of the Census is considering a proposal to repeat in 1967 the Annual Retail Trade Survey which has been conducted each year under Title 13 U.S.C. 181, 224, and 225 to collect data covering yearend inventories, annual sales, and number of retail stores operated as of the end of the year. This survey, covering 1966, which provides important information on retail inventories and sales-inventory ratios, is the only continuing source available on a comparable classification basis and on a sufficiently timely basis for use as the benchmark for monthly inventory estimates. It also assists in establishing a benchmark for the geographic area distribution of sales. This year the survey will also include merchandise lines data by kind of business.

On the basis of information and recommendations received by the Bureau of the Census, the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and are not publicly available from nongovernmental or other governmental sources.

Such a survey, if conducted, shall begin not earlier than 30 days after the publication of this notice in the **FEDERAL REGISTER**.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from sampled stores on the basis of their sales size and/or location in Census Sample Areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participating monthly in the Bureau's geographic area survey will be asked to report at the national level only.

Copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey should be submitted in writing to the Director of the Bureau of the Census within 30 days after the date of

this publication and will receive consideration.

Dated: October 24, 1966.

A. ROSS ECKLER,  
Director, Bureau of the Census.

[F.R. Doc. 66-12004; Filed, Nov. 3, 1966;  
8:45 a.m.]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

### ASSISTANT REGIONAL ADMINISTRATOR FOR PROGRAM COORDINATION AND SERVICES, REGION V (FORT WORTH)

#### Redelegation of Authority With Respect to Urban Planning Assistance Program

NOVEMBER 1, 1966.

The Assistant Regional Administrator for Program Coordination and Services, Region V (Fort Worth), Department of Housing and Urban Development, is hereby authorized within his jurisdiction as modified at 30 F.R. 14176, November 10, 1965, and at 31 F.R. 9471, July 12, 1966, to exercise the authority redelegated to the Regional Administrator and the Deputy Regional Administrator by the Assistant Secretary for Metropolitan Development (31 F.R. 7359, May 20, 1966) with respect to the Urban Planning Assistance Program authorized under section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), except those authorities which under section C of such redelegation may not be redelegated.

So much of the redelegation of authority (30 F.R. 14580, Nov. 23, 1965) to the Regional Director of Urban Renewal, Region V (Fort Worth), as related to the Urban Planning Program authorized under section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), is hereby superseded.

(Assistant Secretary's redelegation effective May 18, 1966, 31 F.R. 7359, May 20, 1966)

**Effective date.** This redelegation of authority shall be effective as of October 10, 1966.

W. W. COLLINS,  
Regional Administrator,  
Region V (Fort Worth).

[F.R. Doc. 66-12029; Filed, Nov. 3, 1966;  
8:47 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order E-24341]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of October 1966.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket 16236, Agreement CAB 19054, R-3 and R-4.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated October 19, 1966, names rates under existing commodity descriptions as set forth in the attachment hereto.<sup>2</sup> The new rates reflect reductions of 37.3 and 59.7 percent, respectively, and are consistent with the present level of specific commodity rates within the applicable area.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement CAB 19054, R-3 and R-4, be approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12030; Filed, Nov. 3, 1966;  
8:47 a.m.]

[Docket No. 17881]

### EL AL ISRAEL AIRLINES, LTD.

#### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on November 9, 1966, at 10 a.m., e.s.t., in Room 701, Universal Building, 1825 Connecticut

<sup>1</sup> Received in the Board Oct. 24, 1966.

<sup>2</sup> Attachment filed as part of original document.



Avenue NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., October 31, 1966.

[SEAL] FRANCIS W. BROWN,  
*Chief Examiner.*  
[F.R. Doc. 66-12031; Filed, Nov. 3, 1966; 8:47 a.m.]

[Docket No. 16909]  
**MONTREAL-TAMPA/MIAMI CASE**  
**Notice of Postponement of Oral Argument**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case now assigned to be heard on November 10, 1966, is postponed to November 30, 1966, 10 a.m., e.s.t., Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 31, 1966.

[SEAL] FRANCIS W. BROWN,  
*Chief Examiner.*  
[F.R. Doc. 66-12032; Filed, Nov. 3, 1966; 8:47 a.m.]

**FEDERAL MARITIME COMMISSION**

[H.R. 10327]  
**OPERATORS OF PASSENGER VESSELS EMBARKING PASSENGERS AT U.S. PORTS**

**Notice of Request for Information**

The Federal Maritime Commission is to be charged with the administration of sections 2 and 3 of H.R. 10327, a bill to require operators of passenger vessels embarking passengers at U.S. ports to file evidence of financial security and other information. The Commission, in an attempt to obtain information needed to draft rules to implement this legislation, has sent the following letter to the persons and firms listed below who are believed to own passenger vessels subject to the bill.

GENTLEMEN: For some time there has been pending in the U.S. Congress legislation requiring operators of passenger vessels embarking passengers at U.S. ports to file evidence of financial security and other information. This bill (H.R. 10327) has now passed both houses of Congress and is awaiting the signature of the President to enact the bill into law. Enclosed is a copy of the text of this bill as passed by Congress.

Sections 2 and 3 of the legislation will be administered by the Federal Maritime Commission. Section 2 will require each owner or charterer of a vessel having berth or stateroom accommodations for 50 or more passengers and embarking passengers at U.S. ports, to satisfy the Federal Maritime Commission as to its financial responsibility for liability it may incur for death or injury to any person. The bill provides the following methods for establishing the required financial responsibility: (1) policies of insurance, (2) surety bonds, (3) qualifications

as a self-insurer, or (4) other evidence of financial responsibility.

The total amount of financial responsibility for your company would be based on the vessel accommodating the largest number of passengers and would be computed on a sliding scale basis as follows:  
\$20,000 for each passenger accommodation up to and including 500; plus  
\$15,000 for each additional passenger accommodation between 501 and 1,000; plus  
\$10,000 for each additional passenger accommodation between 1,001 and 1,500; plus  
\$5,000 for each passenger accommodation in excess of 1,500.

Section 3 of the bill would require any person arranging, offering, advertising, or providing passage on vessels having berth or stateroom accommodations for 50 or more passengers and embarking passengers at a U.S. port to establish to the satisfaction of the Federal Maritime Commission that sufficient funds are available, by bond or otherwise, to indemnify passengers for nonperformance of the transportation offered. The bond or other security used to satisfy this section must equal the estimated total revenue of the particular transportation.

In order that this Commission may draft appropriate rules and regulations necessary to carry out the provisions of this bill, we are interested in obtaining from you the following information:

1. Whether you plan to operate passenger vessels covered by the new legislation during 1967;
2. If so, the number of vessels you plan to operate; the names of the vessels; the number of passengers which each of these vessels accommodate; the itinerary of the vessel;
3. Tentatively, how you plan to comply with the financial responsibility provisions of the Act (sections 2 and 3 thereof);
4. The name of the person or firm in the United States authorized to act as owner's agent with respect to qualifying under the new legislation;
5. Whether the vessel will be operated by the owner or on a charter basis;
6. A sample of the tickets or other contract of passage offered; and
7. Any other information or comments you wish to make concerning this matter.

There is a limited amount of time available before the effective date of this legislation. Therefore, we would appreciate your cooperation in returning the requested information to us without delay.

A notice of the proposed rules will be published in the FEDERAL REGISTER at a later date, and all interested parties will be given the opportunity to comment thereon and to participate in the rulemaking proceeding.

If you do not intend to operate passenger vessels subject to the above-mentioned Act, your response to that effect will also be appreciated.

A copy of this letter has been mailed to all persons and firms known by this Bureau to own vessels embarking passengers at U.S. ports. In addition, the contents of this letter will be published in the FEDERAL REGISTER as a means of soliciting responses from other interested parties.

Very truly yours,  
(Signed) JAMES E. MAZURE,  
*Director,*  
*Bureau of Domestic Regulation.*

Enclosure: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Approval No. 118-66002

- ADDRESSES
- Alaska Cruise Lines, Ltd.
  - American Export Isbrandtsen Lines, Inc.
  - American President Lines, Ltd.

- Ariadne Shipping Co., Ltd.
- Bergenske Dampskibsselskab, Det
- Blue Steamship Co.
- Calypso Lines, Ltd.
- Canadian Pacific Railway Co.
- Companhia Colonial de Navegacao
- Compagnie General Transatlantique
- Compania Transatlantica Espanola, S.A.
- Cunard Steam-Ship Co., Ltd.
- Delta S.S. Lines, Inc.
- Einar Hansen Rederi A/B Clipper
- Evangeline Steamship Co.
- Furness, Withy & Co., Ltd.
- Grace Line, Inc.
- Holland America Line
- Home Lines, Inc.
- "Italia" Societa Pep Azioni Di Navigazione
- Jugoslavenska Linijska Plovidba (Yugoslav Line)
- Matson Navigation Co.
- Moore-McCormack Lines, Inc.
- New Zealand Shipping Co., Ltd.
- Nihon Ijusen K.K.
- Norddeutsche Immobilien & Verwaltungs G.M.B.H.
- Norddeutscher Lloyd
- Norske Amerikalinje A/S, Den
- Oceanic Steamship Co., Inc.
- Okeania, S.A.
- Otaru Municipal Office
- P. & O. Steam Navigation Co.
- Panama Canal Co.
- Polish Ocean Lines
- Royal Mail Lines, Ltd.
- Shaw Savill & Albion Co., Ltd.
- "Sittmar" Societa Italiana Transporti Marittimi
- A/B Svenska Amerika Linien Wijk, Erik
- Themistocles Navegacion, S.A.
- Transatlantic Shipping Corp.
- United States Lines Co.
- Victoria Steamship Co., Ltd.
- William Shipping Co., Inc.
- Yarmouth Steamship Co., Inc.
- Ybarra & Cia., S.A.
- Zim Israel Navigation Co., Ltd.
- Arcadia Steamship Co.
- Government of Canada
- Europa-Canada Line G.M.B.H.
- Koninklijke Rotterdamse Lloyd N.V.
- John S. Latsis
- Nili-Somerfin Car Ferries, Ltd.
- Sigship, S/S
- Transoceanic Navigation Corp.

This notice is published as an additional request for comments from all interested parties. Comments should be submitted to the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. 20573.

Dated: November 1, 1966.  
THOMAS LISI,  
*Secretary.*  
[F.R. Doc. 66-12037; Filed, Nov. 3, 1966; 8:47 a.m.]

**THAILAND/UNITED STATES ATLANTIC & GULF RUBBER POOL**

**Notice of Agreement Filed for Approval**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW, Room 609; or may inspect agreements at



the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Elkan Turk, Jr., Burlingham, Underwood, Barron, Wright & White, 25 Broadway, New York, N.Y. 10004.

Agreement 8061-11 modifies the basic agreement (8061) of the Thailand/United States Atlantic & Gulf Rubber Pool so that the member lines may, at their discretion, disband their jointly established Haadyai Office and delegate its management and control functions to an independent person, firm, company, or corporation, which will be subject to supervision and control by the Supervisory Committee at Singapore.

Dated: November 1, 1966.

By the Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12038; Filed, Nov. 3, 1966; 8:47 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4425]

### PENNZOIL CO.

#### Notice of Filing Regarding Issuance and Sale of Notes by Holding Company and Application for Ex- emption From Competitive Bidding

OCTOBER 31, 1966.

Notice is hereby given that Pennzoil Co. ("Pennzoil"), a registered holding company, 900 Southwest Tower, Houston, Tex. 77002, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") and has designated sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Pennzoil has outstanding \$214,975,000 principal amount of promissory notes due December 31, 1966 ("Old Notes"), and now held by 26 banks ("Banks") in respective amounts set forth in Holding Company Act Release No. 15493 (June 2, 1966). The Old Notes originally were issued by Pennzoil to these Banks on December 20, 1965, immediately prior to Pennzoil's registration as a holding company under the Act; and, pursuant to

Commission authorization, their maturity was subsequently extended to December 31, 1966. (See Holding Company Act Release No. 15514 (June 23, 1966).)

In order to refund the Old Notes, Pennzoil proposes to issue and sell to the public up to \$215 million aggregate amount of its — percent notes ("Interim Notes"), each of which will mature June 30, 1968, or, at the option of the holder thereof, December 31, 1967. All Interim Notes will be publicly offered through underwriters, partly on a firm basis and the balance on a best efforts basis. The amounts to be thus underwritten will be determined by negotiation.

An amount equal in aggregate principal amount of Interim Notes sold will be applied, pro rata, to the prepayment of the Old Notes. Accrued interest on the Old Notes will be paid with funds from other sources.

To retire the balance of unpaid principal amount of the Old Notes, Pennzoil, pursuant to an agreement with the Banks ("New Agreement"), will issue to the Banks promissory notes ("New Notes") of equal aggregate principal amount. Each of such New Notes (a) will be made payable to the order of the Bank to which it is issued, (b) will be payable on or before July 31, 1968, and (c) will bear interest, payable quarterly, at a rate per annum (computed on a daily basis of a year of 365 days) which shall be the greater of (i) the annual rate of interest payable on the Interim Notes or (ii) one-fourth of 1 percent above the prime commercial loan rate at the Mellon National Bank & Trust Co. for unsecured loans prevailing from time to time while such New Note is outstanding.

The exchange of the Old Notes for the New Notes will be made on a date ("Closing Date") specified by prior notice, which date shall be the same as the date of closing of the sale of the Interim Notes. If Pennzoil fails to specify a Closing Date prior to December 25, 1966, the New Agreement will terminate.

Pursuant to the New Agreement Pennzoil proposes to issue from time to time after the Closing Date to and including June 30, 1968, additional New Notes in aggregate principal amount of all Interim Notes which may from time to time be retired. The aggregate principal amount of Pennzoil's obligations on Old and New Notes to the Banks and on Interim Notes will not exceed \$215 million at any one time outstanding.

Each borrowing, for which additional New Notes are to be issued, will be made from the Banks pro rata according to the respective amounts of the Old Notes presently held by the Banks. Pennzoil will pay a commitment fee on the daily average unused amount of the commitment of each of the Banks, computed at a rate of one-fourth of 1 percent per annum until December 31, 1967, and at a rate of one-half of 1 percent per annum thereafter.

The New Notes will be subject to pro rata prepayment at the option of Pennzoil, in whole or in part, in the principal amount of \$1 million or an integral multiple thereof. Each such prepayment may be made without premium or penalty, except that, if any such prepayment

is made directly or indirectly from the proceeds or in contemplation of bank borrowings other than from the Banks, Pennzoil is to pay a premium on that portion of the principal amount prepaid at the rate of one-fourth of 1 percent per annum from the date of prepayment to the maturity date of the amount prepaid.

Pennzoil requests an exemption from the competitive bidding requirements of Rule 50 for the issuance and sale of its Interim Notes. It is stated that the Interim Notes, with a maturity date of eighteen months, are not the type of security appropriate to competitive bidding, especially in view of the size of the proposed issue under present conditions in the money market. It is further stated that, unless a significant amount of Interim Notes, sufficient to permit a substantial prepayment of the Old Notes, can be underwritten at a reasonable cost, the proposed transaction would not be justified; that the amount of Interim Notes which may be firmly underwritten without excessive cost cannot be determined except by negotiation; and that, since only a part of the issue of Interim Notes will be firmly underwritten, it might not be feasible to evaluate competitive bids if they should differ as to amounts to be thus underwritten.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Information respecting the fees and expenses to be incurred in connection with the proposed transactions is to be submitted by amendment.

Notice is further given that any interested person may, not later than November 14, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary,

[F.R. Doc. 66-12021; Filed, Nov. 3, 1966; 8:46 a.m.]



## FEDERAL TRADE COMMISSION CIGARETTES AND RELATED MATTERS

### Methods To Be Employed in Determining Tar and Nicotine Content; Notice of Public Hearing

Notice is hereby given that the Federal Trade Commission will hold a public hearing before the full Commission on November 30, 1966, commencing at 10 a.m., e.s.t., in Room 532, Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D.C., at which time and place all interested and affected parties may verbally present data, views, arguments and suggestions relevant to the manner of testing cigarettes to determine their tar and nicotine content and the reporting of the results of such tests. Written data, views, arguments and suggestions will also be made a part of the public record and considered if mailed to Mr. Joseph W. Shea, Secretary, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580, on or before November 30, 1966. Persons submitting written presentations exceeding two pages should file 12 copies thereof, and any person desiring to make oral presentation at the hearing on November 30, 1966, should notify the Secretary of the Commission to this effect, with an estimate of the time required for his presentation, not later than November 21, 1966.

The purpose of this hearing is to establish a public record to assist the Commission in determining what action, if any, should be taken in the public interest with respect to modifying or amplifying the Cambridge Filter Method, as described in an article entitled "Determination of Particulate Matter and Alkaloids (as Nicotine) in Cigarette Smoke," by C. L. Ogg, which appeared in the Journal of the Association of Official Agricultural Chemists, Vol. 47, No. 2, 1964, to determine tar and nicotine yields of cigarette smoke, and the form in which test results should be expressed in the public interest. This method was specified by the Commission on March 25, 1966, as that to be used to support any factual statements of tar and nicotine content of the mainstream smoke of cigarettes. The public record to be established will assist the Commission in reaching informed determinations with respect to the manner in which its laboratory will be operated, and related questions.

The Commission solicits information and suggestions on the following questions:

1. Whether the butt-length to which test cigarettes are smoked should be 23 mm for nonfilter cigarettes, and the length of the filter and overwrap plus 3 mm for filter cigarettes if such combined length is more than 23 mm;

2. Whether the total particulate matter should be reported on a "wet" or "dry" basis, and if the latter whether the gas chromatography method published

by C. H. Sloan and B. J. Sublett, "Moisture Content of the Particulate Phase of Smoke from Filter and Nonfilter Cigarettes," in Tobacco Science 9, page 70, 1965, as modified by F. J. Schultz and A. W. Spears report "Determination of Moisture in Total Particulate Matter" published in Tobacco Vol. 162, No. 24, page 32, dated 17 June 1966, should be employed to determine the moisture content;

3. Whether test results should be reported in terms of whole numbers or whole numbers and fractions of milligrams, or a range, or a figure accompanied by the standard deviation with an explanation; and

4. The number of cigarettes to be smoked necessary to produce reliable results, and the size and geographic distribution of the sample from which such test cigarettes are selected.

Interested persons are invited to submit any information pertinent to these questions or other aspects of the subject.

The data, views, or arguments presented orally or in writing will be available for examination by interested parties at the Federal Trade Commission, Washington, D.C.

Issued: November 3, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12024; Filed, Nov. 3, 1966; 8:46 a.m.]

## TARIFF COMMISSION STAINLESS-STEEL TABLE FLATWARE

### Report to the President

NOVEMBER 1, 1966.

The Tariff Commission observed in a report sent to the President today that the U.S. demand for stainless-steel table flatware continued to increase in 1965 and 1966 and that domestic producers increased their sales, expanded their capacity, and improved their productivity. Imports increased in 1966 primarily as a result of enlargement of the tariff quota and reduction of the duties on over-quota imports, effective November 1, 1965. Imports supplied 24 percent of U.S. consumption in 1963, 22 percent in 1964, and 25 percent in 1965. U.S. consumption rose from 29 million dozen pieces in 1963 to 36 million dozen pieces in 1965.

The Commission's report was submitted to the President in accordance with section 351(d) (1) of the Trade Expansion Act of 1962, which provides that—

So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned,

and shall make annual reports to the President concerning such developments.

Under the escape-clause procedure of the Trade Agreements Extension Act of 1951, the President established a tariff quota and increased the rates of duty applicable to certain stainless-table flatware in excess of the quota, effective November 1, 1959. The tariff quota was enlarged and the rates of duty on imports over the quota were decreased by a Presidential proclamation dated January 7, 1966, but retroactive to November 1, 1965.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436.

[SEAL] DONN N. BENT,  
Secretary.

[F.R. Doc. 66-12026; Filed, Nov. 3, 1966; 8:46 a.m.]

## ATOMIC ENERGY COMMISSION STATE OF WASHINGTON

### Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Washington for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of Washington and summarizing the State's proposed program, was also submitted to the Commission. With the exception of referenced Charts 1-3 and advisory committee memberships, this résumé is set forth below as an appendix to this notice. A copy of the program, including proposed Washington regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668. In reviewing this proposed agreement, interested persons



should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 12th day of October 1966.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary.

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF WASHINGTON FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Washington is authorized under Revised Code of Washington 70.98.110 to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Washington certified on October 3, 1966, that the State of Washington (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ----- that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

- A. Byproduct materials;
- B. Source materials; and
- C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

- A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or l. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This agreement shall become effective on December 31, 1966, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at -----, in triplicate, this ----- day of -----.

For the United States Atomic Energy Commission.

For the State of Washington.

DANIEL J. EVANS,  
Governor.

# FOREWORD

This document presents the current and proposed programs for managing the use of ionizing radiation in this State in a manner consistent with the paramount need in such use for the protection of the public and occupational health and safety. It includes supporting information on authority, regulation, organization, and resources available.

Washington, an early pioneer in the nuclear age, has worked closely with the Atomic Energy Commission and its contractors in assuring adequate protection through the long period of major nuclear activity in the State. As Washington progresses in the nuclear age, and invites beneficial nuclear development, it is fully aware of the responsibility to assure continuing protection in the use of both new and existing sources of ionizing radiation.

The Governor, on behalf of the State of Washington, is authorized to enter into agreements with the Federal Government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by the State. This authority is found in the Revised Code of Washington (RCW) 70.98.110 relating to development, regulation, and utilization of sources of ionizing radiation.

The Atomic Energy Commission is authorized to enter into an agreement with the Governor of a State whereby the Commission may transfer to the State certain licensing and regulatory control of byproduct material, source material, and special nuclear material in quantities not sufficient to form a critical mass—this authority is found in section 274b of the Atomic Energy Act of 1954, as amended.

## BACKGROUND

### PERTINENT EVENTS AND LEGISLATIVE HISTORY

1949—The Columbia River Advisory Group (CRAG) was organized at the request of the Atomic Energy Commission Operations Office in 1949 to advise on matters of reactor waste disposal and water used in the Columbia River. Its members were from Oregon (State Sanitary Authority), Washington (Department of Health and Pollution Control Commission), and the U.S. Public Health Service (Portland Office of the Water Supply and Pollution Control).

1956—An Interim Advisory Committee on Radiation Protection and Control was formed to advise the Department of Health on initiating activity in the control of hazards from ionizing radiation.

A program was formed to undertake activity in air pollution and radiation control in the "then" Division of Engineering and Sanitation.

1957—Chapter 43.39 RCW was passed by the legislature, calling for review by named State departments, including Health, of legislative and regulatory needs, establishing the position of Coordinator of Atomic Development Activities, and creating an Advisory Council on Atomic Energy.

The Air Sanitation and Radiation Control Section was formally created in the Division of Engineering and Sanitation of the Department of Health. Staff recruitment and training were initiated.

1961—Chapter 70.98 RCW was enacted. It repealed Chapter 43.39 RCW and established the Department of Health as the radiation control agency with authority to register sources of ionizing radiation and to regulate their use. It created the Technical Advisory Board on Radiation Control, established the Department of Commerce and Economic Development as the agency for promotion and development of nuclear energy, and created the Advisory Council on Nuclear Energy and Radiation. It au-



thorized the Governor to enter into agreements with the Federal Government for transfer of authority. It provided for administrative and legal proceedings, outlawed shoe fluoroscopes, and provided for exemptions.

1964—Rules and Regulations of the State Radiation Control Agency pertaining to the registration of reportable radiation sources were adopted. These required, in addition to registration, the reporting of changes including loss of control by theft, loss, or accident. Exemptions from registration and reporting were provided.

1965—Chapter 70.98 RCW was amended. The Department of Health was named as the sole agency responsible for administering the regulatory provisions for the protection of the public and occupational health and safety, and provided for licensing of byproduct, source, special nuclear materials and devices utilizing such materials, or other naturally-occurring or artificially-produced radioactive materials.

Chapter 43.31 RCW was amended establishing the office of Nuclear Energy Development in the Department of Commerce and Economic Development. It authorized the Department to acquire, develop, operate, lease, sublease, or sell land and facilities for nuclear development purposes and provided for perpetual maintenance and/or surveillance for radioactive material waste-management purposes.

1966—Regulations for licensing, registration, and standards for protection pertaining to the use of ionizing radiation were adopted.

From the time of the establishment of the Advisory Council on Atomic Energy, the Council and its successor, the Advisory Council on Nuclear Energy and Radiation, have provided continuous leadership in developing and improving legislation which would enable Washington to become an agreement-state and to undertake the development of its nuclear potential. The Departments of Health and of Commerce and Economic Development have worked closely with the Councils in this endeavor.

The Department of Health was an active participant in the Columbia River Advisory Group. Through this mechanism, while no formal State programs had been established, it was able to continuously review appropriate information on Hanford waste disposal practices and to advise the Atomic Energy Commission and its contractors concerning discharges to the Columbia River and significant water uses.

#### PREVIOUS AND CURRENT ACTIVITIES

The initiation of Departmental programs directed at the problems associated with ionizing radiation resulted in a series of activities the most significant of which are described below.

**Tuberculosis chest X-ray program.** Beginning in 1957, more emphasis in this long-standing program was placed on radiation protection. The continuous effort to upgrade X-ray picture quality through improved technique resulted in reducing unnecessary exposure—in participating public agency, private physician, and hospital installations. X-ray installation and operations inspections and consultation were performed by an engineer who is now a senior member of the section radiation control staff.

**Environmental surveillance.** The Department has participated continuously since 1956 in the U.S. Public Health Service Radiation Surveillance Network for air and precipitation sampling and coordinated local health department's participation. All of the technical staff of the section have participated in this program. Arrangements were made for regular collection of milk by local health departments in the milksheds

for Seattle since 1960 and Spokane since 1958 for the National Pasteurized Milk Network.

A raw milk network was established in 1962 to provide for early detection in producing areas of elevated levels of radioactivity from fallout. It continues to operate on a flexible schedule to meet the need.

A substantial program of monitoring of surface and ground water, shellfish, and water biota was initiated in 1961. Equipment resources and part of other costs were largely supported through a contract with the U.S. Public Health Service. The total State network program includes (as of July 1, 1966), 61 active stations of which 39 are for surface water, 10 for shellfish, 9 for raw milk, 2 for air precipitation, and 1 for salt water and sediment. Ground water is sampled at random locations. Sample collection is largely dependent upon co-operators from local health and water departments and the State Pollution Control Commission. Exclusive of air and precipitation, a total of 1,167 samples were collected and analyzed during the 24 months ending June 30, 1966. Four annual reports have been prepared covering this work. Since 1958 the environmental surveillance program has been under the supervision of the staff member now serving as assistant section head and technical director and is operated by a Sanitary Engineer II.

**X-ray survey.** In 1958, a study was conducted in 352 dental offices using film badges for operator personnel and site exposure determinations. After a period of 1 month, the badges were collected, developed and evaluated. Thirty-eight offices with the highest personnel film badge readings were revisited for the purpose of recommending measures to reduce exposure levels. Filters and/or collimators were added as needed and protective measures for operators were recommended. All others surveyed were notified of the results by letter. This survey was conducted through joint arrangement with the Washington State Dental Association and the U.S. Public Health Service.

In 1962, Sur-Pak kits were sent to all dentists in Washington listed with the Department of Professional Licensure. A total of 1,344 Sur-Paks were returned and evaluated. The dentists were notified of the evaluation of their equipment. Where indicated, the filter and collimator, as required, were mailed to the dentist with instructions for installing them on his particular machine. Those requiring more difficult procedures were revisited by survey teams who made the modifications for the dentist.

In 1962, physical surveys were started on dental X-ray machines using U.S. Public Health Service X-ray protection survey procedures. A written report was left with the dentist and, when indicated, recommendations for compliance with the standards of the American Academy of Oral Roentgenology were included. Filters and collimators, as required, were installed.

In 1963, radiation protection demonstration surveys were started on other diagnostic X-ray installations in the healing arts. In 1966, medical X-ray therapy equipment surveys were started. The demonstration surveys are conducted in the manner of combined inspections and consultations, but without the basis of formal regulations.

Surveys were based on N.C.R.P. recommended physical standards, as published in National Bureau of Standards Handbook No. 76. A written report with recommendations was left with the user after each survey. Where filters were needed, they were furnished and installed by the survey team.

The following table indicates the number of surveys in each category that have been completed and an estimate of the degree of compliance, including corrections made as a result of the survey. Approximately 50

percent of all dental X-ray machines, 90 percent of the diagnostic equipment used by physicians, and 10 percent of the X-ray therapy equipment have been physically surveyed. Of all the remaining categories, about 95 percent have had an initial survey visit.

X-RAY SURVEYS TO JULY 1, 1966

Category	Number of facilities surveyed	Number of X-ray units surveyed	Estimated percent in compliance after survey
Physicians (M.D.).....	799	1,064	70
Osteopaths.....	68	81	70
Chiropractors.....	147	150	95
Chiropractists.....	33	33	95
Veterinary.....	173	183	85
Hospitals.....	104	441	90
Industrial.....	10	33	100
Dentists.....	837	1,063	95
Naturopaths.....	9	10	70
Schools.....	8	12	100
Health Departments.....	33	36	95
Nursing Homes.....	2	2	100
State Institutions.....	12	31	90
Others.....	15	16	90
Totals.....	2,260	3,163	-----

**Registration.** Registration of all sources of ionizing radiation, with the exception of certain minor exempt sources, in accordance with Department regulations was started late in 1964. The initial registration phase has been completed. A simple return post card registration form was used to enhance a more rapid and complete response. Department of Licenses professional listings, Atomic Energy Commission licensee records, and professional and industrial society rosters were utilized to develop a mailing list. An informational program, directed through public and organizational channels, called attention to the registration requirement. Based upon registration data to July 1, 1966, the following table summarizes the radiation use picture in the State excluding uses under AEC licenses.

Category of user (Federal agencies not included)	Number of X-ray units	Number of locations with radium	Miscellaneous (other sources)
Human uses:			
Physicians (M.D.).....	1,197	31	3
Other licensed Practitioners.....	396	1	-----
Industrial medicine.....	20	-----	-----
Health programs.....	88	-----	-----
Hospitals.....	667	18	-----
Dentists.....	1,652	-----	-----
Industrial* (Non-medical).....	48	8	4
Universities, Colleges and Schools.....	76	3	36
Veterinary.....	245	-----	-----
Totals.....	4,389	61	43

\*Includes University of Washington Hospital.

\*\*Includes commercial, Civil Defense, and miscellaneous.

**Radioactive materials.** With the exception of radium, essentially all radioactive material of significant quantity is under the jurisdiction of the Atomic Energy Commission. The Department section staff, starting in 1956, has regularly accompanied the AEC on license inspections. In the 2½-year period ending July 1, 1966, present staff members participated in 79 percent of all AEC inspections in the State. As of July 1, 1966, there were approximately 190 AEC licenses in effect in the State, including Federal installations.



## ORGANIZATION AND RESPONSIBILITY

The State government organization for the purpose of development, utilization, and regulation of sources of ionizing radiation is illustrated in Chart 1.

The Advisory Council on Nuclear Energy and Radiation is appointed by the governor and advises and reports to him. It consists of seven appointed members providing representation from industry, labor, the healing arts, research, and education. In addition, the directors of the Departments of Health, Labor and Industries, Agriculture, and Commerce and Economic Development are ex-officio members. Its present membership is shown in the appendix. The Council's duties include:

1. Review and evaluation of State policies and programs.
2. Advice to the governor on matters pertaining to the development, utilization, and regulation of sources of ionizing radiation.

The Department of Health will regulate the use of all sources of ionizing radiation except those which it may exempt or are under the jurisdiction of the Federal Government. This function rests in the Air Quality and Radiation Control Section.

The Technical Advisory Board on Radiation Control is appointed by the Director of Health with the approval of the governor. It consists of nine appointed members including representatives of the healing arts, research, industrial, and other recognized users of ionizing radiation, or experts in the field of physiological effects of ionizing radiation. The Director of Health is ex-officio chairman. The head of the Air Quality and Radiation Control Section is radiation control officer and ex-officio secretary of the Board without vote. Its present membership is shown in the appendix. The Board's duties are to:

1. Furnish technical advice to the Department.
2. Advise with reference to matters of policy affecting administration of the Act.
3. Approve rules and regulations prior to adoption by the Department. In practice the Board participates in the development of proposed rules and regulations and in the public hearing.

The Department of Commerce and Economic Development is responsible for the promotion and development of nuclear energy through its office of Nuclear Energy Development. Its functions, powers, and duties are to:

1. Advise the governor and the legislature regarding nuclear progress and State policy for research, development, and education.
2. Sponsor, support, or conduct appropriate studies and issue reports on nuclear progress.
3. Develop information on sites for nuclear industry and acquire land and facilities for nuclear development use.

## DEPARTMENT AND STAFF ORGANIZATION

The Air Quality and Radiation Control Section is one of three sections in the Division of Environmental Health—the other sections being Sanitary Engineering and Environmental Sanitation. The Division of Environmental Health is one of eight in the Department—the others being Health Services, Health Facilities, Nursing, Epidemiology, Laboratories, Local Health Services, and Staff Services.

Legal services are provided by assistants to the Attorney General assigned to the Office of the Director. Statistical services are provided by the Division of Staff Services.

The current organization and functions of the section are illustrated in the attached charts, 2A and 2B. The Section Head has overall administrative responsibility for Section programs. The Assistant Section Head

is responsible routinely for the performance of the Air Quality Control Services and the Air-Rad Laboratory Services, and acts fully in the absence of the Section Head. He also provides technical assistance to the Radiation Control Services in instrumentation, special problems and emergencies.

The Radiation Control Services programs are supervised by the Radiation Control Specialist III who reports directly to the Section Head. He will specifically have responsibility for directing the licensing, inspection, and registration activities.

The Licensing and Compliance Unit will be staffed with a Nuclear Energy Licensing Supervisor and a Radiation Control Specialist II. The licensing supervisor position is vacant as of October 1, 1966, but it is expected to be filled before the effective date of the agreement. The Radiation Control Specialist III will initiate the organizational activity for this function and, if necessary, can carry the operating responsibility until the vacancy is filled. This unit will provide the routine review of applications for licenses, amendments, and renewals. Findings will be reported to the Radiation Control Specialist III who will recommend action to the Section Head as to issuance, modification, or denial. The Section Head will make the final determination with the cognizance of or in consultation with the Division Chief and the Director of Health.

The Licensing and Compliance Unit will also maintain the necessary records by which appropriate reviews can be made to determine compatibility with programs of the AEC and other agreement States. It will review inspection reports in order to maintain knowledge on the status of licensee operations and provide information to the Radiation Control Specialist III in determining required corrective measures.

The Inspection and Registration unit is staffed with a Radiation Control Specialist II and a Radiation Control Specialist I. It will carry out the inspection functions for both licensed and registered radiation sources. Inspectors will handle minor items of noncompliance and review all findings including items of noncompliance with management at the time of inspection as outlined under Regulatory Procedures and Policy. It will prepare written reports of all inspections. This unit will also have responsibility for maintaining the registration records with statistical assistance from Staff Services.

The current staff and experience records are shown under STAFF.

## REGULATORY PROCEDURES AND POLICY

## LICENSING AND REGISTRATION

Licensing procedures and criteria will be consistent with those of the Atomic Energy Commission as provided in Part III of the State Radiation Control Regulations.

General licenses are effective by regulation without the filing of applications with the Department or the issuance of licensing documents. General licenses are issued for specified materials under specified conditions when it is determined that the issuance of specific licenses is not necessary to protect the public and occupational health and safety. Specific licenses or amendments thereto are issued upon review and approval of an application. A specific licensing document will be issued to named persons and will incorporate appropriate conditions and expiration date.

The Department, when it determines such to be appropriate, will request the advice of the Technical Advisory Board on Radiation Control, or appropriate members thereof, with respect to any matter pertaining to a license application, or to criteria for reviewing application.

A Review Committee on Medical Use of Radiation has been appointed by the Director of Health. All applications for nonroutine medical uses of radiation will be referred to the Review Committee for advice and consultation. Appropriate research protocol will be required as part of an application. The Review Committee is composed of persons having training and experience in nonroutine medical uses of radiation. It will at all times contain an appropriate representation of disciplines including, but not limited to, radiology, internal medicine, and pathology. The Department will maintain knowledge of current developments, techniques, and procedures for medical uses applicable to the licensing program through continuing contact and information exchange with the Atomic Energy Commission and other agreement States.

Specific licenses and amendments, or renewals thereto, will be issued for a period of time appropriate to the conditions of use and will be issued over the signature or in the name of the Director of Health.

Typical processing of applications for specific licenses or amendments is shown in Chart 3.

The registration program will be a continuation of the current activity except that it will be applicable only to sources of ionizing radiation other than radioactive material covered by licensing or sources which are exempt by regulation.

## INSPECTION

Inspections for the purpose of evaluating radiation safety and determining compliance with appropriate regulations, and provisions of licenses will be conducted as needed.

Inspection frequency will be based upon the extent of the hazard-potential and experience with the particular facility. It is expected that all specific licensees will be inspected at least once each 2-year period. The following frequency is anticipated:

Use of classification	Usual inspection frequency
Industrial radiography:	
Fixed installations.	Once each 12 months.
Mobile operations.	Once each 6 months.
Operations involving waste disposal.	Once each 6 months.
Board licenses — industrial, medical, or academic.	Once each 6-12 months.
Other specific licenses — industrial, medical, or academic.	Once each 12-24 months.

Inspections will be made by prearrangement with the licensee or may be unannounced at reasonable times, as the Department, in its judgment, determines to be most constructive. Consultation visits will be made frequently in the early years of the licensing and compliance program in order to establish understanding and cooperation.

Inspections will include the observation of pertinent facilities and equipment; a review of use procedures and radiation safety practices; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials; and, instrument surveys to assess radiation levels incident to the operation—all as appropriate to the scope and conditions of the license and applicable regulations.

At the start and conclusion of an inspection, personal contact will be at management level whenever possible. Following the inspections, results will be discussed with the licensee management, appropriate tentative recommendations will be made and questions answered.

Investigations will be made of all reported or alleged incidents to determine the con-



ditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup will be available from the Department.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by a senior staff member and submitted to the section head for approval.

#### COMPLIANCE AND ENFORCEMENT

The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

Where there are items of noncompliance, the licensee shall be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

The terms and conditions of a license upon request by the licensee may be amended, consistent with Act or regulations, to meet changing conditions in operations or to remedy technicalities of noncompliance of a minor nature. The Department may amend, suspend, or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act, or regulations or failure to take adequate action concerning items of noncompliance. Prior to such action, the Department shall notify the licensee of its intent to amend, suspend, or revoke the license and provide the opportunity for a hearing.

The department will use its best efforts to attain compliance through cooperation and education. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, will the full legal procedures normally be employed.

Whenever the Department finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may, in accordance with the Administrative Procedures Act, without notice of hearing, issue a regulation or order rectifying the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Department, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon finding that the possessor is unable to observe or is not observing the provisions of the Act or regulations issued thereunder.

A court order directing a person to comply, or enjoining practices in violation of the Act or regulations, may be sought by the attorney general in the appropriate court upon request of the Department after notice to such person and ample opportunity to comply.

#### EFFECTIVE DATE OF LICENSE TRANSFER

Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued under this chap-

ter which shall expire either 90 days after the receipt from the Department of a notice of expiration of such license or, on the date of expiration specified in the Federal license, whichever is earlier.

#### ADMINISTRATIVE PROCEDURES AND JUDICIAL REVIEW

The basic standards of procedure for administrative agencies in the State of Washington are set by the Administrative Procedures Act, Chapter 34.04 RCW. Briefly stated, this act provides for:

1. Due notice to interested persons and opportunity to present data or views either orally or in writing prior to the adoption, amendment, or repeal of any rule.

2. Adoption or amendment of rules in emergency situations without observance of the normal requirements of notice and hearing, upon a finding by the Department that immediate action is necessary for the preservation of the public health, safety, or general welfare.

3. Petition to the Department requesting the promulgation, amendment, or repeal of any rule.

4. Declaratory judgment on the validity of any rule upon petition to the Superior Court of Thurston County, or declaratory ruling by the Department upon petition of any interested person with respect to the applicability of any rule or statute enforceable by the Department.

5. Right to hearing after reasonable notice in a case in which legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined.

6. Judicial review in the appropriate superior court by any person aggrieved by a final decision of the Department, and appeal to the state supreme court for review of and final judgment of the superior court.

#### COMPATIBILITY AND RECIPROCITY

In promulgating rules and regulations, the Department has, insofar as practicable, avoided requiring dual licensing and has provided for such recognition of other state and federal licenses.

#### RADIOLOGICAL EMERGENCY CAPABILITY

Currently, the Department is equipped with suitable instrumentation for monitoring in the event of an incident, or presumed incident, involving spread of contamination, undue exposure, or loss of a radiation source. Such situations have occurred and the staff has provided assistance. By mutual agreement with the Seattle-King County Health Department and Seattle Police Department, the Department staff is on call to provide assistance in that jurisdiction. Qualified persons from the University of Washington and a major industry are likewise on call. Contact communications for that area are established. This basic type of plan with refinements is anticipated throughout the State under Department coordination. In the meantime, the staff will respond in the event of any incident in the State requiring radiological assistance.

Liaison is maintained with the Richland Operations office of the AEC and reciprocal assistance is available. Emergency instrumentation from Richland Operations is maintained in the Department office for its use and is regularly taken to Richland Operations for maintenance.

Emergency communications and transportation are available through State and local authorities including police and Civil Defense. By mutual understanding with the Department of Civil Defense, reciprocal assistance and information is available. The Department is prepared to provide or assist in public information.

The Department has authority, in emergency situations, to issue necessary orders and to impound or order the impounding of radiation sources.

#### STAFF

EMIL C. JENSEN

CHIEF, DIVISION OF ENVIRONMENTAL HEALTH

#### Education and Training:

B.S. Civil Engineering, University of Washington, 1936.

M.S. Engineering, Harvard, 1938.

U.S.P.H.S. Basic Radiologic Health, 1953.

#### Experience and Related Activities:

Washington State Department of Health:

District Engineer, 1941-44.

Head, Sanitary Engineering Section, 1945.

Chief, Division of Environmental Health, 1946 to date.

Washington State representative on the Columbia River Advisory Group since its inception in 1949. This group was formed to advise the Hanford Operations Office on matters relating to the disposition of radioactivity from the production plants at Hanford.

Participated with AEC in inspections of authorized uses of radioactive materials in early and mid-1950's.

#### Other:

President, Water Pollution Control Federation, 1957.

Chairman, Conference of State Sanitary Engineers, 1962.

Diplomate, American Academy of Environmental Engineers.

Licensed Professional Engineer, Washington.

ROBERT L. STOCKMAN

HEAD, AIR QUALITY AND RADIATION CONTROL SECTION; SECRETARY, TECHNICAL ADVISORY BOARD ON RADIATION CONTROL; EXECUTIVE SECRETARY, STATE AIR POLLUTION CONTROL BOARD

#### Education and Training:

B.S. Civil Engineering, Sanitary option, Oregon State University, 1941.

#### U.S.P.H.S. Training Courses:

Radiological Health Training for Water Works Operators, 1952, Reed College.

Occupational Radiation Protection, 1956, University of Washington.

Basic Radiological Health, 1957, Taft Center.

Radiation Surveillance, 1959, Nevada Test Site.

Radionuclide Protection, 1959, Taft Center.

X-Ray Protection, 1959, Taft Center.

Numerous air pollution courses.

AEC Orientation Course in Practices and Procedures of Licensing and Regulation, 1964-65 (in two parts), Bethesda.

#### Experience and Related Activity:

Washington State Department of Health: Public Health Engineer, 1941-42 (10 months).

District Engineer, 1946-48, 1950-56.

Head, air pollution and radiation control program development, including direction of statewide air pollution study, 1956-58.

Head, Air Quality and Radiation Control Section, 1958 to date.

Final responsibility for developing, organizing, and administering the section air pollution and radiation control programs—including technical and regulatory programs, budget, and personnel.

Represent the Department in liaison with the legislature, Office of Nuclear Energy Development, federal, state and local agencies, and professional, trade and business organizations.



## ROBERT L. STOCKMAN—Continued

## Experience and Related Activity—Continued

Serve for the Director, in his absence, on the Advisory Council on Nuclear Energy and Radiation.

Serve for the Division Chief, in his absence, on the Columbia River Advisory Group and serve on its technical committee.

Member Working Committee on Columbia River Studies which works with Richland Operations Office of AEC to coordinate all studies and data pertaining to radioactivity in the Columbia River environs.

Participated with AEC in inspections of licensee users of radioactive materials starting in 1957.

## Other:

Commissioned Officer, U.S. Navy (R) Civil Engineer Corps—Company Commander Seabee Battalion and Seabee Operations.

Officer Cinc Pac; to Lt.s.g., 1913-45. Employed by Consulting Engineer in municipal utilities, 1949.

Diplomate, American Academy of Environmental Engineers.

Licensed Professional Engineer, Washington.

Currently, President-elect, Air Pollution Control Association.

## PETER W. HILDEBRANDT

ASSISTANT HEAD AND TECHNICAL DIRECTOR, AIR QUALITY AND RADIATION CONTROL SECTION

## Education and Training:

B.S. Civil Engineering, University of Washington, 1954.

M.S. Civil Engineering, University of Washington, 1964, with major work in air pollution and radiation.

Graduate program included Radiation Biology, 3 quarters, and Control of Radioactive Waste, 1 quarter.

## U.S.P.H.S. Training Courses:

Basic Radiological Health, 1957, Portland, Oreg.

Sanitary Engineering Aspect of Nuclear Energy, 1958, University of California.

Individual Training in Use and Calibration of Radiation Counting Equipment for Surveillance Systems 1961, S.W. Radiological Health Lab.

Numerous air pollution courses.

## Experience and Related Activity:

Washington State Department of Health: Public Health Engineer and Sr. Public Health Engineer, 1957-62.

Supervising Sanitary Engineer serving as Assistant Head and Technical Director, Air Quality and Radiation Control Section, 1962 to date.

Conducted a major part of the 1959 occupational exposure study in dental X-ray.

Responsible for the performance of technical programs in air pollution and environmental radiation surveillance. Designed and supervises the radiation surveillance systems, including counting facilities.

Assists the Section Head in overall planning, administration, and liaison functions. Acts fully as Section Head in his absence and represents him as requested.

Member, Working Committee on Columbia River Studies which works with Richland Operations Office of AEC to coordinate all studies and data pertaining to radioactivity in the Columbia River environs.

Participated with AEC in inspections of licensed users of radioactive material, 1957-60.

## PETER W. HILDEBRANDT—Continued

## Experience and Related Activity—Continued

## Other:

Consultant to U.S. Public Health Service, Southwest Radiological Health Laboratory, in development and performance of altitude and ground-level environmental radiation sampling techniques (4 months total), 1962-65. U.S. Air Force Reserves, 1954-62.

Active Duty, Pilot and Flight Line Maintenance Officer, Armament and Electronics Training; to Captain, 1954-57. U.S. Public Health Service Reserve, 1962 to date.

Licensed Professional Engineer, Washington.

## ARNOLD J. MOEN

RADIATION CONTROL SPECIALIST III, SUPERVISOR, RADIATION CONTROL SERVICES

## Education and Training:

B.S. Electrical Engineering, University of Idaho, 1935.

One Full Academic year, Radiological Health Major in Graduate School of Public Health, University of Michigan, 1961-62.

## U.S.P.H.S. Training Courses:

Occupational Radiation Protection, University of Washington, 1956.

Radiation Protection Aspects of Tuberculosis Case Finding, Taft Center, 1958.

Environmental Radiation Sampling and Analysis, Reed College, 1959.

Management of Radiation Accidents, Las Vegas, 1965.

AEC Orientation Course in Practices and Procedures of Licensing and Regulation, Bethesda, 1964.

## Civil Defense Courses:

Medical Aspects of the Atomic Bomb, 1950.

Elements of Civil Defense and Defense Mobilization, 1959.

Radiological Monitoring for Instructors, 1960.

Radiological Defense Officers, 1960.

Medical Self-Help, 1965.

## Experience and Related Activity:

Washington State Department of Health: X-Ray Engineer, Tuberculosis Control Section, 1946-60.

Radiation protection surveys and consultation on technique for all installations participating in chest X-ray program.

Consultation and plan review service for radiation protection in hospital and clinic design.

Radiation Safety Officer for Department—Civil Defense responsibility.

Radiation Control Specialist III, Air Quality and Radiation Control Section, 1960 to date. Performance and supervision of radiation protection survey programs in healing arts and industry, dental X-ray Sur-Pak Program, radiation source registration program, and emergency service. Assists Section Head in program planning, development of regulations and represents him as requested in liaison and administrative functions.

Provides instruction for local health personnel in Civil Defense radiological monitoring. Organizes and instructs in summer training program for graduate students in radiological health at the University of Washington. Reviews all plans for radiological facilities in hospital design under Department hospital licensing and Hill-Harris programs. Responsible for inspection of radiological facilities under Medicare certification program.

## ARNOLD J. MOEN—Continued

## Experience and Related Activity—Continued

Currently, primarily Section participant with AEC in inspection of licensed users of radioactive materials.

## Other:

Washington Water Power Consulting and Research Division, 1943-44.

Milwaukee Road high voltage transmission engineering, 1944-45.

ARRT Firland Sanatorium, Seattle, following hospitalization, 1946.

Past president local and State societies Northwest Conference of Radiological Technologists. Currently Vice-President NWCRT.

## CLIFFORD G. LEWIS

RADIATION CONTROL SPECIALIST II, LICENSING AND COMPLIANCE UNIT

## Education and Training:

B.S. Technology, The University of Manchester (England) 1931, 5-year curriculum including Mathematics and Physics equivalent for engineering degree and chemistry for American General Science degree.

## Experience and Related Activities:

Christie Hospital and Holt Radium Institute, Manchester, England, 1933-48; Radium curator responsible for custody, care and manipulation of radium stocks, operation of radon plant, supervision of appropriate technical terms, and maintenance of all records relevant to these operations in Britain's largest radiation therapy center.

M.D. Anderson Hospital and Tumor Institute, Houston, Texas, 1948-53:

Radium curator and X-ray technician.

Responsible for radium, procurement of isotopes, assisted in dosimetric problems, operated X-ray equipment and conducted superficial X-ray therapy.

Tumor Institute of the Swedish Hospital, Seattle, 1953-66:

Assistant and acting health physicist.

Responsible for radium, isotope manipulations, calibration of X-ray machines, maintenance of records, dosimetry, safety surveys and direction of technicians.

As acting health physicist served as Radiation Safety Officer for the Radioisotope Committee of the Swedish Hospital complex operating under AEC license.

Washington State Department of Health starting September 1966: AEC Orientation Course in Practices and Procedures of Licensing and Regulation, Bethesda, 1966.

## GROVER E. NELSON

RADIATION CONTROL SPECIALIST II, INSPECTION AND REGISTRATION UNIT

## Education and Training:

B.A. Economics and Business, University of Washington, 1941.

B.S. Chemistry, Seattle University, 1952.

Creighton School of Medicine, 1953-58.

Basic Radiological Health Taft Center, 1961.

## Experience and Related Activity:

Washington State Department of Health, 1964 to date:

Conduct of radiation protection surveys in X-ray installations, including industrial, dental, medical and other healing arts. Participates in the radiation source registration program and summer instruction and field training for University of Washington graduate program in radiological health.

Assists in inspection of radiological facilities for Medicare certification program.



GROVER E. NELSON—Continued

## Experience and Related Activity—Continued

Participates with AEC in inspection of licensed users of radioactive materials.

## Other:

The Boeing Co., Seattle, Wash.:

Quality Control Chemist (1 year), 1952-53.

Industrial Hygiene Chemist (2 years), 1958-60.

Industrial Hygiene Radiation Control (2 years), 1962-63.

Semiannual certification of multi-curie cobalt and iridium facilities and X-ray installation for shielding, warning and interlock systems, system controls, posting and film badge program. Regular survey and monitoring of laboratories, radiography, waste packaging and source fabrication facilities, field disposal, semiannual leak test of sealed sources. Survey instrument calibration. Inventory and monitor isotope receipt.

CHARLES E. MCJILTON

RADIATION CONTROL SPECIALIST I, INSPECTION AND REGISTRATION UNIT

## Education and Training:

Wisconsin State College, 1948-50, 103 credit hours biology, chemistry.

St. John's University, Minnesota, 1950-51, 40 credit hours chemistry, philosophy. B.A. Philosophy, Carroll College, Montana, 1956-58.

B.S. Physical Science and Mathematics, University of Minnesota, 1962.

M.S. Environmental Health with Radiological Health major, University of Minnesota, 1965.

AEC Summer Fellowship in applied radiation protection. National Reactor Testing Station, Idaho Falls, 1965.

## Experience and Related Activities:

Secondary Science Teacher, Dixon High School, Montana, 1962-64.

Field representative, University of Idaho Extension Service, teaching radiological monitoring and radiological defense, 1 year, 1965-66.

Washington State Department of Health: Radiation Control Specialist I, starting October 1966.

[F.R. Doc. 66-11254; Filed, Oct. 13, 1966; 8:49 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15589, 16938]

### D & F BROADCASTING CO. AND MAUPIN BROADCASTING CO. (WKMK)

#### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Robert E. Dobelstein & W. F. Fowler, doing business as D & F Broadcasting Co., Quincy, Fla., Docket No. 15589, File No. BP-16431; Requests: 1000 kc, 1 kw, Day, Class II; Robert L. Maupin trading as The Maupin Broadcasting Co. (WKMK), Blountstown, Fla., Docket No. 16938, File No. BP-16600; Has: 1370 kc, 500 w, Day, Class III; Requests: 1000 kc, 1 kw, Day, Class II; For construction permits.

The Commission, by Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on October 28, 1966.

1. The two applications are mutually exclusive in that the 0.025 mv/m contour of each proposal overlaps the 0.5 mv/m contour of the other, in contravention of § 73.37 of the Commission's rules.

2. The Commission finds that both applicants are qualified to construct, own, and operate as proposed. However, because the proposals are mutually exclusive, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of D & F Broadcasting Co., and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WKMK, Blountstown, Fla., and the availability of other primary service to such areas and populations.

3. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That, in the event of a grant of either of the applications herein, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing

and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: October 31, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Secretary.

[F.R. Doc. 66-12044; Filed, Nov. 3, 1966; 8:48 a.m.]

[Docket Nos. 15589, 16938; FCC 66M-1474]

### D & F BROADCASTING CO. AND MAUPIN BROADCASTING CO. (WKMK)

#### Order Scheduling Hearing

In re applications of Robert E. Dobelstein & W. F. Fowler, doing business as D & F Broadcasting Co., Quincy, Fla., Docket No. 15589, File No. BP-16431; Robert L. Maupin trading as The Maupin Broadcasting Co. (WKMK), Blountstown, Fla., Docket No. 16938, File No. BP-16600; for construction permits:

It is ordered, This 31st day of October 1966, that Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 20, 1966, at 10 a.m.; and that a prehearing conference shall be held on November 29, 1966, commencing at 9 a.m.; And, it is further ordered, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: November 1, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Secretary.

[F.R. Doc. 66-12045; Filed, Nov. 3, 1966; 8:48 a.m.]

[Docket No. 16921; FCC 66M-1464]

### ULTRAVISION BROADCASTING CO. AND COURIER CABLE CO., INC.

#### Order Continuing Prehearing Conference

In the matter of the petition of Florian R. Burczynski, Stanley J. Jasinski and Roger K. Lund, doing business as Ultravision Broadcasting Co., Buffalo, N.Y., to stay construction and prevent extension of CATV system operated in Buffalo by Courier Cable Co., Inc.; Docket No. 16921:

It is ordered, This 28th day of October 1966, that the "consent motion to reschedule prehearing conference," filed by counsel for Courier Cable Co., Inc.



is granted, and the prehearing conference is rescheduled from October 31, to November 18, 1966, at 9 a.m. A new hearing date will be set at the conference.

Released: October 31, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12046; Filed, Nov. 3, 1966;  
8:48 a.m.]

[Docket No. 16889; FCC 66M-1469]

## HAWAIIAN PARADISE PARK CORP. AND FRIENDLY BROADCASTING CO.

### Order Continuing Hearing

In re application of Hawaiian Paradise Park Corp. (assignor) and Friendly Broadcasting Co. (assignee); Docket No. 16889, File Nos. BALCT-293, BALTS-185; for Assignment of licenses of Stations KTRG-TV and KUT-67, Honolulu, Hawaii.

Pursuant to agreement reached at a prehearing conference held on October 28, 1966, in the above-entitled proceeding: *It is ordered*, This 28th day of October 1966, that the hearing now scheduled for November 22, 1966, is continued to November 29, 1966.

Released: October 31, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12047; Filed, Nov. 3, 1966;  
8:48 a.m.]

[Docket Nos. 16700, 16701; FCC 66M-1475]

## KENTUCKY CENTRAL TELEVISION, INC., AND WBLG-TV, INC.

### Order Continuing Hearing

In re applications of Kentucky Central Television, Inc., Lexington, Ky., Docket No. 16700, File No. BPCT-3569; WBLG-TV, Inc., Lexington, Ky., Docket No. 16701, File No. BPCT-3642; for construction permit for new television broadcast station.

Pursuant to agreement of counsel for all parties arrived at during an informal conference held on this date: *It is ordered*, This 28th day of October 1966, that the procedural dates heretofore fixed herein are rescheduled as follows:  
Exchange of exhibits is rescheduled for November 16, 1966;

The hearing now scheduled for November 9 for admission of exhibits and request for witnesses is rescheduled for November 22, 1966; and,

The hearing presently scheduled for November 15 is rescheduled for November 29, 1966.

Released: November 1, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12048; Filed, Nov. 3, 1966;  
8:48 a.m.]

[Docket Nos. 16944, 16945; FCC 66M-1466]

## PRAIRIELAND BROADCASTERS AND RICHARD P. LAMOREAUX

### Order Continuing Prehearing Conference

In re applications of Stephen P. Belinger, Joel W. Townsend, Ben H. Townsend, Morris E. Kemper and James A. Mudd, doing business as Prairieland Broadcasters, Monmouth, Ill., Docket No. 16944, File No. BPH-5296; Richard P. Lamoreaux, Monmouth, Ill., Docket No. 16945, File No. BPH-5441; for construction permits.

The Hearing Examiner having under consideration a letter dated October 27, 1966, from counsel for Richard P. Lamoreaux requesting a change in the date scheduled for the prehearing conference in the above-entitled matter;

It appearing, that all the parties have indicated their consent to the requested extension, and that good cause has been shown for a grant thereof:

*It is ordered*, This 28th day of October 1966, that the prehearing conference presently scheduled for November 9, 1966 at 9 a.m., be, and the same is, continued to November 16, 1966, at 10 a.m.

Released: October 31, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12049; Filed, Nov. 3, 1966;  
8:48 a.m.]

[Docket Nos. 16679, 16680; FCC 66M-1480]

## RKO GENERAL, INC. (KHJ-TV), AND FIDELITY TELEVISION, INC.

### Order Continuing Hearing

In re applications of RKO General, Inc. (KHJ-TV), Los Angeles, Calif., Docket No. 16679, File No. BRCT-58, for renewal of broadcast license; Fidelity Television, Inc., Norwalk, Calif., Docket No. 16680, File No. BPCT-3655, for construction permit for new television broadcast station (Channel 9).

Although formally scheduled for hearing in mid-November, under prehearing agreement, date for hearing as well as date for taking other procedural steps has at all times been contingent on action by the Review Board on various pleadings filed with the Board. By memorandum opinion and order, released October 28, 1966, the Board acted on the last of these pleadings (FCC 66R-430). The time remaining before the scheduled hearing date is insufficient to effect the procedural steps yet to be taken.

Accordingly, *it is ordered*, This 31st day of October 1966, on the Examiner's own motion, that hearing in this proceeding now scheduled for November 14,

1966, is continued to a date to be determined later.<sup>1</sup>

Released: November 1, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12050; Filed, Nov. 3, 1966;  
8:48 a.m.]

## FEDERAL POWER COMMISSION

[Docket Nos. RI67-118 etc.]

### MARATHON OIL CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1a</sup>

OCTOBER 27, 1966.

Marathon Oil Co., et al. and other Respondents listed herein; Docket Nos. RI67-118, et al.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

<sup>1</sup> The Examiner would appreciate the parties furnishing him with a suggested schedule of dates governing future procedural steps and hearing.

<sup>1a</sup> Does not consolidate for hearing or dispose of the several matters herein.



## APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
R167-118...	Marathon Oil Co., et al., 539 South Maine St., Findlay, Ohio 45840, Attn: Jack Fariss, Esquire.	73	2	Transcontinental Gas Pipe Line Corp. (Cooke Field, La Salle County, Tex) (R.R. District No. 1).	\$135	10-7-66	11-7-66	4-7-67	13.68225	\$14.69575	
R167-119..	Northern Pump Co., Post Office Box 7277, Camden Station, Minneapolis, Minn. 55412.	28	11	Panhandle Eastern Pipe Line Co. (Light Field, Seward County, Kans.).	83	10-10-66	11-10-66	4-10-67	\$13.176068	\$14.069360	R162-317.
R167-120..	J. M. Huber Corp. (Operator), et al., 2401 East Second Ave., Denver, Colo. 80206.	9	11	Panhandle Eastern Pipe Line Co. (Light Field, Seward County, Kans., and Beaver County, Okla.) (Panhandle Area).	6,968	10-10-66	11-10-66	4-10-67	\$13.170068	\$14.069360	R162-167.
R167-121...	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	28	12	Texas Eastern Transmission Corp. (Andrews Unit, Logansport Field, De Soto Parish, La.) (Northern Louisiana).	23	10-3-66	11-3-66	4-3-67	\$17.2366	\$17.4417	R166-140.
.....do.....	.....do.....	29	13	Texas Eastern Transmission Corp. (Charlie No. 1 Unit, Logansport Field, De Soto Parish, La.) (Northern Louisiana).	72	10-3-66	11-3-66	4-3-67	\$17.2366	\$17.4417	R166-140.
.....do.....	.....do.....	69	12	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.) (Northern Louisiana).	82	10-3-66	11-3-66	4-3-67	\$17.2366	\$17.4417	R166-140.
R166-122..	Ashland Oil & Refining Co. (Operator), et al., Post Office Box 18695, Oklahoma City, Okla. 73118.	74	1	Natural Gas Pipeline Co. of America (West Chester Field, Woodward County, Okla.) (Panhandle Area).	3,175	10-6-66	11-15-66	4-15-67	\$17.0	\$19.5	
R167-123..	Bill Ferguson d.b.a. Ferguson Oil Co., 1506 Wichita Plaza Bldg., Wichita, Kans. 67202.	2	4	Northern Natural Gas Co. (Bare Unit No. 1, Clark County, Kans.).	6,604	10-7-66	11-7-66	4-7-67	\$16.0	\$17.0	(10)
R167-124..	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	139	6	El Paso Natural Gas Co. (Clear Lake Field, Beaver County, Okla.) (Panhandle Area).	740	10-10-66	11-10-66	4-10-67	\$17.35	\$19.35	

\* The stated effective date is the effective date requested by Respondent.

\* Periodic rate increase.

\* Pressure base is 14.65 p.s.i.a.

\* The stated effective date is the first day after expiration of the statutory notice.

\* Subject to a downward B.T.U. price adjustment for gas having a heating content of less than 1,000 B.T.U.'s.

\* Pressure base is 15.025 p.s.i.a.

\* Includes 1.75 cents tax reimbursement.

\* Subject to a downward B.T.U. adjustment.

\* Rate in effect subject to refund in the related certificate proceeding in Docket No. C162-1445.

\* "Fractured" rate increase. Initial contract base rate is 21.0 cents contractually due base rate at this time is 23.0 cents per Mcf.

\* Includes 0.35 cent paid by buyer for liquids.

\* Certificated rate in Docket No. C190-350 issued by Commission Opinion Nos. 390 and 390-A.

Northern Pump Co. and J. M. Huber Corp. (Operator), et al., request that their proposed rate increases be permitted to become effective on November 9, 1966. Marathon Oil Co. requests an effective date of November 1, 1966, for its proposed rate filings, and Bill Ferguson doing business as Ferguson Oil Co. requests a retroactive effective date of July 1, 1966, for his proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended [18 CFR, Ch. I, Pt. 2, sec. 2.56].

[F.R. Doc. 66-11967; Filed, Nov. 3, 1966; 8:45 a.m.]

[Docket No. E-7210]

## FLORIDA POWER & LIGHT CO.

### Notice Fixing Oral Argument

OCTOBER 24, 1966.

The Commission has before it the Presiding Examiner's decision issued July 12, 1966; the Briefs on Exceptions filed by Florida Power & Light Co. and joined in

by the Florida Public Service Commission and the motion for oral argument filed by Florida Power & Light Co. in these proceedings.

Take notice that an oral argument in the above-captioned proceedings will be heard by the Commission en banc commencing at 10 a.m., e.s.t., November 28, 1966, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

All parties desiring to participate in such oral argument shall notify the Secretary of the Commission in writing on or before November 7, 1966, of the amount of time desired for presentation of their respective arguments.

By direction of the Commission.

JOSEPH H. GUTRIE,  
Secretary.

[F.R. Doc. 66-12013; Filed, Nov. 3, 1966; 8:45 a.m.]

[Docket No. E-7245]

## ILLINOIS POWER CO.

### Notice of Continuance

OCTOBER 28, 1966.

Upon consideration of the Presiding Examiner's referral of continuance of

hearing in excess of 30 days filed October 24, 1966, this matter is continued to December 15, 1966, or such later date as may be fixed by the Presiding Examiner, unless this proceeding is otherwise terminated by order of the Commission.

GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 66-12014; Filed, Nov. 3, 1966; 8:45 a.m.]

[Docket Nos. CP66-347 etc.]

## MANUFACTURERS LIGHT AND HEAT CO. ET AL.

### Order To Show Cause and Granting Motion To Consolidate

OCTOBER 28, 1966.

The Manufacturers Light and Heat Co., Docket No. CP66-347; Texas Eastern Transmission Corp., Docket No. CP64-5; Tennessee Gas Pipeline Co. (a division of Tenneco, Inc.), Docket No. CP67-115; Transcontinental Gas Pipeline Corp., Docket No. CP67-116.

Subsequent to the issuance of our notice of the application of The Manufacturers Light & Heat Co. (Manufacturers)



in Docket No. CP66-347, we issued an order granting the petitions to intervene filed by Pennsylvania Gas & Water Co. (Penn Gas) and by The United Gas Improvement Co. (UGI). In said application Manufacturers proposes to construct facilities estimated to cost approximately \$8,735,000 so as to take into its system additional volumes of gas, primarily from Texas Eastern Transmission Corp. (Texas Eastern), and transport and sell additional volumes of gas to existing customers. Included therein are additional volumes for Home Gas Co. (Home). Texas Eastern, in its motion filed August 17, 1966, to amend the certificate heretofore issued by the Commission in Docket No. CP64-5, now seeks authorization to increase its deliveries to existing customers including its authorized sales to Manufacturers.

On September 20, 1966, Penn Gas filed a motion seeking to consolidate the application of Texas Eastern in CP64-5 with that of Manufacturers in CP66-347. Texas Eastern in response argues that any consolidation should be limited to its specific proposal of additional sales to Manufacturers. There can be no question that the proposal of Manufacturers is interrelated and dependent upon the application of Texas Eastern. However, we do not think that the other sales proposed by Texas Eastern should become involved in the contested Manufacturers application. We shall therefore sever that portion of Texas Eastern's filing in Docket No. CP64-5 relating to the proposed sale to Manufacturers and consolidate it into the formal proceeding ordered in Docket No. CP66-347.

In its petition to consolidate, Penn Gas points out that deliveries by Texas Eastern to Manufacturers will be in the latter's Western Market area and will thence be transported through the proposed new facilities of Manufacturers to its Eastern Market area. Since Texas Eastern is presently making deliveries to Manufacturers in the latter's Eastern Market area and since existing facilities of Tennessee Gas Pipeline Co. (Tennessee) and Transcontinental Gas Pipeline Corp. (Transco) traverse Manufacturers' Eastern Market area and intersect its line at a point in close proximity to Manufacturers delivery point to Home additional deliveries there by Texas Eastern might eliminate the need for the facilities proposed to be constructed by Manufacturers in Docket No. CP66-347.

If reasonable alternatives are or may be available which would eliminate the need for the construction proposed by Manufacturers at the same time provide the services proposed, it is in the public interest to issue an order consolidating herewith, and directing Tennessee and Transco to show cause why they should not be required to make the requisite sales to Manufacturers and/or Home.

The Commission orders:

(A) The motion filed by Penn Gas is hereby granted in part, to wit: That portion of Texas Eastern's application in Docket No. CP64-5, filed August 17, 1966, dealing with the proposed increased sales

to Manufacturers is hereby severed and consolidated with the instant proceeding.

(B) Tennessee Gas Pipeline Co. and Transcontinental Gas Pipeline Corp. are ordered to show cause, pursuant to section 16 of the Natural Gas Act and as provided by § 1.6 of the Commission's rules, why either of the above-named pipelines should not be required to make the sales to Manufacturers and/or Home in the amounts proposed by Texas Eastern and Manufacturers. Hearing on said order is consolidated with the instant proceeding.

(C) Texas Eastern is hereby required to include as part of its presentation evidence as to its ability, among other things, to deliver the proposed volumes to Manufacturers in the latter's Eastern Market area.

(D) Since we have provided for procedures and a hearing date in our order of August 23, 1966, in Docket No. CP66-347, further procedures herein are left to the discretion of the appointed Hearing Examiner.

(E) Additional petitions or notices of intervention must be filed on or before November 14, 1966.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 66-12015; Filed, Nov. 3, 1966;  
8:46 a.m.]

[Project 2609]

## INTERNATIONAL PAPER CO.

### Notice of Application for License for Constructed Project

OCTOBER 28, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by International Paper Co. (correspondence to: Paul B. Carroll, Secretary, International Paper Co., 220 East 42d Street, New York, N.Y. 10017) for constructed Project No. 2609, known as the Palmer Falls Project, located on the Hudson River in the region west of Glen Falls and at the villages of Corinth, Hadley, and Palmer in the towns of Corinth and Hadley in Saratoga County, and the village of Lake Luzerne in the town of Luzerne, in Warren County—all in the State of New York.

The existing Palmer Falls Project consists of two developments known as the Curtis development and Palmer Falls development. The Curtis development consists of: (1) A concrete dam about 25 feet high and 736 feet long in two sections: (a) An overflow spillway about 663 feet long with 46-inch flashboards; and (b) a gated section about 73 feet long; (2) a reservoir about 5.8 miles long with a surface area of about 390 acres and a maximum drawdown of 3 feet; (3) an integral-intake powerhouse containing five generating units, one each rated at 1,250, 950, 900 kw, and two each rated at 800 kw, totaling 4,700 kw; and (4) appurtenant facilities. The Palmer Falls development consists of: (1) A concrete hollow-arch dam about

37 feet high and 369 feet long with: (a) A spillway 334 feet long with 45-inch flashboards; and (b) a central log sluice and sluice gates in the remaining 35 feet; (2) a reservoir about 2,700 feet long and with a surface area of about 27 acres; (3) an upper forebay at reservoir level controlled by an intake with eight slide gates and a 92-foot spillway with flashboards from which water may be released to: (a) The lower forebay through two waste gates; and (b) the penstocks by eight gates; (4) a lower forebay which is controlled by: (a) A 168-foot spillway, with flashboards, and (b) a gate structure; (5) four hydroelectric units with turbines totaling 5,600 hp. and generators totaling 3,200 kw served by three steel penstocks, (a) 10 to 8.5 feet in diameter and 205 feet long, (b) 10 feet in diameter and 47 feet long and (c) 9.5 feet in diameter and 24 feet long; (6) 12 hydromechanical units totaling 18,600 hp. served by 12 steel penstocks varying in diameter from 9 to 13.5 feet and in length from 24 feet to 141 feet (all turbines and generators being housed in the papermill buildings); and (7) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 19, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12016; Filed, Nov. 3, 1966;  
8:46 a.m.]

[Docket Nos. CP66-247 etc.]

## MIDWESTERN GAS TRANSMISSION CO. AND NORTHERN NATURAL GAS CO.

### Order Consolidating Proceedings, Permitting Interventions, Prescribing Certain Procedures, and Fixing Date for Hearing

OCTOBER 28, 1966.

Northern Natural Gas Co. (Northern) applied for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act on February 15, 1966, in Docket No. CP66-268 for the sale for resale of up to 25,500 Mcf/d of natural gas from Midwestern Gas Transmission Co. (Midwestern) at the two companies existing interconnection in Chisago County, Minn. Northern states that no additional facilities are required to accept this gas from Midwestern. Northern's contract with Midwestern calls for a sale to be made under Midwestern's FPC Rate Schedule CD-2 for a term of 25 years.

Midwestern filed an application in Docket No. CP66-247 on February 1, 1966, to sell 25,500 Mcf/d of gas to Northern and to construct and operate two new compressor stations of 1,700 hp. each on its northern system. The gas



is to be supplied by Trans-Canada Pipe Lines Ltd. at the United States-Canadian border near Emerson, Manitoba. The estimated construction cost to Midwestern is \$1,419,000. Midwestern filed on February 1, 1966, an application pursuant to section 3 of the Natural Gas Act in Docket No. CP66-248 for authority to import 26,534 Mcf/d of gas from Canada, 1,034 Mcf/d to be used by Midwestern for compressor fuel, the remaining 25,500 Mcf/d to be sold to Northern on a firm basis. Notices were issued by the Commission in Docket No. CP66-268 on February 28, 1966, and in Docket Nos. CP66-247 and CP66-248 on February 9, 1966 (31 F.R. 2814, 3435).

Petitions to intervene and a notice of intervention were filed in Docket No. CP66-268 by the Iowa Public Service Co. on March 3, 1966, the Public Service Commission of Wisconsin on March 8, 1966, and Minnesota Natural Gas Co. on March 3, 1966. Fuels Research Council, Inc., National Coal Association, United Mine Workers of America, and Upper Lake Docks Coal Bureau, Inc. petitioned to intervene in all three dockets on February 21, 1966, but on May 27, 1966, withdrew their petition subsequent to the Commission's denial of petitioners motion to consolidate these dockets with Great Lakes Transmission Co., et al., Docket No. CP66-110, et al. The petition of Fuels Research Council, Inc. et al. was opposed by Northern in a March 3, 1966, answer.

Petitions to intervene and a notice of intervention were filed in Docket Nos. CP66-247 and CP66-248 by the Public Service Commission of Wisconsin on March 8, 1966, the Independent Petroleum Association of America on March 3, 1966, Minnesota Natural Gas Co. on March 3, 1966, and Trans-Canada Pipe Lines Ltd. on March 3, 1966.

On March 10, 1966, the Commission staff requested additional data from Northern relating to market data and economic feasibility of the proposed purchase from Midwestern under its CD-2 rate schedule. Northern's reply thereto on April 11, 1966, was determined to be nonresponsive and a second letter of inquiry was sent to Northern on May 9, 1966, requesting data. On May 27, 1966, Northern was granted a time extension to July 8, 1966, by the Secretary in order to prepare a reply. Northern's reply on July 12, 1966, advised that all data it deemed relevant and material had been supplied.

The hearing to be held shall consider the following issues, as well as other material and relevant issues raised by the parties, staff counsel or the evidence:

(1) Whether Northern has a present or future need (both market and gas supply) for the gas sought to be purchased from Midwestern.

(2) Whether the proposed sale from Midwestern to Northern is economically feasible to Northern.

At the conclusion of the hearing on the applicants' and interveners' direct presentations, the applicants shall be permitted an opportunity to present rebuttal testimony, provided that a reasonable

period of time be given interveners and the staff to prepare cross-examination of said rebuttal case, if any.

Northern, Midwestern, and supporting interveners will be directed to serve copies of their prepared testimony and exhibits in support of their respective applications with the Commission, the designated examiner, the staff of the Commission, and all other parties in this proceeding on or before November 14, 1966.

All parties to the proceeding, other than the applicants, shall file and serve their prepared testimony and exhibits, if any, in answer to the prepared direct testimony of the applicants on or before December 2, 1966.

The Commission further finds:

(1) The above-described applications are related matters which should be heard on a consolidated record as hereinafter provided.

(2) It is desirable to allow the companies and the association, which have filed petitions to intervene to become interveners in this proceeding in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) This proceeding will be expedited by providing for the service of direct and answering evidence prior to hearing.

The Commission orders:

(A) The applications for certificates of public convenience and necessity in Docket Nos. CP66-268 and CP66-247 and the application to import natural gas from Canada in Docket No. CP66-248 are hereby consolidated for purposes of hearing and decision thereon.

(B) Petitioners Iowa Public Service Co., Minnesota Natural Gas Co., Independent Petroleum Association of America, and Trans-Canada Pipe Lines Ltd., are hereby permitted to become interveners in this consolidated proceeding subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in its said petition for leave to intervene; *And provided, further*, That the admission of such interveners shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Joint petitioners Fuels Research Council, Inc., National Coal Association, United Mine Workers of America, and Upper Lake Docks Coal Bureau, Inc. are hereby permitted to withdraw from this proceeding.

(D) Northern Natural Gas Co., Midwestern Gas Transmission Co. (Applicants), and interveners in support thereof, shall file direct testimony and exhibits in support of their respective applications with the Commission on or before November 14, 1966, and on all other parties in this proceeding. Such direct testimony and exhibits shall con-

form to the Commission's rules and regulations under the Natural Gas Act.

(E) Intervenors and the Commission staff shall file their prepared answering testimony and exhibits, if any, with the Commission on or before December 2, 1966, and serve copies on all other parties.

(F) A hearing shall be held on December 8, 1966, at 10 a.m., e.s.t., before a designated examiner, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 66-12017; Filed, No. 3, 1966;  
3:46 a.m.]

[Docket No. G-14788, etc.]

## SUNSET INTERNATIONAL PETROLEUM CORP.

### Notice of Petition To Amend

OCTOBER 28, 1966.

Take notice that on September 28, 1966, Sunset International Petroleum Corp., a California corporation (Petitioner), successor to Sunset International Petroleum Corp. (a Delaware corporation), Sunset International Building, 3920 Wilshire Boulevard, Beverly Hills, Calif., filed in Docket No. G-14788, et al., a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said dockets to Sunset International Petroleum Corp., a Delaware corporation, by authorizing Petitioner to continue the authorized sales of natural gas, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The petition states that effective as of April 29, 1966, Sunset International Petroleum Corp., a Delaware corporation, was merged by Sisco, Inc., a California corporation; that effective as of April 30, 1966, Sisco, Inc., was merged by SSI, Inc., a California corporation; and that simultaneously with the lastmentioned merger the name of SSI, Inc., was changed to Sunset International Petroleum Corp., Petitioner herein. The petition states further that no change in service is proposed and that the mergers have resulted only in a change in the state of domestication. Petitioner requests that the certificate orders issued in the following dockets be amended to reflect the change in certificate holder:

G-14788	CI60-468	CI61-1203
G-14789	CI60-679	CI61-1742
G-16436	CI60-696	CI62-140
G-18955	CI60-749	CI62-711
G-19065	CI60-793	CI63-258
G-19686	CI60-832	CI63-421
CI60-31	CI60-833	CI63-803
CI60-147	CI61-46	CI63-1073
CI60-183	CI61-356	CI63-1342
CI60-302	CI61-549	CI64-1423
CI60-405	CI61-609	CI64-1490
CI60-406	CI61-710	CI65-932
CI60-425	CI61-852	CI66-826
CI60-445	CI61-1180	CI66-1190

Protests or petitions to intervene may be filed with the Federal Power Commis-



sion, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 25, 1966.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12018; Filed, Nov. 3, 1966;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 1, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 40765—*Corn chops to Gulf Ports*. Filed by Southwestern Freight Bureau, agent (No. B-8920), for interested rail carriers. Rates on corn chops, in carloads, from points in southwestern and western trunkline territories, to gulf ports, Pensacola, Fla., to Corpus Christi, Tex. (for export).

Grounds for relief—Rate relationship. Tariffs—Supplement 18 to Atchison, Topeka & Santa Fe Railway Co. tariff ICC 15044 and eight other schedules named in the application.

FSA No. 40766—*Phosphate rock from Rio Grande City, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8904), for interested rail carriers. Rates on phosphate rock, crude, ground, or pulverized, not acidulated nor ammoniated, in carloads, from Rio Grande City, Tex. (import from Mexico), to points in Illinois Freight Association, Southwestern and western trunkline territories.

Grounds for relief—Market competition.

Tariff—Supplement 3 to Southwestern Freight Bureau, agent, tariff ICC 4681.

FSA No. 40767—*Cement from Dundee, Mich.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2870), for interested rail carriers. Rates on cement, viz: common, hydraulic, masonry, mortar, natural, Portland, also tile grout, cement clinker, and dry building mortar, in carloads, from Dundee, Mich., to specified points in New York, Ohio, Pennsylvania, and West Virginia.

Grounds for relief—Market competition.

Tariff—Supplement 52 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-435.

FSA No. 40768—*Crushed stone to WTL territory*. Filed by Western Trunk Line Committee, agent (No. A-2475), for interested rail carriers. Rates on crushed stone and related articles, in carloads, from specified points in Colorado, also Sheridan, Wyo., to points in western trunkline territory.

Grounds for relief—Market competition.

Tariff—Supplement 29 to Western Trunk Line Committee, agent, tariff ICC A-4530.

FSA No. 40769—*Substituted service—PRR for Trans-Cold Express, Inc.* Filed by Trans-Cold Express, Inc., for itself and on behalf of the Pennsylvania Railroad Co. Rates on property loaded in trailers and transported on railroad flatcars, between Kearny, N.J., on the one hand, and Chicago and East St. Louis, Ill., on the other, on traffic originating at or destined to such points or points beyond, as described in the application.

Grounds for relief—Motortruck competition.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12033; Filed, Nov. 3, 1966;  
8:47 a.m.]

[Notice 280]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 1, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 113024 (Sub-No. 61 TA), filed October 28, 1966. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South DuPont Highway, Smyrna, Del. 19777. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Redwood Furniture*, from the plantsite of Seaside Lumber Co., Willits, Calif., to Atlanta, Ga., Chicago, Ill., Kansas City, and St. Louis, Mo., Oklahoma City, Okla., and Memphis, Tenn., for 180 days. Supporting shipper: Seaside Lumber Co., Box 155, Willits, Calif., Miles F. Sullivan. Send protests to: Paul J.

Lowry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Post Office Building, Salisbury, Md. 21801.

No. MC 118288 (Sub-No. 12 TA), filed October 28, 1966. Applicant: Stephen F. Frost, Post Office Box 28, Billings, Mont. 59101. Applicant's representative: Jerome Anderson, First National Bank Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from Billings, Mont., to points in Nevada, Utah, and that part of Idaho consisting of Owyhee, Elmore, Custer, Lemhi, Blaine, Camas, Gooding, Twin Falls, Jerome, Lincoln, Cassia, Minidoka, Butte, Power, Oneida, Bannock, Franklin, Beat Lake, Caribou, Bingham, Bonneville, Jefferson, Madison, Teton, Clark, and Fremont Counties, Idaho, for 180 days. Supporting shipper: Pierce Packing Co., Post Office Box 1356, Billings, Mont. 59103. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 119268 (Sub-No. 56 TA), filed October 31, 1966. Applicant: Osborn, Inc., Post Office Box 6985, Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Furniture*, Aluminum Tubular, Pipe, or Tubing, Aluminum, and *Artificial Christmas Trees*, from Austell and Waynesboro, Ga., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: Keller Aluminum Chairs Eastern, Post Office Box 528, Waynesboro, Ga. Production Engineering Co., Austell, Ga. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 300, 680 West Peachtree Street, NE., Atlanta, Ga.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12034; Filed, Nov. 3, 1966;  
8:47 a.m.]

### FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 31, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 40764—*Joint motor-rail rates—Central States*. Filed by Central States Motor Freight Bureau, Inc., agent (No. 111), for interested carriers. Rates on property moving on class and commodity rates over joint routes of appli-



cant rail and motor carriers, between points in Central States territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 4 to Central States Motor Freight Bureau, Inc., agent, tariff MF-ICC 1198.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-11989; Filed, Nov. 2, 1966;  
8:47 a.m.]

[Notice 279]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 31, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGIS-

TER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 117304 (Sub-No. 14 TA), filed October 27, 1966. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th Street North, Lewiston, Idaho 83501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from St. Maries, Idaho, to Millwood, Wash., for 150 days. Supporting shipper: Potlatch Forests, Inc., Lewiston, Idaho 83501. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 126118 (Sub-No. 4 TA), filed October 27, 1966. Applicant: GEORGE

M. HILL, doing business as HILL TRUCKING COMPANY, R.F.D. No. 8, Johnson City, Tenn. 37601. Applicant's representative: Clifford E. Sanders, Attorney at Law, 321 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from Evansville and South Bend, Ind.; Detroit, Mich.; Louisville and Newport, Ky.; and Cincinnati, Ohio; to Knoxville, Tenn., and (2) from South Bend, Ind.; Louisville and Newport, Ky.; and Cincinnati, Ohio; to Johnson City, Tenn., for 180 days. NOTE: Applicant states it proposes to tack authority sought herein with its authority in MC 126118 and various subs. Supporting shippers: Raymond's Distributing, 4534 Nora Road, Knoxville, Tenn.; Shelton's Distributing Co., 241 West Main Street, Johnson City, Tenn. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-11990; Filed, Nov. 2, 1966;  
8:47 a.m.]



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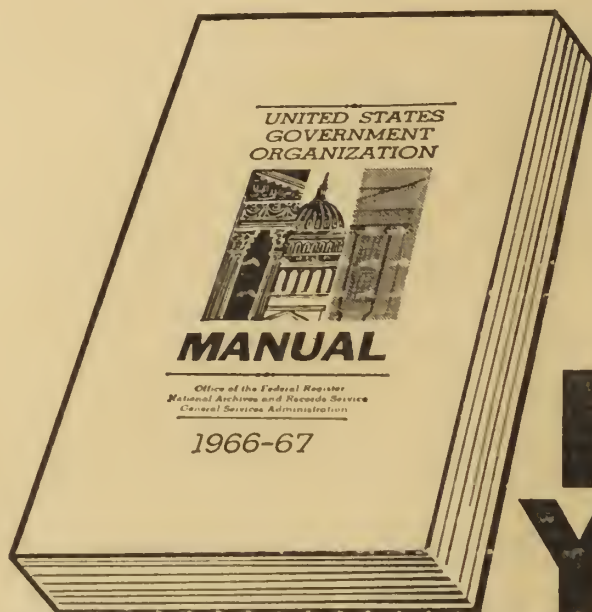












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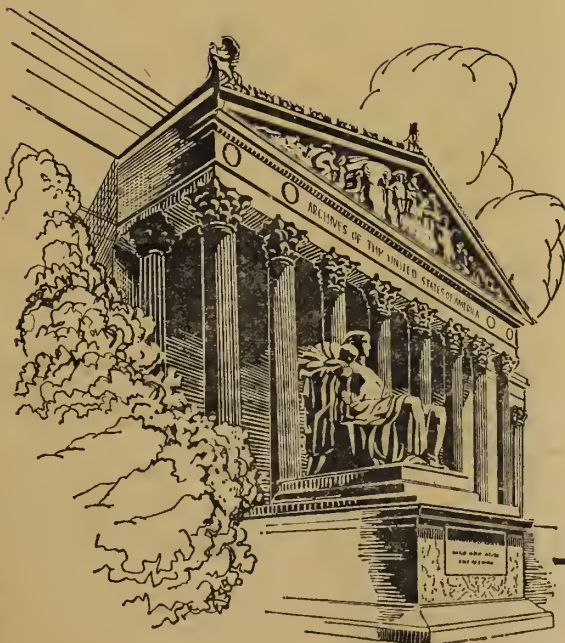
Saturday, November 5, 1966 • Washington, D.C.

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Civil Aeronautics Board  
Commodity Credit Corporation  
Consumer and Marketing Service  
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Interior Department  
Interstate Commerce Commission  
Land Management Bureau  
Narcotics Bureau  
National Labor Relations Board  
National Park Service  
Small Business Administration  
Wage and Hour Division

Detailed list of Contents appears inside.



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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

#### TRANSFER OF DESIGNATED REGULATIONS

EDITORIAL NOTE: The following changes are made in the codification of Title 7 of the Code of Federal Regulations.

1. The heading for Chapter II is changed to read as set forth above.

2. A new subchapter heading is added preceding Part 210 to read as follows:

#### "SUBCHAPTER A—SCHOOL LUNCH PROGRAM"

3. The regulations appearing in Part 503 of Title 6 are transferred to Chapter II of Title 7 and are hereby redesignated as Part 250. A new subchapter heading is added preceding Part 250, reading as follows:

#### "SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—COMMODITY DISTRIBUTION"

As so transferred and renumbered the text of Part 250 is set forth below without substantive change, including all amendments which have been made through November 1, 1966. The term "Area Office, Food Distribution Division" is changed to "District Office, Consumer Food Programs", and the term "Food Distribution Division" is changed to "Commodity Distribution Division", wherever they appear.

#### SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—COMMODITY DISTRIBUTION

### PART 250—DONATION OF FOOD COMMODITIES FOR USE IN UNITED STATES FOR SCHOOL LUNCH PROGRAMS, TRAINING STUDENTS IN HOME ECONOMICS, SUMMER CAMPS FOR CHILDREN, AND RELIEF PURPOSES, AND IN STATE CORRECTIONAL INSTITUTIONS FOR MINORS

Sec.	
250.1	General purpose and scope.
250.2	Administration.
250.3	Definitions.
250.4	Availability of commodities.
250.5	Eligible distributing agencies.
250.6	Obligations of distributing agencies.
250.7	Disposition of damaged or out-of-condition commodities.
250.8	Eligible recipient agencies.
250.9	Eligible recipients.
250.10	Miscellaneous provisions.
250.11	Where to obtain information.
250.12	Amendments.

AUTHORITY: The provisions of this Part 250 issued under R.S. 161, sec. 416, 63 Stat. 1058, sec. 32, 49 Stat. 774, secs. 6, 9, 60 Stat. 231, 233, sec. 3, 76 Stat. 945, sec. 210, 70 Stat. 202, sec. 9, 72 Stat. 1792, 74 Stat. 899, 75 Stat.

411; 5 U.S.C. 22, 7 U.S.C. 612c, 1431, 1431nt., 1859, 42 U.S.C. 1755, 1758.

#### § 250.1 General purpose and scope.

(a) *Terms and conditions.* This part contains the regulations prescribing the terms and conditions under which commodities may be obtained by Federal, State and private agencies for use in the United States in schools operating non-profit school-lunch programs, in non-profit summer camps for children, by needy Indians on reservations, in institutions, in State correctional institutions for minors, and in the assistance of other needy persons.

(b) *Legislation.* The legislation under which commodities are distributed for the stated purposes is as follows:

(1) Section 416 of the Agricultural Act of 1949, as amended (hereinafter referred to as "section 416"), which reads in part as follows:

In order to prevent the waste of commodities whether in private stocks or acquired through price-support operations by the Commodity Credit Corporation before they can be disposed of in normal domestic channels without impairment of the price-support program or sold abroad at competitive world prices, the Commodity Credit Corporation is authorized, on such terms and under such regulations as the Secretary may deem in the public interest . . . (3) in the case of food commodities to donate such commodities to the Bureau of Indian Affairs and to such State, Federal, or private agency or agencies as may be designated by the proper State or Federal authority and approved by the Secretary, for use in the United States in nonprofit school-lunch programs, in nonprofit summer camps for children, in the assistance of needy persons, and in charitable institutions, including hospitals, to the extent that needy persons are served . . . In the case of (3) . . . the Secretary shall obtain such assurance as he deems necessary that the recipients thereof will not diminish their normal expenditures for food by reason of such donation. In order to facilitate the appropriate disposal of such commodities, the Secretary may from time to time estimate and announce the quantity of such commodities which he anticipates will become available for distribution under (3) . . . The Commodity Credit Corporation may pay, with respect to commodities disposed of under this section, reprocessing, packaging, transportation, handling, and other charges accruing up to the time of their delivery to a Federal agency or to the designated State or private agency, in the case of commodities made available for use within the United States . . . In addition, in the case of food commodities disposed of under this section, the Commodity Credit Corporation may pay the cost of processing such commodities into a form suitable for home or institutional use, such processing to be accomplished through private trade facilities to the greatest extent possible. For the purpose of this section the terms "State" and "United States" include the District of Columbia and any Territory or possession of the United States.

(2) Section 210 of the Agricultural Act of 1956 (hereinafter referred to as "sec-

tion 210"), which reads in part as follows:

Notwithstanding any other limitation as to the disposal of surplus commodities acquired through price-support operations, the Commodity Credit Corporation is authorized on such terms and under such regulations as the Secretary of Agriculture may deem in the public interest, and upon application, to donate food commodities acquired through price-support operations . . . to State correctional institutions for minors, other than those in which food service is provided for inmates on a fee, contract or concession basis.

(3) Section 32 of Public Law 320, 74th Congress, as amended (hereinafter referred to as "section 32"), which reads in part as follows:

There is hereby appropriated for each fiscal year beginning with the fiscal year ending June 30, 1936, an amount equal to 30 per centum of the gross receipts from duties collected under the customs laws during the period January 1 to December 31, both inclusive, preceding the beginning of each such fiscal year. Such sums shall be maintained in a separate fund and shall be used by the Secretary of Agriculture only to . . . (2) encourage the domestic consumption of such [agricultural] commodities or products by diverting them . . . from the normal channels of trade and commerce . . .

(4) Public Law 165, 75th Congress, as amended, which supplemented section 32 and reads in part as follows:

In carrying out clause (2) of section 32, the funds appropriated by said section may be used for the purchase . . . of agricultural commodities and products thereof, and such commodities . . . may be donated for relief purposes and for use in nonprofit summer camps for children.

(5) Section 9 of the Act of September 6, 1958 which reads in part as follows:

Notwithstanding any other provision of law (1) those areas under the jurisdiction or administration of the United States are authorized to receive from the Department of Agriculture for distribution on the same basis as domestic distribution in any State, Territory, or possession of the United States, without exchange of funds, such surplus commodities as may be available pursuant to clause (2) of section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), and section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431); . . .

(6) Section 6 of the National School Lunch Act, as amended, (hereinafter referred to as "section 6"), which reads in part as follows:

The funds appropriated for any fiscal year for carrying out the provisions of this act, less not to exceed 3½ per centum thereof hereby made available to the Secretary for his administrative expenses less the amount apportioned by him pursuant to sections 4, 5, and 10, and less the amount appropriated pursuant to section 11, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools participating in



the school-lunch program under this Act in accordance with the needs as determined by the local school authorities.

(7) Section 9 of the National School Lunch Act which reads in part as follows:

Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities, for utilization in the school-lunch program under the Act as well as to other schools carrying out nonprofit school-lunch programs and institutions authorized to receive such commodities.

(8) Section 402 of the Mutual Security Act of 1954, as amended, which reads in part as follows:

Surplus food commodities or products thereof made available for transfer under this Act (or any other Act) as a grant or as a sale for foreign currencies may also be made available to the maximum extent practicable to eligible domestic recipients pursuant to section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431), or to needy persons within the United States pursuant to clause (2) of section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c).

(9) Section 307 of the Agricultural Trade Development and Assistance Act of 1954, as amended, which reads as follows:

Whenever the Secretary of Agriculture determines under section 106 of this Act that any food commodity is a surplus agricultural commodity, insofar as practicable he shall make such commodity available for distribution to needy families and persons in the United States in such quantities as he determines are reasonably necessary before such commodity is made available for sale for foreign currencies under title I of this Act.

(10) Public Law 86-756, as amended, which reads as follows:

Schools receiving surplus foods pursuant to clause (3) of section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) or section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c) are authorized to use such foods in training students in home economics, including college students if the same facilities and instructors are used for training both high school and college students in home economics courses.

#### § 250.2 Administration.

The Consumer and Marketing Service (referred to in this part as C&MS) of the United States Department of Agriculture shall have responsibility for the program of donation of food commodities under this part.

#### § 250.3 Definitions.

(a) "Commodities" means foods donated, or available for donation, by the Department under any of the legislation referred to in this part.

(b) "Department" means the United States Department of Agriculture or the Commodity Credit Corporation which ever is donor under the pertinent legislation.

(c) "Disaster organizations" means organizations authorized by appropriate Federal or State officials to assist disaster victims.

(d) "Disaster victims"<sup>1</sup> means persons who, because of Acts of God or man-made disasters, are in need of food assistance.

(e) "Distributing agencies" means State, Federal or private agencies which enter into agreements with the Department for the distribution of commodities to eligible recipient agencies and recipients. A distributing agency may also be a recipient agency.

(f) "Household" means a group of related or non-related individuals, exclusive of boarders, who are not residents of an institution, but who are living as one economic unit, sharing common cooking facilities, and for whom food is customarily purchased in common. It also means a single individual, living alone, who has cooking facilities and prepares food for home consumption.

(g) "Institutions" means (1) non-penal, noneducational, public (Federal, State or local) institutions, (2) nonprofit, tax-exempt, private hospitals, or (3) other nonprofit, noneducational, tax-exempt, private institutions organized for charitable or public welfare purposes, including but not limited to, homes for the aged, orphanages, refugee camps, and child-care centers. For purposes of this paragraph, tax-exempt shall mean exempt from income tax under the Internal Revenue Code, as amended, and an institution shall be considered "noneducational" even though educational courses are given, where such courses are an incident to the primary purpose of the institution.

(h) "Nonprofit lunch program" means a food service maintained by a school for the benefit of children, all of the income from which is used solely for the operation or improvement of the food service and which is not operated under a fee, concession or contract arrangement.

(i) "Nonprofit summer camps for children" means nonprofit camps in which, during the summer months, nonprofit feeding services are conducted for children of high school grade and under.

(j) "Recipient agencies" means schools, summer camps for children, institutions, welfare agencies, or disaster organizations receiving commodities for their own use or for distribution to eligible recipients.

(k) "Recipients" means needy persons, including needy Indians, and disaster victims receiving commodities for their own use.

(l) "Secretary" means the Secretary of Agriculture.

(m) "Needy persons"<sup>1</sup> means (1) persons served by institutions who, because of their economic status, are in need of food assistance, and (2) all the members of a household which is certified as in need of food assistance.

<sup>1</sup> The category "needy persons" referred to in section 416 encompasses both of the terms "needy persons" and "disaster victims" as defined in the regulations of this part.

(n) "School" means the governing body responsible for the administration of a public or nonprofit private school of high school grade or under, as defined in the statutes of the State, and, in the case of Puerto Rico, nonprofit child-care centers certified by the Governor of Puerto Rico. The term also includes a nonprofit agency to which the school has delegated authority for the operation of its nonprofit lunch program.

(o) "State and United States" include the District of Columbia, Puerto Rico, the Virgin Islands, Guam and American Samoa, and, except with reference to commodities donated under section 6, also include other possessions of the United States and those areas under the jurisdiction or administration of the United States.

(p) "State correctional institutions for minors" means institutions, such as reform schools or training schools, operated by a State, which are devoted solely to the rehabilitation and education of minors and are classified under State law as nonpenal in character, and in which food service is not provided for inmates on a fee, contract, or concession basis.

(q) "Students in home economics" means students in regular classes where-in they are taught food preparation, cooking, and serving.

(r) "Subdistributing agencies" means agencies performing one or more distribution functions for distributing agencies other than, or in addition to, functions normally performed by common carriers or warehousemen. A subdistributing agency also may be a recipient agency.

(s) "Welfare agencies" means public (Federal, State or local) or private agencies offering assistance on a charitable or welfare basis to needy persons who are not residents of an institution, and to Tribal Councils designated by the Bureau of Indian Affairs.

#### § 250.4 Availability of commodities.

(a) *Distribution and use of commodities.* Commodities shall be available only for distribution and use in accordance with the provisions of this part. Commodities not so distributed or used (for any reason) shall not be sold, exchanged or otherwise disposed of without the approval of the Department. However, commodities may be transferred between recipient agencies upon the authorization of the distributing agency if determined to be in the best interest of the distribution program.

(b) *Quantities.* The quantity of commodities to be made available for donation under this part shall be determined in accordance with the pertinent legislation and the program obligations of the Department, and shall be such as can be effectively distributed in furtherance of the objectives of the pertinent legislation. The Department may, at its discretion, restrict distribution of commodities to one or more classes of recipient agencies or recipients. When this is done, priority insofar as practicable shall be given to recipient agencies



or recipients in the following order: (1) Schools, (2) nonprofit summer camps for children, (3) needy Indians receiving commodities on reservations, (4) institutions and State correctional institutions for minors, and (5) other needy persons. Notwithstanding the foregoing priorities, if any commodity determined by the Secretary to be a surplus agricultural commodity under section 106 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is made available for donation under this part, distribution thereof shall be made to needy families and persons, including needy Indians receiving commodities on reservations, and to institutions; and any quantity of such commodity in excess of that reasonably necessary to meet the needs of such recipients and recipient agencies may be distributed to schools, nonprofit summer camps for children, and State correctional institutions for minors. Donations to disaster organizations may be made without regard to any of the priorities established herein. The foregoing provisions of this paragraph with respect to establishing priorities are not applicable to section 6 commodities, distribution of which is limited by law to schools operating lunch programs under the National School Lunch Act.

(c) *Minimum donations.* Commodities shall be donated only in such quantities as will protect the lowest carload freight rate, except as deemed in the best interest of the program as determined by the Department.

(d) *Allocations.* As commodities become available for donation, the Commodity Distribution Division, C&MS, shall notify distributing agencies regarding the commodities, the class or classes of recipient agencies or recipients eligible to receive them, and any special terms and conditions of donation and distribution which attach to a particular commodity in addition to the general terms and conditions set forth herein. Every attempt shall be made to deliver commodities in accordance with requested schedules. However, the Department shall not be responsible for delays in delivery or for nondelivery of commodities due to any cause.

(e) *Processing and other costs.* The Department shall pay such processing, reprocessing, transporting, handling and other charges accruing up to the time of transfer of title to distributing agencies as is deemed in the interest of the Department.

(f) *Transfer of title.* Title to commodities shall pass to distributing agencies upon their acceptance of the commodities at time and place of delivery, limited, however, by the obligation of the distributing agency to use such commodities for the purposes and upon the terms and conditions set forth in this part.

(g) *Availability for demonstrations and tests.* Notwithstanding any other provision of this part, a quantity of any commodity donated for use by any recipient agency or recipient may be transferred by the distributing agency or by the recipient agency to bona fide experi-

mental or testing agencies, or for use in workshops, for demonstrations or tests relating to the utilization of such commodity by the recipient agency or recipient. No such transfer by any recipient shall be made without the approval of the appropriate distributing agency.

#### § 250.5 Eligible distributing agencies.

(a) *State and Federal agencies.* Such State and Federal agencies as are designated by the Governor of the State, by the State legislature, or by proper Federal authority and approved by the Secretary shall be eligible to become distributing agencies.

(b) *Private agencies.* Where State distributing agencies are not permitted by law to make distribution to private recipient agencies, or to any class of private recipient agency, private agencies which agree to make distribution of commodities on a State-wide basis and which apply directly to the Commodity Distribution Division, C&MS, and are approved by the Secretary shall be eligible to become distributing agencies.

(c) *Agencies now under agreement.* Notwithstanding any other provision of this section, agencies under agreement with the Department for the distribution of commodities as of the date this part becomes effective shall be eligible to enter into new agreements hereunder without obtaining further designation of approval.

(d) *Agreements with Department.* Prior to the inauguration of a distribution program, eligible agencies shall enter into written agreements with the Department which shall incorporate by reference or otherwise the terms and conditions set forth in this part. When requested by the Department an eligible agency shall present evidence of its authority to enter into such agreements.

#### § 250.6 Obligations of distributing agencies.

(a) *Determination of eligibility.* Distributing agencies shall determine that recipient agencies or recipients to whom they distribute commodities are eligible under this part, and shall impose upon public welfare agencies the responsibility for determining that recipients to whom welfare agencies distribute commodities are eligible.

(b) *Agreements.* Distributing agencies shall enter into agreements with subdistributing agencies, recipient agencies, warehousemen, carriers, or other persons to whom commodities are delivered under their distribution program. Agreements with subdistributing agencies and recipient agencies shall be in writing, except in those instances where subdistributing agencies are acting as agents for the distributing agencies. All agreements shall contain such terms and conditions as the distributing agency deems necessary to insure that (1) the distribution and use of commodities is in accordance with this part, (2) subdistributing agencies, recipient agencies, warehousemen, carriers, or other persons to whom commodities are delivered by

the distributing agency are responsible to the distributing agency for any improper distribution or use of commodities, and for any loss of or damage to commodities caused by their fault or negligence, (3) subdistributing agencies and recipient agencies have and preserve a right to assert claims against other persons to whom commodities are delivered for care, handling or distribution, and (4) subdistributing agencies and recipient agencies will take action to obtain restitution in connection with claims arising in their favor for improper distribution, use or loss of, or damage to, commodities. To the extent that bills of lading and warehouse receipts afford adequate protection, the distributing agency may consider such documents as appropriate agreements.

(c) *Use of subdistributing agencies.* If distributing agencies use subdistributing agencies to effect or assist in affecting distribution of commodities, the distributing agencies' responsibilities to the Department for overall management and control of the distribution program shall not be delegated to such subdistributing agencies.

(d) *Institutional distribution.* Distributing agencies shall submit for prior approval of the Commodity Distribution Division, C&MS, the method or methods by which the distributing agencies will determine the number of needy persons in institutions. The methods so approved shall include, but are not limited to, those which identify the persons, or the number thereof, who do not pay the full charge assessed for the services provided to them or who are unable to pay the full cost of providing such services.

(e) *Welfare distribution.* Distributing agencies, prior to making distribution to welfare agencies or households, shall submit a plan of operation for approval by the appropriate area office of the Commodity Distribution Division, C&MS. Such a plan shall incorporate the procedures and methods to be used in certifying households as in need of food assistance and in making distribution of commodities to them. No amendments to such plan shall be made without prior approval of the area office, Commodity Distribution Division, C&MS. Distributing agencies shall require welfare agencies making distribution to households to conduct distribution programs in accordance with all provisions of the plan of operation. As a minimum, the plan shall include the following:

(1) The categories of households, one or both of the following, to which distribution will be made:

(i) *Public assistance households.* Those households in which all members are receiving benefits under the Federally-aided public assistance programs authorized in the Social Security Act or under State or local welfare programs; or those households in which some of the members receive such benefits, but all members thereof are included in the determination to grant such benefits.

(ii) *Non-public assistance households.* Those households in which none of the members receive benefits as described in subdivision (i) of this subparagraph, or



in which some of the members receive such benefits but all of the members are not included in the determination to grant such benefits.

(2) The name of the public welfare agency or agencies which will be responsible for certification of households.

(3) The manner in which commodities will be distributed, including, but not limited to, the identity of the agency or agencies that will distribute commodities, the storage and distribution facilities to be used and the method of financing.

(4) Assurance that Tribal Councils serving Indian households on reservations have been designated by the Bureau of Indian Affairs to so act.

(5) The specific criteria to be used in certifying households as in need of food assistance. If the standards used in the state's own welfare program are not to be used as these criteria, any other, or additional, criteria to be used must bear a direct relation to such standards.

(6) The method or methods that will be used to verify the information upon which the certification of eligibility is based, including the kinds of documentary evidence that applicants are required to furnish in connection therewith.

(7) Provisions for periodically reviewing the certification of households to discover any change in their status which would necessitate a change in the determinations of eligibility. Such provisions shall be in accord with the following:

(i) *Public assistance households.* The eligibility of households described in subparagraph (1)(i) of this paragraph shall be reviewed at intervals that are coincident with redeterminations of eligibility to receive public assistance grants or benefits.

(ii) *Non-public assistance households.* The eligibility of households described in subparagraph (1)(ii) of this paragraph, shall be reviewed at least every three months, except that such reviews may be made at longer periods, not to exceed 12 months, provided that such longer periods are based upon a determination by the certifying agency that the income and resources available to such households will probably remain essentially unchanged during such period.

(8) Provision for identifying each person who has been designated to receive commodities for a household.

(9) Assurances that welfare grants or similar aid shall not be reduced because of the receipt of commodities.

(10) Assurances that the distribution of commodities shall not be used as a means for furthering the political interest of any individual or party, and that there shall be no discrimination in the distribution of commodities because of race, creed or color.

(11) Assurances that recipients shall not be required to make any payments in money, materials or services, for or in connection with the receipt of commodities, and that they shall not be solicited in connection with the receipt of com-

modities for voluntary cash contributions for any purpose.

(12) The manner in which the distributing agency plans to supervise the program.

(13) Definitions of any terms used which cannot be determined by reference to Webster's New International Dictionary (second edition).

(f) *Quantities requested.* Commodities shall be requested and distributed only in quantities which can be consumed without waste. Distributing agencies shall impose similar restrictions on recipient agencies.

(g) *Distribution.* Commodities shall be distributed only to recipient agencies and recipients eligible to receive them under this part (see §§ 250.8 and 250.9). Distributing agencies shall require that welfare agencies and disaster organizations distribute commodities only to recipients eligible to receive them under this part. It is the responsibility of distributing agencies to limit distribution of section 6 commodities to those schools participating in the National School Lunch Program, on the basis of the average daily number of Type A lunches served, as evidenced by information provided by September of each year and supplemented subsequently by the school lunch agencies or the appropriate District Office, Consumer Food Programs, C&MS.

(h) *Redonations.* Whenever a distributing agency has any commodity on hand which it cannot efficiently utilize, it shall immediately request the appropriate District Office, Consumer Food Programs, C&MS, for instructions as to the disposition of such commodity. Distributing agencies requesting authority to make redonation of any commodity to the Department shall, upon the Department's request, have such commodity Federally-inspected at the distributing agencies' expense. Any commodity which the Department determines is acceptable for redonation shall be moved at the distributing agency's expense to the closest point, within the Commodity Distribution Division area in which the State is located, where it can be utilized, or to a closer point outside the area, if such a transfer is mutually agreed to by the Department and the distributing agency. In those instances in which the distributing agency satisfactorily demonstrates to the Department that the need for any redonation resulted from no fault or negligence on its part, the Department shall assume such transportation costs as it determines to be proper. Whenever a redonation is made at the request of the Department, the Department shall pay all transportation and handling costs in connection with such redonation and shall pay to the distributing agency all storage and handling costs accrued on the commodity at the time of redonation, as determined by the Department.

(i) *Distribution charges.* Recipient agencies may be required to pay part or all of the within-State costs of distribution through a system of charges assessed by distributing or subdistributing agencies. Any system of assessments operated by the distributing agency shall

have the prior approval of, and be subject to review by the District Office, Consumer Food Programs, C&MS. Any such system operated by subdistributing agencies shall have the prior approval of the distributing agency and be subject to review by the distributing agency and the District Office, Consumer Food Programs, C&MS. The charges assessed shall be reasonable in relation to the services provided and the funds collected shall be used solely in accordance with the provisions of paragraph (j) of this section. Under no circumstances shall recipients be required to make any payments in money, materials, or services for or in connection with the receipt of commodities, nor shall they be solicited in connection with the receipt of commodities for voluntary contributions for any purpose.

(j) *Use of funds accruing in operation of the program.* Funds accruing from the sale of containers, salvage of commodities, distribution charges, insurance, or recoveries from loss or damage claims (which are authorized under paragraph (l) of this section to be expended for program purposes) shall be used only for the payment of expenses of the commodity distribution program, including transportations, storage and handling of commodities, salaries of persons directly connected with the program, and other administrative expenses. The receipt and expenditure of funds so accrued shall be reviewed by distributing agencies periodically, but at least once each fiscal year, to determine that fund balances are not in excess of program needs. If excess funds accumulate by reason of collection of distribution charges, such excess funds shall be used to reduce such charges or shall be returned to contributors. If excess funds accrue from the sale of containers, salvage of commodities, insurance, or recoveries from loss or damage of claims, such funds shall be (1) used to reduce distribution charges, (2) used to purchase additional foods, or (3) paid to the Department. The distributing agency shall impose upon subdistributing agencies and recipient agencies similar provisions for the use of such funds accruing in the operation of their programs.

(k) *Normal food expenditures.* Commodities shall not be distributed to any recipient agencies or recipients whose normal food expenditures are reduced because of the receipt of commodities, except that this provision shall not apply to the distribution of section 6 commodities.

(l) *Improper distribution or loss of or damage to commodities.* If a distributing agency improperly distributes or uses any commodity, or causes loss of or damage to a commodity through its failure to provide proper storage, care, or handling, the distributing agency shall, at the Department's option, (1) replace the commodity in its distribution program in kind, or, in the case of section 6 commodities, where replacement in kind may not be practicable, with other similar foods, or (2) pay to the Department the value of the commodity as determined by



the Department. Upon the happening of any event creating a claim in favor of a distributing agency against a subdistributing agency, recipient agency, warehouseman, carrier, or other person, for the improper distribution, use, or loss of, or damage to, a commodity, the distributing agency shall take action to obtain restitution. All amounts collected by such action shall, at the Department's option, be used in accordance with the provisions of subparagraph (1) or (2) of this paragraph, or, except for amounts collected on claims involving section 6 commodities, shall be expended for program purposes in accordance with the provisions of paragraph (j) of this section. Determinations by a distributing agency that a claim has or has not arisen in favor of the distributing agency against a subdistributing agency, recipient agency, warehouseman, carrier, or other person, shall, at the option of the Department, be approved by the Department prior to the distributing agency's taking action thereon. Where prior approval has not been given by the Department, a distributing agency's claim determinations shall be subject to review by the Department. In the case of an inventory shortage, when the loss of any one commodity does not exceed 1 percent of the total quantity of the commodity distributed or utilized from any single storage facility during the Federal fiscal year in which the loss occurred, or during the period for which an audit was conducted by representatives of the Department, or, if approved by C&MS, during the period for which an audit was conducted by the distributing agency, if the distributing agency finds that (i) the cause of the shortage cannot be established, (ii) the lost commodities were held in noncommercial storage or other facilities owned or operated by the distributing agency, a subdistributing agency, or a recipient agency, and (iii) there is no indication that the loss was the result of negligence or continued inefficiency in operations, the distributing agency need not take any further claims action, but the factual basis for not taking further claims action shall be subject to review by the Department. Furthermore, distributing agencies shall not be required to file or pursue a claim for a loss which does not exceed an amount established by State law, regulations, or procedure as a minimum amount for which a claim will be made for State losses generally, but no such claim shall be disregarded where there is evidence of violation of Federal or State statutes. Distributing agencies which fail to pursue claims arising in their favor, or fail to provide for the right to assert such claims, or fail to require their subdistributing agencies and recipient agencies to provide for such rights, shall be responsible to the Department for replacing the commodity or paying the value thereof in accordance with the provisions of subparagraph (1) or (2) of this paragraph. Distributing agencies which pursue claims arising in their favor, but fail to obtain full restitution shall not be liable to the Department for any deficiency unless the Department deter-

mines that the distributing agency fraudulently or negligently failed to take reasonable action to obtain restitution. The Department may, at its option, require assignment to it of any claim arising from the distribution of commodities.

(m) *Processing and labeling of commodities.* Distributing agencies, subdistributing agencies, or recipient agencies may employ commercial or institutional facilities to process commodities by converting them into different end-products or by repackaging them. When this is done, distributing agencies shall, and subdistributing agencies and recipient agencies shall be required to, enter into written agreements with such processing facilities. These agreements shall provide, as a minimum, that the processing facility shall (1) fully account for the commodities delivered into its possession by production of an appropriate number of units of end-product or packages, (2) be liable for the return of all commodities not so accounted for or for the value thereof, (3) use or dispose of the containers in which the commodities are received in accordance with the instructions of the distributing agency, subdistributing agency, or recipient agency, and (4) maintain records and submit reports to the distributing agency, subdistributing agency, or recipient agency pertaining to the performance of the contract. When commercial or institutional facilities are employed to process commodities, the end-product, if placed in containers, or the repackaged commodity, shall be plainly labeled "Contains Commodities Donated by the United States Department of Agriculture—Not To Be Sold or Exchanged" or "Donated by the United States Department of Agriculture—Not To Be Sold or Exchanged", whichever is appropriate. When distributing agencies, subdistributing agencies, or recipient agencies use their own facilities to process commodities, the containers shall be plainly labeled as provided above to the extent practicable and within the limitations of available funds and personnel.

(n) *Containers.* When containers in which commodities are received are disposed of by sale, the proceeds of such sale shall be used solely in accordance with the provisions of paragraph (j) of this section, and subdistributing agencies and recipient agencies shall be required to use proceeds from the sale of containers solely for program purposes.

(o) *Personnel.* Adequate personnel, including supervisory personnel, to review distribution programs, shall be provided to effect distribution in accordance with the requirements of this part.

(p) *Facilities.* Facilities for the handling, storage, and distribution of commodities shall be such as to properly safeguard against theft, spoilage, and other loss. Subdistributing agencies and recipient agencies shall be required to provide similar facilities.

(q) *Records.* Accurate and complete records shall be maintained with respect to the receipt, disposal and inventory of commodities, including the determination made as to liability for any improper distribution or use, or loss of, or damage

to, commodities, and the results obtained from the pursuit of claims arising in favor of the distributing agency. Accurate and complete records shall also be maintained with respect to the receipt and disbursement of funds arising from operation of the distribution program. Subdistributing agencies and welfare agencies shall be required to maintain accurate and complete records with respect to the receipt, disposal and inventory of commodities and with respect to the receipt and disbursement of funds arising from operation of the distribution program. Schools and institutions shall be required to maintain records of commodities received. All records required by this section shall be retained for a period of three years from the close of the Federal fiscal year to which they pertain.

(r) *Reports.* Distributing agencies shall submit monthly reports to the District Offices, Consumer Food Programs, C&MS, covering the receipt and distribution of commodities, an annual inventory report in such form as the Department may prescribe, and such other reports covering distribution operations in such form as may be required from time to time by the Department.

(s) *Right of inspection and audit.* Representatives of the Department may inspect commodities in storage or the facilities used in the handling or storage of such commodities, and may inspect and audit all records, including financial records, and reports pertaining to the distribution of commodities and may review or audit the procedures and methods used in carrying out the requirements of this part at any reasonable time. Subdistributing agencies and recipient agencies shall be required to permit similar inspection and audit by the Department.

(t) *Complaints.* Distributing agencies shall investigate promptly complaints received in connection with the distribution or use of commodities, correct any irregularities disclosed, and promptly report each instance of serious irregularity to the Department. Distributing agencies shall maintain on file evidence of such investigations and actions. The Department reserves the right to make investigations and shall have the final determination as to when a complaint has been properly adjusted.

(u) *Demurrage.* Demurrage or other charges which accrue after a car or truck has been placed for unloading by the delivering carrier, or which accrue because placement of a car or truck is prevented, shall be borne by the distributing agency, except that demurrage or other charges shall be borne by the Department where such charges accrue because of actions by the Department and without the fault or negligence of the distributing agency.

#### § 250.7 Disposition of damaged or out-of-condition commodities.

Commodities which are found to be damaged or out-of-condition and are declared unfit for human consumption by Federal, State, or local health officials, or by other inspection services or persons deemed competent by the De-



partment, shall be disposed of in accordance with instructions of the Department. Such instructions may direct that unfit commodities be (a) sold in a manner prescribed by the Department with the net proceeds thereof remitted to the Department, (b) sold in a manner prescribed by the Department with the proceeds thereof retained for use in accordance with the provisions of § 250.6(j), (c) used in such a manner as will serve a useful purpose as determined by the Department, or (d) destroyed in accordance with applicable sanitation laws and regulations. Dispositions under the provisions of paragraph (b) of this section shall not apply to section 6 commodities. Upon a finding by the Department that commodities were unfit for human consumption at the time of delivery to the distributing agency and when the Department or appropriate health officials require that such commodities be destroyed, the Department may pay to the distributing agency any expenses incurred in connection with such commodities as determined by the Department. The Department may in any event repossess a damaged or out-of-condition commodity.

#### § 250.8 Eligible recipient agencies.

(a) *Schools.* Schools operating lunch programs under the National School Lunch Act are eligible to receive commodities under section 416, section 32, and section 6. Other schools which operate non-profit lunch programs are eligible to receive commodities under section 416 and section 32. Schools receiving commodities under section 416 and section 32 in accordance with this part shall also be eligible to receive such foods for use in training students in home economics, including college students if the same facilities and instructors are used for training both high school and college students in home economics courses. Schools receiving such commodities shall not discriminate against any child receiving lunches because of his inability to pay the full price of the lunches or because of his race, creed, or color.

(b) *Institutions.* (1) Institutions which maintain an established feeding operation on a regular basis as an integral part of their normal activities are eligible to receive commodities under section 416 and section 32 to the extent of the needy persons served by them, as determined by the method or methods approved by the Department in accordance with § 250.6(d). Institutions receiving such commodities shall not discriminate against any person receiving food because of his race, creed or color.

(2) Private institutions, other than hospitals, must be established for the purpose of providing continuing services in the same place without marked change and, at the Department's option, approved by a public welfare agency as meeting a definite need in the community by administering to needy persons.

(3) Institutions which desire to receive commodities under this part may employ food service companies to conduct their feeding operations, provided that such services are contracted for only on a

fee-for-service basis and the contracts are approved by the District Office, Consumer Food Programs, C&MS. The contracts shall expressly provide that:

(i) Where the food service company also purchases food as a part of its services, the amount due by the institution as reimbursement for food purchases shall be accounted for separate and apart from the management fee:

(ii) Commodities received by the institution shall inure only to the benefit of the institution's feeding operations; and

(iii) The books and records of the management company pertaining to the feeding operation of the institution shall be available for a period of three years from the close of the Federal fiscal year to which they pertain, for inspection and audit by representatives of the distributing agency and the Department at any reasonable time and place.

(c) *Summer camps.* (1) Nonprofit summer camps for children are eligible to receive commodities under section 416 and section 32.

(2) Nonprofit summer camps for children which desire to receive commodities under this part may employ food service companies to conduct their feeding operations provided that such services are contracted for on the same basis as is stated in paragraph (b) of this section.

(d) *Welfare agencies.* Welfare agencies are eligible to receive commodities under section 413 and section 32, provided that they serve households certified in accordance with the plan of operation furnished by the distributing agency and approved by the Department.

(e) *Disaster organizations.* Disaster organizations are eligible to receive commodities under section 416 and section 32 for distribution to disaster victims. Distributing agencies making distribution to such organizations shall immediately inform the District Offices, Consumer Food Programs, C&MS, thereof. Such organizations shall be eligible for the duration of the disaster, as determined by the Department.

(f) State correctional institutions for minors are eligible to receive commodities under section 210.

#### § 250.9 Eligible recipients.

(a) *Needy persons in households.* Needy persons in households are eligible to receive commodities under section 416 and section 32, provided the household is certified in accordance with the plan of operation furnished by the distributing agency and approved by the Department.

(b) *Disaster victims.* Disaster victims are eligible to receive commodities under section 416 and section 32.

#### § 250.10 Miscellaneous provisions.

(a) *Sanctions.* Any distributing agency which has failed to comply with the provisions of this part or any instructions or procedures issued in connection herewith, or any agreements entered into pursuant hereto, may, at the discretion of the Department, be disqualified from further participation in any distribution program. Reinstatement may be made at the option of the Department. Dis-

qualification shall not prevent the Department from taking other action through other available means when considered necessary, including prosecution under applicable Federal statutes.

(b) *Distributing agency requirements.* Nothing contained in this part shall prevent a distributing agency from imposing additional requirements for participation which are not inconsistent with the provisions of this part.

#### § 250.11 Where to obtain information.

Interested persons desiring information concerning the program may make written request to the following District Offices:

*Northeast Area.* Consumer Food Programs, C&MS, USDA, 346 Broadway, Room 604, New York, N.Y. 10013; Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia.

*Southeast Area.* Consumer Food Programs, C&MS, USDA, 1795 Peachtree Road NE, Room, 302, Atlanta, Ga. 30309; Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Puerto Rico, and the Virgin Islands.

*Midwest Area.* Consumer Food Programs, C&MS, USDA, 536 South Clark Street, Chicago, Ill. 60605; Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

*Southwest Area.* Consumer Food Programs, C&MS, USDA, 500 South Ervay Street, Room 3-127, Dallas, Tex. 75201; Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma and Texas.

*Western Area.* Consumer Food Programs, C&MS, USDA, Room 734 Appraisers Building, 630 Sansome Street, San Francisco, California 94111; Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Wyoming, Utah, American Samoa, Guam, and the Trust Territories of the Pacific.

#### § 250.12 Amendments.

The Department reserves the right at any time to modify or amend this part. The Department will give distributing agencies written notice of any modification of, or amendment to, this part and reasonable opportunity to conform their operations to any amendment which requires distributing agencies to modify their operations.

NOTE: The recordkeeping and reporting requirements herein specified have been approved by, and any further such requirements that may be established will be subject to the approval of the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

### Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 87]

#### PART 401—FEDERAL CROP INSURANCE

#### Subpart—Regulations for the 1961 and Succeeding Crop Years

##### BARLEY

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regula-



tions are amended effective beginning with the 1967 crop year in the following respects:

1. Section 2 of the barley endorsement shown in § 401.17 of this chapter is amended effective beginning with the 1967 crop year to read as follows:

2. Insured crop: The crop insured shall be barley seeded for harvest as grain, as determined by the Corporation, except that in counties where so provided on the county actuarial table, a mixture of barley, oats, or wheat seeded for harvest as grain (hereinafter called "mixture") shall be insurable and the production from such mixture shall be counted as barley on a weight basis. Insurance shall not attach on acreage on which it is determined by the Corporation that the barley was seeded with vetch or flax or other small grains, except as otherwise provided herein.

2. Section 5(d) of the barley endorsement shown in § 401.17 of this chapter is amended effective beginning with the 1967 crop year by adding a sentence at the end thereto reading as follows: "There shall be no adjustment in the production to be counted of any threshed mixtures because of poor quality."

3. The barley endorsement shown in § 401.17 of this chapter is amended effective beginning with the 1967 crop year by adding a new section 8 to read as follows:

8. *Barley, oat, or wheat mixtures.* The provisions of this section 8 shall be a part of the barley endorsement of any contract of insurance in any county in which the county actuarial table for that county provides insurance on a mixture of barley, oats, or wheat. The words "barley or mixture" shall be substituted for the word "barley" wherever it appears in sections 4, 5(a), and 6 of this endorsement.

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on October 31, 1966.

[SEAL] EARLL H. NIKKEL,  
*Secretary, Federal Crop  
Insurance Corporation.*

Approved on November 2, 1966.

ORVILLE L. FREEMAN,  
*Secretary.*

[F.R. Doc. 66-12076; Filed, Nov. 4, 1966; 8:47 a.m.]

[Amdt. 86]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

#### CORN

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1967 crop year in the following respects:

1. The heading and that portion of § 401.20 preceding section 1 of the corn endorsement is amended effective begin-

ning with the 1967 crop year to read as follows:

§ 401.20 The corn endorsement (provides insurance only on corn planted for harvest as grain, and is not applicable in those counties where a conversion factor for converting tons of silage to bushels of corn is shown on the county actuarial table).

The provisions of this corn endorsement, which shall be applicable in all counties where a conversion factor for converting tons of silage to bushels of corn is not shown on the county actuarial table, are as follows:

2. The heading and that portion of § 401.44 preceding section 1 of the corn endorsement is amended effective beginning with the 1967 crop year to read as follows:

§ 401.44 The corn grain-silage endorsement (provides insurance on corn planted both for harvest as grain and for silage, and is applicable only in those counties where a conversion factor for converting tons of silage to bushels of corn is shown on the county actuarial table).

The provisions of the corn grain-silage endorsement, which shall be applicable in all counties where a conversion factor for converting tons of silage to bushels of corn is shown on the county actuarial table, are as follows:

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on October 31, 1966.

[SEAL] EARLL H. NIKKEL,  
*Secretary, Federal Crop  
Insurance Corporation.*

Approved on November 2, 1966.

ORVILLE L. FREEMAN,  
*Secretary.*

[F.R. Doc. 66-12077; Filed, Nov. 2, 1966; 8:47 a.m.]

[Amdt. 88]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

#### POTATO ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1967 crop year in the following respects:

The potato endorsement, published in § 401.37 of this chapter, is amended effective beginning with the 1967 crop year to read as follows:

§ 401.37 The potato endorsement.

The provisions of the potato endorsement for the 1967 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss

of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable causes of loss due to adverse weather conditions, subject, however, to any exceptions, exclusions, or limitations with respect to such causes of loss that are set forth on the county actuarial table (hereinafter called "actuarial table").

2. *Insured crop.* (a) The insured crop shall be potatoes of the variety shown on the actuarial table as insurable. Insurance shall not be considered to have attached on any acreage on which it is determined by the Corporation that such acreage on any insurance unit (hereinafter called "unit") (1) is less than 2 acres, (2) was planted to potatoes for the 2 preceding crop years, or (3) was initially planted to potatoes after the date shown on the actuarial table for such purpose. If within 15 days after the insured files his acreage report, it is determined by the Corporation that the insured did not follow recognized good farming practices the Corporation may elect to determine the insured acreage of potatoes involved to be "zero".

(b) Notwithstanding the provisions of the last sentence of section 2 of the policy, if the insured fails to file a report of the acreage planted to potatoes and his interest therein by the date established under item (3) of subsection (a) of this section, the Corporation may elect to determine the insured acreage and the interest or declare the insured acreage to be "zero".

3. *Production guarantee and price.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the production guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the actuarial table.

(b) At the time the application for insurance is made the applicant shall elect a price for computing indemnities from among those shown on the actuarial table. If any applicant, or insured, has not elected such a price, or has elected a price not shown on the actuarial table for the crop year, the price election which shall be applicable under the contract, and which the insured is deemed to have elected, shall be the price provided on the actuarial table for such purposes.

For any crop year, any insured may change the price which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective.

4. *Notice of loss or substantial damage.* In addition to the provisions of subsection 8(b) of the policy, the following shall apply: If any production from any unit is to be placed in storage, notice of the time of intended harvest on such unit shall be given to the county office at least 15 days before the beginning of harvest on such unit if a loss is to be claimed: *Provided*, That if in such cases damage occurs within the 15-day period or during harvest, notice shall be given immediately.

5. *Insurance period.* Insurance on any insured acreage shall attach at the time the potatoes are planted and shall cease upon the earlier of harvest or October 20 of the crop year.

6. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of pota-



toes on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying this result by the applicable price for computing indemnities, and (4) multiplying this result by the Insured interest: *Provided*, That if for the unit the Insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, If the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for any unit shall be determined by the Corporation and shall include all harvested production for acreage harvested on the unit and any appraisals made by the Corporation for unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the total production to be counted shall be determined separately for acreage harvested on the unit and for acreage not harvested on the unit and in either case shall not be less than 25 percent of the production guarantee of the quality guaranteed and provided on the actuarial table for such acreage: *Provided, further*, That the production to be counted for any acreage of potatoes which is abandoned or put to another use without the consent of the Corporation shall be the production guarantee provided on the actuarial table for such acreage.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the production to be counted, as determined by the Corporation, does not meet the quality specifications shown on the actuarial table due to insurable causes occurring within the insurance period it shall be reduced by the factor for that purpose shown on such actuarial table.

(c) The Corporation reserves the right to adjust any loss prior to the time the potatoes are placed in storage or prior to delivery of the potatoes from the field directly to a processor, and any determination of production, and the quality thereof, shall be binding upon the insured and shall not be subject to change by the insured: *Provided*, That in no event shall any adjustment of quality be made on potatoes after they have been stored, except for size and weight.

7. *Meaning of terms.* For the purpose of insurance on potatoes the terms:

(a) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of potatoes in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however*, The Corporation and the Insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of potatoes in the county into two or more units, taking into consideration separate and distinct farm operations.

(b) "Harvest" or "harvested" means the digging of potatoes.

8. *Cancellation and termination for indebtedness dates.* For each crop year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the May 15 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on October 31, 1966.

[SEAL] EARL H. NIKKEL,  
Secretary, Federal Crop  
Insurance Corporation.

Approved on November 2, 1966.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 66-12078; Filed, Nov. 4, 1966;  
8:47 a.m.]

## PART 404—APPLE CROP INSURANCE

### Subpart—Regulations for the 1967 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the Apple Crop Insurance Regulations for the 1963 and Succeeding Crop Years, as amended, which shall remain in full force and effect for the 1966 crop year, are hereby superseded for the 1967 and succeeding crop years by the regulations set forth below. The provisions of this subpart shall apply in all States except North Carolina, until amended or superseded, to all continuous apple crop insurance contracts as they relate to the 1967 and succeeding crop years.

Secs.

- 404.20 Availability of apple crop insurance.
- 404.21 Premium rates and amounts of insurance.
- 404.22 Application for insurance.
- 404.23 Public notice of indemnities paid.
- 404.24 Creditors.
- 404.25 The application and the policy.

**AUTHORITY:** The provisions of this subpart issued under secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.

#### § 404.20 Availability of apple crop insurance.

Apple crop insurance shall be offered for the 1967 and succeeding crop years under the provisions of § 404.20 through § 404.25 in counties in all States except North Carolina within limits prescribed by and in accordance with the provision of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for apple crop insurance. The counties designated by the Manager shall be published by appendix to this section.

#### § 404.21 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and the amounts of insurance per acre which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amounts of insurance may be changed from year to year.

(b) Any premium reduction earned under the provision of section 7 of the Application and Policy set forth in § 404.25 shall upon death of the insured inure to the benefit of his estate or sur-

viving spouse and, upon approval of the Corporation, shall inure to any person operating the same farm or farms as the deceased insured who the Corporation determines has been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a partnership (which for the purpose of this section shall be deemed to include any other joint enterprise), the premium reduction earned by such insured shall, upon dissolution of the partnership, inure to the benefit of each member who has a contract of insurance in force in the year immediately following the dissolution covering only a part or all of the land involved in the partnership operation. If the insured is a partnership each of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership covering a part of the land included in the partnership operation, the smallest premium reduction earned by any member, or none if any member has earned none, shall inure to the benefit of the insured. If the insured is a partnership only one of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership, the premium reduction earned by such member shall inure to the benefit of the insured only if the insured operates the same farm or farms formerly operated by such member and if the Corporation finds that the other member or members have been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a corporation operating only a farm or farms previously operated by one or more stockholders, each of whom had a contract of insurance in force in the year immediately preceding the formation of the corporation, the smallest premium reduction earned by any such stockholder, or none if any such stockholder has earned none, shall inure to the benefit of the insured. If the insured was a stockholder of a dissolved corporation, which had a contract of insurance in force in the year immediately preceding its dissolution covering only the same farm or farms being operated by the insured, the premium reduction earned by the corporation shall inure to the benefit of the insured.

#### § 404.22 Application for insurance.

Application for insurance may be submitted as provided in § 404.25 at the office for the county for the Corporation. The Corporation reserves the right to discontinue the taking of applications in any county upon its determination that the insurance risk involved is excessive or limit the amount of insurance prior to the closing date for the filing of applications. Such closing date shall be January 31 (March 15 in Chelan, Douglas, and Okanogan Counties, Wash.) of the first crop year for which insurance is to be in effect. The Corporation further reserves the right to reject any application or to exclude any definitely identified acreage for any crop year of the contract if upon inspection it deems the risk on



such acreage is excessive. If any such acreage is to be excluded, the insured shall be notified of such exclusion before insurance attaches for the crop year for which the acreage is to be excluded.

**§ 404.23 Public notice of indemnities paid.**

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

**§ 404.24 Creditors.**

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the application and policy set forth in § 404.25.

**§ 404.25 The application and the policy.**

The provisions of the Application and Policy for Apple Crop Insurance for the 1967 and Succeeding Crop Years which shall be applicable in all States except North Carolina, are as follows:

Application and Policy  
Form FCI-812—Apple (Revised)

UNITED STATES DEPARTMENT OF AGRICULTURE  
FEDERAL CROP INSURANCE CORPORATION  
APPLICATION AND POLICY FOR APPLE CROP  
INSURANCE

(Applicable in All States Except  
North Carolina)

(For the 19\_\_ and Succeeding Crop Years)

-----  
(Name of insured)

-----  
(Policy number)

-----  
(Address of insured) (Zip code)

-----  
(County)

1. The undersigned applicant (herein called the "insured") subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his interest in apple crops (hereinafter called "the insured crop") located in the above-identified county (hereinafter called "the county"). The applicant applies for the amount of insurance shown below which shall be an amount shown on the county actuarial table (hereinafter called the "actuarial table"). The amounts of insurance available each crop year and prescribed premium rates for each crop year are shown on the actuarial table from year to year. The insured may with the consent of the Corporation change the amount of insurance which was in effect for a prior crop year and elect a new amount of insurance per acre by notifying the office for the county in writing by the applicable closing date for the filing of applications for the crop year for which the change is to become effective. The amount of insurance per acre in effect for a crop year shall be the amount of insurance most recently elected by the insured and shown on a form prescribed for such purpose but the amount of insurance shall not exceed the maximum dollar amount per acre shown on the actuarial table for such crop year.

(Dollar Amount of Insurance Elected)

\$----- per acre

This application, when executed by a person as an individual, shall not cover his interest in a crop produced by a partnership or other entity.

2. *Causes of loss*—(a) *Causes insured against.* The insurance provided is against unavoidable loss resulting from frost, freeze, windstorm, or hail.

(b) *Causes not insured against.* The contract shall not cover any loss due to neglect or malfeasance of the insured, any member of his household, his tenants, or employees, or failure to follow recognized good farming practices, or to any cause other than a cause specified in paragraph (a) of this section.

3. *Insured crop.* Only apples grown on insurable acreage in any crop year as shown on the actuarial table (a) in which the insured had an interest on the date insurance attaches, and (b) which are grown on acreage having a minimum expected production on the date insurance attaches of the amount per acre shown on the actuarial table for such purposes, as determined by the Corporation, are insured. Insurance shall not attach on any insurance unit (hereinafter called "unit") on which the insurable acreage is less than one acre.

4. *Responsibility of the insured to report acreage and interest.* The insured at the time of filing this application shall also file on a form prescribed by the Corporation a report of all the acreage of the insured crop in the county in which he has an interest and show his interest therein. Such report shall include a designation of all the acreage of apples which is uninsurable under the provisions of the preceding section. This report shall be revised for any crop year before insurance attaches if the acreage to be insured, or interest therein, has changed and the latest report filed shall be considered as the basis for continuation of insurance from year to year, subject to revision as provided herein. The Corporation reserves the right to determine the insured acreage and the insured's interest therein. The acreage and interest insured shall be the acreage and interest reported by the insured or as determined by the Corporation.

5. *The contract.* Upon acceptance of this application by the Corporation, the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until canceled or terminated in accordance with the applicable provisions of the contract. This application and policy, and amendments thereto, if any, and the actuarial table for each crop year shall constitute the contract for apple insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. *Insurance period.* For each crop year insurance attaches on March 1 (March 16 in Chelan, Douglas, and Okanogan Counties, Wash.) unless the application is accepted by the Corporation after such date in which event insurance shall attach in the first crop year on the date of acceptance, and as to any portion of the apple crop shall cease upon harvest but in no event shall insurance remain in effect later than October 31 of the crop year.

7. *Annual premium.* (a) The annual premium for each unit shall be earned and payable on the date insurance attaches and shall be determined by multiplying the applicable amount of insurance for the insured acreage on the unit by the applicable premium rate and multiplying the product thereof by the insured's interest at the time insurance attaches and, where applicable, applying the discount herein provided.

(b) The total annual premium for the insured crop on all units shall be reduced as follows for consecutive years of insurance,

without a loss for which an indemnity was paid on any unit, immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction	Consecutive years with no loss
5 percent after-----	1 year.
5 percent after-----	2 years.
10 percent after-----	3 years.
10 percent after-----	4 years.
15 percent after-----	5 years.
20 percent after-----	6 years.
25 percent after-----	7 years or more.

If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made.

8. *Premium note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

-----, 19--  
(Signature of applicant) (Date)

-----  
(Witness to signature)

9. Recommended for acceptance by:

-----, 19--  
(Orchard inspector) (Date)

-----  
(Corporation representative)

----- (Address of office for the county) (Zip code)

10. Accepted for the corporation by:

-----, 19--  
(State Director) (Date)

11. *Life of contract.* The contract is non-cancelable for the first crop year and shall continue in effect for each succeeding crop year until either the insured or Corporation cancels the contract by giving written notice to the other by December 31 immediately preceding the beginning of the crop year for which the cancellation is to become effective. If, however, the Corporation limits the amount of insurance, or any acreage is excluded from insurance under the contract by the Corporation because of the risk involved, after the December 15 immediately preceding the beginning of the crop year for which such limitation or exclusion is to become effective, the insured shall have the right to cancel the contract within 15 days after notice thereof is mailed to the insured by the Corporation. The contract shall, however, terminate for nonpayment of premium if such premium is not paid by the January 31 (March 15 in Chelan, Douglas, and Okanogan Counties, Wash.) following the crop year in which the premium was earned.

12. *Contract changes.* After the first crop year the Corporation reserves the right to amend or change the terms of this contract from year to year. Any such amendment or change shall be mailed to the insured or made available at the office for the county by the December 15 immediately preceding the beginning of the crop year for which such amendment or change is to become effective. Acceptance of such amendment or change will be conclusive in the absence of any



notice from the insured to cancel the contract as provided in section 11 hereof.

13. *Notice of damage or loss.* (a) It shall be a condition precedent to payment of any indemnity on any unit hereunder that the insured report in writing each damage to the insured crop from an insured cause to the office for the county immediately after such damage becomes apparent, giving the date, cause, and estimated extent of such damage. If not so reported within 7 days, the Corporation reserves the right to reject any claim arising out of such damage on the unit if it determines that it has been prejudiced by such failure to report or by failure to give notice as required in subsection (b) of this section.

(b) Notice of the time of intended harvesting shall be given to the office for the county at least 7 days before the beginning of harvest if a loss is to be claimed, and a final adjustment has not been made by that time: *Provided, however,* If damage occurs within the 7-day period before the beginning of harvest, or during harvest, and a loss is to be claimed, notice shall be given immediately.

14. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation on a form prescribed by the Corporation within 30 days after the amount of loss has been determined by the Corporation.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of apples on the unit by the applicable amount of insurance per acre, (2) multiplying the result thus obtained by the applicable percent of damage (determined in accordance with subsection (c) and (d) of this section) in excess of 25 percent, and (3) multiplying the result by the insured interest.

(c) The percent of damage shall be the ratio of the production lost due to insured causes, as determined by the Corporation, to the production which would have been realized had no such damage occurred, which shall not be less than the minimum number of boxes per acre shown on the actuarial table as a prerequisite for insurability. The production which would have been realized had no insured loss occurred shall include apples which (1) were harvested before the insured damage occurred, (2) remained on the trees or were harvested after the damage occurred, (3) were lost from an insured cause, and (4) were lost from causes not insured against during the insurance period, other than normal dropping. It shall be a condition precedent to payment of any claim that the insured furnish any production records or other information required by the Corporation regarding the manner and extent of damage or loss. No indemnity shall be payable in any event if the Corporation determines that a normal crop has been produced, and the Corporation reserves the right to delay final determination of any indemnity until the apples have been harvested.

(d) Notwithstanding the provisions of paragraph (c) of this section, where damage, due directly and solely to a cause or causes insured against, results in a reduction in grade, a percentage of the production so reduced in grade shall be counted as production lost in determining the percent of damage. Such percentage shall be:

Extra fancy reduced to:	Percent
Fancy .....	30
"C" Grade .....	80
Culls .....	100
Fancy reduced to:	
"C" Grade .....	50
Culls .....	70
"C" Grade reduced to:	
Culls .....	20

In applying the provisions of this paragraph, the Corporation shall make grade determinations on the basis of standards established by the duly authorized agency of the State in which the insured crop is located, except that color shall be disregarded as a grade factor if the determinations are made prior to the time color fully develops.

(e) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same is brought within 1 year after the date notice of denial of the claim is mailed to and received by the insured.

15. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation: *Provided,* That in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity.

(b) If the insured is an entity other than an individual and is dissolved or is an individual who dies or is judicially declared incompetent before insurance attaches in any crop year, the contract shall terminate as of the date of dissolution, death, or judicial declaration, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of such crop year and any indemnity payable shall be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(c) For the purposes of subsection (b) hereof, death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the parties shall terminate the contract.

16. *Insured interest.* For the purpose of determining the amount of indemnity, the interest insured shall not exceed the interest of the insured at the time of damage, as determined by the Corporation.

17. *Abandonment of crop.* There shall be no abandonment of the insured crop or portion thereof to the Corporation.

18. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which any such act or omission occurred.

19. *Collateral assignment—Transfer of interest.* The right to an indemnity in any crop year may be assigned by the insured only as security upon prior approval of the Corporation. If the insured transfers his interest in the insured crop in any crop year he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the insured crop. Any assignment or transfer shall be made on assignment or transfer forms prescribed by the Corporation and shall be subject to all the terms set forth thereon and to the terms hereof.

20. *Subrogation.* The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

21. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

22. *Meaning of terms.* For purposes of insurance on apples the terms:

(a) "County actuarial table" means the actuarial forms and related material (including the crop insurance maps where applicable) which are approved by the Corporation, which are on file for public inspection in the office for the county, and which show the applicable amounts of insurance, premium rates, and related information with respect to apple crop insurance for the crop year in the county.

(b) "Office for the county" means the Corporation's office serving the county shown in this application and policy, or such office as may be designated by the Corporation from time to time, and may serve more than one county.

(c) "County" means the area shown on the actuarial table which may include insurable acreage located in a local producing area bordering on the county.

(d) "Crop year" means the calendar year in which insurance attaches.

(e) "Harvest" means picking the marketable apples from the trees or from the ground.

(f) "Insurance unit" means all insurable acreage of apples in the county (1) in which the insured has 100 percent interest on the date insurance attaches for the crop year that is located on contiguous land under the same ownership, or (2) in which two or more persons have 100 percent interest on the date insurance attaches for the crop year that is located on contiguous land under the same ownership, excluding any other acreage of apples in which such persons do not have 100 percent interest on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous. The Corporation may by agreement in writing with the insured before insurance attaches in any crop year, divide the insured's insurable acreage of apples in the county into two or more units taking into consideration separate and distinct orchard operations.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on October 31, 1966.

[SEAL] EARL H. NIKKEL,  
Secretary, Federal Crop  
Insurance Corporation.

Approved on November 2, 1966.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 66-12079; Filed, Nov. 4, 1966;  
8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 111]

PART 907—NAVEL ORANGES  
GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.411 Navel Orange Regulation 111.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel



oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 2, 1966.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 6, 1966, and ending at 12:01 a.m., P.s.t., November 13, 1966, are hereby fixed as follows:

- (i) District 1: 343,559 cartons;
- (ii) District 2: Unlimited movement;
- (iii) District 3: 30,003 cartons;
- (iv) District 4: 121,012 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 3, 1966.

PAUL A. NICHOLSON,  
*Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 66-12114; Filed, Nov. 4, 1966; 8:47 a.m.]

[Lemon Reg. 240]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

#### § 910.540 Lemon Regulation 240.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of per-

sons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 1, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 6, 1966, and ending at 12:01 a.m., P.s.t., November 13, 1966, are hereby fixed as follows:

- (i) District 1: 9,300 cartons;
- (ii) District 2: 74,400 cartons;
- (iii) District 3: 102,300 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "Carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 3, 1966.

PAUL A. NICHOLSON,  
*Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 66-12115; Filed, Nov. 4, 1966; 8:47 a.m.]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1966—Crop Corn Supp.]

## PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

### Subpart—1966—Crop Corn Loan and Purchase Program

This annual crop year supplement, together with the General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941), and any amendments thereto, and the 1966 and Subsequent Crops Corn Supplement (31 F.R. 10464), and any amendments thereto, contain the provisions for price support loans and purchases for the 1966 crop of corn.

Sec.

- 1421.2376 Availability.
- 1421.2377 Compliance requirements.
- 1421.2378 Warehouse charges.
- 1421.2379 Maturity of loans.
- 1421.2380 Delivery period.
- 1421.2381 Support rates, premiums, and discounts.

**AUTHORITY:** The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

#### § 1421.2376 Availability.

A producer desiring a price support loan must request a loan on his eligible corn on or before June 30, 1967. To obtain price support through a sale to CCC, a producer must give the appropriate ASCS county office notice of his intent to sell his eligible corn to CCC on or before July 31, 1967: *Provided*, That in any area where it is determined by the State committee that producers may not be able to



or cannot store corn safely on the farm for the full storage period because of insects, adverse climatic conditions, or other factors affecting the safe storage of corn, the final date for requesting price support on farm stored corn shall be such earlier dates as are established by the State committee. Public announcement of the final dates shall be made sufficiently in advance of such dates to allow producers a reasonable period of time to request price support.

#### § 1421.2377 Compliance requirements.

To be eligible for a loan or purchase, a producer must qualify for a price support payment under the 1966-69 Feed Grain Program Regulations (31 F.R. 8339) on corn of the 1966 crop on the farm on which the corn tendered for loan or purchase was produced except that such qualification is not necessary with respect to corn produced in an area of the United States in which the feed grain program is not in effect.

#### § 1421.2378 Warehouse charges.

Subject to the provisions of § 1421.2369, the following schedule of deductions for corn stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall apply:

#### SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES FOR MATURITY DATE OF JULY 31, 1967

Storage start date (all dates inclusive)	Deduction (cents per bushel)
Prior to Aug. 16, 1966	13
Aug. 16-Sept. 12, 1966	12
Sept. 13-Oct. 10, 1966	11
Oct. 11-Nov. 7, 1966	10
Nov. 8-Dec. 5, 1966	9
Dec. 6, 1966-Jan. 2, 1967	8
Jan. 3-Jan. 30, 1967	7
Jan. 31-Feb. 27, 1967	6
Feb. 28-Mar. 27, 1967	5
Mar. 28-April 24, 1967	4
April 25-May 22, 1967	3
May 23-June 19, 1967	2
June 20-July 31, 1967	1

#### § 1421.2379 Maturity of loans.

Loans mature on demand but not later than July 31, 1967.

#### § 1421.2380 Delivery period.

(a) *Regular delivery period.* The regular delivery period shall begin August 1, 1967.

(b) *Where producer may not be in a position to store corn safely.* In areas where it is determined by the State committee that some producers may not be in a position to store corn safely on the farm for the full storage period (for reasons set forth in § 1421.2376) the State committee may establish an earlier delivery period prior to maturity (in addition to the regular delivery period) during which any producer in such areas may voluntarily deliver corn which is under farm storage loan. Eligible corn not under loan may also be delivered to CCC for purchase in the early delivery period. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans established by the State committee, but not before April 1, 1967. CCC will accept deliveries of corn during such early delivery period: *Provided*, That the producer

notifies the county office within the time specified by the county office that he wants to deliver the corn.

(c) *Where producers cannot store corn safely.* If the State committee determines that producers in an area cannot store corn safely on the farm for the full storage period (for reasons set forth in § 1421.2376), all farm-storage loans in such area shall be called. Producers having eligible corn not under loan who elect to make deliveries from farm-storage for purchase by CCC shall also be required to deliver during the delivery period for loans; except that individual producers may keep corn in farm storage until the regular loan maturity date if (1) such corn is shelled, (2) the producer has satisfactory storage facilities, and (3) the State committee approves. Any earlier delivery period established shall begin at least 30 days after the final date of availability of loans established by the State committee, and not before April 1, 1967.

#### § 1421.2381 Support rates, premiums and discounts.

(a) *Application.* The support rate to be used to make a loan, and to settle a loan and a purchase, shall be the applicable basic county support rate established for the county in which the corn covered by the loan or purchase was produced. A farm storage loan shall be made at the basic county support rate adjusted only by the weed control discount, if applicable. A warehouse storage loan, a farm storage loan settlement and a purchase shall be made at the basic county support rate adjusted by the applicable premiums and discounts prescribed in paragraph (c) of this section. Basic county support rates per bushel for corn grading No. 3 except for moisture, or No. 4 on the factor of test weight only but not otherwise grading No. 3 or better except for moisture, and the schedule of premiums and discounts are set forth in paragraphs (b) and (c) of this section.

#### (b) Basic county support rates.

ALABAMA		Rate per bushel	
County			
All counties-----		\$1.14	
ARIZONA			
All counties-----		\$1.18	
ARKANSAS			
All counties-----		\$1.09	
CALIFORNIA			
All counties-----		\$1.18	
COLORADO			
Adams -----	\$1.06	Elbert -----	\$1.07
Alamosa -----	1.10	El Paso -----	1.08
Arapahoe -----	1.07	Fremont -----	1.09
Archuleta -----	1.12	Garfield -----	1.15
Baca -----	1.07	Grand -----	1.09
Bent -----	1.07	Huerfano -----	1.09
Boulder -----	1.06	Jefferson -----	1.08
Cheyenne -----	1.05	Kiowa -----	1.06
Conejos -----	1.10	Kit Carson -----	1.04
Costilla -----	1.10	La Plata -----	1.14
Crowley -----	1.07	Larimer -----	1.05
Custer -----	1.09	Las Animas -----	1.08
Delta -----	1.15	Lincoln -----	1.06
Dolores -----	1.17	Logan -----	1.03
Douglas -----	1.08	Mesa -----	1.15

#### COLORADO—Continued

County	Rate per bushel	County	Rate per bushel
Moffat	\$1.15	Rio Blanco	\$1.15
Montezuma	1.17	Rio Grande	1.13
Montrose	1.15	Routt	1.12
Morgan	1.04	Saguache	1.11
Otero	1.08	San Miguel	1.17
Ouray	1.17	Sedgwick	1.03
Phillips	1.03	Washington	1.04
Pitkin	1.13	Weld	1.04
Prowers	1.06	Yuma	1.03
Pueblo	1.08		

#### CONNECTICUT

All counties	\$1.23
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#### DELAWARE

All counties	\$1.17
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#### FLORIDA

All counties	\$1.15
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#### GEORGIA

All counties	\$1.15
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#### IDAHO

All counties	\$1.13
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#### ILLINOIS

Adams	\$1.00	Lee	\$1.00
Alexander	1.04	Livingston	1.01
Bond	1.02	Logan	1.02
Boone	1.00	McDonough	1.00
Brown	1.01	McHenry	1.01
Bureau	1.00	McLean	1.01
Calhoun	1.01	Macon	1.01
Carroll	.98	Macoupin	1.02
Cass	1.02	Madison	1.02
Champaign	1.00	Marion	1.02
Christian	1.02	Marshall	1.02
Clark	1.01	Mason	1.02
Clay	1.02	Massac	1.04
Clinton	1.02	Menard	1.02
Coles	1.00	Mercer	.98
Cook	1.02	Monroe	1.03
Crawford	1.02	Montgomery	1.02
Cumberland	1.01	Morgan	1.02
De Kalb	1.01	Moultrie	1.00
De Witt	1.01	Ogle	.99
Douglas	1.00	Peoria	1.01
Du Page	1.02	Perry	1.03
Edgar	1.00	Platt	1.00
Edwards	1.03	Pike	1.01
Effingham	1.02	Pope	1.04
Fayette	1.02	Pulaski	1.04
Ford	1.00	Putnam	1.02
Franklin	1.03	Randolph	1.03
Fulton	1.01	Richland	1.03
Gallatin	1.04	Rock Island	.98
Greene	1.02	St. Clair	1.03
Grundy	1.01	Saline	1.03
Hamilton	1.03	Sangamon	1.02
Hancock	.99	Schuyler	1.01
Hardin	1.04	Scott	1.02
Henderson	.99	Shelby	1.01
Henry	.99	Stark	1.01
Iroquois	1.01	Stephenson	.99
Jackson	1.03	Tazewell	1.02
Jasper	1.02	Union	1.03
Jefferson	1.02	Vermilion	1.00
Jersey	1.02	Wabash	1.03
Joe Davless	.98	Warren	1.00
Johnson	1.03	Washington	1.03
Kane	1.02	Wayne	1.02
Kankakee	1.01	White	1.03
Kendall	1.01	Whiteside	.99
Knox	1.01	Will	1.02
Lake	1.02	Williamson	1.03
La Salle	1.01	Winnebago	.99
Lawrence	1.03	Woodford	1.02

#### INDIANA

Adams	\$0.99	Carroll	\$1.00
Allen	.99	Cass	1.00
Bartholomew	1.02	Clark	1.04
Benton	1.00	Clay	1.00
Blackford	1.00	Clinton	1.00
Boone	1.00	Crawford	1.04
Brown	1.02	Davless	1.03



# RULES AND REGULATIONS

14309

## INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Dearborn	\$1.04	Montgomery	\$0.99
Decatur	1.02	Morgan	1.01
De Kalb	.99	Newton	1.00
Delaware	1.00	Noble	.99
Dubois	1.03	Ohio	1.04
Elkhart	1.00	Orange	1.03
Fayette	1.01	Owen	1.01
Floyd	1.04	Parke	.99
Fountain	.99	Perry	1.04
Franklin	1.03	Pike	1.03
Fulton	1.00	Porter	1.01
Gibson	1.04	Posey	1.04
Grant	1.00	Pulaski	1.00
Greene	1.02	Putnam	1.00
Hamilton	1.00	Randolph	1.00
Harrison	1.04	Ripley	1.03
Hancock	1.00	Rush	1.01
Hendricks	1.00	St. Joseph	1.00
Henry	1.00	Scott	1.04
Howard	1.00	Shelby	1.01
Huntington	.99	Spencer	1.04
Jackson	1.03	Starke	1.00
Jasper	1.00	Steuben	.99
Jay	1.00	Sullivan	1.01
Jefferson	1.04	Switzerland	1.04
Jennings	1.03	Tippecanoe	.99
Johnson	1.01	Tipton	1.00
Knox	1.03	Union	1.01
Kosciusko	1.00	Vanderburgh	1.04
Lagrange	.99	Vermillion	.99
Lake	1.01	Vigo	1.00
La Porte	1.01	Wabash	1.00
Lawrence	1.03	Warren	.99
Madison	1.00	Warrick	1.04
Marion	1.00	Washington	1.04
Marshall	1.00	Wayne	1.00
Martin	1.03	Wells	.99
Miami	1.00	White	1.00
Monroe	1.02	Whitley	.99

## IOWA

Adair	\$0.96	Howard	\$0.93
Adams	.97	Humboldt	.92
Allamakee	.95	Ida	.93
Appanoose	.97	Iowa	.96
Audubon	.95	Jackson	.98
Benton	.96	Jasper	.95
Black Hawk	.94	Jefferson	.97
Boone	.94	Johnson	.97
Bremer	.94	Jones	.97
Buchanan	.95	Keokuk	.96
Buena Vista	.92	Kossuth	.91
Butler	.93	Lee	.98
Calhoun	.93	Linn	.96
Carroll	.94	Louisa	.98
Cass	.96	Lucas	.96
Cedar	.98	Lyon	.92
Cerro Gordo	.91	Madison	.95
Cherokee	.93	Mahaska	.95
Chickasaw	.93	Marion	.95
Clarke	.96	Marshall	.94
Clay	.92	Mills	.97
Clayton	.96	Mitchell	.92
Clinton	.98	Monona	.95
Crawford	.94	Monroe	.96
Dallas	.95	Montgomery	.97
Davis	.97	Muscatine	.98
Decatur	.97	O'Brien	.92
Delaware	.96	Osceola	.91
Des Moines	.98	Page	.97
Dickinson	.91	Palo Alto	.91
Dubuque	.97	Plymouth	.94
Emmet	.90	Pocahontas	.92
Fayette	.95	Polk	.95
Floyd	.92	Pottawattamie	.97
Franklin	.92	Ringgold	.95
Fremont	.97	Sac	.93
Greene	.94	Scott	.98
Grundy	.94	Shelby	.95
Guthrie	.95	Sloux	.93
Hamilton	.93	Story	.94
Hancock	.91	Tama	.95
Hardin	.94	Taylor	.97
Harrison	.96		
Henry	.98		

## IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Union	\$0.96	Webster	\$0.93
Van Buren	.97	Winnebago	.91
Wapello	.96	Winneshiek	.94
Warren	.95	Woodbury	.94
Washington	.97	Worth	.91
Wayne	.97	Wright	.92

## KANSAS

Allen	\$1.04	Linn	\$1.04
Anderson	1.03	Logan	1.03
Atchison	1.01	Lyon	1.01
Barber	1.05	McPherson	1.01
Barton	1.02	Marion	1.01
Bourbon	1.04	Marshall	.98
Brown	.99	Meade	1.05
Butler	1.03	Miami	1.03
Chase	1.01	Mitchell	.99
Chautauqua	1.06	Montgomery	1.06
Cherokee	1.06	Morris	1.01
Cheyenne	1.01	Morton	1.05
Clark	1.05	Nemaha	.99
Clay	.98	Neosho	1.05
Cloud	.98	Ness	1.04
Coffey	1.03	Norton	.99
Comanche	1.05	Osage	1.01
Cowley	1.05	Osborne	.99
Crawford	1.06	Ottawa	.99
Decatur	1.00	Pawnee	1.03
Dickinson	1.00	Phillips	.98
Doniphan	1.00	Pottawatomie	.99
Douglas	1.01	Pratt	1.04
Edwards	1.03	Rawlins	1.01
Elk	1.05	Reno	1.03
Ellis	1.01	Republic	.97
Ellsworth	1.01	Rice	1.02
Finney	1.04	Riley	.98
Ford	1.04	Rooks	1.00
Franklin	1.02	Rush	1.02
Geary	1.00	Russell	1.00
Gove	1.03	Saline	1.00
Graham	1.00	Scott	1.04
Grant	1.04	Sedgwick	1.04
Gray	1.04	Seward	1.05
Greeley	1.04	Shawnee	1.00
Greenwood	1.03	Sheridan	1.00
Hamilton	1.04	Sherman	1.02
Harper	1.05	Smith	.97
Harvey	1.03	Stafford	1.03
Haskell	1.04	Stanton	1.04
Hodgeman	1.04	Stevens	1.05
Jackson	1.00	Sumner	1.05
Jefferson	1.01	Thomas	1.02
Jewell	.97	Trego	1.03
Johnson	1.02	Wabaunsee	1.00
Kearny	1.04	Wallace	1.03
Kingman	1.04	Washington	.98
Kiowa	1.04	Wichita	1.04
Labette	1.06	Wilson	1.05
Lane	1.04	Woodson	1.04
Leavenworth	1.02	Wyandotte	1.02
Lincoln	1.00		

## KENTUCKY

Adair	\$1.11	Carter	\$1.11
Allen	1.11	Casey	1.11
Anderson	1.10	Christian	1.10
Ballard	1.07	Clark	1.12
Barren	1.10	Clay	1.13
Bath	1.12	Clinton	1.12
Bell	1.14	Crittenden	1.07
Boone	1.06	Cumberland	1.11
Bourbon	1.11	Davies	1.07
Boyd	1.10	Edmonson	1.09
Boyle	1.11	Elliott	1.12
Bracken	1.08	Estill	1.12
Breathitt	1.14	Fayette	1.11
Breckenridge	1.07	Fleming	1.10
Bullitt	1.08	Floyd	1.14
Butler	1.09	Franklin	1.09
Caldwell	1.09	Fulton	1.07
Calloway	1.08	Gallatin	1.07
Campbell	1.06	Garrard	1.12
Carlisle	1.07	Grant	1.08
Carroll	1.07	Graves	1.07

## KENTUCKY—Continued

County	Rate per bushel	County	Rate per bushel
Grayson	\$1.08	Meade	\$1.07
Green	1.11	Menifee	1.12
Greenup	1.09	Mercer	1.11
Hancock	1.07	Metcalfe	1.11
Hardin	1.08	Monroe	1.11
Harlan	1.14	Montgomery	1.12
Harrison	1.10	Morgan	1.13
Hart	1.10	Muhlenburg	1.09
Henderson	1.07	Nelson	1.09
Henry	1.08	Nicholas	1.11
Hickman	1.07	Ohio	1.08
Hopkins	1.09	Oldham	1.07
Jackson	1.13	Owen	1.08
Jefferson	1.07	Owsley	1.13
Jessamine	1.12	Pendleton	1.08
Johnson	1.13	Perry	1.14
Kenton	1.06	Pike	1.14
Knott	1.14	Powell	1.12
Knox	1.13	Pulaski	1.12
Larue	1.09	Robertson	1.10
Laurel	1.13	Rockcastle	1.12
Lawrence	1.12	Rowan	1.12
Lee	1.13	Russell	1.12
Leslie	1.14	Scott	1.10
Letcher	1.14	Shelby	1.08
Lewis	1.08	Simpson	1.11
Lincoln	1.12	Spencer	1.08
Livingston	1.07	Taylor	1.10
Logan	1.10	Todd	1.10
Lyon	1.09	Trigg	1.10
McCracken	1.07	Trimble	1.07
McCreary	1.12	Union	1.07
McLean	1.08	Warren	1.10
Madison	1.12	Washington	1.10
Magoffin	1.14	Wayne	1.12
Marion	1.10	Webster	1.08
Marshall	1.08	Whitley	1.13
Martin	1.13	Wolfe	1.13
Mason	1.08	Woodford	1.11

## LOUISIANA

All parishes	\$1.12
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## MAINE

All counties	\$1.23
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## MARYLAND

All counties	\$1.17
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## MASSACHUSETTS

All counties	\$1.23
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## MICHIGAN

Allegan	\$1.01	Manistee	\$1.03
Arenac	1.03	Mason	1.03
Barry	1.00	Mecosta	1.02
Bay	1.02	Midland	1.01
Berrien	1.01	Missaukee	1.03
Branch	1.00	Monroe	1.02
Calhoun	1.00	Montcalm	1.01
Cass	1.01	Muskegon	1.03
Clare	1.02	Newaygo	1.02
Clinton	1.01	Oakland	1.02
Eaton	1.01	Oceana	1.03
Genesee	1.02	Ogemaw	1.03
Gladwin	1.02	Osceola	1.02
Gratiot	1.01	Ottawa	1.03
Hillsdale	1.00	Roscommon	1.03
Huron	1.02	Saginaw	1.01
Ingham	1.01	St. Clair	1.02
Ionia	1.01	St. Joseph	1.00
Iosco	1.03	Sanilac	1.02
Isabella	1.01	Shiawassee	1.01
Jackson	1.01	Tuscola	1.01
Kalamazoo	1.01	Van Buren	1.01
Kent	1.02	Washtenaw	1.02
Lake	1.03	Wayne	1.02
Lapeer	1.02	Wexford	1.03
Lenawee	1.01	All other counties	1.04
Livingston	1.02		
Macomb	1.02		

## MINNESOTA

Aitkin	\$0.93	Beltrami	\$0.91
Anoka	.95	Benton	.93
Becker	.91	Big Stone	.89



## RULES AND REGULATIONS

## MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Blue Earth	\$0.91	Miller Lacs	\$0.93
Brown	.91	Morrison	.92
Carlton	.94	Mower	.93
Carver	.94	Murray	.90
Cass	.92	Nicollet	.92
Chippewa	.90	Nobles	.90
Chisago	.95	Norman	.90
Clay	.90	Olmsted	.94
Clearwater	.91	Otter Tail	.91
Cook	.93	Pennington	.90
Cottonwood	.90	Pine	.94
Crow Wing	.92	Pipestone	.90
Dakota	.96	Polk	.90
Dodge	.93	Pope	.91
Douglas	.92	Ramsey	.95
Fairbault	.90	Red Lake	.90
Fillmore	.94	Redwood	.91
Freeborn	.91	Renville	.92
Goodhue	.96	Rice	.94
Grant	.91	Rock	.91
Hennepin	.94	Roseau	.90
Houston	.96	St. Louis	.93
Hubbard	.91	Scott	.94
Isanti	.94	Sherburne	.93
Itasca	.93	Sibley	.93
Jackson	.89	Stearns	.93
Kanabec	.94	Steele	.92
Kandiyohi	.92	Stevens	.90
Kittson	.90	Swift	.91
Koochiching	.93	Todd	.92
Lac qui Parle	.89	Traverse	.99
Lake	.93	Wabasha	.96
Lake of the		Wadena	.92
Woods	.91	Waseca	.91
Le Sueur	.93	Washington	.96
Lincoln	.89	Watsonwan	.90
Lyon	.90	Wilkin	.90
McLeod	.93	Winona	.96
Mahnomen	.90	Wright	.93
Marshall	.90	Yellow	
Martin	.89	Medicine	.90
Meeker	.93		

## MISSISSIPPI

All counties.....\$1.12

## MISSOURI

Adair	\$0.99	Franklin	\$1.04
Andrew	1.00	Gasconade	1.04
Atchison	.99	Gentry	1.00
Audrian	1.02	Greene	1.06
Barry	1.07	Grundy	.99
Barton	1.06	Harrison	.98
Bates	1.03	Henry	1.03
Benton	1.04	Hickory	1.05
Bollinger	1.06	Holt	1.00
Boone	1.03	Howard	1.02
Buchanan	1.02	Howell	1.07
Butler	1.06	Iron	1.06
Caldwell	1.01	Jackson	1.03
Calloway	1.03	Jasper	1.06
Camden	1.05	Jefferson	1.04
Cape Girar-		Johnson	1.03
deau	1.05	Knox	1.00
Carroll	1.01	Laclede	1.06
Carter	1.07	Lafayette	1.02
Cass	1.03	Lawrence	1.06
Cedar	1.05	Lewis	1.00
Chariton	1.01	Lincoln	1.02
Christian	1.07	Linn	1.00
Clark	.99	Livingston	1.00
Clay	1.03	McDonald	1.07
Clinton	1.03	Macon	1.01
Cole	1.04	Madison	1.06
Cooper	1.03	Maries	1.05
Crawford	1.05	Marion	1.00
Dade	1.06	Mercer	.98
Dallas	1.06	Miller	1.05
Davies	1.00	Mississippi	1.06
De Kalb	1.01	Monteau	1.04
Dent	1.06	Monroe	1.01
Douglas	1.07	Montgomery	1.03
Dunklin	1.06	Morgan	1.04

## MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
New Madrid	\$1.06	St. Francois	\$1.05
Newton	1.07	St. Louis	1.04
Nodaway	.99	Ste. Genevieve	1.04
Oregon	1.07	Saline	1.02
Osage	1.04	Schuyler	.98
Ozark	1.07	Scotland	.98
Pemiscot	1.06	Scott	1.06
Perry	1.05	Shannon	1.06
Pettis	1.03	Shelby	1.01
Phelps	1.06	Stoddard	1.06
Pike	1.01	Stone	1.07
Platte	1.03	Sullivan	.99
Polk	1.06	Taney	1.07
Pulaski	1.06	Texas	1.06
Putnam	.98	Vernon	1.04
Rails	1.01	Warren	1.03
Randolph	1.01	Washington	1.05
Ray	1.02	Wayne	1.06
Reynolds	1.06	Webster	1.06
Ripley	1.07	Worth	.99
St. Charles	1.03	Wright	1.06
St. Clair	1.04		

## MONTANA

All counties.....\$1.06

## NEBRASKA

Adams	\$0.96	Jefferson	\$0.97
Antelope	.95	Johnson	.97
Arthur	.99	Kearney	.96
Banner	1.02	Keith	1.00
Blaine	.96	Keya Paha	.95
Boone	.96	Kimball	1.02
Box Butte	1.01	Knox	.94
Boyd	.93	Lancaster	.96
Brown	.95	Lincoln	.98
Buffalo	.96	Logan	.98
Burt	.97	Loup	.96
Butler	.96	McPherson	.98
Cass	.97	Madison	.96
Cedar	.95	Merrick	.96
Chase	.99	Morrill	1.02
Cherry	.97	Nance	.96
Cheyenne	1.01	Nemaha	.97
Clay	.96	Nuckolls	.96
Colfax	.96	Otoe	.97
Cuming	.96	Pawnee	.98
Custer	.97	Perkins	.99
Dakota	.95	Phelps	.96
Dawes	1.01	Pierce	.95
Dawson	.96	Platte	.96
Deuel	1.01	Polk	.96
Dixon	.95	Red Willow	.98
Dodge	.96	Richardson	.98
Douglas	.97	Rock	.95
Dundy	.99	Saline	.96
Fillmore	.96	Sarpy	.97
Franklin	.96	Saunders	.96
Frontier	.97	Scotts Bluff	1.02
Furnas	.97	Seward	.96
Gage	.97	Sheridan	1.00
Garden	1.00	Sherman	.96
Garfield	.96	Sioux	1.02
Gosper	.97	Stanton	.96
Grant	.98	Thayer	.96
Greeley	.96	Thomas	.97
Hall	.96	Thurston	.96
Hamilton	.96	Valley	.96
Harlan	.96	Washington	.97
Hayes	.99	Wayne	.95
Hitchcock	.99	Webster	.96
Holt	.94	Wheeler	.96
Hooker	.97	York	.96
Howard	.96		

## NEVADA

All counties.....\$1.19

## NEW HAMPSHIRE

All counties.....\$1.23

## NEW JERSEY

All counties.....\$1.19

## NEW MEXICO

All counties.....\$1.15

## NEW YORK

County	Rate per bushel	County	Rate per bushel
All counties	.....		\$1.18
NORTH CAROLINA			
All counties	.....		\$1.17
NORTH DAKOTA			
All counties	.....		\$0.90
OHIO			
Adams	\$1.05	Licking	\$1.04
Allen	1.01	Logan	1.02
Ashland	1.05	Lorain	1.05
Ashtabula	1.12	Lucas	1.03
Athens	1.08	Madison	1.02
Auglaize	1.01	Mahoning	1.12
Belmont	1.10	Marion	1.02
Brown	1.05	Medina	1.07
Butler	1.02	Meigs	1.07
Carroll	1.09	Mercer	1.00
Champaign	1.02	Miami	1.01
Clark	1.02	Monroe	1.11
Clermont	1.04	Montgomery	1.01
Clinton	1.03	Morgan	1.08
Columbiana	1.12	Morrow	1.03
Coshocton	1.06	Muskingum	1.06
Crawford	1.02	Noble	1.09
Cuyahoga	1.08	Ottawa	1.03
Darke	1.00	Paulding	1.00
Defiance	1.00	Perry	1.07
Delaware	1.02	Pickaway	1.03
Erie	1.04	Pike	1.04
Fairfield	1.05	Portage	1.10
Fayette	1.03	Preble	1.01
Franklin	1.02	Putnam	1.01
Fulton	1.02	Richland	1.03
Gallia	1.06	Ross	1.04
Geauga	1.10	Sandusky	1.03
Greene	1.02	Scioto	1.05
Guernsey	1.08	Seneca	1.02
Hamilton	1.03	Shelby	1.01
Hancock	1.02	Stark	1.09
Hardin	1.02	Summit	1.08
Harrison	1.10	Trumbull	1.12
Henry	1.01	Tuscarawas	1.08
Highland	1.03	Union	1.02
Hocking	1.06	Van Wert	1.00
Holmes	1.06	Vinton	1.06
Huron	1.04	Warren	1.03
Jackson	1.05	Washington	1.10
Jefferson	1.11	Wayne	1.07
Knox	1.04	Williams	1.01
Lake	1.10	Wood	1.04
Lawrence	1.06	Wyandot	1.02
OKLAHOMA			
All counties	.....		\$1.09
OREGON			
All counties	.....		\$1.15
PENNSYLVANIA			
All counties	.....		\$1.18
RHODE ISLAND			
All counties	.....		\$1.23
SOUTH CAROLINA			
All counties	.....		\$1.17
SOUTH DAKOTA			
Aurora	\$0.90	Day	\$0.89
Beadle	.89	Deuel	.89
Bennett	.96	Dewey	.94
Bon Homme	.91	Douglas	.90
Brookings	.89	Edmunds	.91
Brown	.89	Fall River	1.00
Brule	.90	Faulk	.91
Buffalo	.90	Grant	.89
Butte	.96	Gregory	.91
Campbell	.92	Haakon	.94
Charles Mix	.90	Hamlin	.89
Clark	.89	Hand	.90
Clay	.93	Hanson	.90
Codington	.89	Harding	.96
Corson	.94	Hughes	.92
Custer	.99	Hutchinson	.91
Davison	.90	Hyde	.91



**SOUTH DAKOTA—Continued**

County	Rate per bushel	County	Rate per bushel
Jackson	\$.05	Perkins	\$.05
Jerauld	.89	Potter	.93
Jones	.94	Roberts	.89
Kingsbury	.89	Sanborn	.90
Lake	.90	Shannon	.98
Lawrence	.96	Spink	.89
Lincoln	.92	Stanley	.94
Lyman	.92	Sully	.92
McCook	.91	Todd	.94
McPherson	.91	Tripp	.92
Marshall	.89	Turner	.92
Meade	.95	Union	.93
Mellette	.94	Walworth	.93
Miner	.90	Washabaugh	.95
Minnehaha	.91	Yankton	.92
Moody	.90	Zieback	.95
Pennington	.96		

**TENNESSEE**

Anderson	\$1.15	Lauderdale	\$1.09
Bedford	1.12	Lawrence	1.11
Benton	1.11	Lewis	1.11
Bledsoe	1.13	Lincoln	1.11
Blount	1.16	Loudon	1.15
Bradley	1.14	McMinn	1.14
Campbell	1.15	McNairy	1.11
Cannon	1.13	Macon	1.12
Carroll	1.10	Madison	1.10
Carter	1.16	Marion	1.12
Cheatham	1.11	Marshall	1.13
Chester	1.10	Mauzy	1.11
Claiborne	1.15	Meigs	1.14
Clay	1.13	Monroe	1.15
Cocke	1.16	Montgomery	1.11
Coffee	1.12	Moore	1.13
Crockett	1.10	Morgan	1.14
Cumberland	1.14	Obion	1.09
Davidson	1.12	Overton	1.13
Decatur	1.11	Perry	1.11
De Kalb	1.13	Pickett	1.13
Dickson	1.11	Polk	1.14
Dyer	1.09	Putnam	1.13
Fayette	1.10	Rhea	1.14
Fentress	1.14	Roane	1.15
Franklin	1.11	Robertson	1.11
Gibson	1.09	Rutherford	1.12
Giles	1.11	Scott	1.14
Grainger	1.16	Sequatchie	1.13
Greene	1.16	Sevier	1.16
Grundy	1.13	Shelby	1.09
Hamblen	1.16	Smith	1.12
Hamilton	1.13	Stewart	1.11
Hancock	1.16	Sullivan	1.16
Hardeman	1.10	Sumner	1.12
Hardin	1.11	Tipton	1.09
Hawkins	1.16	Trousdale	1.12
Haywood	1.10	Unicoi	1.16
Henderson	1.10	Union	1.15
Henry	1.10	Van Buren	1.13
Hickman	1.11	Warren	1.13
Houston	1.11	Washington	1.16
Humphreys	1.11	Wayne	1.11
Jackson	1.13	Weakley	1.09
Jefferson	1.16	White	1.13
Johnson	1.16	Williamson	1.12
Knox	1.15	Wilson	1.12
Lake	1.09		

**TEXAS**

All counties	\$1.11
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**UTAH**

All counties	\$1.18
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**VERMONT**

All counties	\$1.23
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**VIRGINIA**

All counties	\$1.17
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**WASHINGTON**

County	Rate per bushel
All counties	\$1.13

**WEST VIRGINIA**

All counties	\$1.16
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**WISCONSIN**

Adams	\$1.01	Marathon	\$1.02
Ashland	1.01	Marinette	1.03
Barron	.99	Marquette	1.02
Bayfield	1.00	Milwaukee	1.03
Brown	1.03	Monroe	1.01
Buffalo	1.00	Oconto	1.03
Burnett	.99	Oneida	1.03
Calumet	1.03	Outagamie	1.02
Chippewa	1.01	Ozaukee	1.03
Clark	1.01	Pepin	1.00
Columbia	1.02	Pierce	1.00
Crawford	.99	Polk	.99
Dane	1.02	Portage	1.02
Dodge	1.02	Price	1.01
Door	1.04	Racine	1.03
Douglas	.99	Richland	1.01
Dunn	1.01	Rock	1.02
Eau Claire	1.01	Rusk	1.00
Florence	1.03	St. Croix	1.00
Fond du Lac	1.02	Sauk	1.02
Forest	1.03	Sawyer	1.00
Grant	1.00	Shawano	1.03
Green	1.01	Sheboygan	1.03
Green Lake	1.02	Taylor	1.01
Iowa	1.02	Trempealeau	1.00
Iron	1.02	Vernon	.99
Jackson	1.01	Vilas	1.03
Jefferson	1.02	Walworth	1.02
Juneau	1.01	Washburn	.99
Kenosha	1.03	Washington	1.02
Kewaunee	1.04	Waukesha	1.02
La Crosse	1.00	Waupaca	1.03
Lafayette	1.01	Waushara	1.02
Langlade	1.03	Winnebago	1.03
Lincoln	1.02	Wood	1.01
Manitowoc	1.04		

**WYOMING**

All counties	\$1.06
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**(c) Schedule of premiums and discounts.**

(1) Premiums:	Cents per bushel
Grade No. 2 or better	1
Broken corn and foreign material (percent) 2.0 or less	1
Moisture content (percent) 14.0 or less	1
(2) Discounts:	
Weevily	2
Mixed	2
Weed control laws (see § 1421.74)	10
Other—Such other discounts not covered above as may be established by CCC for settlement of loans and purchases to reflect values of corn acquired by CCC.	

**Effective date.** Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 31, 1966.

**H. D. GODFREY,**  
*Executive Vice President,*  
*Commodity Credit Corporation.*

[F.R. Doc. 66-12040; Filed, Nov. 4, 1966; 8:45 a.m.]

**Title 13—BUSINESS CREDIT AND ASSISTANCE**

**Chapter I—Small Business Administration**

**PART 121—SMALL BUSINESS SIZE STANDARDS**

[Amendment 6; Rev. 6]

**Definition of Small Business for Government Procurement**

The last sentence in the first unnumbered paragraph of § 121.3-8 of the Small Business Size Standards Regulation (Revision 6), as amended, presently reads as follows: "If no standard for an industry, field of operation or activity; e.g., animal specialties, fin fish, anthracite mining, management-logistics support (outside of the several States, Commonwealth of Puerto Rico, Virgin Islands or the District of Columbia) has been set forth in this section, a concern bidding on a Government contract is a small business if, including its affiliates, it is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and has 500 employees or less."

It has been suggested to the Small Business Administration that the above sentence should be reworded to more clearly indicate that the parenthetical reference to "outside of the several States, Commonwealth of Puerto Rico, Virgin Islands or the District of Columbia" applies to only the management-logistic support. Accordingly, the Small Business Size Standards Regulation (Revision 6) (31 F.R. 9721), as amended (31 F.R. 10114, 11651, 11973, 12479, 12572), is hereby further amended by revising the last sentence in the first unnumbered paragraph of § 121.3-8 to read as follows: "If no standard for an industry, field of operation or activity (e.g., animal specialty; fin fish; anthracite mining; management-logistics support to be performed outside of the several States, Commonwealth of Puerto Rico, Virgin Islands, or the District of Columbia) has been set forth in this section, a concern bidding on a Government contract is a small business if, including its affiliates, it is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and has 500 employees or less."

Since no substantive change is made by this amendment it shall become effective on publication in the FEDERAL REGISTER.

Dated: October 31, 1966.

**BERNARD L. BOUTIN,**  
*Administrator.*

[F.R. Doc. 66-12069; Filed, Nov. 4, 1966; 8:46 a.m.]



# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Docket No. 7004; Amdt. 39-301]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Boeing Model 727 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of the engine cowl latch assembly on Boeing Model 727 Series airplanes was published in 30 F.R. 14017.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Some operators requested a compliance time of 6,000 hours, because they felt that the modifications were for product improvement only and were not related to safety. The Agency feels that the cowl panel modifications are directly related to aircraft safety and should be accomplished within the time specified in the AD. The present design of the side engine cowl panel latching mechanism allows the latch hooks, acting as hinges, to become disengaged when the cowl panels are opened. There have been several reports of improperly secured side engine cowl panels, and one instance of a side engine cowl panel separating from the engine in flight and causing damage to the aircraft structure. The present design of the center engine cowl panel latching mechanism could also allow separation of the cowl panels in flight. All of the modifications on the center engine cowl and most of the modifications on the side engine cowl can be accomplished while the cowl panels are removed from the airplane, and then interchanged with unmodified cowl. The modifications are, therefore, not dependent on engine or cowl overhaul time, and the airplane down time can be held to a minimum. One operator reported wear of the pivot holes of the safety catches specified in Boeing Service Bulletin No. 71-14. To prevent this wear, Hartwell Manufacturing Co. has made available a stronger spring to reduce the relative motion between the safety catch and the cowl latch hook. Paragraph (a) of the AD has been changed to permit installation of either spring.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**BOEING.** Applies to Model 727 Series airplanes.

Compliance required as indicated.

To prevent loss of the cowl panels in flight, and resultant damage to the aircraft structure, accomplish the following or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region:

(a) Within the next 1,500 hours' time in service after the effective date of this AD, unless already accomplished, modify the side engine cowl panel latch assemblies in accordance with Boeing Service Bulletin No. 71-14 or later FAA-approved revision. Replacement of Hartwell Manufacturing Co. hook latch spring, P/N 104914-1, with P/N 106054-1 is optional.

(b) Within the next 3,000 hours' time in service after the effective date of this AD, unless already accomplished, modify the center engine cowl panel latch frames in accordance with Boeing Service Bulletin No. 71-27 or later FAA-approved revision.

This amendment becomes effective December 5, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 28, 1966.

EDWARD C. HODSON,  
*Acting Director,  
Flight Standards Service.*

[F.R. Doc. 66-12061; Filed, Nov. 4, 1966;  
8:45 a.m.]

[Docket No. 741; Amdt. 39-302]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Bell Model 47J-2 Helicopters

Amendment 249 (26 F.R. 1111), AD 61-3-1, as amended by Amendment 286 (26 F.R. 4147), requires repetitive inspection of the pinion gear of the cooling fan drive assembly on certain Bell Model 47J-2 helicopters. After issuing Amendment 286, the Agency determined that the revised backlash setting that has been established by the manufacturer and published in its Maintenance and Overhaul Manual should be observed, rather than the setting specified in the AD. Therefore, the AD is being further amended to require backlash to be established in accordance with the manufacturer's Maintenance and Overhaul Manual.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 249 (26 F.R. 1111), AD 61-3-1, as amended by Amendment 286 (26 F.R. 4147), is further amended by striking out the words "except that backlash in the plane of rotation must be 0.0052 to 0.0072 inch" from paragraph (d).

This amendment becomes effective November 5, 1966.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 28, 1966.

EDWARD C. HODSON,  
*Acting Director,  
Flight Standards Service.*

[F.R. Doc. 66-12062; Filed, Nov. 4, 1966;  
8:45 a.m.]

[Docket No. 7660; Amdt. 39-307]

### PART 39—AIRWORTHINESS DIRECTIVE

#### Boeing Model 707 and 720 Series Airplanes

The Federal Aviation Agency has in effect AD 66-24-2, as Amendment 39-293 to Part 39 of the Federal Aviation Regulations, applying to Boeing Model 707 and 720 Series airplanes, equipped with nylon tube conduit in the tail cone. The purpose of this amendment is to relax the requirements of the airworthiness directive. The AD as it stands requires inspection for shorted tail navigation light wires by removing the tail cone. It has come to the attention of the Administrator that compliance with the inspection requirements of this directive can be accomplished without removal of the tail cone. Therefore, the Agency has decided to delete the requirement for removal of the tail cone as it is not necessary. In addition, the AD requires that modifications be made to the tail cone wiring system within 700 hours' time in service after its effective date of October 12, 1966. The Agency has now determined that these modifications can be made within 2,250 hours' time in service without compromising safety.

As this revision is relaxatory in nature, compliance with the notice and public procedure provisions of the Administrative Procedure Act do not apply.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1351(a), 1421, and 1423).

In consideration of the foregoing, the following AD is adopted effective immediately, superseding AD 66-24-2, Amendment 39-293.

**BOEING.** Applies to Model 707 and 720 Series airplanes equipped with nylon tube conduit in the tail cone.

Compliance required as indicated, unless already accomplished.

To prevent fire in the tail cone due to shorted tail navigation light wires, accomplish the following:

(a) Within the next 300 hours' time in service after October 12, 1966, unless already accomplished, inspect tail navigation light wiring for frayed or deteriorated wires and inspect protective nylon tube to insure that it is secured to bulkhead. Replace frayed or deteriorated wires and secure nylon tube to bulkhead as necessary before further flight.

(b) Repeat the inspection described in paragraph (a) every 300 hours' time in service until the following modifications or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region are accomplished but not later than 2,250 hours' time in service from the effective date of this AD—

(1) Trim nylon tube flush with bulkhead 65-14660-3 at fuselage station 1653;

(2) Install cover plate and angle fabricated in accordance with Boeing Service Bulletin No. 2395 (R-1) or later FAA-approved revision using a clamp and grommet in accordance with that Bulletin; and

(3) Replace all frayed or chafed tail cone light wiring.



Issued in Washington, D.C., on November 2, 1966.

C. W. WALKER,  
Director, Flight Standards Service.

[F.R. Doc. 66-12105; Filed, Nov. 4, 1966;  
8:47 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-246]

#### PART 1—GENERAL PROVISIONS

##### Ports of Entry; International Falls- Ranier, Minn.

OCTOBER 26, 1966.

An increasing number of flights from Canada have been arriving at the Falls International Airport, International Falls, Minn., and the International Seaplane Base, Ranier, Minn. Therefore, it is desirable to extend the port limits of International Falls-Ranier to include these two airports.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the

Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the geographical limits of the customs port of entry of International Falls-Ranier, Minn., in the Duluth, Minn., customs district (Region IX) comprising the territory described in T.D. 53738, are extended to include the area described as follows:

Beginning at a point on the international boundary in the Rainy River closest to the most westerly corporate limits of the city of International Falls, Minn.; then proceeding south to the southwest corner of the Falls International Airport; thence east along the south boundary of said airport to the southeast corner of section 13, T. 70 N., R. 24 W.; thence north along the east side of sections 13, 12, and 1, T. 70 N., R. 24 W. to the southwest corner of section 31, T. 71 N., R. 23 W.; thence east to the southeast corner of section 35, T. 71 N., R. 23 W.; thence north to Rainy Lake; thence west along the south shore of Rainy Lake and Rainy River to the point of beginning.

Section 1.2(c) of the Customs Regulations is amended by deleting "(including territory described in T.D. 53738)" after "International Falls-Ranier" in the column headed "Ports of entry" in the Duluth, Minn., district and by substituting

therefor "(including the territory described in T.D. 66-246)."

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

This Treasury decision shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL]

TRUE DAVIS,  
Assistant Secretary of the Treasury.

[F.R. Doc. 66-12058; Filed, Nov. 4, 1966;  
8:45 a.m.]

## Title 29—LABOR

### Chapter I—National Labor Relations Board

#### PART 102—RULES AND REGULA- TIONS, SERIES 8

##### Subpart F—Ex Parte Communications Correction

In F.R. Doc. 66-11737 appearing in the issue for Friday, October 28, 1966, at page 13850, the Subpart P designation following the part heading is incorrect. The complete subpart designation and heading should read as set forth above.



# Proposed Rule Making

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### [ 29 CFR Part 505 ]

### LABOR STANDARDS ON PROJECTS OR PRODUCTIONS ASSISTED BY GRANTS FROM NATIONAL ENDOWMENT FOR THE ARTS

#### Notice of Proposed Rule Making

Pursuant to section 5(j) of the National Foundation on the Arts and the Humanities Act of 1965 (79 Stat. 849, 20 U.S.C. 848) and the authority delegated by the Secretary of Labor (31 F.R. 1274), notice is hereby given that the Administrator of the Wage and Hour and Public Contracts Divisions and the Director of the Bureau of Labor Standards propose to amend Chapter V of Title 29 of the Code of Federal Regulations by adding a new Part 505 to read as hereinafter set out.

Any person interested in this proposal may respond by filing written data, views, or arguments within 30 days after this notice is published in the FEDERAL REGISTER, with the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210.

The new 29 CFR Part 505 would read as follows:

### PART 505—LABOR STANDARDS ON PROJECTS OR PRODUCTIONS ASSISTED BY GRANTS FROM NATIONAL ENDOWMENT FOR THE ARTS

Sec.

- 505.1 Purpose and scope.
- 505.2 Definitions.
- 505.3 Prevailing minimum compensation.
- 505.4 Receipt of grant funds.
- 505.5 Adequate assurances.
- 505.6 Safety and health standards.
- 505.7 Failure to comply.

**AUTHORITY:** The provisions of this Part 505 issued under sec. 5(j), 79 Stat. 849; 20 U.S.C. 848, and Secretary's Order 1-66 (31 F.R. 1274) and Secretary's Order 12-66 (31 F.R. 12620).

#### § 505.1 Purpose and scope.

(a) The regulations contained in this part set forth the procedures which are deemed necessary and appropriate to carry out the provisions of section 5(j) of the National Foundation on the Arts and Humanities Act of 1965, 79 Stat. 849; 20 U.S.C. 848, relating to labor standards requirements on projects or productions assisted by grants from the National Endowment for the Arts.

(b) Regulations and procedures relating to wages on construction projects as provided in section 5(k) of the National Foundation on the Arts and Humanities Act of 1965 may be found in Parts 3 and 5 of this title.

(c) Standards of overtime compensation for laborers or mechanics may be found in the Contract Work Hours Standards Act, 76 Stat. 357, 40 U.S.C. 327.

#### § 505.2 Definitions.

(a) The term "Act", means the National Foundation on the Arts and the Humanities Act of 1965, 79 Stat. 849, 20 U.S.C. 848.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "Administrator" means the Administrator of the Wage and Hour and Public Contracts Divisions, who exercises responsibilities for the Secretary over the requirements pertaining to wages.

(d) The term "Director" means the Director of the Bureau of Labor Standards, U.S. Department of Labor, who exercises responsibilities for the Secretary over the requirements pertaining to safety and health.

(e) "Professional" in the phrase "professional performer and related or supporting professional personnel" shall include all those who work for compensation on a project or production which is assisted by a grant from the National Endowment for the Arts regardless of whether paid out of grant funds. It shall not include those whose status is "amateur" because their engagement for performance or supporting work contemplates no compensation. The words "related or supporting . . . personnel" in the same phrase shall include all those whose work is related to the particular project or production such as musicians, stage hands, scenery designers, technicians, electricians and moving picture machine operators, as distinguished from those who operate a place for receiving an audience without reference to the particular project or production being exhibited, such as ushers, janitors, and those who sell and collect tickets. The phrase shall not include laborers and mechanics employed by contractors or subcontractors on construction projects, but their compensation is regulated under section 5(k) of the Act.

#### § 505.3 Prevailing minimum compensation.

(a) *Generally.* Investigation has revealed that nearly all of the persons employed in activities similar to those which will be performed by professional performers and related or supporting professional personnel do so pursuant to contracts between their employers and the following national or international labor organizations which are affiliated with one of them:

Actors' Equity Association.  
Screen Actors Guild, Inc.  
Screen Extras Guild, Inc.

American Guild of Musical Artists, Inc.  
International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators.

American Federation of Musicians.  
National Association of Broadcast Employees and Technicians.

American Federation of Television and Radio Artists.

International Brotherhood of Electrical Workers.

American Guild of Variety Artists.

These contracts provide the minimum compensation (including fringe benefits) to be paid such professional performers and related or supporting professional personnel. The compensation provided in each of these contracts is hereby determined to be the prevailing minimum compensation for each of the professional performers and related or supporting professional personnel to which it applies or would apply if he were a member of the appropriate one of the above-mentioned labor organizations. Such determination shall be subject to variation, however, on behalf of any adversely affected professional worker or grantee as provided in paragraph (b) of this section.

(b) *Variations*—(1) *On behalf of professional workers.* Any professional performer or related or supporting professional personnel desiring employment on any such project or production and any labor organization representing any one of them may protest the determination made in paragraph (a) of this section. Such protest shall be in writing, shall be directed to the Administrator, shall identify the locality or localities and the class or classes of professional performers and related or supporting professional personnel to whom it relates, shall specify the minimum compensation which actually prevails in each such locality for each such class and shall present all of the evidence available touching on the issue. The Administrator will make a determination concerning each such protest to the extent necessary to resolve the issue for any approved grant application.

(2) *On behalf of grantees.* Any grant applicant who proposes to compensate any professional performer or related or supporting professional personnel in an amount less than the prevailing minimum compensation determined in paragraph (a) of this section shall specify the lower minimum compensation he proposes to pay and present such evidence as he may have that the prevailing minimum compensation is not more than he proposes to pay. If such grant application is otherwise approved, such issue will be resolved by the Administrator.

#### § 505.4 Receipt of grant funds.

(a) The grantee shall not receive funds authorized by section 5 of the Act until adequate initial assurances pursuant to



section 5(j) (1) and (2) of the Act as provided in §§ 505.5(a) and 505.6 have been filed with the Chairman of the National Endowment of the Arts. Neither shall he receive any such funds if and after the Chairman of the National Endowment of the Arts is advised by the Secretary that continuing assurances as provided in § 505.5(b) are inadequate or that labor standards contemplated by section 5(j) (1) and (2) of the Act have not been observed.

(b) In order to facilitate such assurance so that the grantee may receive the grant funds promptly, the Chairman of the National Endowment of the Arts will transmit to each grantee of a grant under section 5 of the National Foundation on the Arts and Humanities Act of 1965 with the grant letter a copy of these regulations together with two copies of USDL Form No. 1. He will advise the grantee that before the grant may be received, the grantee must give assurances that all professional performers and related or supporting professional personnel (other than laborers or mechanics with respect to whom labor standards are prescribed in subsection 5(k) of the Act), will be paid, without subsequent deduction or rebate on any account, not less than the minimum compensation determined in § 505.3(a) unless a variation is obtained under § 505.3(b) and that the safety and health requirements under § 505.6 are met. The Chairman will furnish the Secretary the original signed Form USDL No. 1 and two copies of the grant letter together with any supplementary documents needed to give a description of the project or production to be financed in whole or part under the grant.

#### § 505.5 Adequate assurances.

(a) *Initial assurances.* Unless the grantee seeks variation of the determination of prevailing minimum compensation contained in § 505.3, or variation of the safety and health standards contained in § 505.6, his initial assurances shall be filled out and executed, in the same manner as the application for the grant is executed, on USDL Form No. 1. If variation of the prevailing minimum compensation provided in § 505.3(a) is sought under § 505.3(b) the information called for by § 505.3(b) shall be furnished in lieu of assurances on USDL Form No. 1 and appropriate assurances will be drafted by the Administrator for the grantee upon resolution of the application for variation.

(b) *Continuing assurances.* (1) The grantee shall maintain and preserve sufficient records as an assurance of compliance with section 5(j) (1) and (2) of the Act and shall make such reports therefrom to the Secretary as necessary or appropriate to assure the adequacy of the assurances given. These records shall include the following information relating to each performer and related or supporting personnel for whom a prevailing minimum compensation determination has been made pursuant to § 505.3. In addition the record required

in subdivision (vii) of this subparagraph shall be kept for all employees engaged in the project or production assisted by the grant.

- (i) Name,
- (ii) Home address,
- (iii) Occupation,
- (iv) Basic unit of compensation (such as the amount of a weekly or monthly salary, talent or performance fee, hourly rate or other basis on which compensation is computed), including fringe benefits or amounts paid in lieu thereof,
- (v) Work performed for each pay period expressed in terms of the total units of compensation fully and partially completed,
- (vi) Total compensation paid each pay period, deductions made, and date of payment, including amounts paid for fringe benefits and the person to whom they were paid, and
- (vii) Brief description of any injury incurred while performing under the grant and the dates and duration of disability.

Such records shall be kept for a period of 2 years after completion of the project or production to which they pertain.

(2) The grantee shall permit the Administrator and the Director or their representatives to investigate and gather data regarding the wages, hours, safety, health, and other conditions and practices of employment related to the project or production, and to enter and inspect such project or production and such records (and make such transcriptions thereof), question such employees and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether the grantee has violated the labor standards contemplated by section 5(j) of the Act, or which may aid in the enforcement of such standards.

(c) *Determination of adequacy.* The Administrator and Director shall determine the adequacy of assurances within each of their respective areas of responsibilities, given pursuant to paragraphs (a) and (b) of this section and may revise their determination at any time.

#### § 505.6 Safety and health standards.

(a) *Standards.* (1) In order to avoid any undue hardship on the part of the grantee and until such time that the Secretary has the opportunity to study in depth the production of the arts and related projects in light of the safety and hazards related thereto, and subsequently identify the need to develop more definitive regulations, compliance with applicable standards, specifications and codes of the U.S. Government and those standards and codes, developed, utilized, referred to, or adopted by nationally recognized professional engineering, scientific and technical societies will be accepted by the Secretary as prima facie evidence of compliance with the safety and health requirements pursuant to subsection 5(j) (2) of the Act.

(2) The National Bureau of Standards, United States of America Standards Institute, National Fire Protection

Association, American Society of Mechanical Engineers, and the American Society for Testing and Materials are among those referred to above as nationally recognized.

(b) *Amendments.* The Secretary shall, as the need dictates, expand, contract or withdraw any of the standards or codes referred to in paragraph (a) of this section and develop more definitive criteria in standards and code areas requiring clarification and/or interpretation. When such changes are made and proposed, interested parties shall be advised by public notice or public hearing and shall be afforded the opportunity to respond with their views and comments in the manner prescribed under the administrative procedures.

(c) *Assurances.* Unless the grantee seeks variation from complying with the prescribed standards and procedures set forth in this Part 505 and specifically those safety and health standards set forth in this section, initial assurances of compliance shall be executed on USDL Form No. 1.

(d) *Variations.* (1) If variations from prescribed safety and health standards are sought because of practical difficulties or unnecessary hardships, the Secretary in his discretion may make variations from the requirements of this section and permit the use of other or alternate means if the safety and health of performers and those related to the production will be equally secure thereby.

(2) Any person or organization affected by the requirements of this section may request the Secretary to grant such variation, stating in writing the grounds on which his request is based. He must also identify the specific standard. It is incumbent upon the person or organization to present valid, technical and competent proof that his alternate proposal will meet the criteria and intent of the standard sought to be varied. Any requests for safety variation shall be sent to the Director, Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210.

(3) Any authorization by the Secretary of the variation shall be in writing and shall describe the conditions under which the variation shall be permitted. An index record of all variations shall be kept in the Office of the Director and shall be open to public inspection.

#### § 505.7 Failure to comply.

The Secretary's representatives shall maintain a list of those grantees who are considered to be responsible for instances of failure, with the obligation of the grantees specified in section 5(j) (1) and (2) of the Act, which is considered to have been willful or of such nature as to cast doubt on the reliability of formal assurances subsequently given, and there shall be maintained a similar list where adjustment of the violations satisfactory to the Secretary was not properly made. Assurances from persons or organizations on either such list or any organization in which they have a substantial interest shall be considered inadequate until such time as they may,



by appropriate application to the Secretary, achieve their removal from such lists.

Signed at Washington, D.C., this 31st day of October 1966.

CLARENCE T. LUNDQUIST,  
Administrator, Wage and Hour  
and Public Contracts Divisions.

NELSON M. BORTZ,  
Director,  
Bureau of Labor Standards.

[F.R. Doc. 66-12056; Filed, Nov. 4, 1966;  
8:45 a.m.]

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 913]

### GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

#### Approval of Expenses and Fixing of Rate of Assessment for 1966-67 Fiscal Period

Consideration is being given to the following proposals submitted by the Interior Grapefruit Marketing Committee, established under the marketing agreement and Order No. 913 (7 CFR Part 913) regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be incurred by the Interior Grapefruit Marketing Committee, during the fiscal period beginning August 1, 1966, and ending July 31, 1967, will amount to \$40,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 913.31, be fixed at \$0.005 per standard packed box.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 2, 1966.

PAUL A. NICHOLSON,  
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-12074; Filed, Nov. 4, 1966;  
8:47 a.m.]

### [7 CFR Part 989]

#### RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

#### Proposed Expenses of Raisin Administrative Committee and Rate of Assessment for 1966-67 Crop Year

Notice is hereby given of a proposal regarding expenses of the Raisin Administrative Committee for the 1966-67 crop year and rate of assessment for that crop year, pursuant to §§ 989.79 and 989.80 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Raisin Administrative Committee has unanimously recommended for the crop year beginning September 1, 1966 (1966-67 crop year), a budget of expenses in the total amount of \$113,200 and an assessment rate of 80 cents per ton of assessable raisins. Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 8th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal follows:

#### § 989.317 Expenses of the Raisin Administrative Committee and rate of assessment for the 1966-67 crop year.

(a) *Expenses.* Expenses (other than those specified in § 989.82) in the amount of \$113,200 are reasonable and likely to be incurred by the Raisin Administrative Committee during the crop year beginning September 1, 1966, for the maintenance and functioning of the Committee and the Raisin Advisory Board and for such purposes as the Secretary may, in accordance with § 989.79, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 989.80, to pay to the Raisin Administrative Committee as his pro rata share of the expenses is fixed at 80 cents per ton applicable to each of the following:

(1) Free tonnage raisins acquired by the handler during the crop year, exclusive of such quantity thereof as represents the assessable portions of other handlers' raisins pursuant to subparagraph (3) of this paragraph;

(2) Reserve tonnage raisins sold to the handler by the Committee pursuant to § 989.67 during the crop year; and

(3) Standard raisins (which he does not acquire) recovered by the handler by the reconditioning of off-grade raisins but only to the extent of the aggregate quantity of the free tonnage portions of these standard raisins that are acquired by other handlers during the crop year.

Dated: November 2, 1966.

PAUL A. NICHOLSON,  
Acting Director,  
Fruit and Vegetable Division.

[F.R. Doc. 66-12075; Filed, Nov. 4, 1966;  
8:47 a.m.]

### [7 CFR Part 1126]

[Docket No. AO 231-A28]

#### MILK IN NORTH TEXAS MARKETING AREA

#### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Ramada Room, Ramada Inn, 6900 Cedar Springs Street, Dallas, Tex., beginning at 9 a.m., c.s.t., on November 10, 1966, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the North Texas marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Lamar Creamery Co.  
Proposal No. 1. Amend § 1126.10(c) to read as follows:

#### § 1126.10 Pool plant.

(c) Any plant operated by a cooperative association which has been approved by any duly constituted State or municipal health authority and at which milk is received from dairy farmers holding permits or authorization from such health authority, and at least 25 percent or more of the producer milk of members of such cooperative associations is physically received during the month at pool plants of other handlers or is transferred to such pool plants from the plant of the cooperative association or is sold as Class I elsewhere out of the market: *Provided*, That any such plant in order to qualify under this section would have had to have 25 percent or more of the producer



milk of its members physically received during the month at pool plants of other handlers for a period of 3 months prior to October 1, 1966.

Proposed by the Dairy Division, Consumer and Marketing Service:

*Proposal No. 2.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Byford W. Bain, Post Office Box 35225, Airlawn Station, Dallas, Tex. 75235, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on November 2, 1966.

CLARENCE H. GIRARD,  
*Deputy Administrator,  
Regulatory Programs.*

[F.R. Doc. 66-12073; Filed, Nov. 4, 1966;  
8:46 a.m.]

## ATOMIC ENERGY COMMISSION

[10 CFR Part 35]

### HUMAN USES OF BYPRODUCT MATERIAL

#### Licenses for Groups of Diagnostic Uses of Byproduct Material in Humans

It has been the general practice of the Atomic Energy Commission to issue medical licenses only for the clinical uses of byproduct material in humans which are specifically requested by the applicant. A proposed amendment to Part 35, § 35.14 set forth below, would divide diagnostic uses of radioisotopes into two groups and specify that an application for a diagnostic use within a group will be considered by the Commission as an application for all of the uses within the group if the applicant satisfies the licensing criteria for the group.

The diagnostic uses of byproduct material are grouped on the basis of similar requirements for physician training and experience, facilities and equipment, and radiation safety. Group I includes diagnostic uses characterized as uptake, dilution, and excretion studies. Group II consists entirely of scanning and tumor localization studies.

The diagnostic procedures included in each group would be listed in a new § 35.100, 10 CFR Part 35. The proposed schedule would include only those diagnostic uses for which the clinical procedures are well established.

The licensing criteria which an applicant would have to satisfy in order to have his application considered as a request for an entire group supplement the present medical licensing requirements in §§ 35.11 and 35.12, 10 CFR Part 35.

For Group I uses, the Commission would consider the physician's clinical experience in the performance of uptake, dilution, and excretion studies involving the use of radioisotopes in humans and the availability of appropriate radiation detection instrumentation for each type of use. To qualify for a license for the diagnostic uses in Group II, the physician would have to demonstrate adequate clinical experience in scanning procedures and the availability of appropriate scanning equipment.

The Commission's experience has shown that persons applying for medical licenses frequently limit their requests to uses of particular isotopes which may not meet their requirements during the normal progress and conduct of their programs. This results in the submittal of additional applications for license amendments which involve no significantly different hazard considerations. It is expected that the proposed amendments of Part 35, without relaxing safety requirements, will expedite the regulatory process and eliminate unnecessary and time-consuming burdens both for licensees and the Commission.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, notice is hereby given that adoption of the following amendment to 10 CFR Part 35 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. A new § 35.14 is added to 10 CFR Part 35 to read as follows:

#### § 35.14. Specific licenses for certain diagnostic uses of byproduct material in humans.

(a) An application for a specific license pursuant to § 35.11 or § 35.12 for a diagnostic use of byproduct material specified in Group I or Group II of § 35.100 will be considered by the Commission as an application for all of the diagnostic uses within the group which includes the use specified in the application, provided:

(1) The applicant satisfies the requirements of § 35.11 or § 35.12;

(2) The applicant or the physician designated in the application as the individual user has adequate clinical experience in the performance of diagnostic procedures specified in the appropriate group in § 35.100; and

(3) The applicant's proposed radiation detection instrumentation is adequate for conducting the diagnostic procedures specified in the appropriate group in § 35.100.

2. A new § 35.100 is added to 10 CFR Part 35 to read as follows:

#### § 35.100 Schedule A—Groups of diagnostic uses of byproduct material in humans.

(a) Group I—Uptake, dilution, and excretion studies (does not include scans or tumor localizations).

(1) Iodine 131 or Iodine 125 as sodium iodide for thyroid function studies.

(2) Iodine 131 or Iodine 125 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume.

(3) Iodine 131 or Iodine 125 as labeled rose bengal for liver function studies.

(4) Iodine 131 or Iodine 125 as labeled fats or fatty acids for fat absorption studies.

(5) Iodine 131 or Iodine 125 as labeled iodothyronine, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, or sodium acettrizoate for kidney function studies.

(6) Chromium 51 as labeled human serum albumin for gastrointestinal protein loss studies.

(7) Chromium 51 as sodium chromate for determination of red blood cell volumes and studies of red blood cell survival time.

(8) Iron 59 as chloride or citrate for iron turnover studies.

(9) Cobalt 58 or Cobalt 60 as labeled cyanocobalamin (vitamin B-12) for intestinal absorption studies.

(b) Group II—Scans and tumor localizations.

(1) Iodine 131 as sodium iodide for thyroid scans.

(2) Iodine 131 as iodinated human serum albumin (IHSA) for brain tumor localizations and cardiac scans.

(3) Iodine 131 as macroaggregated iodinated human serum albumin for lung scans.

(4) Iodine 131 as colloidal (microaggregated) iodinated human serum albumin for liver scans.

(5) Iodine 131 as labeled rose bengal for liver scans.

(6) Iodine 131 as iodothyronine, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, or sodium acettrizoate for kidney scans.

(7) Iodine 131 as sodium iodipamide for cardiac scans.

(8) Chromium 51 as sodium chromate for spleen scans.

(9) Gold 198 in colloidal form for liver scans.

(10) Mercury 197 as chlormerodrin for kidney and brain scans.

(11) Strontium 85 as nitrate or chloride for bone scans in patients with diagnosed cancer.

(12) Technetium 99m as pertechnetate for brain scans.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 26th day of October 1966.

For the Atomic Energy Commission.

W. B. McCool,  
*Secretary.*

[F.R. Doc. 66-12053; Filed, Nov. 4, 1966;  
8:45 a.m.]



# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 21 ]

[Docket No. 16778]

## DOMESTIC LAND MOBILE RADIO SERVICE

### Allocation of Presently Unassignable Spectrum by Adjustment of Cer- tain of Band Edges; Order Ex- tending Time for Filing Reply Comments

In the matter of amendment of Part 21 of the Commission's rules with respect to the 150.8-162 Mc/s band to allocate presently unassignable spectrum to the

Domestic Public Land Mobile Radio Service by adjustment of certain of the band edges; Docket No. 16778.

The Commission, by its Chief of the Common Carrier Bureau, having under consideration a petition filed on behalf of Radio Relay Corp. (Radio Relay) by its attorneys to extend the time for filing reply comments in the above-entitled matter until November 15, 1966;

It appearing, that the time for filing reply comments in Docket No. 16778 expires October 31, 1966; and

It further appearing, that the petitioner states, among other things, that it will be unable to complete its study of all relevant comments filed in Docket No. 16778 within the time prescribed for filing of reply comments and that additional time is necessary for the preparation of meaningful reply comments; and

It further appearing, that in light of the considerations advanced by petitioner, an extension of the reply comment period would be in the public interest:

*It is ordered*, This 31st day of October 1966, pursuant to sections 4(i) and 5(d) (1) of the Communications Act of 1934, as amended, and § 0.303(c) of the Commission's rules, that the time for filing reply comments in response to the above-entitled matter is extended to November 15, 1966.

Adopted: October 31, 1966.

Released: November 1, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12070; Filed, Nov. 4, 1966;  
8:46 a.m.]



# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management CALIFORNIA, ARIZONA, NEVADA

#### Notice of Classification of Public Land

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal in satisfaction of valid script rights pursuant to section 3 of the act of August 31, 1964 (78 Stat. 751).

For satisfaction of valid Valentine, Sioux Halfbreed, Wyandotte, Portefield, Gerard, McKee, and Railroad Lieu Selection Claims:

#### ARIZONA

##### GILA AND SALT RIVER MERIDIAN

T. 5 N., R. 4 E.,  
Sec. 6, N $\frac{1}{2}$ N $\frac{1}{2}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 20, SE $\frac{1}{4}$ .

#### CALIFORNIA

##### HUMBOLT MERIDIAN

T. 12 N., R. 3 E.,  
Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

#### NEVADA

##### MOUNT DIABLO MERIDIAN

T. 22 S., R. 61 E.,  
Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 23, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 27, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The areas described aggregate approximately 610 acres.

For satisfaction of valid Soldiers Additional Homestead, Isaac Crow, Merritt W. Blair, and Forest Lieu Claims:

#### CALIFORNIA

##### MOUNT DIABLO MERIDIAN

T. 30 S., R. 23 E.,  
Sec. 4, lot 1 of NW $\frac{1}{4}$ , lot 2 of NW $\frac{1}{4}$  and S $\frac{1}{2}$ .

The areas described aggregate approximately 480.26 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 722, Washington, D.C. 20240 (43 CFR 2411.12(d)).

JOHN O. CROW,  
Associate Director.

OCTOBER 31, 1966.

[F.R. Doc. 66-12020; Filed, Nov. 4, 1966; 8:45 a.m.]

#### National Park Service

[Order 1]

### PARK HISTORIAN AND CLERK (TYPING), CHALMETTE NATIONAL HISTORICAL PARK

#### Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. The Park Historian may execute and approve contracts not in excess of \$500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

2. The Clerk (Typing) may execute and approve contracts not in excess of \$500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order 34 (31 F.R. 4255), as amended: 39 Stat. 535, 16 U.S.C., sec. 2; Southeast Region Order 4 (31 F.R. 8135))

ROBERT R. JACOBSEN,  
Superintendent,

Chalmette National Historical Park.

OCTOBER 5, 1966.

[F.R. Doc. 66-12054; Filed, Nov. 4, 1966; 8:45 a.m.]

#### Office of the Secretary

MARK V. BURLINGAME

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of September 29, 1966.

Dated: September 29, 1966.

MARK V. BURLINGAME.

[F.R. Doc. 66-12068; Filed, Nov. 4, 1966; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

#### HAWAIIAN SUGARCANE

#### Notice of Hearing on Prices and Designation of Presiding Officers

Pursuant to the authority contained in section 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to fair price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Hilo, on the Island of Hawaii, in the auditorium of the Hilo Electric Light Co., Ltd., on December 15, 1966, beginning at 9 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of section 301(c)(2) of said act, fair and reasonable prices or rates for the 1967 crop of Hawaiian sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said act.

The hearing after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matter. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

H. D. Godfrey, C. F. Denny, and F. W. McCoy, are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on November 1, 1966.

H. D. GODFREY,  
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-12057; Filed, Nov. 4, 1966; 8:45 a.m.]



## Consumer and Marketing Service

[P. &amp; S. Docket No. 442]

## CLEVELAND UNION STOCK YARDS CO.

## Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on May 4, 1965 (24 A.D. 566), authorizing the respondent, Cleveland Union Stock Yards Co., Cleveland, Ohio, to assess the current temporary schedule of rates and charges to and including November 30, 1966, unless modified or extended by further order before the latter date.

By a petition filed on October 20, 1966, the respondent requested authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below.

## SECTION 1. Yardage. \* \* \*

## (c) Yardage rates.

	Rate per head	
	Present	Proposed
Bulls, bams and reactors	\$1.80	\$1.90
Cattle, weighing 400 lbs. and over	1.30	1.40
Calves, weighing less than 400 lbs	.80	.80
Hogs	.50	.50
Sheep and lambs	.35	.40

## SEC. 9. Handling and delivery of direct shipments received by truck. \* \* \*

	Rate per head	
	Present	Proposed
Bulls, bams and reactors	\$0.90	\$0.95
Cattle, weighing 400 lbs. and over	.60	.70
Calves, weighing less than 400 lbs	.30	.40
Hogs	.25	.25
Sheep and lambs	.20	.20

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 10 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of November 1966.

DONALD A. CAMPBELL,  
Director, Packers and Stock-  
yards Division, Consumer and  
Marketing Service.

[F.R. Doc. 66-12072; Filed, Nov. 4, 1966;  
8:46 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order No. E-24345]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

## Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of November 1966.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2, 3-1, and 1-2-3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated October 20, 1966, as set forth in the attachment hereto, (1) names rates under new commodity descriptions, and (2) names rates under existing commodity descriptions. Additionally, the agreement amends the commodity description for Item 6833 by the inclusion of rods, sheets, slabs, and tubes. The new rates reflect reductions ranging from 7.3 to 78.0 percent and are consistent with the present level of specific commodity rates within the applicable areas.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

## Accordingly, it is ordered:

That Agreement CAB 18934, R-35 through R-42, be approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board,

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12063; Filed, Nov. 4, 1966;  
8:45 a.m.]

<sup>1</sup> Received in the Board Oct. 24, 1966; filed as part of the original document.

[Docket No. 16236; Order No. E-24346]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

## Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of November 1966.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the traffic conferences of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned CAB Agreement No. 19075.

The agreement would adopt, as a working guide to facilitate the worldwide uniform application of commodity rate descriptions, the Standard Master Item Numbering and Description List, as prepared by the Uniform Description Working Group of IATA. The agreement further provides for the convening of special meetings of the Specific Commodity Rate Committees for the purpose of translating existing commodity item numbers over to the new system.

The Board, in approving the agreement, notes that the agreement in no way affects the present numbering system or the commodity descriptions at this time. The final adoption and implementation of the new system by IATA, subject to CAB approval, will be a matter of discussion for the 1967 Spring Composite Cargo Conference.

The Board in the past has urged the carriers to adopt such a system and finds no reason to depart from such an approach at this time. However, the carriers can expect that the Board will continue to require, irrespective of what system is finally adopted, that the commodity description comply with Part 221 of the Board's Economic Regulations for purposes of tariff publication.

The Board acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolution 590x, which is incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That: Agreement CAB 19075 be approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.



By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R., Doc. 66-12064; Filed, Nov. 4, 1966;  
8:46 a.m.]

[Docket No. SA-393]

## AIRCRAFT ACCIDENT NEAR FALLS CITY, NEBR.

### Notice of Hearing Regarding Investigation

In the matter of investigation of accident involving aircraft of U.S. registry N1553, which occurred near Falls City, Nebr., August 6, 1966, Docket No. SA-393.

Notice is hereby given that an Accident Investigation Hearing in the above matter will be held commencing at 9:30 a.m. local time, on Wednesday, December 7, 1966, in the Sheraton Fontenelle Hotel, 1806 Douglas Street, Omaha, Nebr.

Dated this 2d day of November 1966.

[SEAL] ROBERT L. ALLARD,  
Hearing Officer, Bureau of Safety.

[F.R. Doc. 66-12065; Filed, Nov. 4, 1966;  
8:46 a.m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### CERTIFICATES AUTHORIZING EM- PLOYMENT OF FULL-TIME STUD- ENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPE- CIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the statutory minimum of \$1.25 an hour.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR, Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below \$1 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below \$1 an hour in the base period.

Archer Avenue Big Stores, Inc., department store; 4187 South Archer Avenue, Chicago, Ill.; 9-7-66 to 9-6-67.

Bright Stores, Inc., department store; 28 West Ridge Street, Lansford, Pa.; 10-18-66 to 10-17-67.

Ben Franklin 5 & 10¢ Store, variety store; 1330 Central Avenue, Charlotte, N.C.; 9-30-66 to 9-29-67.

George's Market, Inc., food stores from 11-1-66 to 10-31-67; No. 1, Morristown, Tenn.; No. 2, Morristown, Tenn.

W. T. Grant, Inc., variety stores: No. 243, Galesburg, Ill. (10-28-66 to 10-27-67); No. 57, Baltimore, Md. (9-29-66 to 9-28-67); 1130 Perry Highway, Pittsburgh, Pa. (9-30-66 to 9-29-67); No. 28, Reading, Pa. (9-3-66 to 9-2-67); 2444 Jacksboro Highway, Fort Worth, Tex. (10-4-66 to 10-3-67).

S. S. Kresge Co., variety stores: No. 740, Orlando, Fla. (9-27-66 to 9-26-67); No. 301, Chicago Heights, Ill. (10-11-66 to 10-10-67); No. 290, Detroit, Mich. (9-23-66 to 9-22-67); No. 582, Detroit, Mich. (9-26-66 to 9-25-67); No. 405, Inkster, Mich. (9-23-66 to 9-22-67); No. 404, Pontiac, Mich. (9-26-66 to 9-25-67).

S. H. Kress and Co., variety store; 111 North Main, Hutchinson, Kans.; 9-3-66 to 9-2-67. McCrory-McLellan-Green Stores, variety stores: No. 61, Orlando, Fla. (9-3-66 to 9-2-67); No. 324, St. Petersburg, Fla. (9-3-66 to 9-2-67); No. 329, Titusville, Fla. (9-3-66 to 9-2-67); No. 191, Atlanta, Ga. (9-3-66 to 9-2-67). (The above replace certificates previously issued.)

S. P. McRae Co., Inc., department stores from 9-21-66 to 9-20-67; 353 Meadowbrook Road, Jackson, Miss.; 905 Ellis Avenue, Jackson, Miss.; 200 West Capitol Street, Jackson, Miss.

J. J. Newberry Co., variety stores: 6528 Indianapolis Boulevard, Hammond, Ind. (9-28-66 to 9-27-67); No. 303, Hackettstown, N.J. (10-11-66 to 10-10-67); No. 17, New Brunswick, N.J. (10-25-66 to 10-24-67); 600 Race Street, Cincinnati, Ohio (9-26-66 to 9-25-67).

Rayless Department Store, department stores from 10-1-66 to 9-30-67; 202 Hay Street, Fayetteville, N.C.; 112 Pendelton Street, Easley, S.C.

Southside Market, Inc., food store; 94 Standard Avenue, Masury, Ohio; 10-4-66 to 10-3-67.

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum of \$1.25 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Centers Discount Store, variety store; 80 Railroad Street, St. Johnsbury, Vt.; stock clerk, check-out clerk, fountain and sales clerk; between 4.8 percent and 10 percent; 10-3-66 to 10-2-67.

S. S. Kresge Co., variety stores for the occupation of sales clerk except as otherwise indicated, 10 percent for each month except as otherwise indicated: No. 4071, Marietta, Ga. (sales clerk, checker, 10-11-66 to 10-10-67); No. 4097, Elgin, Ill. (between 5.4 percent and 10 percent, 11-1-66 to 10-31-67); No. 4095, Joliet, Ill. (10-13-66 to 10-12-67); No. 4107, Peoria, Ill. (between 8.7 percent and 10 percent, 10-10-66 to 10-9-67); No. 4048, Springfield, Ill. (between 5.4 percent and 10 percent, 10-21-66 to 10-20-67); No. 681, Birmingham, Mich. (9-29-66 to 9-28-67); No. 4060, Charlotte, N.C. (10-22-66 to 10-21-67);

No. 4016, Greenville, S.C. (sales clerk, porter, 10-19-66 to 10-18-67).

McCrory-McLellan-Green Stores, variety stores for the occupations of sales clerk, stock clerk, office clerk except as otherwise indicated, from 10-3-66 to 10-2-67 except as otherwise indicated: No. 66, Pensacola, Fla. (sales clerk, stock clerk, between 2 percent and 10 percent, 9-27-66 to 9-26-67); No. 356, Plant City, Fla. (sales clerk, stock clerk, 10 percent for each month); No. 393, Detroit, Mich. (10 percent for each month); No. 377, Stirling, N.J. (10 percent for each month); No. 381, Philadelphia, Pa. (between 2.9 percent and 10 percent).

Neisner Brothers, Inc., variety stores for the occupations of sales clerk, stock clerk, office clerk: No. 190, Cape Coral, Fla. (between 9.8 percent and 10 percent, 10-18-66 to 10-17-67); No. 95, Englewood, Fla. (between 9.8 percent and 10 percent, 10-18-66 to 10-9-67); No. 5, Palatka, Fla. (between 7.6 percent and 10 percent, 10-14-66 to 10-13-67); No. 316, Mill Hall, Pa. (between 0.8 percent and 10 percent, 9-30-66 to 9-29-67).

J. J. Newberry Co., variety store; 72 West Prospect Street, East Brunswick, N.J.; office clerk, sales clerk, stock clerk, janitor, window trimmer, marker; between 8 percent and 10 percent; 10-25-66 to 10-24-67.

The following certificates were issued to establishments under paragraph (k) of § 519.6 of 29 CFR, Part 519. These certificates supplement certificates issued pursuant to other paragraphs of that section, but do not authorize the employment of full-time students at rates below the applicable statutory minimum in additional occupations. The certificates contain limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The additional allowances apply to the specified months and vary from month to month between the minimum and maximum figures indicated.

Wade's Super Market, Inc., food stores: 305 Roanoke Street, Christiansburg, Va. (between 0 percent and 7.4 percent for the months of September through August, 9-30-66 to 9-2-67); Dublin, Va. (between 0 percent and 7.3 percent for the months of October through September, 10-10-66 to 9-2-67).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Pursuant to the provisions of 29 CFR 519.9, any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., this 26th day of October 1966.

ROBERT G. GRONEWALD,  
Authorized Representative  
of the Administrator.

[F.R. Doc. 66-12055; Filed, Nov. 4, 1966;  
8:45 a.m.]



## FEDERAL POWER COMMISSION

[Docket No. G-13299, etc.]

## SINCLAIR OIL &amp; GAS CO., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates<sup>1</sup>

OCTOBER 27, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 18, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,  
Acting Secretary.

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pres- sure base
G-13299 D 10-12-66 <sup>1</sup> D 10-17-66 <sup>2</sup> G-19200 10-17-66 <sup>3</sup>	Sinclair Oil & Gas Co. (Operator), et al., Post Office Box 521, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Laverne Area, Beaver County, Okla.	Assigned	
C164 214 E 9 14 66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Southern Natural Gas Co., Hub Field, Marion County, Miss.	* 24.0	15.025
C164 214 E 9 14 66	Baiden Gas Co. (successor to Rock Castle Gas Co.) c/o Ruth Garden, coowner, 1314 West Delaware, Fairfield, Ill. 62837.	United Fuel Gas Co., Appalachian Field, Martin and Lawrence Counties, Ky.	16.0 * 23.0	15.325
C164 1333 E 10 11 66	Texas Gas Exploration Corp., et al. (successor to Har-Ken Oil Co., et al.), 1111 First City National Bank Bldg., Houston, Tex. 77052.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	15.0	15.025
C165 116 C 10 14 66	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa. 19103.	El Paso Natural Gas Co., East Pan- handle Field, Wheeler County, Tex.	13.0	14.65
C165-426 C 10 17 66	John H. Hill, c/o Gordon L. Llewel- lyn, attorney, 908 Southland Center, Dallas, Tex. 75201.	Cities Service Gas Co., South Bishop Field, Hemphill County, Tex.	17.0	14.65
C165 701 C 10 17 66	Harper Oil Co., Operator, et al., 904 Hightower Bldg., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., Laverne Field, Ellis County, Okla.	17.0	14.65
C165 817 C 10 17 66	Jennings Petroleum Corp., 111 Kerr Avenue Bldg., Oklahoma City, Okla. 73102.	Equitable Gas Co., Salt Lick Dis- trict, Braxton County, W. Va.	25.0	15.325
C165-933 E 10 11 66	Texas Gas Exploration Corp., et al. (successor to Har-Ken Oil Co., et al.).	Texas Gas Transmission Corp., Mid- land Field, Muhlenberg County, Ky.	15.0	15.025
C166-90 10 11 66 <sup>4</sup>	Texas Gas Exploration Corp. (Op- erator), et al. (formerly Har-Ken Oil Co. (Operator), et al.).	Texas Gas Transmisssion Corp., St. Charles Area, Hopkins County, Ky.	15.0	15.025
C167 73 A 7-19 66 C167 403 A 10 6 66	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	El Paso Natural Gas Co., Blinbry Field, Lea County, N. Mex.	* 16.6317	14.65
C167 404 A 10 6 66 C167 405 A 10 6 66 C167 406 A 10 6 66 C167 407 A 10 6 66 C167 408 A 10 6 66 C167 409 A 10 6 66 C167 410 A 10 6 66 C167 411 A 10 6 66 C167 412 A 10 6 66 C167 413 A 10 6 66 C167 414 A 10 6 66 C167 415 A 10 6 66 C167 416 A 10 6 66 C167 417 A 10 6 66 C167 418 A 10 6 66 C167 419 A 10 6 66 C167 420 A 10 6 66 C167 421 A 10 6 66 C167 422 A 10 6 66 C167 423 A 10 6 66 C167 424 A 10 6 66 C167 425 A 10 6 66 C167 426 A 10 6 66 C167 427 A 10 6 66 C167 428 A 10 6 66 C167 429 A 10 6 66 C167 430 A 10 6 66 C167 431 A 10 6 66 C167 432 A 10 6 66	E. C. Ware, c/o John T. Diederich, Attorney at Law, 500 Price Bldg., Ashland, Ky. 41101.	United Fuel Gas Co., acreage in Martin County, Ky.	16.0	15.325
C167 404 A 10 6 66 C167 405 A 10 6 66 C167 406 A 10 6 66 C167 407 A 10 6 66 C167 408 A 10 6 66 C167 409 A 10 6 66 C167 410 A 10 6 66 C167 411 A 10 6 66 C167 412 A 10 6 66 C167 413 A 10 6 66 C167 414 A 10 6 66 C167 415 A 10 6 66 C167 416 A 10 6 66 C167 417 A 10 6 66 C167 418 A 10 6 66 C167 419 A 10 6 66 C167 420 A 10 6 66 C167 421 A 10 6 66 C167 422 A 10 6 66 C167 423 A 10 6 66 C167 424 A 10 6 66 C167 425 A 10 6 66 C167 426 A 10 6 66 C167 427 A 10 6 66 C167 428 A 10 6 66 C167 429 A 10 6 66 C167 430 A 10 6 66 C167 431 A 10 6 66 C167 432 A 10 6 66	E. C. Ware	do	16.0	15.325
C167 404 A 10 6 66 C167 405 A 10 6 66 C167 406 A 10 6 66 C167 407 A 10 6 66 C167 408 A 10 6 66 C167 409 A 10 6 66 C167 410 A 10 6 66 C167 411 A 10 6 66 C167 412 A 10 6 66 C167 413 A 10 6 66 C167 414 A 10 6 66 C167 415 A 10 6 66 C167 416 A 10 6 66 C167 417 A 10 6 66 C167 418 A 10 6 66 C167 419 A 10 6 66 C167 420 A 10 6 66 C167 421 A 10 6 66 C167 422 A 10 6 66 C167 423 A 10 6 66 C167 424 A 10 6 66 C167 425 A 10 6 66 C167 426 A 10 6 66 C167 427 A 10 6 66 C167 428 A 10 6 66 C167 429 A 10 6 66 C167 430 A 10 6 66 C167 431 A 10 6 66 C167 432 A 10 6 66	E. C. Ware, et al.	United Fuel Gas Co., acreage in Pike County, Ky.	16.0	15.325
C167 404 A 10 6 66 C167 405 A 10 6 66 C167 406 A 10 6 66 C167 407 A 10 6 66 C167 408 A 10 6 66 C167 409 A 10 6 66 C167 410 A 10 6 66 C167 411 A 10 6 66 C167 412 A 10 6 66 C167 413 A 10 6 66 C167 414 A 10 6 66 C167 415 A 10 6 66 C167 416 A 10 6 66 C167 417 A 10 6 66 C167 418 A 10 6 66 C167 419 A 10 6 66 C167 420 A 10 6 66 C167 421 A 10 6 66 C167 422 A 10 6 66 C167 423 A 10 6 66 C167 424 A 10 6 66 C167 425 A 10 6 66 C167 426 A 10 6 66 C167 427 A 10 6 66 C167 428 A 10 6 66 C167 429 A 10 6 66 C167 430 A 10 6 66 C167 431 A 10 6 66 C167 432 A 10 6 66	do	do	16.0	15.325
C167 404 A 10 6 66 C167 405 A 10 6 66 C167 406 A 10 6 66 C167 407 A 10 6 66 C167 408 A 10 6 66 C167 409 A 10 6 66 C167 410 A 10 6 66 C167 411 A 10 6 66 C167 412 A 10 6 66 C167 413 A 10 6 66 C167 414 A 10 6 66 C167 415 A 10 6 66 C167 416 A 10 6 66 C167 417 A 10 6 66 C167 418 A 10 6 66 C167 419 A 10 6 66 C167 420 A 10 6 66 C167 421 A 10 6 66 C167 422 A 10 6 66 C167 423 A 10 6 66 C167 424 A 10 6 66 C167 425 A 10 6 66 C167 426 A 10 6 66 C167 427 A 10 6 66 C167 428 A 10 6 66 C167 429 A 10 6 66 C167 430 A 10 6 66 C167 431 A 10 6 66 C167 432 A 10 6 66	do	do	16.0	15.325
C167 404 A 10 6 66 C167 405 A 10 6 66 C167 406 A 10 6 66 C167 407 A 10 6 66 C167 408 A 10 6 66 C167 409 A 10 6 66 C167 410 A 10 6 66 C167 411 A 10 6 66 C167 412 A 10 6 66 C167 413 A 10 6 66 C167 414 A 10 6 66 C167 415 A 10 6 66 C167 416 A 10 6 66 C167 417 A 10 6 66 C167 418 A 10 6 66 C167 419 A 10 6 66 C167 420 A 10 6 66 C167 421 A 10 6 66 C167 422 A 10 6 66 C167 423 A 10 6 66 C167 424 A 10 6 66 C167 425 A 10 6 66 C167 426 A 10 6 66 C167 427 A 10 6 66 C167 428 A 10 6 66 C167 429 A 10 6 66 C167 430 A 10 6 66 C167 431 A 10 6 66 C167 432 A 10 6 66	E. C. Ware	United Fuel Gas Co., acreage in Mingo County, W. Va.	16.0	15.325
C167 404 A 10 6 66 C167 405 A 10 6 66 C167 406 A 10 6 66 C167 407 A 10 6 66 C167 408 A 10 6 66 C167 409 A 10 6 66 C167 410 A 10 6 66 C167 411 A 10 6 66 C167 412 A 10 6 66 C167 413 A 10 6 66 C167 414 A 10 6 66 C167 415 A 10 6 66 C167 416 A 10 6 66 C167 417 A 10 6 66 C167 418 A 10 6 66 C167 419 A 10 6 66 C167 420 A 10 6 66 C167 421 A 10 6 66 C167 422 A 10 6 66 C167 423 A 10 6 66 C167 424 A 10 6 66 C167 425 A 10 6 66 C167 426 A 10 6 66 C167 427 A 10 6 66 C167 428 A 10 6 66 C167 429 A 10 6 66 C167 430 A 10 6 66 C167 431 A 10 6 66 C167 432 A 10 6 66	do	do	16.0	15.325
C167 404 A 10 6 66 C167 405 A 10 6 66 C167 406 A 10 6 66 C167 407 A 10 6 66 C167 408 A 10 6 66 C167 409 A 10 6 66 C167 410 A 10 6 66 C167 411 A 10 6 66 C167 412 A 10 6 66 C167 413 A 10 6 66 C167 414 A 10 6 66 C167 415 A 10 6 66 C167 416 A 10 6 66 C167 417 A 10 6 66 C167 418 A 10 6 66 C167 419 A 10 6 66 C167 420 A 10 6 66 C167 421 A 10 6 66 C167 422 A 10 6 66 C167 423 A 10 6 66 C167 424 A 10 6 66 C167 425 A 10 6 66 C167 426 A 10 6 66 C167 427 A 10 6 66 C167 428 A 10 6 66 C167 429 A 10 6 66 C167 430 A 10 6 66 C167 431 A 10 6 66 C167 432 A 10 6 66	do	do	16.0	15.325
C167 404 A 10 6 66 C167 405 A 10 6 66 C167 406 A 10 6 66 C167 407 A 10 6 66 C167 408 A 10 6 66 C167 409 A 10 6 66 C167 410 A 10 6 66 C167 411 A 10 6 66 C167 412 A 10 6 66 C167 413 A 10 6 66 C167 414 A 10 6 66 C167 415 A 10 6 66 C167 416 A 10 6 66 C167 417 A 10 6 66 C167 418 A 10 6 66 C167 419 A 10 6 66 C167 420 A 10 6 66 C167 421 A 10 6 66 C167 422 A 10 6 66 C167 423 A 10 6 66 C167 424 A 10 6 66 C167 425 A 10 6 66 C167 426 A 10 6 66 C167 427 A 10 6 66 C167 428 A 10 6 66 C167 429 A 10 6 66 C167 430 A 10 6 66 C167 431 A 10 6 66 C167 432 A 10 6 66	do	do	16.0	15.325
C167 404 A 10 6 66 C167 405 A 10 6 66 C167 406 A 10 6 66 C167 407 A 10 6 66 C167 408 A 10 6 66 C167 409 A 10 6 66 C167 410 A 10 6 66 C167 411 A 10 6 66 C167 412 A 10 6 66 C167 413 A 10 6 66 C167 414 A 10 6 66 C167 415 A 10 6 66 C167 416 A 10 6 66 C167 417 A 10 6 66 C167 418 A 10 6 66 C167 419 A 10 6 66 C167 420 A 10 6 66 C167 421 A 10 6 66 C167 422 A 10 6 66 C167 423 A 10 6 66 C167 424 A 10 6 66 C167 425 A 10 6 66 C167 426 A 10 6 66 C167 427 A 10 6 66 C167 428 A 10 6 66 C167 429 A 10 6 66 C167 430 A 10 6 66 C167 431 A 10 6 66 C167 432 A 10 6 66	do	do	16.0	15.325
C167 404 A 10 6 66 C167 405 A 10 6 66 C167 406 A 10 6 66 C167 407 A 10 6 66 C167 408 A 10 6 66 C167 409 A 10 6 66 C167 410 A 10 6 66 C167 411 A 10 6 66 C167 412 A 10 6 66 C167 413 A 10 6 66 C167 414 A 10 6 66 C167 415 A 10 6 66 C167 416 A 10 6 66 C167 417 A 10 6 66 C167 418 A 10 6 66 C167 419 A 10 6 66 C167 420 A 10 6 66 C167 421 A 10 6 66 C167 422 A 10 6 66 C167 423 A 10 6 66 C167 424 A 10 6 66 C167 425 A 10 6 66 C167 426 A 10 6 66 C167 427 A 10 6 66 C167 428 A 10 6 66 C167 429 A 10 6 66 C167 430 A 10 6 66 C167 431 A 10 6 66 C167 432 A 10 6 66	do	do	16.0	15.325
C167 404 A 10 6 66 C167 405 A 10 6 66 C167 406 A 10 6 66 C167 407 A 10 6 66 C167 408 A 10 6 66 C167 409 A 10 6 66 C167 410 A 10 6 66 C167 411 A 10 6 66 C167 412 A 10 6 66 C167 413 A 10 6 66 C167 414 A 10 6 66 C167 415 A 10 6 66 C167 416 A 10 6 66 C167 417 A 10 6 66 C167 418 A 10 6 66 C167 419 A 10 6 66 C167 420 A 10 6 66 C167 421 A 10 6 66 C167 422 A 10 6 66 C167 423 A 10 6 66 C167 424 A 10 6 66 C167 425 A 10 6 66 C167 426 A 10 6 66 C167 427 A 10 6 66 C167 428 A 10 6 66 C167 429 A 10 6 66 C167 430 A 10 6 66 C167 431 A 10 6 66 C167 432 A 10 6 66	do	do	16.0	15.325
C167 404 A 10 6 66 C167 405 A 10 6 66 C167 406 A 10 6 66 C167 407 A 10 6 66 C167 408 A 10 6 66 C167 409 A 10 6 66 C167 410 A 10 6 66 C167 411 A 10 6 66 C167 412 A 10 6 66 C167 413 A 10 6 66 C167 414 A 10 6 66 C167 415 A 10 6 66 C167 416 A 10 6 66 C167 417 A 10 6 66 C167 418 A 10 6 66 C167 419 A 10 6 66 C167 420 A 10 6 66 C167 421 A 10 6 66 C167 422 A 10 6 66 C167 423 A 10 6 66 C167 424 A 10 6 66 C167 425 A 10 6 66 C167 426 A 10 6 66 C167 427 A 10 6 66 C167 428 A 10 6 66 C167 429 A 10 6 66 C167 430 A 10 6 66 C167 431 A 10 6 66 C167 432 A 10 6 66	do	do	16.0	15.325
C167 404 A 10 6 66 C167 405 A 10 6 66 C167 406 A 10 6 66 C167 407 A 10 6 66 C167 408 A 10 6 66 C167 409 A 10 6 66 C167 410 A 10 6 66 C167 411 A 10 6 66 C167 412 A 10 6 66 C167 413 A 10 6 66 C167 414 A 10 6 66 C167 415 A 10 6 66 C167 416 A 10 6 66 C167 417 A 10 6 66 C167 418 A 10 6 66 C167 419 A 10 6 66 C167 420 A 10 6 66 C167 421 A 10 6 66 C167 422 A 10 6 66 C167 423 A 10 6 66 C167 424 A 10 6 66 C167 425 A 10 6 66 C167 426 A 10 6 66 C167 427 A 10 6 66 C167 428 A 10 6 66 C167 429 A 10 6 66 C167 430 A 10 6 66 C167 431 A 10 6 66 C167 432 A 10 6 66	do	do	16.0	15.325
C167 404 A 10 6 66 C167 405 A 10 6 66 C167 406 A 10 6 66 C167 407 A 10 6 66 C167 408 A 10 6 66 C167 409 A 10 6 66 C167 410 A 10 6 66 C167 411 A 10 6 66 C167 412 A 10 6 66 C167 413 A 10 6 66 C167 414 A 10 6 66 C167 415 A 10 6 66 C167 416 A 10 6 66 C167 417 A 10 6 66 C167 418 A 10 6 66 C167 419 A 10 6 66 C167 420 A 10 6 66 C167 421 A 10 6 66 C167 422 A 10 6 66 C167 423 A 10 6 66 C167 424 A 10 6 66 C167 425 A 10 6 66 C167 426 A 10 6 66 C167 427 A 10 6 66 C167 428 A 10 6 66 C167 429 A 10 6 66 C167 430 A 10 6 66 C167 431 A 10 6 66 C167 432 A 10 6 66	do	do	16.0	15.325
C167 404 A 10 6 66 C167 405 A 10 6 66 C167 406 A 10 6 66 C167 407 A 10 6 66 C167 408 A 10 6 66 C167 409 A 10 6 66 C167 410 A 10 6 66 C167 411 A 10 6 66 C167 412 A 10 6 66 C167 413 A 10 6 66 C167 414 A 10 6 66 C167 415 A 10 6 66 C167 416 A 10 6 66 C167 417 A 10 6 66 C167 418 A 10 6 66 C167 419 A 10 6 66 C167 420 A 10 6 66 C167 421 A 10 6 66 C167 422 A 10 6 66 C167 423 A 10 6 66 C167 424 A 10 6 66 C167 425 A 10 6 66 C167 426 A 10 6 66 C167 427 A 10 6 66 C167 428 A 10				



[Docket Nos. G-12003, etc.]

## MOBIL OIL CORP. ET AL.

## Findings and Order

OCTOBER 26, 1966.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending certificates, permitting and approving abandonment of service, terminating certificates, severing rate proceeding, terminating rate proceeding, substituting respondent, making successor co-respondent, redesignating proceedings, accepting agreement and undertaking for filing, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from the Permian Basin area of New Mexico and Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Texaco, Inc., Applicant in Docket No. G-16576, proposes to continue the sale of natural gas heretofore authorized in said docket to be made by Differential Corp. (Operator), et al., pursuant to its FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. G-16856.<sup>1</sup> Applicant has filed a motion to be made co-respondent in said proceeding and has submitted an agreement and undertaking to assure the refund of any amount collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made co-respondent in said proceeding, the proceeding will be redesignated accordingly, and the agreement and undertaking will be accepted for filing.

<sup>1</sup> Consolidated with Docket No. AR64-2, et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI67-433 A 10-6-66	do.	do.	16.0	15.325
CI67-434 A 10-6-66	E. C. Ware	United Fuel Gas Co., acreage in Martin County, Ky.	16.0	15.325
CI67-435 A 10-6-66	do.	do.	16.0	15.325
CI67-436 A 10-6-66	do.	do.	16.0	15.325
CI67-437 A 10-6-66	do.	United Fuel Gas Co., acreage in Mingo County, W. Va.	16.0	15.325
CI67-438 A 10-6-66	do.	do.	16.0	15.325
CI67-439 A 10-6-66	do.	United Fuel Gas Co., acreage in Martin County, Ky.	16.0	15.325
CI67-440 A 10-6-66	do.	do.	18.0	15.325
CI67-441 A 10-6-66	do.	United Fuel Gas Co., acreage in Mingo County, W. Va.	16.0	15.325
CI67-442 A 10-6-66	John T. Diederich, 500 Price Bldg., Ashland, Ky.	United Fuel Gas Co., acreage in Martin County, Ky.	16.0	15.325
CI67-443 A 10-6-66	John T. Diederich, agent for D. B. & M. Oil & Gas Co.	do.	16.0	15.325
CI67-444 A 10-6-66	John T. Diederich	do.	16.0	15.325
CI67-445 A 10-6-66	do.	do.	16.0	15.325
CI67-446 A 10-6-66	John T. Diederich, agent for D. B. & M. Oil & Gas Co.	do.	16.0	15.325
CI67-447 A 10-6-66	John T. Diederich	do.	16.0	15.325
CI67-461 A 10-12-66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Transwestern Pipeline Co., Mendota Field, Hemphill and Roberts Counties, Tex.	17.0	14.65
CI67-462 (CI64-927) F 10-10-66	Bradco Properties, Inc., et al. (successor to Coastal States Gas Producing Co.) 2338 Bank of the Southwest Bldg., Houston, Tex. 77002.	Texas Gas Transmission Corp., South Bell City Field, Calcasieu Parish, La.	16.75	15.025
CI67-464 A 10-13-66	Texaco, Inc., <sup>10</sup> Post Office Box 52332, Houston, Tex. 77052.	Transwestern Pipeline Co., West Rojo Callabos Field, Pecos and Reeves Counties, Tex.	16.5	14.65
CI67-467 A 10-14-66	Wessely Petroleum Ltd., 2002 Republic Bank Bldg., Dallas, Tex. 75201.	Northern Natural Gas Co., Sharon West Field, Woodward County, Okla.	17.0	14.65
CI67-468 A 10-14-66	Texaco, Inc.	Trunkline Gas Co., South Tomball Field, Harris County, Tex.	15.25	14.65
CI67-469 A 10-17-66	Sierra Petroleum Co., Inc., 211 North Broadway, Wichita, Kans. 67202.	Cities Service Gas Co., Northwest Boggs Field, Barber County, Kans.	14.0	14.65
CI67-470 A 10-17-66	William M. Wiseman and Alfred T. White, 603 San Jacinto Bldg., Houston, Tex. 77002.	Lone Star Gathering Co., Louise G. Williams Field, Victoria County, Tex.	15.0	14.65
CI67-471 A 10-17-66	Huisache Operating Co., et al., 2010 The 600 Bldg., Corpus Christi, Tex. 78401.	Valley Gas Transmission, Inc., Luby Field, Nueces County, Tex.	15.0	14.65
CI67-472 A 10-14-66	James Drilling Corp., 250 Newport Road, Blairsville, Pa., 15717.	Consolidated Gas Supply Corp., Boone Mountain Field, Clearfield County, Pa.	27.5	15.325
CI67-473 A 10-14-66	James Drilling Corp., et al.	Consolidated Gas Supply Corp., Luthersburg Field, Clearfield County, Pa.	27.5	15.325
CI67-474 A 10-17-66	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., Interstate Field, Morton County, Kans.	16.0	14.65
CI67-475 B 10-17-66	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Agua Dulce Field, Nueces County, Tex.	Depleted	-----
CI67-476 B 10-10-66	Pel-Tex Petroleum Co., Inc. (Operator), et al., Americana Bldg., Houston, Tex. 77002.	Plaquemines Oil & Gas Co., Inc., Cox Bay Field, Plaquemines Parish, La.	Depleted	-----
CI67-477 B 10-11-66	Gulf Oil Corp., <sup>11</sup> Post Office Box 1589, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 20 Field, Offshore Cameron Parish, La.	(19)	-----
CI67-478 A 10-10-66	Pel-Tex Petroleum Co., Inc. (Operator), et al.	Plaquemines Oil & Gas Co., Inc., Cox Bay Field, Plaquemines Parish, La.	16.0	15.025

<sup>1</sup> Deletes the W $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$  of sec. 11-3N-28ECM, assigned to Graham Michaelis Drilling Co., insofar as said lease covers all rights below the base of the Hoover Formation down to and including the base of the Chester Formation.

<sup>2</sup> Deletes the NE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SW $\frac{1}{4}$  of sec. 19-3N-27ECM, assigned to Graham Michaelis Drilling Co., insofar as said leases cover all rights from the surface of the soil down to and including the base of the Tonkawa Formation.

<sup>3</sup> Amendment to certificate filed for authorization to sell gas from additional producing horizons.

<sup>4</sup> Rate in effect subject to refund in Docket No. R166-24.

<sup>5</sup> 16.0 cents per Mcf for gas dedicated to the basic contract and 23.0 cents per Mcf for gas sold pursuant to Supp. No. 1.

<sup>6</sup> Amendment to certificate filed to reflect change in Operator.

<sup>7</sup> By letter dated Aug. 23, 1966, Applicant agreed to accept a permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.

<sup>8</sup> Includes 0.1317 cent per Mcf tax reimbursement.

<sup>9</sup> Subject to upward and downward B.t.u. adjustment.

<sup>10</sup> Applicant states its willingness to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.

<sup>11</sup> Subject to 0.10 cent per Mcf treating costs.

<sup>12</sup> Less downward B.t.u. adjustment to 10.4 cents per Mcf.

<sup>13</sup> Successor in interest to British-American Oil Producing Co.

<sup>14</sup> Gas purchase contract was terminated in order to commit the reserves released therefrom to another contract with Tennessee, which contract has been filed with the Commission and designated as British-American's FPC GRS No. 46.

[F.R. Doc. 66-11970; Filed, Nov. 4, 1966; 8:45 a.m.]



Rutter & Co., Ltd., et al., Applicant in Docket No. CI65-1165,<sup>2</sup> proposes to continue the sale of natural gas heretofore authorized in Docket No. CI62-325 and made pursuant to Bartessa Oil Corp., et al., FPC Gas Rate Schedule No. 3. Said rate schedule will be redesignated as that of Rutter. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI62-187.<sup>3</sup> Rutter has indicated in its certificate application that it intends to assume the obligation for refunds from the time the increased rate was made effective. Accordingly, Rutter will be substituted as respondent in the rate proceeding, the proceeding will be redesignated, and Rutter will be required to file an agreement and undertaking.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on October 20, 1966, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

**The Commission finds:**

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to

perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI65-1165 should be canceled and that the application filed therein should be processed as a petition to amend the certificate heretofore issued in Docket No. CI62-325.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-12003, G-13103, G-13746, G-15346, G-16392, G-16576, G-20176, CI62-325, CI62-1184, CI63-65, CI63-638, CI63-1580, CI64-940, CI64-1043, CI65-258, CI65-733, CI65-1180, CI66-15, CI66-49, CI66-912, CI66-1001, CI66-1280, and CI66-1310 should be amended as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	New certificates
G-10328 -----	CI66-1019
G-10728 -----	CI66-239
G-11496 -----	CI66-239
G-13270 -----	CI66-239
G-13569 -----	CI66-239
G-13633 -----	CI66-239
G-14370 -----	CI66-239
G-16528 -----	CI66-239
G-18864 -----	CI66-239
CI62-7 -----	CI66-1246
CI63-20 -----	CI67-191
CI65-625 -----	CI67-133

(8) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. RI62-510 should be severed from the proceedings in Docket No. AR 64-2, et al., and that the rate suspension proceeding in Docket No. RI62-510 be terminated as moot.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Texaco, Inc. should be co-respondent in the proceeding pending in Docket No. G-16856, that said proceeding should be redesignated ac-

cordingly, and that the agreement and undertaking submitted by Texaco, Inc. in said proceeding should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Rutter & Co., Ltd., et al., should be substituted in lieu of Bartessa Oil Corp., et al., as respondent in the proceeding pending in Docket No. RI62-187, that said proceeding should be redesignated accordingly, and that Rutter should be required to file an agreement and undertaking.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rates schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

**The Commission orders:**

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area

<sup>2</sup> The application was originally designated as Docket No. CI65-1165. Said designation will be canceled and the authorization will be granted in Docket No. CI62-325.

<sup>3</sup> Consolidated with the proceeding on the order to show cause issued Aug. 5, 1965, in Docket No. AR61-1, et al.



by paragraph (d) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 4 and 18 in the attached tabulation.

(E) The initial rates for sales authorized in Docket Nos. CI66-994, CI66-1106, and CI67-133 shall be the applicable base rates prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality, or the contract rates, whichever are lower; and no increases in rate in excess of said initial rates shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicants in Docket Nos. CI66-994, CI66-1106, and CI67-133 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act; provided, however, that adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Within 45 days from the date of initial delivery Applicant in Docket No. CI66-994 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468-A. Applicant in Docket No. CI66-1106 shall file a rate schedule quality statement within 90 days from the date of initial delivery and Applicant in Docket No. CI67-133 shall file a rate schedule quality statement within 45 days from the date of this order.

(H) Certificates are issued herein in Docket Nos. CI66-1166, CI67-117, and CI67-225, subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353 (27 FPC 449), except that said certificates shall not be subject to the Commission's ultimate determination in Docket No. R-200.

(I) The certificate issued herein in Docket No. CI66-1019 is issued at the predecessor's rate of 15.0 cents per Mcf at 14.65 p.s.i.a., subject to B.t.u. adjustment.

(J) The certificate issued herein in Docket No. CI66-1246 is issued at the predecessor's rate of 17.0 cents per Mcf at 14.65 p.s.i.a.

(K) The certificates heretofore issued in Docket Nos. G-12003, G-13103, G-13746, G-20176, CI62-1184, CI63-65, CI63-638, CI63-1580, CI64-940, CI64-1043, CI65-258, CI66-49, CI66-912, CI66-1001, and CI66-1310 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(L) The certificate heretofore issued in Docket No. CI65-733 is amended to include the sale of natural gas from the additional acreage and said authorization is contingent upon Applicant submitting an appropriate billing statement to its rate schedule supplement.

(M) The certificate heretofore issued in Docket No. CI66-1280 is amended to include the interest of the nonsignatory coowners and the related rate schedule is redesignated as Phillips Petroleum Co. (Operator), et al.

(N) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

<i>Amend to delete acreage</i>	<i>New certificates</i>
G-10328 -----	CI66-1019
G-10728 -----	CI66-239
G-11496 -----	CI66-239
G-13270 -----	CI66-239
G-13569 <sup>4</sup> -----	CI66-239
G-13633 -----	CI66-239
G-14370 -----	CI66-239
G-16528 -----	CI66-239
G-18864 <sup>4</sup> -----	CI66-239
CI62-7 -----	CI66-1246
CI63-20 -----	CI67-191
CI65-625 -----	CI67-133

<sup>4</sup> J. F. Ruffin, Jr., Trustee, and Ridgway Management, Inc., are not relieved of any refund obligations in the related rate suspension proceedings in Docket Nos. G-20192 and G-20068, respectively.

(O) The certificate heretofore issued in Docket No. CI66-15 is amended by deleting therefrom acreage erroneously included under FPC Gas Rate Schedule No. 2.

(P) Docket No. CI65-1165 is canceled.

(Q) The certificates heretofore issued in Docket Nos. G-15346, G-16392, G-16576, CI62-325, and CI65-1180 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(R) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications are granted.

(S) Permission and approval of the abandonment of service by Applicant in Docket No. CI67-192 is granted and the related certificate in Docket No. G-3245 is terminated only insofar as it relates to sales covered by Supplement No. 5 to FPC Gas Rate Schedule No. 2.

(T) The abandonment herein permitted and approved in Docket Nos. CI67-213 and CI67-216 does not relieve Applicants of any obligations to make such refunds as may be ordered in Opinion No. 475.

(U) The certificates heretofore issued in Docket Nos. CI61-1450, CI61-1688,

CI63-584, CI64-348, and CI64-637 are terminated.

(V) Docket No. RI62-510 is severed from the proceedings in Docket No. AR64-2, et al., and the rate suspension proceeding in Docket No. RI62-510 is terminated as moot.

(W) Texaco, Inc. shall be co-respondent in the proceeding pending in Docket No. G-16856, said proceeding is redesignated accordingly,<sup>5</sup> and the agreement and undertaking submitted by Texaco, Inc. in said proceeding is accepted for filing.

(X) Texaco, Inc. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Texaco, Inc. in said proceeding shall remain in full force and effect until discharged by the Commission.

(Y) Rutter & Co., Ltd., et al., is substituted in lieu of Bartessa Oil Corp., et al., as respondent in the proceeding pending in Docket No. RI62-187, and said proceeding is redesignated accordingly.<sup>6</sup>

(Z) Within 30 days from the issuance of this order, Rutter & Co., Ltd., et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI62-187 to assure the refund of any amount, together with interest at the rate of 7 percent per annum, collected in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(AA) Rutter & Co., Ltd., et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Rutter in Docket No. RI62-187 shall remain in full force and effect until discharged by the Commission.

(BB) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

<sup>5</sup> Differential Corp. (Operator), et al., and Texaco, Inc.

<sup>6</sup> Rutter & Co., Ltd., et al.



Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted			Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.				Description and date of document	No.	Supp.
G-12003 D 3-3-65	Mobil Oil Corp. (Operator), et al. (formerly Socony Mobil Oil Co., Inc.) (partial abandon- ment).	Phillips Petroleum Co., Hudson Field, Hams- ford County, Tex.	Notice of partial can- cellation 3-5-65. <sup>1</sup> Notice of partial can- cellation 3-5-65. <sup>2</sup>	67	16	C165-733 C 8-19-68 <sup>18</sup>	Marathon Oil Co.	Arkansas Louisiana Gas Co., Lucy Area, Blaine County, Okla.	Amendatory agreement 6-15-66. <sup>1</sup>	94	4
G-13103 C 8-29-66	Aztec Oil & Gas Co.	Southern Union Gather- ing Co., Basin Dakota, N. M., San Juan County, N. M.	Assignment 7-12-68. <sup>1</sup>	7	18	A C165-1165 E 5-4-65 <sup>20</sup>	Rutter & Co., Ltd., et al. (successor to Bartless Oil Corp., et al.).	El Paso Natural Gas Co., Spraberry Trend Field, Reagan County, Tex.	Bartless Oil Corp., et al. FPG GRS, No. 3. Supplement Nos. 1-4. Notice of succession 4-29-65.	5	1-4
G-13746 D 8-15-66	Mobil Oil Corp. (partial abandonment)	Transcontinental Gas Pipeline Corp., West Cameron and Eugene Island Areas, Offshore Louisiana	Notice of partial cancel- lation 8-12-66. <sup>1</sup>	176	14	C165-1180 E 8-29-66	Steeple Oil & Gas Corp., (successor to Western Oil Develop- ment Co.).	Almos Gas Gathering Co., Linka Field, Bee County, Tex.	Assignment 12-19-63. <sup>21</sup> Assignment 1-3-64. <sup>22</sup> Assignment 1-27-64. <sup>23</sup> Effective date: 12-1-64. Western Oil Develop- ment Co., FPG GRS No. 1.	5	5
G-13346 E 8-22-66	Erie T. Duncan, et al. d.b.a. Richter Oil Co. (successor to Elias Ritts, et al.).	Pennell Co., Calhoun County, Murphy Dis- trict, Ritchie County and Burning Springs District, Wirt County, W. Va.	Letter agreement 7-1-65. Assignments 9-1-65. Effective date: 9-1-65. Bond Oil Corp. (Opera- tor), et al., FPG GRS No. 2. Notice of succession (undated).	1 1 1 4	2 3	C166-49 C 8-29-66 <sup>4</sup>	Louis J. Smith.	Equitable Gas Co., Center District, Gilmer County, W. Va.	Assignment 12-19-63. <sup>21</sup> Assignment 1-3-64. <sup>22</sup> Assignment 1-27-64. <sup>23</sup> Effective date: 12-1-64. Western Oil Develop- ment Co., FPG GRS No. 1.	5	5
G-13392 E 8-1-66	Roland S. Bond (Operator), et al. (Successor to Bon I Oil Corp. (Operator), et al.).	Natural Gas Pipeline Co. of America, acreage in Wise County, Tex.	Assignment 11-1-62. <sup>10</sup> Effective date: 11-1-62. Differential Corp. (Op- erator), et al., FPG GRS No. 1.	4	1	A C166-239 F 9-27-65 <sup>24</sup>	Joseph F. Fritz (Op- erator), et al.	United Gas Pipe Line Co., Milledgeville Ridge Field, Pearl River County, Miss.	Assignment 5-12-65. <sup>24</sup> Effective date: 5-9-65. Letter of agreement 8-15-66. <sup>3</sup>	6	1
G-13576 E 8-25-66	Texasco, Inc. (successor to Differential Corp. (Operator), et al.).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Prastika Field, Wharton County, Tex.	Assignment 11-1-62. <sup>10</sup> Effective date: 11-1-62. Differential Corp. (Op- erator), et al., FPG GRS No. 1.	378	1	(G-14728)	Predecessors: W. B. Fontaine.		Assignment 5-6-65. <sup>27</sup> Effective date: 5-9-65. 28.	1	2
G-20176 D 8-29-66	Anadarko Production Co. (Partial Abandon- ment).	Colorado Interstate Gas Co., Mocane Field, Bea- ver County, Okla.	Assignment 7-1-66. <sup>11</sup> Assignment 7-1-66. <sup>12</sup> Effective date: 7-1-66.	378 378	8 9	(G-11496) (G-13270) (G-13369)	T. J. Neal. N. J. Reed. J. F. Ruffin, Jr., Trus- tee.		Assignment 5-7-65. <sup>28</sup> Effective date: 5-7-65. Assignment 10-5-65. <sup>29</sup> Effective date: 9-1-65. Assignment 10-5-65. <sup>29</sup> Effective date: 9-1-65. Assignment 11-2-55. <sup>30</sup> Effective date: 11-2-55.	1	3
C162-1154 D 8-11-66	Sinclair Oil & Gas Co. (Operator), et al.	Arkansas Louisiana Gas Co., Acreage in Latimer and Le Flore Counties, Okla.	Supplement Nos. 1-7. Notice of succession 8-22-66.	378	1-7	(G-13633)	Union Producing Co.		Assignment 10-5-65. <sup>29</sup> Effective date: 9-1-65. Assignment 11-2-55. <sup>30</sup> Effective date: 11-2-55.	92	17
C163-65 D 7-13-66	C. W. Murchison.	El Paso Natural Gas Co., Basin Dakota and Blanco Mesaverte Fields, San Juan County, N. Mex.	Assignment 7-1-66. <sup>11</sup> Assignment 7-1-66. <sup>12</sup> Effective date: 7-1-66.	10	11	(G-14370)	do.		Assignment 11-2-55. <sup>30</sup> Effective date: 11-2-55.	222	14
C163-638 C 8-29-66	Atlantic Richfield Co.	Arkansas Louisiana Gas Co., Cheniere Brake Field, Ouachita Parish, La.	Amendatory agreement 8-20-66. <sup>13</sup> Notice of partial can- cellation 7-7-66. <sup>14</sup>	251	10	(G-16528) (G-18864)	Fred LaRue (Opera- tor), et al. Ridgway Manage- ment, Inc.	United Gas Pipe Line Co., Odem and Taft Fields, San Patricio County, Tex.	Assignment 11-2-55. <sup>30</sup> Effective date: 11-2-55. Assignment 6-1-65. <sup>31</sup> Effective date: 6-1-65. Amended 8-15-66. <sup>32</sup>	2	4
C163-1450 D 5-23-66	Anadarko Production Co. (Partial Abandon- ment).	El Paso Natural Gas Co., Basin Dakota and Blanco Mesaverte Fields, San Juan County, N. Mex.	Notice of partial can- cellation 7-12-66. <sup>15</sup> Effective date: 8-13-66.	1	6	C166-994 A 4-18-66 <sup>33</sup>	Getty Oil Co. <sup>34</sup>	El Paso Natural Gas Co., Furnout Field, Lea County, N. Mex.	Contract 4-1-66. <sup>36</sup>	8	2
C164-940 C 8-22-66	Sidwell Oil & Gas, Inc. (Operator), et al.	Arkansas Louisiana Gas Co., Cheniere Brake Field, Ouachita Parish, La.	Amendatory agreement 6-1-66. Letter agreement 7-25-66. <sup>16</sup>	266	3	C166-1001 C 8-25-66 <sup>3</sup>	H. D. Bruns (Operator), et al.	Lone Star Gathering Co., Spear Field Area, Karnes County, Tex.	Amendment 6-22-66.	2	2
C164-1043 D 8-29-66	Tenneco Oil Co. (Opera- tor), et al. (partial abandonment).	United Gas Pipe Line Co., Carthage Field, Texas County, Okla.	Notice of partial can- cellation 5-20-66. <sup>17</sup> Assignment agreement 8-15-66. <sup>18</sup>	73	1	A C166-1019 F 4-15-66	Southwest Oil Indus- tries, Inc. <sup>35</sup>	Colorado Interstate Gas Co., Mocane-Lavorne Field, Beaver County, Okla.	Contract 3-16-56. <sup>38</sup> Amendment 4-3-56. Amendment 5-3-62. Amendment 12-4-63. Assignment 3-1-63. <sup>37</sup> Assignment 12-14-64. <sup>38</sup> Amendment 3-10-66. <sup>39</sup> Contract 11-10-64 <sup>40</sup>	5	1
C165-238 D 7-28-66	Tidewater Oil Co. (partial abandonment).	El Paso Natural Gas Co., Acreage in Beckham County, Okla.	Amendatory agreement 8-15-66. <sup>19</sup>	1	1	C166-1106 A 5-10-66 <sup>33</sup>	Brooks Gas Corp. <sup>34</sup>	Northern Natural Gas Co., Mertzon Plant, Irion County, Tex.	Contract 2-1-66. Contract 4-6-66. <sup>41</sup> Compliance 8-10-66. <sup>42</sup>	356	1
		United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	Notice of partial can- cellation 8-25-66. <sup>19</sup>	87	10	C166-1166 A 5-24-66 <sup>34</sup>	Sinclair Oil & Gas Co. (Operator), et al.	Michigan Wisconsin Pipe Line Co., Putnam Field, Dewey County, Okla.	Contract 6-16-61. Supplemental agree- ment 10-11-63. Assignment 3-10-65. <sup>43</sup> Effective date: 3-10-65.	356	2
		Lone Star Gas Co., East Cruce Field, Stephens County, Okla.	Notice of partial can- cellation 7-25-66. <sup>19</sup>	136	2	A C166-1246 F C169-7 8-17-66 <sup>43</sup>	Phillip F. Beeler (suc- cessor to Oklahoma Natural Gas Co.).	Northern Natural Gas Co., Mocane-Camp Creek Area, Beaver County, Okla.	Contract 6-16-61. Supplemental agree- ment 10-11-63. Assignment 3-10-65. <sup>43</sup> Effective date: 3-10-65.	2	2

Filing code: A—Initial service.

B—Abandonment.

C—Amendment to add acreage.

D—Amendment to delete acreage.

E—Succession.

F—Partial succession.

See footnotes at end of table.



Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted	
			Description and date of document	No.				Description and date of document	No.
CI67-1280- 7-22-66 44	Phillips Petroleum Co. (Operator), et al.	Southern Natural Gas Co., Kelly Field, Jackson Parish, La.	44	430	CI67-207- A 8-22-66 18	Robert E. Alkman, et al., d.b.a. A.I.K., Ltd. No. 2.	Northern Natural Gas Co., Six Mile Field, Beaver County, Okla.	Contract 7-14-66	14
CI67-1310- C 8-22-66 18	Tidewater Oil Co. (Operator), et al.	Northern Natural Gas Co., Anadarko Basin Area, Ellis and Wood- ward Counties, Okla.	Agreement 7-19-66 4	145	CI67-208- A 8-23-66 18	W. W. F. Oil Corp.	Florida Gas Transmission Co., South Kinder- gan, Allen and Jef- ferson Davis Parishes, La.	Contract 7-27-66	5
CI67-117- A 8-4-66 18	Pan American Petrole- um Corp. 44a	Michigan Wisconsin Pipe Line Co., Del Plains Field, Major County, Okla.	Contract 6-16-66 Compliance 9-26-66	441 441	CI67-209- A 8-23-66 18	Sinclair Oil & Gas Co.	Arkansas Louisiana Gas Co., Hartshorne Area, Pittsburg County, Okla.	Contract 7-15-66 4	358
CI67-122- A 8-4-66 4	Hunter Bros. & Wallace, Inc.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Plym- outh-Taft Field Area, San Patricio County, Tex.	Contract 7-28-66	1	CI67-211- (CI64-637) B 8-22-66	Thomas Jordan, Inc.	Texas Eastern Trans- mission Corp., Reeves Field, Allen Parish, La.	Notice of cancellation 8-19-66 18	2
A CI67-133- (CI66-625) F 8-3-66	Pan American Petrole- um Corp. (successor to John H. Trigg d.b.a. John H. Trigg Co.)	Natural Gas Pipeline Co. of America, Indian Basin Field, Eddy County, N. Mex.	Contract 9-10-64 4 Supplemental agree- ment 8-25-65 4 Assignment 6-1-66 4 Effective date: 6-1-66	444 444 444	CI67-212- (CI64-348) B 8-22-66	Harkins & Co. (Opera- tor), et al.	Texas Eastern Trans- mission Corp., San Patrio County, Tex.	Notice of cancellation 8-17-66 18	8
CI67-136- A 8-9-66 18	Jack D. Hodgden (Operator), et al.	Oklahoma Natural Gas Gathering Corp., a division of Crestmont Oil & Gas Co., North Kingwood Field, Major County, Okla.	Contract 5-19-66	1	CI67-213- (CI63-584) B 8-22-66	The Superior Oil Co.	Florida Gas Transmission Co., Oliver Field, Bra- coria County, Tex.	Notice of cancellation 8-19-66 18	409
CI67-139- A 8-11-66 18	Sohio Petroleum Co.	Northern Natural Gas Co., Cadesby Area, Elk County, Okla.	Contract 7-27-66 4	128	CI67-214- A 8-22-66 4	Willard E. Ferrell, agent for Medicine Men Development Co.	Equitable Gas Co., Union District, Ritchie County, W. Va.	Contract 7-1-66 4	17
CI67-181- (CI67-1460) B 8-15-66	Northern Pump Co. (Operator), et al.	Texas Eastern Transmis- sion Corp., Goree Field, Bee County, Tex.	Notice of cancellation 8-11-66 18	33	CI67-216- (CI61-058) B 8-22-66	George R. Brown.	Florida Gas Transmission Co., Pleasant Field, Ma- tagorda County, Tex.	Notice of cancellation 8-19-66 18	10
CI67-183- A 8-18-66 4	Petroleum Manage- ment, Inc. (Missis- sippi)	Humble Gas Transmis- sion Co., Becker Field, Richard Parish, La.	Contract 7-1-66	2	CI67-217- A 8-23-66 4	Blaho Oil & Gas Co.	Carnegie Natural Gas Co. Freeman's Creek Dis- trict, Freeland County, W. Va.	Contract 7-31-61 4	4
CI67-187- A 8-18-66	L & H Drilling Co., Inc. (Operator), et al.	Texas Gas Transmission Corp., West Hope Field, Hopkins County, Ky.	Contract 7-21-66 4	2	CI67-218- A 8-24-66 4	H. E. Hill (Operator), et al.	United Gas Pipe Line Co., West Beeville Field, Bee County, Tex.	Contract 8-10-66	1
CI67-190- A 8-18-66 4	Imperial Drilling Co. 49 (Operator and Agent), et al.	Northern Natural Gas Co., Foltz Field, Lips- comb County, Tex.	Contract 7-19-66 Contract 6-30-66 10	1 1	CI67-220- A 8-24-66 18	Lone Star Producing Co.	Arkansas Louisiana Gas Co., North Sulphur Area, Le Flore County, Okla.	Contract 5-25-66 4	79
A CI67-191- (CI67-20) F 8-18-66	Ascon Corp., et al. (successor to Humble Oil & Refining Co. (Operator), et al.	Arkansas Louisiana Gas Co., North McCurtain Field, Haskell County, Okla.	Contract 10-14-65 Contract 5-24-62 11 Letter agreement 3-5-63 12 Amendatory agreement 3-22-63	21 21 21 21	CI67-222- A 8-24-66 4	Sun Oil Co., (Southwest Division).	Panhandle Eastern Pipe Line Co., Southeast Fieldman (Montkawa) County, Tex.	Contract 7-22-66 4	207
CI67-192- (G 3245) 15 B 8-18-66	Cumberland Gas Co., (successor to Gumbur- land Gas Corp.), Frank Yockey	United Fuel Gas Co., Barboursville District, Cabell County, W. Va.	Assignment 10-4-65 15 Assignment 11-24-65 14 Effective date: 10-4-65 and 11-24-65	2 2	CI67-223- A 8-26-66 4	Shenandoah Oil Corp.	Colorado Interstate Gas Co., Adams Ranch Field, Meade County, Kans.	Contract 7-21-66	2
CI67-194- A 8-19-66 4	Miss-Tex Oil Producers.	El Paso Natural Gas Co., Wildcat Field, Rio Arriba County, N. Mex.	Contract 8-12-66 4	2	CI67-225- A 8-26-66 18	Brooks Hall and Don D. Montgomery.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	Contract 6-20-66 4	21
CI67-198- A 8-19-66 4	Sohio Petroleum Co.	Northern Natural Gas Co., Moene Area, Beaver County, Okla.	Contract 8-9-66 18 Contract 8-10-59 Assignment 9-12-56 37 Assignment 8-9-66 4 59 Contract 3-10-66 4	1 1 1 129	CI67-234- A 8-29-66 4	Robert H. Baker, agent for H. J. Bell, et al.	Carnegie Natural Gas Co., Union District, Ritchie County, W. Va.	Contract 2-8-60 4	3
CI67-199- A 8-22-66 18	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co.	United Gas Pipe Line Co., Mission River and Religio Heard Fields, Refugio County, Tex.	Contract 8-8-66 4 59	89	CI67-235- A 8-29-66 18	C. H. Lyons, Sr.	Transcontinental Gas Pipe Line Corp., Sam- bo Field, St. Landry Parish, La.	Contract 8-9-66	26
CI67-202- A 8-22-66 4	M. E. Cassidy, Jr., Trustee (Operator), et al.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan- Odem Field, San Patricio County, Tex.	Contract 8-9-66	1	CI67-236- A 8-29-66 4	Montlar Oil & Gas Development Co., Inc. (Operator), et al.	Equitable Gas Co., Troy District, Gilmer County, W. Va.	Contract 6-29-66 4	2
CI67-203- A 8-22-66 4					CI67-237- A 8-29-66 18	Mesa Petroleum Co.	Northern Natural Gas Co., Gooch Field, Texas County, Okla.	Contract 7-29-66 4	12
					CI67-239- A 8-28-66 4	Burk Gas Corp.	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	Contract 7-6-66 4	10
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See footnotes at end of table.







## DEPARTMENT OF THE TREASURY

## Bureau of Narcotics

## FENTANYL

## Application for License To Manufacture

Notice is hereby given pursuant to the provisions of section 8 of the Narcotics Manufacturing Act of 1960 (74 Stat. 62) and 21 CFR 307.93 that an application for a license to manufacture the narcotic drug Fentanyl, basic class No. 35, has been submitted by the following named company:

S. B. Penick & Co., 158 Mount Olivet Avenue, Newark, N.J.

and that such application is being favorably considered.

Within 20 days from the date of publication of this notice in the FEDERAL REGISTER, any interested person may file a written protest with both the Commissioner of Narcotics and the applicant against favorable consideration of the application. Any such protest shall specify with particularity the facts relied upon as showing that the license if granted to the applicant would not be in the public interest. Such interested person at the time of filing may request a hearing as to his protest.

If no written notice of a desire to be heard shall be received within 20 days from date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held.

[SEAL] HENRY L. GIORDANO,  
Commissioner of Narcotics.

Approved: October 31, 1966.

DAVID C. ACHESON,  
Special Assistant to the  
Secretary (for Enforcement).

[F.R. Doc. 66-12059; Filed, Nov. 4, 1966;  
8:45 a.m.]

INTERSTATE COMMERCE  
COMMISSIONFOURTH SECTION APPLICATIONS  
FOR RELIEF

NOVEMBER 2, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

## LONG-AND-SHORT HAUL

FSA No. 40770—*Clay from Aberdeen and Amory, Miss.* Filed by O. W. South, Jr., agent (No. A4957), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, from Aberdeen and Amory, Miss., and points grouped therewith, to Belvidere, Rockford, and St. Charles, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 243 to Southern Freight Association, agent, tariff ICC S-40.

FSA No. 40771—*Iron and steel articles from East York, Pa.* Filed by Southwestern Freight Bureau, agent (No. B-8905), for interested rail carriers. Rates on iron and steel articles, in carloads, from East York, Pa., to points in Louisiana and Texas.

Grounds for relief—Carrier competition.

Tariff—Supplement 214 to Southwestern Freight Bureau, agent, tariff ICC 4503.

FSA No. 40772—*Substituted service—Missouri Pacific Railroad Co. for Trans-Cold Express, Inc.* Filed by Trans-Cold Express, Inc., for itself and on behalf of Missouri Pacific Railroad Co. Rates on property loaded in trailers and transported on railroad flatcars, between East St. Louis, Ill., on the one hand, and, Houston, Dallas, and Fort Worth, Tex., on the other, on traffic originating at or destined to such points or points beyond, as described in the application.

Grounds for relief—Motortruck competition.

FSA No. 40773—*Alcohols from points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, agent (No. B-8917), for interested rail carriers. Rates on alcohol and related articles, in tank carloads, from points in Louisiana and Texas, to Chicago, Lemont, Joliet, Seneca, Ill., and Clinton, Iowa.

Grounds for relief—Market competition.

Tariffs—Supplements 389 and 114 to Southwestern Freight Bureau, agent, tariffs ICC 4064 and 4564, respectively.

## AGGREGATE-OF-INTERMEDIATES

FSA No. 40774—*Alcohols from points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, agent (No. B-8916), for interested rail carriers. Rates on alcohols and related articles, in tank carloads, from points in Louisiana and Texas, to Chicago, Lemont, Ill., and Clinton, Iowa.

Grounds for relief—Maintenance of depressed rates published to meet market competition without use of such rates as factors in constructing combination rates.

Tariffs—Supplements 389 and 114 to Southwestern Freight Bureau, agent, tariffs ICC 4064 and 4564, respectively.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12066; Filed, Nov. 4, 1966;  
8:46 a.m.]

[Notice 1437]

MOTOR CARRIER TRANSFER  
PROCEEDINGS

NOVEMBER 2, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69057. By order of October 26, 1966, the Transfer Board approved the transfer to Bushendorf Transfer, Inc., Eau Claire, Wis., of the operating rights of Reuben W. Hartje, doing business as Hartje's Transfer, La Valle, Wis., in certificates Nos. MC-119270 (Sub-No. 1), and MC-119270 (Sub-No. 4), issued November 1, 1960, and November 20, 1964, respectively, authorizing the transportation, over irregular routes, of dairy products, fruit juices, and cocktail dips, from Rochester, Minn., to La Crosse, Holmen, Reedsburg, and Eau Claire, Wis., dairy products, as described, ice cream, fruit juices, from La Crosse, Wis., to points in Winona, Fillmore, and Houston Counties, Minn., and Winneshiek, Allamakee, and Clayton Counties, Iowa, and defective or damaged shipments of dairy products, ice cream, and fruit juices, from points in Winona, Fillmore, and Houston Counties, Minn., and Winneshiek, Allamakee, and Clayton Counties, Iowa, to La Crosse, Wis. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC-FC-69071. By order of October 27, 1966, the Transfer Board approved the transfer to Glenn J. Schmidt, Callicoon Center, N.Y., of the certificate in No. MC-52852, issued July 9, 1958, to Joseph D. Schmidt, doing business as Western Sullivan Express, Callicoon Center, N.Y., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Mileses, N.Y., and New York, N.Y., serving intermediate points on the highways specified, and between Callicoon, N.Y., and Damascus, Pa., serving intermediate points on the highways specified; and eggs and agricultural commodities, between Seelyville, Pa., and Beach Lake, Pa.

No. MC-FC-69105. By order of October 20, 1966, the Transfer Board approved the transfer to David Pettit, Jr., doing business as Morehead Movers, Route No. 4, Morehead, Ky. 40351; of certificate in No. MC-115941, issued September 8, 1961, to Earl Blair, doing business as Blair Transfer & Storage, 613 West Main Street, Morehead, Ky. 40351; authorizing the transportation of: Household goods, from points in Rowan County, Ky., to points in Ohio, West Virginia, Indiana, and Michigan.

No. MC-FC-69113. By order of October 26, 1966, the Transfer Board approved the transfer to Merlino Zillmer, doing business as Zillmer Transfer, Sparta, Wis., of the certificate in No. MC-59726, issued July 24, 1956, to Ford R. Harmer, doing business as Harmer Transfer, Black River Falls, Wis., au-



thorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Black River Falls, Wis., and La Crosse, Wis., serving certain intermediate and off-route points as specified. Ralph S. Lund, Black River Falls, Wis., attorney for applicants.

No. MC-69128. By order of October 27, 1966, the Transfer Board approved the transfer to James P. Hillard, doing business as Rocket Stage Line, 1205 North Franklin Street, Galena, Ill. 61036, of certificate No. MC-112711 (Sub-No. 1), issued May 15, 1953, to James P. Hillard and Leo F. Hillard, Sr., a partnership, doing business as Rocket Stage Line, Galena, Ill., and authorizing the transportation of passengers, over regular routes, between Platteville, Wis., and the Savanna Ordnance Depot, Proving Ground, Ill., and between the junction of Wisconsin Highway 80 and U.S. Highway 11, and Benton, Wis.

No. MC-FC-69147. By order of October 26, 1966, the Transfer Board approved the transfer to Howard E. Rohrer, Jr., doing business as H. E. Rohrer, Jr., Duncannon, Pa., of the operating rights in certificate No. MC-111749, issued April 3, 1952, to Howard E. Rohrer, doing business as H. E. Rohrer, Duncannon, Pa., and authorizing the transportation of passengers and their baggage, in the same vehicle with passengers, in round trip operation, over irregular routes, beginning and ending at Millerstown, Pa., and points within 10 miles thereof, and extending to points in Maryland, New York, New Jersey, and Virginia, and the District of Columbia. Charles W. Kugler, 20 South Carlisle Street, New Bloomfield, Pa. 17068, attorney for applicants.

No. MC-FC-69154. By order of October 27, 1966, the Transfer Board approved the transfer to Hanson M. Savage, doing business as Savage Trucking Co., Chester Depot, Vt., of the operating rights in certificate No. MC-94937, issued July 7, 1964, to Aubrey E. Stratton, doing business as A. E. Stratton, West Townshend, Vt., authorizing the transportation of: Road building and grading materials, livestock, pickles, Christmas trees, and evergreens, brick, oyster poles, lumber and forest products, between specified points in Massachusetts, Vermont, New Hampshire, Connecticut, New Jersey, and New York.

No. MC-FC-69156. By order of October 27, 1966, the Transfer Board approved the transfer to Robert F. Hemperley, Jr., doing business as St. Louis-Cape Bus Line, Cape Girardeau, Mo., of the operating rights of Jewell Brooks Hemperley, Robert F. Hemperley, Jr., and Dorothy H. Teasley, a partnership, doing business as St. Louis-Cape Bus Line, Cape Girardeau, Mo., in certificate No. MC-3210, issued by the Commission, September 21, 1960, authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between St. Louis, Mo., and Cape Girardeau, Mo., and between Cape Girardeau, Mo., and East Prairie,

Mo. Lehman Finch, 325 Broadway, Cape Girardeau, Mo. 63701, attorney for applicants.

No. MC-FC-69069. By order of October 26, 1966, the Transfer Board approved the transfer to R. A. Corbett Transport, Inc., Lufkin, Tex., of the certificate in Nos. MC-127253, MC-127253 (Sub-No. 1), MC-127253 (Sub-No. 5), MC-127253 (Sub-No. 16), MC-127253 (Sub-No. 17), MC-127253 (Sub-No. 18), MC-127253 (Sub-No. 19), MC-127253 (Sub-No. 21), and MC-127253 (Sub-No. 23), issued March 31, 1966, August 17, 1965, February 16, 1966, September 2, 1965, January 21, 1966, May 23, 1966, March 31, 1966, September 12, 1966, August 4, 1966, respectively, to Grace Lee Corbett, doing business as R. A. Corbett Transport, Lufkin, Tex., authorizing the transportation, in bulk, of: Creosote oil, petroleum products, lacquer thinner, sulphur, coal tar, resins, and feed grade molasses, from and to or between points as specified in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas. Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701, attorney for applicants.

No. MC-FC-35404. By order of October 27, 1966, the Transfer Board approved the lease of certificate of registration No. MC-37681 (Sub-No. 2), issued by the Commission to Robert Con Tierce, doing business as Comet Trucking, McCamey, Tex., evidencing a right to engage in interstate or foreign commerce, issued April 24, 1964, to L. G. Blumentritt, doing business as Iraan Freight Line, Iraan, Tex., covering the transportation of numerous commodities, under the headings, Oilfield equipment, pipe, and trenching machines, between points in Texas. James R. Boyd, Post Office Box 488, Austin, Tex. 78767, attorney for applicants.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12067; Filed, Nov. 4, 1966;  
8:46 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16942; FCC 66M 1484]

### CARTERPHONE DEVICE IN MESSAGE TOLL TELEPHONE SERVICE

#### Order Continuing Prehearing Conference

The Hearing Examiner having for consideration the informal request of General Telephone Co. of the Southwest for a continuance of the prehearing conference now scheduled for November 9, 1966; counsel for General Telephone having been authorized by counsel for all other parties to state that they do not oppose a grant of the requested relief;

It is ordered, This 1st day of November 1966, that the said prehearing conference is continued to November 17,

1966, at 9 a.m., in the offices of the Commission at Washington, D.C.

Released: November 2, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12071; Filed, Nov. 4, 1966;  
8:46 a.m.]

## Title 2—THE CONGRESS

### ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under Title 2—The Congress. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 89th Congress, Second Session.

#### Approved October 19, 1966

S. 3834----- Public Law 89-696

An Act to amend Chapter 141 of Title 10, United States Code, to provide for price adjustments in contracts for the procurement of milk by the Department of Defense.

#### Approved October 27, 1966

H.R. 18381----- Public Law 89-697

An Act making supplemental appropriations for the fiscal year ending June 30, 1967, and for other purposes.

#### Approved October 29, 1966

H.R. 14643----- Public Law 89-698

An Act to provide for the strengthening of American educational resources for international studies and research.

#### Approved October 30, 1966

H.R. 14355----- Public Law 89-700

An act to amend the Railroad Retirement Act of 1937, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act to make certain technical changes, to provide for survivor benefits to children ages 18 to 21, inclusive, and for other purposes.

H.R. 17285----- Public Law 89-699

An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act, and for other purposes.

#### Approved November 2, 1966

S. 2102----- Public Law 89-702  
Fur Seal Act of 1966.

S. 2720----- Public Law 89-701

An Act to authorize the Secretary of the Interior to develop, through the use of experiment and demonstration plants, practicable and economic means for the production by the commercial fishing industry of fish protein concentrate.



**Approved November 2, 1966**

- H.J. Res. 1001----- Public Law 89-703  
Joint Resolution to provide for the designation of the month of May of each year as "Steelmark Month".
- H.J. Res. 1322----- Public Law 89-704  
Joint Resolution fixing the time of assembly of the 90th Congress.
- H.R. 203----- Public Law 89-705  
An Act to amend title 38, United States Code, to set aside funds for research into spinal cord injuries and diseases.
- H.R. 647----- Public Law 89-706  
An Act to establish rates of compensation, to permit the appointment of new trustees in deeds of trust in the District of Columbia by agreement of the parties.
- H.R. 872----- Public Law 89-707  
An Act to amend the provisions of title 18 of the United States Code relating to offenses committed in Indian country.
- H.R. 2600----- Public Law 89-708  
An Act to provide for the acquisition and preservation of the real property known as the Ansley Wilcox House in Buffalo, N.Y., as a national historic site.
- H.R. 3348----- Public Law 89-709  
An Act to authorize a program for the construction of facilities for the teaching of veterinary medicine and a program of loans for students of veterinary medicine.
- H.R. 3993----- Public Law 89-710  
An Act to authorize the issuance of certificates of citizenship in the Canal Zone.
- H.R. 5958----- Public Law 89-711  
An Act relating to applications for writs of habeas corpus by persons in custody pursuant to judgments of State courts.
- H.R. 5990----- Public Law 89-712  
An Act to grant increased benefits to persons receiving cash relief under the Panama Canal Cash Relief Act of July 8, 1937.
- H.R. 6958----- Public Law 89-713  
An Act to amend the Internal Revenue Code of 1954 to promote savings under the Internal Revenue Service's automatic data processing system.
- H.R. 7382----- Public Law 89-714  
An Act to amend section 1391 of title 28 of the United States Code relating to venue.
- H.R. 7648----- Public Law 89-715  
An Act to authorize long-term leases on the San Xavier and Salt River Pima-Maricopa Indian Reservations, and for other purposes.
- H.R. 7973----- Public Law 89-716  
An Act to amend section 4339 of title 10, United States Code.
- H.R. 8917----- Public Law 89-717  
An Act to provide for the disposition of funds appropriated to pay a judgment in favor of the Omaha Tribe of Nebraska, and for other purposes.
- H.R. 9778----- Public Law 89-718  
An Act to amend titles 10 and 37, United States Code, to codify recent military law, and to improve the Code.
- H.R. 11256----- Public Law 89-719  
An Act to amend the Internal Revenue Code of 1954 with respect to the priority and effect of Federal tax liens and levies, and for other purposes.
- H.R. 11475----- Public Law 89-720  
An Act to provide for the control or elimination of jellyfish and other such pests in the coastal waters of the United States, and for other purposes.
- H.R. 11660----- Public Law 89-721  
An Act relating to interest on income tax refunds made within 45 days, after the filing of the tax return, and for other purposes.
- H.R. 11782----- Public Law 89-722  
An Act to amend the Internal Revenue Code of 1954 to allow a deduction for additions to a reserve for certain guaranteed debt obligations, and for other purposes.
- H.R. 13320----- Public Law 89-723  
An Act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile.
- H.R. 13370----- Public Law 89-724  
An Act to authorize the disposal of fused crude aluminum oxide from the national stockpile and the supplemental stockpile.
- H.R. 13448----- Public Law 89-725  
An Act to amend title 39, United States Code, with respect to mailing privileges of members of the U.S. Armed Forces and other Federal Government personnel overseas, and for other purposes.
- H.R. 13661----- Public Law 89-726  
An Act to authorize the disposal of battery-grade synthetic manganese dioxide from the national stockpile.
- H.R. 13935----- Public Law 89-727  
An Act to give the consent of Congress to the State of Massachusetts to become a party to the agreement relating to bus taxation proration and reciprocity as set forth in title II of the Act of April 14, 1965 (79 Stat. 60), and consented to by Congress in that Act and in the Act of November 1, 1965 (79 Stat. 1157).
- H.R. 13982----- Public Law 89-728  
An Act to amend the Act of August 14, 1964, to authorize payments of any amounts authorized under the Act to the estates of persons who would have been eligible for payments under the authority of the Act, and for other purposes.
- H.R. 14075----- Public Law 89-729  
An Act to authorize the Secretary of Commerce to settle and pay certain claims arising out of the taking of the 1960 decennial census.
- H.R. 14347----- Public Law 89-730  
An Act to liberalize the provisions for payment to parents and children of dependency and indemnity compensation, and for other purposes.
- H.R. 14741----- Public Law 89-731  
An Act to authorize an increase in the number of Marine Corps officers who may serve in the combined grades of brigadier general and major general.
- H.R. 15183----- Public Law 89-732  
An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes.
- H.R. 15335----- Public Law 89-733  
An Act to amend the Act entitled "An Act to establish an Advisory Commission on Intergovernmental Relations", approved September 24, 1959.
- H.R. 15727----- Public Law 89-734  
An Act to establish rate of compensation for certain positions within the Smithsonian Institution.
- H.R. 15748----- Public Law 89-735  
An Act to amend title 10, United States Code, to authorize a special thirty-day period of leave for a member of a uniformed service who voluntarily extends his tour of duty in a hostile fire area.
- H.R. 16074----- Public Law 89-736  
An Act to cancel certain unpaid interest accrued after September 30, 1931, on loans made to World War I veterans upon the security of adjusted-service certificates.
- H.R. 16114----- Public Law 89-737  
An Act to provide for the inclusion of premium pay under section 5545 (c) (1) of title 5, United States Code, for the purpose of determining benefits under the civil service retirement, group life insurance, and injury compensation provisions of such title, and for other purposes.
- H.R. 16394----- Public Law 89-738  
An Act for the relief of certain enlisted members of the military services who lost interest on amounts deposited under section 1035 of title 10, United States Code, or prior laws authorizing enlisted members' deposits, and for other purposes.
- H.R. 17271----- Public Law 89-739  
An Act to amend section 112 of the Internal Revenue Code of 1954 to increase from \$200 to \$500 the monthly combat pay exclusion for commissioned officers serving in combat zones.
- H.R. 17376----- Public Law 89-740  
An Act to authorize the disposal of nickel from the national stockpile.
- H.R. 17451----- Public Law 89-741  
An Act to preserve the pay and retirement privileges for certain former chiefs of Navy bureaus and to preserve the pay privileges of certain former deputy chiefs of Navy bureaus.
- H.R. 17588----- Public Law 89-742  
An Act to amend section 8(g) of the Soil Conservation and Domestic Allotment Act with respect to assignments.
- H.R. 17636----- Public Law 89-743  
An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1967, and for other purposes.
- H.R. 17637----- Public Law 89-744  
An Act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1967, and for other purposes.
- H.R. 17798----- Public Law 89-745  
An Act to provide that a judgment or decree of the District of Columbia Court of General Sessions shall not constitute a lien until filed and recorded in the office of the Recorder of Deeds of the District of Columbia, and for other purposes.



H.R. 18019..... Public Law 89-746

An Act to authorize the Secretary of the Army to construct an addition at the Walter Reed Army Medical Center, Washington, District of Columbia.

H.R. 18217..... Public Law 89-747

An Act to provide home leave for Federal seafaring personnel, and for other purposes.

H.R. 18284..... Public Law 89-748

An Act to authorize the Attorney General to adjust the legislative jurisdiction exercised by the United States over lands within the Federal Reformatory at Chillicothe, Ohio.

H.R. 13161..... Public Law 89-750

An Act to strengthen and improve programs of assistance for elementary and secondary schools, and for other purposes.

H.R. 13196..... Public Law 89-751

An Act to amend the Public Health Service Act to increase the opportunities for training of medical technologists and personnel in other allied health professions, to improve the educational quality of the schools training such allied health professions personnel, and to strengthen and improve the existing student loan programs for medical, osteopathic, dental, podiatry, pharmacy, optometric and nursing students, and for other purposes.

H.R. 14644..... Public Law 89-752

An Act to amend the Higher Education Facilities Act of 1963, the Higher Education Act of 1965, and the National Defense Education Act of 1958.

S. 985..... Public Law 89-755

Fair Packaging and Labeling Act.

S. 2947..... Public Law 89-753

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# FEDERAL REGISTER

VOLUME 31 • NUMBER 217

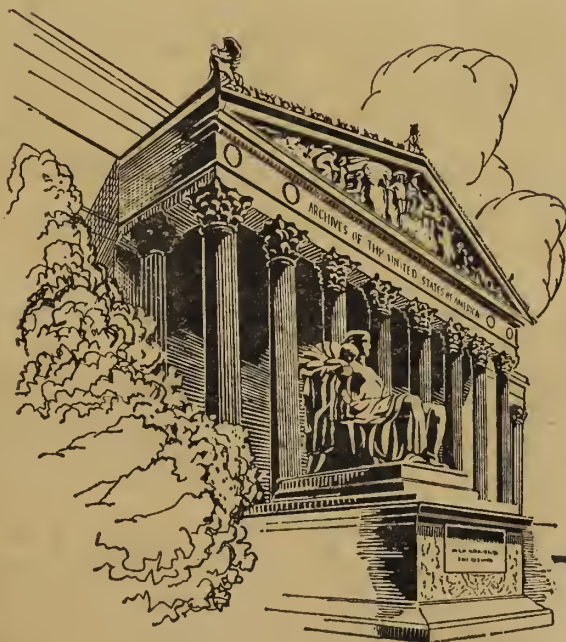
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Agriculture Department  
Atomic Energy Commission  
Civil Aeronautics Board  
Civil Service Commission  
Coast Guard  
Commerce Department  
Consumer and Marketing Service  
Federal Maritime Commission  
Federal Reserve System  
Fish and Wildlife Service  
Food and Drug Administration  
Health, Education, and Welfare  
Department  
Internal Revenue Service  
Interstate Commerce Commission  
Justice Department  
Land Management Bureau  
Securities and Exchange Commission  
Small Business Administration  
Treasury Department

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[Revised Edition—1965]

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cluded. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 624, 12th Rev.]

### PART 301—DOMESTIC QUARANTINE NOTICES

#### Subpart—Soybean Cyst Nematode

##### REGULATED AREAS

Pursuant to § 301.79-2 of the regulations supplemental to the soybean cyst nematode quarantine (7 CFR 301.79-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.79-2a are hereby revised to read as follows:

§ 301.79-2a Administrative instructions designating regulated areas under the soybean cyst nematode quarantine.

The following counties, other civil divisions, farms, and other premises, or parts thereof, in the quarantined States listed below, are designated as soybean cyst nematode regulated areas within the meaning of the provisions of this subpart:

##### ARKANSAS

*Arkansas County.* Secs. 11, T. 4 S., R. 2 W.; sec. 32, T. 3 S., R. 3 W.; sec. 5, T. 4 S., R. 3 W.; secs. 29, 30, 31, and 32, T. 6 S., R. 3 W.; and sec. 6, T. 7 S., R. 4 W.

*Clay County.* The entire county.

*Craighead County.* The entire county.

*Crittenden County.* The entire county.

*Cross County.* The entire county.

*Desha County.* Sec. 4, T. 9 S., R. 2 W.; and secs. 26, 27, 28, 29, 32, 33, 34, and 35, T. 10 S., R. 4 W.

*Greene County.* The entire county.

*Independence County.* All of T. 11 N., R. 4 W., and that portion of T. 12 N., R. 4 W., lying south of White River.

*Jackson County.* The entire county.

*Jefferson County.* Sec. 31, T. 3 S., R. 7 W.; sec. 6, T. 4 S., R. 7 W.; sec. 36, T. 3 S., R. 8 W.; and sec. 1, T. 4 S., R. 8 W.

*Lawrence County.* That portion of the county lying east of the Black River; and secs. 29, 30, 31, 32, and those portions of secs. 28 and 33 west of the Black River in T. 15 N., R. 2 W.; and secs. 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 15 N., R. 3 W.

*Lec County.* The entire county.

*Lincoln County.* Secs. 10 and 11, T. 8 S., R. 6 W.

*Lonoke County.* Secs. 2, 10, 11, 12, and 14, T. 1 N., R. 9 W.

*Mississippi County.* The entire county.

*Monroe County.* Secs. 5 and 6, T. 2 N., R. 2 W.; and sec. 34, T. 1 N., R. 4 W.

*Phillips County.* The entire county.

*Poinsett County.* The entire county.

*Pope County.* That portion of the county lying east of the east line of R. 19 W., and south of U.S. Highway 64.

*Prairie County.* Secs. 19, 20, 29, and 30, T. 4 N., R. 5 W.

*Randolph County.* That portion of the county bounded by a line beginning at a point where the Randolph-Clay county line intersects the Missouri State line, thence southerly along said county line to its intersection with the Randolph-Greene county line, thence south along said line to its intersection with the Randolph-Lawrence county line, thence west along said line to its intersection with the Black River, thence northeasterly along said river to its intersection with State Highway 90, thence northerly along said highway to its intersection with State Highway 115, thence northerly along said highway to its intersection with State Highway 166, thence northeasterly along said highway to its intersection with the west section line of sec. 6, T. 21 N., R. 3 E., thence north along said section line to its intersection with the Missouri State line, thence east along said State line to the point of beginning.

*St. Francis County.* The entire county.

*Woodruff County.* The entire county.

##### ILLINOIS

*Alexander County.* Tps. 14 S., 15 S., and 16 S., all in R. 1 W.; T. 16 S., R. 2 W.; T. 16 S., R. 3 W.; secs. 1, 12, 13, 24, 25, and 36, T. 14 S., R. 2 W.; secs. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 15 S., R. 2 W.; secs. 25, 33, 34, 35, and 36, T. 15 S., R. 3 W.; and that portion of the county lying south of T. 16 S., R. 1 W., and R. 2 W.

*Johnson County.* The property owned by Armstrong Cork Co. and operated by William Shirley Ames located in SW¼ sec. 18 and W½ sec. 19, T. 12 S., R. 2 E.

The property owned by Jesse H. Lowery and operated by William Shirley Ames located in SW¼ sec. 30, T. 12 S., R. 2 E.

The property owned by Mert Lowery and operated by William Shirley Ames located in SW¼ sec. 30, T. 12 S., R. 2 E.

*Massac County.* The property owned and operated by John P. Douglas located in the E½ sec. 36, T. 16 S., R. 6 E. and NE¼ sec. 1, T. 17 S., R. 6 E.

The property owned and operated by Landis Newton located in the NW¼ sec. 30, T. 14 S., R. 3 E.

The property owned and operated by C. Whitelock located in NW¼ sec. 22, T. 14 S., R. 3 E.

The property owned and operated by E. Woods located in SE¼ sec. 18, T. 14 S., R. 3 E.

*Pope County.* The property owned by Norman Lewis and operated by S. Sidener located in the SE¼ sec. 29, S½ sec. 28, NE¼ sec. 32 and N½ sec. 33, T. 15 S., R. 7 E.

*Pulaski County.* Tps. 14 S., 15 S., and 16 S., all in R. 1 W.; Tps. 14 S., 15 S., and 16 S., all in R. 1 E.; secs. 7, 18, 19, 30, and 31, T. 14 S., R. 2 E.; and secs. 6, 7, and 18, T. 15 S., R. 2 E.

The property owned by R. S. Miller and operated by A. Eddleman located in SE¼ sec. 35 and SW¼ sec. 36, T. 14 S., R. 2 E.

The property owned and operated by Milford D. Jones located in NE¼ sec. 35, T. 14 S., R. 2 E.

The property owned by Marshall Weese and operated by A. R. Parker located in NW¼ sec. 36, T. 14 S., R. 2 E.

*Union County.* The property owned by Armstrong Cork Co. and operated by William Shirley Ames, located in sec. 24 and S½ sec. 13, T. 12 S., R. 1 E.

The property owned by Catherine McKenzie and operated by William Shirley Ames located in SE¼ sec. 25, T. 12 S., R. 1 E.

The farm owned by Harvey Weaver and operated by William Shirley Ames, located in SE¼ sec. 25, T. 12 S., R. 1 E.

##### KENTUCKY

*Ballard County.* The entire county.

*Carlisle County.* The entire county.

*Fulton County.* The entire county.

*Graves County.* That portion of the county west and south of a line beginning at the intersection of the Tennessee-Kentucky State line and State Highway 381, thence extending north along State Highway 381 to its intersection with State Highway 94 at Lynnvill, thence west along State Highway 94 to its intersection with State Highway 303, thence north along State Highway 303 to its intersection with U.S. Highway 45 at Mayfield, thence north along U.S. Highway 45 to the McCracken county line.

*Henderson County.* That portion of the county lying within the boundaries beginning at the Ohio River and U.S. Highway 41, thence south and west along U.S. Highway 41 to the intersection of the Henderson corporate limits, thence south and west along the corporate limits to the Ohio River, thence northeasterly along said river to the point of beginning.

*Hickman County.* The entire county.

*McCracken County.* That portion of the county lying within the boundaries beginning at the Ballard County line, thence east along County Highway 725 to the Atomic Energy Commission property, thence north along the west boundary of the Atomic Energy Commission property to the Ohio River, thence northwesterly along said river to the McCracken-Ballard County line, thence southerly along said line to the point of beginning; and, that portion of the county lying within the boundaries beginning at the Graves County line at U.S. Highway 45, thence north to U.S. Highway 62, thence south and west along said highway to the McCracken-Ballard County line, thence southerly along said line to its intersection with the McCracken-Graves County line, thence east along said line to the point of beginning.

##### MISSISSIPPI

*Bolivar County.* Those portions of secs. 28 and 33, T. 24 N., R. 8 W., lying west of the Mississippi River levee.

The property owned and operated by Carr Planting Co., west of the Mississippi River levee and 1 mile north of Concordia.

*Coahoma County.* The property owned by John Ella Fraction and operated by National Fraction, located in sec. 32, T. 28 N., R. 5 W.

The property owned by Mark Ham and operated by Sigman Planting Co., located in secs. 6, 7, and 8, T. 27 N., R. 5 W.

The property owned by Kyser Estate and operated by Hurst Bros., located in sec. 1, T. 27 N., R. 6 W.

The property owned by Regenold & Earls Co. and operated by Dan F. Crumpton, Jr., located in secs. 5 and 6, T. 27 N., R. 5 W., and in secs. 31 and 32, T. 28 N., R. 5 W.

The property owned and operated by W. D. Fisher, located in secs. 1 and 2, T. 30 N., R. 4 W., and secs. 35 and 36, T. 31 N., R. 4 W.

*De Soto County.* That portion of the county lying west of the east line of R. 9 W., and north of the south line of T. 2 S.



*Issaquena County.* Those portions of secs. 2, 3, and 4, T. 12 N., R. 9 W., lying west of the Mississippi River levee.

*Tunica County.* That portion of the N1/3 T. 3 S., R. 10 W., lying in Tunica County.

Sec. 14, T. 4 S., R. 12 W.; and secs. 20, 21, and 29, T. 5 S., R. 12 W.

The property owned and operated by W. D. Fisher located in sec. 34, T. 6 S., R. 13 W.

#### MISSOURI

*Bollinger County.* That portion of the county lying east and south of a line beginning at the point where the west side of R. 9 E. intersects the Bollinger-Stoddard County line; thence due north to where said line intersects the north side of T. 28 N., thence due east to the intersection of the west boundary line of R. 10 E., thence due north to where said line intersects the north boundary line of T. 29 N., thence due east along said line to the Bollinger-Cape Girardeau County line.

*Butler County.* That portion of the county lying south and east of a line beginning at the point where the north side of T. 22 N. intersects the Ripley-Butler County line, thence due east to where said line intersects U.S. Highway 67, thence extending northward to the point where said highway intersects the west line of R. 6 E., thence due north to a point 3 miles north of the north line of T. 24 N., thence due east to the St. Louis and San Francisco Railroad, thence northeastward along said railroad to its intersection with the St. Frances River.

*Cape Girardeau County.* That portion of the county lying south and east of a line beginning at the point where the north side of T. 29 N. intersects the Bollinger-Cape Girardeau County line, thence extending due east to its junction with State Highway 25, thence northeastward along said highway to its junction with State Highway 74, thence eastward along said highway to a point where it intersects U.S. Highway 61, thence due east along a projected line to the Mississippi River.

*Dunkin County.* The entire county.

*Mississippi County.* The entire county.

*New Madrid County.* The entire county.

*Pemiscot County.* The entire county.

*Ripley County.* That portion of the county lying east and south of a line beginning at the point where highway Route E intersects the Missouri-Arkansas State line, thence northward along said highway to the point where it intersects the north boundary line of sec. 20, R. 3 E., T. 22 N., thence due east along said line to the point where it intersects highway Route N, thence due north along said highway to the point where it intersects State Highway 142, thence eastward along said highway to the point where it turns due south and intersects the north boundary line of T. 22 N., thence due east along said line to the Ripley-Butler County line.

*Scott County.* The entire county.

*Stoddard County.* The entire county.

#### NORTH CAROLINA

*Brunswick County.* The property owned by Alma Medlin and operated by Leo Medlin Estate, located on the southwest side of State Secondary Road 1419 and 1 mile southeast of the Columbus County line.

The property owned and operated by Leo Medlin Estate, located on the southwest side of State Secondary Road 1419 and 1.1 miles southeast of the Columbus County line.

*Camden County.* The property owned by G. W. Abbott, located on the west side of State Secondary Road 1224 and 0.2 mile north of the junction of said road with State Secondary Road 1217.

The Woodson Farrill farm located on the west side of State Secondary Road 1114 and

0.4 mile north of the junction of said road and State Highway 343.

The property owned by Mrs. Etta Mae McPherson, located on the east side of State Secondary Road 1224 and 0.5 mile north of the junction of said road and State Secondary Road 1217.

The J. E. McPherson Trust Farm, located at the end of a field road 1 mile south of State Secondary Road 1239, said field road junctioning with State Secondary Road 1239, 1 mile east of the junction of said road and State Secondary Road 1224.

The Frank Sawyer farm located on the north side of State Secondary Road 1225 and at the junction of said road with State Secondary Road 1224.

The Dr. J. B. Sawyer farm located on the northwest side of State Secondary Road 1115 and 0.1 mile northeast of the junction of said road with State Secondary Road 1107.

The Mack Sawyer farm located on both sides of State Secondary Road 1225 and at the junction of said road with State Secondary Road 1217.

*Chowan County.* That portion of the county bounded by a line beginning at the junction of the Chowan-Perquimans-Gates County line, thence south along Chowan-Perquimans County line to its intersection with State Secondary Road 1305, thence west along said road to its junction with State Secondary Road 1231, thence west along said road to its junction with Chowan River, thence northwest along said river shore line to its intersection with Chowan-Gates County line, thence in a northeasterly direction along said county line to the point of beginning.

*Currituck County.* That portion of the county bounded by a line beginning at the intersection of the east shore of North Landing River and North Carolina-Virginia State line, thence extending in an easterly direction along said State line to its intersection with the east shore of Knotts Island, thence south along said shore line to Currituck Sound, thence west along said sound shore line to North Landing River, including that portion known as MacKay Island, thence north along said river shore line to the point of beginning.

The P. P. Gregory farm located on the east side of State Secondary Road 1147 and 0.4 mile north of Indian Creek.

The C. C. Leary farm located on the west side of State Secondary Road 1148 and 0.6 mile northwest of the intersection of said road and U.S. Highway 158.

The Herman Pell farm located on the southwest side of State Secondary Road 1148 and 0.3 mile southeast of the junction of State Secondary Roads 1148 and 1200 with U.S. Highway 158.

*Gates County.* The entire county.

*Johnston County.* That area bounded by a line beginning at a point where the Sampson-Johnston County line intersects State Secondary Road 1005, thence northeast along said road to its junction with State Highway 96, thence northeast along said highway to its intersection with Hannah Creek, thence east along said creek to its intersection with State Secondary Road 1009, thence south along said road to its junction with State Secondary Road 1197, thence southeast along said road to its junction with State Secondary Road 1008, thence west along said road to its junction with State Secondary Road 1196, thence east along said road to its intersection with the Johnston-Wayne County line, thence southwest along said county line to its junction with the Sampson-Johnston County line, thence southwest and then northwest along said county line to the point of beginning.

*New Hanover County.* That portion of the county bounded by a line beginning at a point where the ACL Railroad Bridge crosses the Northeast Cape Fear River and extending

south along said railroad to State Highway 132, thence southeast along said highway to Smith Creek, thence west along said creek to the Northeast Cape Fear River, thence in a northwesterly and then easterly direction along said river to the Atlantic Coast Line Railroad Bridge, the point of beginning, excluding all of New Hanover County Airport.

The Mrs. C. F. Canady farm located on the north side of State Secondary Road 1403 and 1.5 miles east of its junction with State Secondary Road 1407, said junction being 0.5 mile east of U.S. Highway 17.

The J. H. Covil farm located on the north side of State Secondary Road 1403 and 0.2 mile east of its junction with State Secondary Road 1407, said junction being 0.5 mile east of U.S. Highway 17.

The H. H. Horrell farm located on the north side of State Secondary Road 1335 and 0.1 mile east of its intersection with State Highway 132.

The property owned and operated by H. C. Johnson, located on the northeast side of State Secondary Road 1327 and 0.6 mile northwest of its junction with U.S. Highway 17.

The H. C. Johnson farm located on the northeast side of State Secondary Road 1327 and 0.2 mile northwest of its junction with U.S. Highway 17.

The H. C. Johnson farm located on the south side of State Secondary Road 1403 and 1.7 miles east of its junction with State Secondary Road 1407, said junction being 0.5 mile east of U.S. Highway 17.

The property owned and operated by J. D. Murray, located at the end of State Secondary Road 1322 and 2.2 miles from its intersection with State Highway 132.

The property owned and operated by Alex Trask, located on the north side of State Secondary Road 1322 and east of State Highway 132 at the intersection of these two roads.

The J. A. Yopp farm located on the south side of State Secondary Road 1322 and 1.2 miles east of its intersection with State Highway 132.

*Pasquotank County.* The entire county.

*Pender County.* That area bounded by a line beginning at a point where Long Creek junctions with the Northeast Cape Fear River, thence extending northwest along said creek to its junction with Rileys Creek, thence northeast along said creek to its intersection with State Secondary Road 1409, thence north along said road to its junction with State Secondary Road 1400, thence northeast along said road to its junction with State Highway 53, thence northeast along said highway to its junction with State Secondary Road 1509, thence east along said road to its intersection with Burgaw Creek, thence southeast along said creek to its junction with the Northeast Cape Fear River, thence south along said river to its intersection with State Highway 210, thence northeast and then southeast along said highway to its junction with State Secondary Road 1002, thence southwest along said road to its intersection with Island Creek, thence northeast and then northwest along said creek to its junction with the Northeast Cape Fear River, thence west along said river to the point of beginning.

The M. A. Boryk farm located on the west side of State Secondary Road 1400 and 0.2 mile south of the Burgaw city limits.

The John Osterwyk farm located 0.8 mile southeast of U.S. Highway 17 and 1.3 miles northeast of Hampstead.

*Perquimans County.* That portion of the county bounded by a line beginning at the junction of the Perquimans-Gates-Pasquotank County line, thence extending southeast along Perquimans-Pasquotank County line to its intersection with State Secondary Road 1223, thence along said road to its junction



tion with State Secondary Road 1214, thence northwest along said road to its junction with State Secondary Road 1213, thence west along said road to its junction with State Secondary Road 1200, thence south along said road to its junction with State Highway 37, thence west along said highway to its junction with State Secondary Road 1118, thence west along said road to its intersection with Perquimans-Chowan County line, thence north along said county line to its junction with Perquimans-Gates County line, thence northeast along said county line to the point of beginning.

**Sampson County.** The Quinton Butler farm located on both sides of State Secondary Road 1006 and 0.2 mile southeast of its junction with State Secondary Road 1338.

The C. L. Denning farm located on both sides of State Secondary Road 1705 and 0.3 mile south of its junction with U.S. Highway 13.

The Joel Draughon farm located on the east side of State Secondary Road 1625 at its junction with State Highway 55.

The Leo Godwin farm located on the east side of State Secondary Road 1607 and 0.2 mile south of its junction with State Secondary Road 1650.

The Mrs. James Herring farm located on the east side of State Secondary Road 1128 and 0.3 mile south of its junction with U.S. Highway 421.

The H. M. Jackson farm located on the east side of State Secondary Road 1456 and 0.6 mile south of its junction with State Secondary Road 1459.

The Clarence Jones farm located on the east side of State Secondary Road 1808 and 0.4 mile north of its junction with State Secondary Road 1805.

The Laura Matthis farm located on the northeast side of State Secondary Road 1006 and 0.2 mile southeast of its junction with State Secondary Road 1338.

The Charles H. McLamb farm located on both sides of State Secondary Road 1456 and 0.3 mile northwest of its junction with State Secondary Road 1338.

The Judson McLamb farm located at the intersection of State Secondary Roads 1456 and 1338.

The W. A. McLamb farm located on the southwest side of State Secondary Road 1006 and 0.4 mile southeast of its junction with State Secondary Road 1338.

The Clemmie Saunders farm located on the west side of State Highway 242 and 0.4 mile north of Piney Green.

The Mabel Smith farm located on the northwest side of State Secondary Road 1705 and 0.8 mile southwest of its junction with U.S. highway 13.

The Wayne Smith farm located on the south side of State Secondary Road 1606 and 0.3 mile west of its junction with State Secondary Road 1607.

The Della Stewart farm located on the west side of State Secondary Road 1809 and 0.4 mile south of its intersection with State Secondary Road 1805.

The David Tew farm located on the northwest side at the junction of State Secondary Roads 1466 and 1467.

The Ottis Tew farm located on both sides of State Secondary Road 1456 and 0.3 mile south of its junction with State Secondary Road 1459.

The Kenneth Underwood farm located on the northwest side of State Secondary Road 1409 at its junction with State Secondary Road 1408.

The M. D. West farm located on the south side of State Secondary Road 1620 and 0.4 mile east of its intersection with State Secondary Road 1636.

The B. H. Westbrook farm located on the east side of State Secondary Road 1701 and

0.5 mile north of its junction with State Secondary Road 1702.

The Bruce Westbrook farm located on the east side of State Secondary Road 1641 at its junction with State Highway 55.

**Tyrrell County.** The P. T. Combs farm located on the east side of State Secondary Road 1310 and 1 mile north of the junction of said road and State Secondary Road 1309.

The W. A. Hollis farm located on the south side of State Secondary Road 1209 and 1.2 miles southeast of the junction of said road with State Secondary Road 1223.

The W. A. Howett farm located on the south side of State Secondary Road 1209 and 1 mile southeast of the junction of said road with State Secondary Road 1223.

The Sherman Williams farm located on the southwest side of the junction of State Secondary Road 1310 and State Secondary Road 1313.

**Wayne County.** The property owned by Mrs. Myrtle Best and operated by Mr. C. L. Altman, located on the southwest side of State Secondary Road 1205, 0.1 mile southeast of the Wayne-Johnston County line.

TENNESSEE

**Benton County.** The farm owned by Elmer Barnes known as the Cherry Farm, consisting of 40 acres located in Civil District 8, south of the Ramble Creek drainage ditch and divided by State Highway 69, 2.5 miles south of Big Sandy.

**Carroll County.** The farm owned by Viona Pope, known as the Pope farm, consisting of 100 acres located in Civil District 2, on the north side of State Highway 105, 3.5 miles northwest of the town of Trezevant.

The farm owned by J. T. Hill, consisting of 165 acres located in Civil District 2, on the north side of State Highway 105, 4 miles northwest of the town of Trezevant.

The farm owned and operated by Kermit Cates, known as the U. L. Watkins farm, consisting of 130 acres located in Civil District 2, 3.3 miles west of the town of Trezevant on the east side of a gravel road between Republican Grove Road and State Road 105.

**Crockett County.** The entire county.

**Dyer County.** The entire county.

**Fayette County.** Civil Districts 5, 6, and 7.

The farm owned by Dr. J. W. Morris and operated by C. M. Summer and Son, known as the Morris Farm, consisting of 500 acres located in Civil District 1, 0.9 mile west of the intersection of State Highway 76 and New Macon Road.

The farm owned by Mrs. J. W. Morris and operated by C. M. Summer and Son, known as the Armstrong Place, consisting of 1,300 acres located in Civil District 1, on the south side of U.S. Highway 64, 2 miles southwest of the intersection of U.S. Highway 64 and State Highway 76.

**Gibson County.** That part of Gibson County north and west of a line beginning at the point where State Highway 54 intersects the Gibson-Crockett County line, thence extending northeast along State Highway 54 to its intersection with State Highway 105 in the town of Bradford, thence east along State Highway 105 to the intersection of State Highway 105 and a gravel road in the town of Skull Bone, thence north along said gravel road to the Gibson-Weakley County line.

The farm owned and operated by T. Baley, known as the Baley Farm, consisting of 355 acres located in Civil District 4, 1 mile south of the old Gibson Wells community and 0.5 mile east of State Highway 54.

The farm owned by Mamie Fain, known as the Mamie Fain Farm, consisting of 175 acres in Civil District 11, located 5 miles northeast of Trenton on State Highway 54.

The farm owned and operated by Ernest Scott known as the Scott Farm, consisting of

50 acres located in Civil District 18, 2.6 miles south of the intersection of the turn-off at Moores Chapel.

**Haywood County.** The entire county.

**Henry County.** The farm owned and operated by A. P. Walker, known as the Walker Farm, consisting of 196 acres located in Civil District 5, 2.6 miles southwest of the intersection of State Highway 69 and Rural Road 8172.

The farm owned by Lonnie Ewen and operated by A. P. Walker, known as the Pat Mahan Place, consisting of 37 acres located in Civil District 5, 2.6 miles southwest of the intersection of State Highway 69 and Rural Road 8172.

That part of Civil District 10 lying east of U.S. Highway 79, State Highway 140 and Rural Road 8093; and all of Civil District 14.

**Humphreys County.** That portion of Civil District 2 enclosed by the Tennessee River, Duck River, Briar Creek, and Stribbling Branch.

**Lake County.** The entire county.

**Lauderdale County.** The entire county.

**Madison County.** The farm owned by James V. Morris, consisting of 300 acres, located in Civil District 7 on the south side of U.S. Highway 70, 2.4 miles west of the town of Huntersville.

The farm owned by Jack Terrell consisting of 93 acres located in Civil District 3, one-half mile west of Pleasant Plain Road on the north side of McClellan Road.

The farm owned by T. H. Bond, consisting of 540 acres in Civil District 7 on the north side of U.S. Highway 70, 2.7 miles west of Huntersville.

The farm owned and operated by T. H. Bond, known as the Cole Place, consisting of 50 acres located in Civil District 7 on Providence Road, 0.5 mile west of Interstate 40 and 0.1 mile east of Meriwether Creek.

**Obion County.** The entire county.

**Shelby County.** The entire county.

**Tipton County.** The entire county.

**Weakley County.** The entire county.

VIRGINIA

**Chesapeake City.** The property owned by Ernest A. and Leila G. Breakfield, located on the east side of State Road 663, 0.3 mile south of the junction of State Roads 708 and 663.

The property owned by Hugh W. and Irene D. Carpenter, located on the west side of State Road 191, at the junction of State Roads 663 and 191.

The property owned by Marion H. Charlton, located on the east and west sides of State Road 191, at the junction of State Roads 191 and 685.

The property owned by L. L. Denning, located on the north side of State Road 659, 0.2 mile west of the junction of State Roads 659 and 663.

The property owned by Lofton L. Denning, located on the south side of State Road 337 and the west side of State Road 663 at the junction of said roads.

The property owned by H. W., I. W., and James M. Etheridge, located on the south side of State Road 190, 0.1 mile east of the junction of State Roads 190 and 818.

The property owned by David O. Gleming, located on the north and south sides of State Road 663, 0.6 mile east of the junction of State Roads 191 and 663.

The property owned by Porter Hardy, Jr., and Lynn M. Hardy, located on the east and west sides of State Road 660, 0.1 mile north of the junction of State Roads 660 and 790.

The property owned by Porter Hardy, Jr., Lynn M. Hardy, and John A. McKenzie, located on the northwest side of State Road 655, 0.4 mile north of the junction of State Roads 658 and 655.

The property owned by Emily Carney Hargroves, Virginia Carney Hurdle, Emily S. Carney, and Ann G. Carney, located on the



south side of State Road 705, 0.3 mile east of the junction of State Roads 705 and 663.

The property owned by Nettie Pritchard Killian, located on the north side of State Road 190, 0.2 mile east of the junction of State Roads 190 and 700.

The property owned by James P. and Rufus C. Lilley, located on the north and south sides of State Road 705, 0.1 mile east of the junction of State Roads 663 and 705.

The property owned by Annie P. Marshall, located on the east side of State Road 663, 0.1 mile south of the junction of State Roads 663 and 708.

The property owned by Ogden R. and Mildred Odman, located on the north and south sides of State Road 663, 0.8 mile south of the junction of State Roads 820 and 663.

The property owned by Mary Francis Peek, located on a private road 0.3 mile east of State Road 191, said private road junctioning with State Road 191 at a point 0.2 mile south of the intersection of State Roads 337 and 191.

The property owned by Jennie H. Trotman, located on the north side of State Road 655 and on the east side of State Road 647, at the junction of State Roads 647 and 655.

The property owned by the Upton Produce Company, Inc., located on the east and west sides of State Road 656, 0.2 mile south of the junction of State Roads 656 and 659.

The property owned by J. Felix Walker, located on the north, south, and east sides of State Road 663, 0.1 mile south of the junction of State Roads 663 and 820.

The property owned by William J. and Vertly W. Watts, located on a private road 0.1 mile east of State Road 191, said private road junctioning with State Road 191 at a point 0.2 mile south of the intersection of State Roads 191 and 337.

The property owned by Bruno H. Wittig, located on the west side of a private road 1 mile west of State Road 191, said private road junctioning with State Road 191 at a point 0.2 mile south of the junction of State Roads 191 and 663.

The property owned by Arthur N. and Alice Kerlin Williamson, located on the south side of State Road 190, 0.2 mile northwest of the junction of State Roads 190 and 818.

The property owned by Charles Holland Wood, located on the south side of State Road 605, 0.4 mile east of the junction of State Roads 190 and 605.

The property owned by Charles Holland Wood, located on the south side of State Road 605, 0.6 mile east of the junction of State Roads 190 and 605.

*Isle of Wight County.*<sup>1</sup> The property owned by L. N. Alphin, Sr., located on the west side of State Road 614, 0.75 mile northwest of the junction of State Road 614 and U.S. Highway 258.

The property owned by the A. W. Ballard Estate, located on the west side of State Road 614, 0.9 mile south of the junction of State Road 614 and U.S. Highway 258.

The property owned by the A. W. Ballard Estate, located on the west side of State Road 614, 0.1 mile south of the Virginian Railroad right-of-way.

The property owned by Claire W. Bittle, located on the south side of U.S. Highway 58, 0.2 mile southwest of the junction of U.S. Highway 58 and State Road 630.

The property owned by James F. Bracey, Sr., and James F. Bracey, Jr., located on a private road 0.3 mile south of U.S. Highway 58, said private road junctioning with U.S. Highway 58, 1.2 miles east of the junction of U.S. Highways 58 and 258.

The property owned by Mary Lee W. Bryant, located on the east side of U.S. Highway 258,

1 mile south of the intersection of U.S. Highway 258 and State Road 611.

The property owned by Frances Sykes DeHart, located on the east side of State Road 10, 0.3 mile south of the junction of State Roads 10 and 674.

The property owned by Alphonso L. Duck, located on a private road 0.3 mile south of State Road 648, said private road junctioning with State Road 648 at a point 0.2 mile east of the junction of State Roads 643 and 648.

The property owned by Alphonso L. Duck, Sr., located on the east side of State Road 614, 0.5 mile north of the junction of State Road 614 and U.S. Highway 258.

The property owned by the J. F. Duke, Sr., Estate, located on a private road 0.2 mile east of the intersection of said road and State Road 632, said intersection being 0.8 mile northeast of the junction of State Roads 632 and 1701.

The property owned by the Jacob E. Eley Estate, located on the east side of State Road 643 at the junction of State Roads 643 and 603.

The property owned by Thomas A. Gardner, located on the northeast side of State Road 606, at the junction of State Roads 606 and 690, with a wooded area owned by Thomas A. Gardner on the west side of State Road 690, 0.3 mile south of the junction of 606 and 690.

The property owned by Estelle Gibbs, located on a private road 0.3 mile west of State Road 10, said private road junctioning with State Road 10 at the junction of State Roads 10 and 32.

The property owned by Alma J. and H. DeWitt Griffin, located on the north side of State Road 606 at the junction of State Roads 606 and 700.

The property owned by J. Causey Griffen, located on the southeast side of State Road 696, 0.5 mile northeast of the junction of State Roads 615 and 696.

The property owned by Ella H. Holland, located on both sides of State Road 644 at the intersection of State Roads 644 and 647.

The property owned by the Joseph H. Holland Estate, located on both sides of State Road 609 at the junction of State Roads 609 and 640.

The property owned by Wilson S. Holland, located on the east side of U.S. Highway 258, 0.3 mile south of the intersection of U.S. Highway 258 and State Road 611.

The property owned by Rufus A. Jenkins, located on the west side of State Road 609, 0.4 mile north of the intersection of State Road 609 and U.S. Highway 258.

The property owned by Frank H. Johnson, located on the east side of State Road 614 and on the north side of State Road 648, at the junction of State Roads 614 and 648.

The property owned by R. Phoebus Jones, located on the east side of State Road 615 at the intersection of the Seaboard Airline Railway and said road.

The property owned by Seth Lankford, located at the end of State Road 660, 0.4 mile southeast of the junction of State Roads 620 and 660.

The property owned by Alice L. Llvle, located on the east side of U.S. Highway 258, and south of State Road 630 at the southern junction of said highway and road.

The property owned by Carr H. Munford, located on both sides of State Road 635 at the junction of State Roads 635 and 610.

The property owned by Wilbur R. Nelms, located on the north side of State Road 644, 0.2 mile east of the intersection of State Roads 644 and 647.

The property owned by Leon E. Outland, located on the south side of State Road 612, 0.5 mile southeast of the junction of State Roads 612 and 632.

The property owned by Wayland A. Perry, located on the north side of State Road 630 at the junction of State Roads 630 and 631.

The property owned by W. T. Picott, located on the south side of State Road 611, 0.7 mile east of the intersection of U.S. Highway 258 and State Road 611.

The property owned by Selma H. and Frank E. Pulley, located on the west side of State Road 649, 0.6 mile west of the junction of State Roads 637 and 649.

The property owned by Harrison A. Redd, located on the north side of State Road 636, 0.3 mile east of the intersection of State Road 636 and U.S. Highway 460.

The property owned by Loftin Rhodes, located on the northwest side of State Road 641, 0.7 mile northeast of the junction of State Roads 641 and 648.

The property owned by Mrs. Vergie C. Rhodes, located on the east side of State Road 612 at the intersection of State Roads 611 and 612.

The property owned by J. Rosser Richards, located on a private road 0.3 mile east of State Road 660, said private road junctioning with State Road 660 at a point 0.4 mile southeast of the junction of State Roads 620 and 660.

The property owned by J. Rosser Richards, located on the east side of State Road 660, 0.3 mile southeast of the junction of State Roads 620 and 660.

The property owned by John C. Rose, located in Carrsville on the southeast side of State Road 632, 0.3 mile northeast of the junction of State Roads 632 and 1701.

The property owned by the Carey H. Thacker Estate, located on the east, west, and south sides of the junction of State Roads 626 and 678.

The property owned by Lizzie G. Turner, located on the west side of U.S. Highway 258, 0.2 mile north of the junction of State Roads 258 and 638.

The property owned by James H. and B. A. Vaughn, located on both sides of State Road 612, 0.5 mile north of the junction of State Roads 612 and 633.

The property owned by Elvin H. Whitley, located on the north side of State Road 611, 0.75 mile west of the intersection of U.S. Highway 258 and State Road 611.

The property owned by E. C. Williams, located on the west side of U.S. Highway 258, 0.7 mile south of the intersection of U.S. Highway 258 and State Road 611.

The property owned by Ida B. Wilson, located on a private road 0.4 mile west of State Road 652, said private road junctioning with State Road 652 at a point 0.3 mile south of the junction of State Roads 652 and 692.

*Nansemond County.* That portion of the county bounded by a line beginning at the intersection of State Roads 32 and 678 and extending east on State Road 678 to the western boundary of the property owned by E. Hurley Brinkley, thence north and east along the boundaries of said property and continuing east along the northern boundary of the property owned by Willie C. Knight to State Road 604, thence south on State Road 604 to the northern boundary of the property owned by Raymond R. Brinkley, thence east along the northern boundary of said property to the Dismal Swamp, thence south along the Dismal Swamp to the North Carolina-Virginia State line, thence west along the State line to State Road 32, thence northward to the point of beginning.

That portion of the county bounded by a line beginning at the intersection of State Road 616 and the Nansemond-Isle of Wight County line, thence extending southeast to the junction of State Road 616 and State Road 615, thence north along State Road 615

<sup>1</sup> See also designation of regulated areas under heading "Nansemond County."



following the western and northern boundaries of the properties owned by C. E. Daughtrey and Jasper W. Daughtrey, thence along the western and northern boundaries of the property owned by Frank Holland and Mary L. Holland to and along the eastern boundary of the property owned by Lydia and J. E. Griffin to State Road 189, thence east along State Road 189 and south along the eastern boundaries of the properties owned by James E. Rawls and Samuel L. Hunter, thence along the southern boundary of the Samuel L. Hunter property to State Road 616, thence northwest along State Road 616 including the property owned by Clifford D. Holland lying on both sides of State Road 616, and thence from the junction of the northern boundary of said property and State Road 616 northwest along State Road 616 to the property owned by Helen I. Lawrence, thence along the eastern and southern boundaries of said property to State Road 189, thence along State Road 189, including all of the property owned by R. Kermit Saunders on both sides of said road, to State Road 615, and thence north along State Road 615 to the junction of State Roads 615 and 618, thence west along State Road 618 to the Nansemond-Isle of Wight County line, thence northeast along said county line, but including that portion of the property owned by Carlton L. Cutchin in Isle of Wight County, to the point of beginning.

That portion of the county bounded by a line beginning at the intersection of U.S. Route 58, and the Isle of Wight-Nansemond County line, thence extending northeast along said county line, but including that portion of the property owned by Elliott L. Johnson extending into Isle of Wight County, thence south along the eastern boundary of said property to the northern boundary of the property owned by Jasper Daughtrey, Jr., and Mildred B. Daughtrey, his wife, thence along the northern and then along the eastern boundaries of said property, thence east along the northern boundaries of the properties owned by Clarence T. Daughtrey and Mamie D. Duke, thence along the eastern and then along the southern boundaries of the Mamie D. Duke property to the eastern boundary of the Clarence T. Daughtrey property, thence south along the eastern boundary of the Emmett L. Rawles property to U.S. Route 58, thence northwest on U.S. Route 58 to the southern boundary of the Emmett L. Rawles property, thence west along the southern boundaries of the Emmett L. Rawles and Jarvis L. Howell properties, thence north along the western boundaries of the Jarvis L. Howell and Elliott L. Johnson properties to the point of beginning.

That portion of the county bounded by a line beginning at a point where State Road 612 intersects the property owned by J. D. Rawles, thence extending southeast along State Road 612, including that portion of the J. D. Rawles property lying east of said road, to the southern boundary of the property owned by the W. Joe Smith Estate, thence along the southern boundary of said property to the eastern boundary of the property owned by Dr. W. John Norfleet, thence along the eastern and then the southern boundaries of said property to State Road 664, thence south and west along State Roads 664 and 667 to the western boundary of the property owned by David L. Rawles, Jr., thence along the western and then the northern boundaries of said property to State Road 616, thence north along the western boundary of the property owned by Dr. W. John Norfleet and continuing north along the western boundary of the property owned by Sue K. Jolly and the property owned by J. D. Rawles, thence east along the northern boundary of the said J. D. Rawles property to the point of beginning.

The property owned by Nancy F. Abernathy, located on the north side of State Road 653, 1 mile northwest of the junction of State Roads 653 and 612.

The property owned by Percy L. Artis located on State Road 679, 1 mile southeast of its junction with State Road 189.

The property owned by K. A. Asbell located on the southwest side of State Road 616, 0.1 mile southeast of the intersection of said road and U.S. Route 13.

The property owned by W. M. Aston, Jr., located on the east side of State Road 608, 0.2 mile north of the junction of State Roads 608 and 644.

The property owned by Hurley B. Aswell and the property owned by Gurney C. Hare, located at the junction of State Roads 642 and 673; and adjacent thereto, property owned by the M. Gay Taylor Estate and Priscilla Vann on State Road 673, and the property owned by R. H. Brinkley located on the west side of State Road 642 at its junction with State Road 678.

The property owned by Willis Elmer Austin, located on both sides of State Road 668, 0.5 mile west of the junction of said road and U.S. Highway 13.

The property owned by Rudolph C. Badger, located at the junction of State Roads 642 and 674; and adjacent thereto, the property to the south owned by the Julius E. Baines Estate, located on the west side of State Road 642, and the property on the south owned by John H. Parker, located on both sides of State Road 642; and the property owned by Rudolph C. Badger, lying on the east side of State Road 642 between two sections of the John H. Parker property and extending southeast to the Dismal Swamp.

The property owned by Burleigh Edward Baines, located on the east and west sides of State Road 672, 0.25 mile southeast of the junction of State Road 672 and U.S. Highway 13.

The property owned by Joseph Talmadge Baines, located on the northeast side of State Road 684, 1.5 miles east of the junction of State Roads 684 and 672.

The property owned by Ray Lee Baines, located on the west side of State Road 673, 1.75 miles northwest of the junction of State Roads 673 and 642.

The property owned by Shirley M. Baines, located on both sides of State Road 684 at the junction of said road and the North Carolina State line.

The property owned by Shirley M. Baines, located on the east side of State Road 642 at the northern junction of State Roads 642 and 678, and the adjoining property to the east owned by Pearl Brinkley.

The property owned by W. Floyd Baines, located on a private road 0.6 mile west of State Road 668, said private road junctioning with State Road 668 at a point 1.2 miles northeast of the intersection of State Roads 616 and 668.

The property owned by Samuel M. Barnes, located on the east side of State Road 667, 1 mile southeast of the junction of State Roads 667 and 664.

The property owned by W. Emory Beale, located on the west side of State Road 616, 0.2 mile northwest of the intersection of State Roads 616 and 189.

The property owned by J. L. and Lida L. Benton, located on both sides of State Road 604, 1 mile north of the junction of State Roads 604 and 678.

The property owned by James F. Bracey, Jr., and Joyce S. Bracey, his wife, lying on the east side of State Road 612 at the northern junction of State Roads 661 and 612.

The property owned by the Jennie W. Bradford Estate, located on the east and west sides of U.S. Route 17 at the south side of the Nansemond River bridge.

The property owned by N. Herman Bradshaw, located on the west side of State Road 647 at the intersection of State Road 647 and U.S. Highway 13.

The property owned by G. C. Branton, Jr., located on the east side of U.S. Highway 13 at the junction of U.S. Highway 13 and State Road 676.

The property owned by Carlton W. Brinkley, located on both sides of State Road 678, 0.3 mile west of the intersection of State Roads 678 and 32.

The property owned by Floyd J. Brinkley, located on the east side of State Road 673 at the intersection of State Roads 675 and 673.

The property owned by J. M. Brinkley, located on the west side of State Road 32, 0.25 mile north of the intersection of State Roads 678 and 32.

The property owned by C. W. Britton and Louise B. Britton, located on a private road 0.25 mile west of State Road 653, said private road junctioning with State Road 653 at a point 1.1 miles south of the junction of said road and State Road 664.

The properties owned by Reginald E. Brothers, Carrie B. Knight, and Willie C. Knight, located at the junction of State Roads 675 and 642.

The property owned by Noah Brown, located on both sides of State Road 610 at the junction of State Roads 610 and 650.

The property owned by Clyde H. Bunch, located on both sides of State Road 604, 1.2 miles north of the junction of State Roads 604 and 678.

The property owned by the Haywood Bunch Estate, located on both sides of State Road 642, 0.4 mile south of the junction of State Roads 642 and 32.

The property owned by Frank W. Butler, located on both sides of State Road 662, 1 mile north of the junction of State Roads 662 and 643.

The property owned by Robert D. Butler, located on the east side of State Road 614 at the Nansemond-Isle of Wight County line.

The property owned by Emma Byrd, located on the east side of State Road 643, 1 mile southwest of the junction of State Roads 643 and 663.

The property owned by Wesley Byrd, located on the northwest side of State Road 643, 0.5 mile northeast of the junction of State Roads 643 and 662.

The property owned by the Wright B. Carney Estate, located on the west side of State Road 624, 1.2 miles north of the junction of State Roads 624 and 658.

The property owned by James A. Carr, Jr., located on the east side of State Road 653 at the junction of State Roads 653 and 664.

The property owned by Clifton S. Carr, Jr., located on the east side of State Road 653 at the junction of State Roads 653 and 664.

The property owned by James Alfred Carr, Jr., located on the west side of State Road 612 at the junction of State Roads 612 and 651.

The property owned by Juanita Morgan Carr, located on the west side of State Road 653, at the junction of State Roads 653 and 664.

The property owned by Amos Carter, located on both sides of State Road 612 at the junction of State Roads 612 and 661.

The property owned by Amos M. Carter, located on the south side of State Road 661 at the junction of State Roads 661 and 612.

The property owned by Mike L. Carter and Mary Elizabeth Duke Carter, his wife, located on the north side of State Road 616, 0.6 mile east of the junction of State Roads 616 and 664.

The property owned by Alfred W. Copeland, located on the east side of State Road 649, 0.5 mile north of the junction of State Roads 649 and 662.



The property owned by Christopher C. Copeland, Jr., located on the east side of State Road 662 at the junction of said road and State Road 663.

The property owned by Elijah W. Copeland, located on a private road 0.25 mile south of State Road 616, said private road junctioning with State Road 616 at a point 0.6 mile east of the junction of said road and State Road 679.

The property owned by J. E. Copeland, located on the east side of State Road 643, at the west junction of State Roads 643 and 616.

The property owned by Julius E. Copeland, located at the junction of State Roads 664 and 642 and lying on the north side of State Road 642.

The property owned by M. E. Copeland, located on the northwest side of U.S. Highway 13, 0.3 mile southwest of the junction of U.S. Highway 13 and State Road 32.

The property owned by Thurman G. Copeland, located on the west side of State Road 662, 0.2 mile north of the junction of said road and State Road 643.

The property owned by Thurman G. Copeland, located on the southwest side of State road 662 at the junction of said road and State Road 663.

The property owned by William J. Copeland, located on the south side of State Road 661, 0.1 mile east of the junction of State Roads 661 and 613.

The property owned by Harry W. Davidson, located on both sides of State Road 616, 0.6 mile west of the junction of State Roads 616 and 613.

The property owned by Isaac Demiel, located on the northwest side of State Road 685, 1.2 miles northeast of the junction of State Roads 685 and 647.

The property owned by the Charles E. Duke Estate, located on the north side of State Road 645, 0.7 mile east of the junction of State Roads 645 and 643.

The property owned by Herman B. Duke, located on the west side of State Road 660, 0.75 mile south of the intersection of State Roads 653 and 660.

The property owned by Herman B. Duke, located on the east and west sides of State Road 660, 0.5 mile south of the intersection of State Roads 653 and 660.

The property owned by Della Lee Eason, located on the east side of State Road 673, at the junction of State Road 673 and U.S. Highway 13.

The property owned by Earl T. Eberwine, located on the west side of State Road 626, 0.1 mile north of the junction of State Roads 702 and 626.

The property owned by Earl T. Eberwine, located on a private road 0.3 mile west of State Road 626, said private road junctioning with State Road 626 on the south side of the Nansemond River.

The property owned by Earl T. and Edna A. Eberwine, located on the north side of State Road 702, at the junction of State Roads 702 and 626.

The property owned by F. Bruce Eberwine, located on a private road 0.2 mile north of State Road 702, said private road junctioning with State Road 702 at a point 0.5 mile west of the junction of State Roads 702 and 626.

The property owned by F. Bruce Eberwine, located on the north side of State Road 702, 0.3 mile west of the junction of State Roads 702 and 626.

The property owned by George K. Eberwine, located on the south side of State Road 702, 0.4 mile west of the junction of State Roads 626 and 702.

The property owned by George K. Eberwine, located on a private road 0.2 mile south of U.S. Route 17, said private road junctioning with U.S. Route 17 at a point 0.5 mile west

of the intersection of U.S. Route 17 and State Road 626.

The property owned by George K. Eberwine, F. Bruce Eberwine, Earl T. Eberwine, and Evelyn Eberwine Woodard, located on the west side of State Road 626, 0.9 mile south of the intersection of U.S. Route 17 and State Road 626.

The property owned by Vernon G. Eberwine, Jr., located on the south side of the junction of State Roads 701 and 627.

The property owned by the Vernon G. Eberwine, Sr., Estate, located on the northeast and the southwest sides of State Road 697, on the east side of the junction of State Roads 696 and 697.

The property owned by the Vernon G. Eberwine, Sr., Estate, located on the southeast side of State Road 627 and on the northeast and the southwest sides of State Road 697, at the junction of State Roads 627 and 697.

The property owned by James H. Eley, located on the southeast side of State Road 643, at the junction of State Roads 643 and 662.

The property owned by Willis H. and Shirley C. Eley, located east of State Road 643, on a private road which junctions with State Road 643, 0.5 mile north of the junction of State Roads 616 and 643.

The property owned by Isaac O. Ellis, located on the east side of State Road 660, 1 mile south of the junction of State Roads 660 and 616.

The property owned by John Robert Ellis and Jacqueline F. Ellis, his wife, located on the west side of State Road 660 at the junction of State Roads 660 and 616.

The property owned by John Robert Ellis, located on both sides of State Road 612, 0.3 mile northwest of the junction of State Roads 616 and 612.

The property owned by Lloyd Ellis, located on a private road 0.25 mile west of State Road 612, said private road junctioning with State Road 612 at a point 0.71 mile southwest of the junction of State Roads 612 and 680.

The property owned by Rachel Duke Ellis, located on a private road 0.2 mile north of the junction of said road and State Road 634, said junction being 0.5 mile northwest of the junction of State Roads 634 and 644.

The property owned by Oscar, William L., Elihu, Ernest L., and James Faulk, located on the north side of State Road 616, 0.1 mile west of the east junction of State Roads 616 and 643.

The property owned by William L. Faulk, located on the north side of State Road 616 at the west junction of State Roads 616 and 643.

The property owned by W. L. Faulk, located on both sides of State Road 668, 1.2 miles northeast of the intersection of said road and State Road 616.

The property owned by the William Luther Faulk Estate, located on the east side of State Road 649, at the junction of State Roads 649 and 650.

The property owned by John E. Felton, located on the east side of State Road 643, 0.1 mile north of the junction of said road and State Road 671.

The property owned by John E. Felton, located on the west side of State Road 643, 0.1 mile north of the junction of said road and State Road 671.

The property owned by Benjamin L. and Mildred L. Ferrell, located on the east side of State Road 604, 0.9 mile north of the junction of State Roads 604 and 674.

The property owned by T. H. Fowler, located on both sides of U.S. Route 13, at the junction of said route and State Road 670.

The property owned by Thomas Horace Fowler, located on the north and south sides of State Road 668 at the junction of State Road 668 and U.S. Highway 13.

The property owned by George M. Gardner, located on both sides of State Road 615, 1.2

miles south of the intersection of State Roads 615 and 667.

The property owned by H. Grady Gardner, located on the west side of State Road 615, 1.2 miles south of the intersection of State Roads 615 and 667.

The property owned by Joe Henry Gardner, located on both sides of State Road 664, 0.1 mile west of the junction of State Roads 664 and 648.

The property owned by Joe H. Gardner, located on a private road, 0.3 mile southwest of the junction of said road and State Road 662, said junction being 0.6 mile southeast of the junction of State Roads 662 and 664.

The property owned by Lloyd H. Gardner, located on a private road, 0.5 mile southwest of the junction of said road and State Road 662, said junction being 0.6 mile southeast of the junction of State Roads 662 and 664.

The property owned by Alvin L. Glasscock, located at the end of State Road 712, 0.1 mile south of the junction of State Roads 125 and 712.

The property owned by Alvin L. Glasscock, located on the south side of State Road 125, 0.1 mile west of the junction of State Roads 125 and 628.

The property known as the Mills E. Godwin, Sr., Estate, owned by Mills E. Godwin, Jr., Leah Otelia Godwin, Mildred Elizabeth Godwin Knight, and Mary Lee Godwin Jones Estate, located on the east and west sides of State Road 125 immediately south of the junction of State Roads 620 and 125, and the north side of State Road 620 at the junction of State Roads 620 and 125.

The property owned by H. P. Gomer, located on both sides of State Road 643 at the junction of State Roads 643 and 616.

The property owned by J. Stanley Gomer, located on a private road, 0.1 mile southwest of State Road 616, said private road junctioning with State Road 616, 0.5 mile southeast of the junction of said road and State Road 643.

The property owned by Ida Wilkins Green, located on the south side of State Road 667, 1 mile southeast of the junction of State Roads 664 and 667.

The property owned by R. Old Green, located on the east side of State Road 626, 0.9 mile north of the intersection of U.S. Route 17 and State Road 626.

The property owned by Jessie S. and Mamie B. Griffin, located on both sides of State Road 678, 1 mile west of the junction of State Roads 642 and 678.

The property owned by Arnie N. Harcum, located on the east side of State Road 613, 0.4 mile south of the junction of State Roads 613 and 661.

The property owned by James A. Harcum, located on the east side of State Road 613, 0.6 mile south of the junction of State Roads 613 and 661.

The property owned by Jessie Q. Harcum, located on the east side of State Road 660, 1 mile south of the intersection of State Roads 660 and 664.

The property owned by J. L. Hare Estate, located on both sides of State Roads 648 and 664 at the junction of said roads.

The property owned by Charles C. Harrell, located on both sides of State Road 32, 0.5 mile north of the junction of State Roads 675 and 32.

The property owned by Claudine N. Harrell, located on both sides of State Road 662 at the junction of State Roads 662, 664, and 689.

The property owned by L. W. Harrell, Jr., and Sarah E. Harrell, located on the east side of State Road 660, 0.2 mile south of the junction of State Roads 660 and 661.

The property owned by L. Whidby Harrell, located on the south side of State Road 661, 0.1 mile west of the junction of State Roads 661 and 680.



The property owned by Marion J. Harrell, located on the south side of U.S. Highway 58 at the junction of U.S. Highway 58 and State Road 610.

The property owned by Mary Elizabeth Harrell, located on the east side of State Road 627, 0.6 mile north of the junction of State Roads 627 and 629.

The property owned by W. C. and Eva V. Harrell, located on the north side of State Road 664, at the junction of State Roads 662, 664, and 689.

The property owned by the R. E. Hedgebeth located on the east side of State Road 660, 0.2 mile north of the intersection of State Roads 660 and 653.

The property owned by the R.E. Hedgebeth Estate, located on the north side of State Road 653, 0.5 mile northwest of the junction of State Roads 653 and 664.

The property owned by W. L. Hedgebeth, located on the south side of U.S. Highway 58, 0.2 mile east of the junction of U.S. Highway 58 and State Road 647.

The property owned by F. H. Hedgebeth, located on the north side of U.S. Highway 58 at the junction of State Road 647 and U.S. Highway 58.

The property owned by the Hewitt Farms, Inc., located on the west side of State Road 629, 0.7 mile north of the intersection of State Road 629 and Kings Highway.

The property owned by Annie Holland, located at the junction of State Roads 610 and 662, lying on both sides of State Road 610.

The property owned by Ayler J. Holland, located on both sides of State Road 189 at the junction of State Roads 189 and 613.

The properties owned by D. Hurley Holland, located at the junction of State Roads 664 and 649 and extending east on both sides of State Road 664.

The property owned by D. Hurley Holland, located on the south side of State Road 664, 0.2 mile east of the junction of said road and State Road 649.

The property owned by D. Hurley Holland, located on the south side of State Road 664, 0.5 mile east of the junction of State Roads 664 and 649.

The property owned by Edna C. Holland, located on the west side of State Road 660, 0.3 mile north of the intersection of State Roads 660 and 653.

The property owned by Ella L. Holland and Linwood W. Holland, located on the west side of State Road 661, 0.4 mile south of the intersection of State Roads 661 and 679.

The property owned by E. L. H. and Preston G. Holland, located on both sides of State Road 680, 0.3 mile northwest of the junction of State Roads 680 and 661.

The property owned by Eula D. Holland, Maude Lee Marsh, Judith A. Hill, and Georgie H. Bounds, located on both sides of State Road 650, 0.4 mile west of the west junction of State Roads 650 and 610.

The property owned by Frank D. Holland, located on the north side of State Road 661 at the junction of State Roads 661 and 680.

The property owned by Guss R. Holland, located at the junction of State Roads 661 and 613 and lying on the north side of State Road 661.

The property owned by Ima S. Holland, located on both sides of State Road 660, 0.5 mile south of the intersection of State Roads 660 and 664.

The property owned by Mollie W. Holland, located on the east side of State Road 612, 1 mile north of the junction of State Roads 612 and 653.

The property owned by Morris C. Holland and Florence P. Holland, located on the east side of State Road 649 at the junction of State Roads 649 and 689.

The property owned by Nurney H. Holland, located on the east side of State Road 660 at the junction of State Roads 660 and 650.

The property owned by Paul C. Holland, Jr., located on a private road on the south side of the Southern Railway 0.1 mile south of U.S. Highway 58, the junction of said private road and U.S. Highway 58 being at a point 0.3 mile west of the junction of U.S. Highway 58 and State Road 660.

The property owned by Robert W. Holland, located at the intersection of State Roads 651 and 612, lying on both sides of State Road 651.

The property owned by Dempsey D. Horton, located on the south side of U.S. Route 13, 0.5 mile west of the junction of said route and State Road 670.

The property owned by J. Lewis Horton, located on the south side of State Road 647 at the intersection of State Road 647 and U.S. Highway 13.

The property owned by J. Lewis Horton, located on the west side of U.S. Highway 13, 0.5 mile south of the junction of U.S. Highway 13 and State Road 677.

The property owned by J. Lewis Horton and Mary Emma Horton, located on the northeast and southwest sides of State Road 647 at the intersection of State Roads 643 and 647.

The property owned by Leonard F. Horton, located on the north side of State Road 664, 0.3 mile east of the junction of State Roads 664 and 643.

The property owned by A. T. Howell, located on the south side of State Road 667, 1 mile east of the intersection of State Roads 667 and 666.

The property owned by Delaware Howell, located on both sides of State Road 613, 0.3 mile southeast of the junction of State Roads 613 and 189.

The property owned by Dewey H. Howell, located on the north side of State Road 667, 0.6 mile southwest of the intersection of said road and State Road 666.

The property owned by E. J. Howell, located on the west side of State Road 615 at the junction of State Roads 615, 687, and 189.

The property owned by W. H. Howell, located 0.5 mile southwest of the village of Ellwood.

The property owned by Fred Hunter, Lula V. Hunter, Carrie Johnson and Thomas Johnson, located on a private road 0.1 mile east of State Road 661, said private road junctioning with State Road 661 at a point 0.7 mile south of the intersection of said road and State Road 679.

The property owned by L. L. Jernigan, located on the south side of State Road 668, 0.1 mile east of the junction of said road and State Road 669.

The property owned by Mallie R. Jernigan, located on both sides of State Road 664, 1 mile east of the junction of State Roads 664 and 643.

The property owned by Charlie T. and Myrtle D. Johnson, located on both sides of State Road 615 at the junction of State Roads 615 and 616.

The property owned by Mary Hamilton Johnson, located on the northwest side of State Road 664, 0.5 mile northeast of the intersection of State Roads 664 and 612.

The property owned by Edward Jones, located on a private road 0.1 mile southwest of the junction of said road and State Road 613, said junction being at a point 0.5 mile south of the junction of State Roads 613 and 661.

The property owned by the J. Floyd Jones Estate, located on the west side of State Road 673, 1 mile northwest of the junction of State Roads 673 and 642.

The property owned by Lee Jones, located on the south side of State Road 667, 1.25 miles northeast of the intersection of State Roads 667 and 666.

The property owned by Ruby Parker Jones and the property owned by Lawrence F. Jones, located at the junction of State Roads 666 and 615.

The property owned by the Spencer Jones Estate, located on both sides of State Road 643, 0.8 mile south of the junction of State Roads 643 and 616.

The property owned by Eddie A. Kelly, located on State Road 678, 1 mile west of its intersection with State Road 32.

The property owned by Dora King, located on the north side of State Road 664, 0.3 mile west of the junction of State Roads 664 and 642.

The property owned by Harvey P. King, located on the east side of State Road 642, 1.25 miles north of the junction of State Roads 642 and 674.

The property owned by Marion B. and Clarine G. King, located on the east side of State Road 642, 0.7 mile north of the junction of State Road 642, 0.9 mile north of the junction of State Roads 642 and 674.

The property owned by Essie B. Kirns, located on the east and west sides of State Road 135, 0.4 mile northwest of the intersection of State Roads 135 and 658.

The property owned by W. C. Knight, located on the east side of State Road 642, 0.7 mile north of the junction of State Roads 642 and 32.

The property owned by Willie C. Knight, located on a private road 0.2 mile east of State Road 32, said private road joining State Road 32 at a point 0.3 mile southeast of the junction of State Roads 642, 32, and 616.

The property owned by Melvin Langston, located on the east side of State Road 643, 0.5 mile north of the junction of said road and State Road 616.

The property owned by Robert E. Langston, located on both sides of State Road 643, 0.3 mile north of the junction of State Roads 643 and 616.

The property owned by Robert E. Langston, located on the east side of State Road 664, 0.8 mile south of the junction of said road and State Road 667.

The property owned by Robert E. Langston, located on the west side of State Road 643 at its junction with State Road 662.

The property owned by Rachel Lassiter, located on State Road 674, 0.5 mile east of the Atlantic Coast Line Railroad tracks.

The property owned by Mary F. Ledbetter, located on a private road 0.7 mile north of State Road 616, said private road junctioning with State Road 616, at a point 0.3 mile southeast of the intersection of said road and State Road 668.

The property owned by Mary A. Lewter, located on the east side of State Road 653 at the junction of State Roads 653 and 664.

The property owned by the J. E. March Estate, located on the north side of State Road 616 at the junction of State Roads 616 and 653.

The property owned by the J. E. March Estate, located on the east side of State Road 660, 0.3 mile north of the junction of said road and State Road 616.

The property owned by the J. E. March Estate, located on a private road 0.1 mile west of State Road 653, said private road junctioning with State Road 653 at a point 0.25 mile north of the junction of said road and State Road 616.

The property owned by Margaret C. March, located on the north and south sides of State Road 663 at the junction of State Roads 643 and 663.

The property owned by Margaret C. March, located on the north and south sides of State Road 663, 0.2 mile west of the junction of State Roads 643 and 663.

The property owned by Franklin Matthews and Annie Lucille Matthews, located on a



private road 0.5 mile west of State Road 658, said private road junctioning with State Road 658 at a point 0.5 mile north of the intersection of U.S. Route 17 and State Road 658.

The property owned by Jodie C. Matthews, located on the east and west sides of State Road 626 and on the south side of U.S. Route 17 at the intersection of U.S. Route 17 and State Road 626 and on the north and south sides of U.S. Route 17 east of said intersection.

The property owned by Jodie C. Matthews, located on the east and west sides of State Road 623, 1 mile north of the junction of State Roads 623 and 658.

The property owned by Jodie C. Matthews, located on the east side of State Road 626, 0.3 mile south of the intersection of U.S. Route 17 and State Road 626.

The property owned by Jodie C. Matthews, located on the southwest and northeast sides of State Road 135, 0.2 mile northwest of the intersection of State Roads 135 and 658.

The property owned by Jodie C. Matthews and Willie E. Matthews, located on the west side of State Road 623, 0.7 mile north of the junction of State Roads 658 and 623.

The property owned by Jodie C. Matthews and Willie E. Matthews, located on the west side of State Road 623, 0.5 mile north of the junction of State Roads 658 and 623.

The property owned by Tommie Milteer lying between State Roads 32 and 646 at the junction of State Roads 646 and 674.

The property owned by A. W. Moore, located on the north side of State Road 647, 200 feet west of the junction of State Roads 647 and 685.

The property owned by Clarence A. Morgan, located on the east side of State Road 643, 0.6 mile south of the junction of said road and State Road 663.

The property owned by Clarence A. Morgan, located on both sides of State Road 643, 0.2 mile south of the junction of said road and State Road 663.

The property owned by Clarence A. Morgan, located on the west side of State Road 643, 0.7 mile south of the junction of said road and State Road 663.

The property owned by Clarence A. Morgan, located at the town of Leesville on the south side of State Road 664 at its junction with State Road 643.

The property owned by G. W. Morgan, located on the east side of U.S. Route 13, 0.5 mile north of the junction of said route and State Road 647.

The property owned by H. A. Morgan, located on the west side of State Road 660, 0.2 mile north of the junction of State Roads 660 and 616.

The property owned by Thomas W. Morgan, Jr., and Louise S. Morgan, located on the south side of State Road 616, at its junction with State Road 653.

The property owned by R. Preston Morris, located on both sides of State Road 671, 1 mile east of the junction of State Roads 671 and 643.

The property owned by Howard W. Overton lying south of State Road 675 and west of State Road 32 at the intersection of State Roads 32 and 675 and extending north on the west side of State Road 646.

The property owned by Frank E. Owen, located on both sides of State Road 643, 0.5 mile northeast of the junction of State Roads 643 and 664.

The property owned by C. Thomas Parker, located on the northwest and southeast sides of State Road 664 at the intersection of State Roads 612 and 664.

The property owned by Coston Parker, located on the northwest side of State Road 667, 0.8 mile northeast of the intersection of State Roads 666 and 667.

The property owned by George W. Parker, located on both sides of State Road 664, 0.5 mile west of the junction of State Roads 664 and 673.

The property owned by J. H. Parker, located on the west side of State Road 642, 2.25 miles north of the junction of State Roads 642 and 674.

The property owned by Linwood Parker, located on the east and west sides of State Road 604, 0.5 mile south of the intersection of State Roads 642 and 604.

The property owned by Rufus Peele, located on a private road 0.3 mile west of the junction of said road and State Road 643, said junction being at a point 200 feet north of the junction of State Roads 643 and 645.

The property owned by Willie S. Peele, located on the south side of State Road 645, 0.2 mile east of the junction of State Roads 645 and 643.

The property owned by Frank A. Perry, located on both sides of State Roads 668 and 616 at the intersection of said roads.

The property owned by Frank A. Perry and Judith Anne Perry, his wife, located on the south side of State Road 650, 0.5 mile east of the junction of State Roads 650 and 660.

The property owned by Miss Judith A. Perry, located on the southwest side of State Road 647, 0.25 mile northwest of the intersection of State Road 647 and U.S. Highway 13.

The property owned by C. E. Piland, located on the southeast side of State Road 664, at the intersection of State Roads 664 and 660.

The property owned by Cyrus E. Piland and Irene C. Piland, his wife, located on the southeast side of State Road 664, 0.3 mile southwest of the intersection of State Roads 664 and 660.

The property owned by Irene C. Piland, located on the west side of State Road 664, at the junction of State Roads 664 and 653.

The property owned by Jethro Haslett Piland, located on the east side of State Road 649 at the junction of State Roads 662 and 649.

The property owned by Penelope Piland, located on the northwest side of State Road 664, 0.1 mile southwest of the intersection of State Roads 664 and 660.

The property owned by the Trustees of Poor Land, located on a private road 0.5 mile west of State Road 624, said private road junctioning with State Road 624 at a point 1 mile north of the junction of State Roads 624 and 658.

The property owned by the Trustees of Poor Land, located on the west side of State Road 624, 0.2 mile north of the junction of State Roads 658 and 624.

The property owned by the Trustees of Poor Land, located on a private road 0.2 mile west of State Road 658, said private road junctioning with State Road 658, 0.5 mile north of the intersection of U.S. Route 17 and State Road 658.

The property owned by Jefferson B. Porter, located on the east side of State Road 615 and extending east to State Road 666, 0.5 mile south of the junction of State Roads 615 and 666.

The property owned by the William Porter Estate, located between State Roads 615 and 666, at the junction of said roads.

The property owned by the city of Portsmouth, located on the south side of State Road 604, 1 mile southeast of the junction of State Roads 604 and 640.

The property owned by George D. Privott, located on both sides of State Road 32, 0.5 mile south of the junction of said road and U.S. Route 13.

The property owned by Joseph Lester Pulley, located on the north side of State Road 649 at the junction of State Roads 649 and 648.

The property owned by Boyd Edward Quate, Martha Alice Quate, and Martha Holland Quate, located on the south side of State Road 651, 0.5 mile west of the intersection of State Roads 651 and 612.

The property owned by Martha Holland Quate and Martha Alice Quate, located on the west side of State Road 612, 1.2 miles north of the junction of State Roads 612 and 653.

The property owned by Emmett H. Rawles, Jr., located on the south side of State Road 666 at the junction of said road and State Road 661.

The property owned by Estelle C. Rawles, located on both sides of State Road 649, at the junction of State Roads 649 and 650.

The property owned by J. D. Rawles, located on the west side of State Road 649, at the junction of State Roads 649 and 650.

The property owned by Jethro E. Rawles, located on the west side of State Road 643, at the junction of State Roads 643 and 616.

The property owned by Shirley H. Rawles, located on the west side of a private road 0.2 mile north of State Road 668, said private road junctioning with State Road 668 at a point 1.4 miles southwest of the junction of said road and U.S. Route 13.

The property owned by Ernest J. Reid, Ellen Reid Burwell, and James W. Reid, located on the west side of State Road 643, 0.4 mile north of the junction of said road and State Road 616.

The property owned by Ira S. Reid, located on the west side of State Road 643, 0.6 mile north of the east junction of State Roads 643 and 616.

The property owned by McCoy J. Reid and Lillian B. Reid, located on the northeast side of a private road 0.1 mile southeast of State Road 643, said private road junctioning with State Road 643 at a point 0.5 mile south of the junction of said road and State Road 663.

The property owned by Ruth Knight Rice, located on the south side of State Road 675, 0.5 mile east of the intersection of State Road 675 and the Atlantic Coast Line Railroad.

The property owned by Vernon and Nettie L. Riddick, located on a private road 0.2 mile south of State Road 678, said private road junctioning with State Road 678 at a point 0.5 mile southeast of the junction of State Roads 678 and 673.

The property owned by the David R. Roberts Estate, located on the north side of State Road 616, at the junction of said road and State Road 660.

The property owned by James Barry Robinson Home for Boys, located on the north side of State Road 659, 1.5 miles west of the intersection of State Roads 659 and 626.

The property owned by Gerald C. Rountree, located on both sides of State Road 643, 0.5 mile south of the junction of State Roads 643 and 616.

The property owned by Minnie D. Rountree, located on the east side of State Road 660, 1.1 miles south of the junction of said road and State Road 616.

The property owned by R. Kermit Saunders, located on the east side of State Road 661 at the intersection of State Roads 661 and 679 and extending north to the junction of State Roads 661 and 616.

The property owned by C. F. Savage, located on both sides of State Road 634, 0.4 mile northwest of the junction of State Roads 634 and 644.

The property owned by Walter W. Simons, located on the south side of State Road 664, 0.5 mile northwest of the junction of State Roads 664 and 643.

The property owned by William D. Simons, located on the east side of State Road 643



and on the north and south side of State Road 664, at the junction of State Roads 643 and 664.

The property owned by the W. Joe Smith Estate, located on the west side of State Road 612 at the junction of State Roads 612 and 664.

The property owned by Ruth M. Smith, located on both sides of State Road 630, 0.7 mile east of the junction of State Roads 628 and 630.

The property owned by Grace E. Spivey, Myrtle S. Baines, and John Fletcher Spivey, located on the south side of State Road 664, 0.2 mile east of the junction of State Roads 664 and 643.

The property owned by John Burgess Stephenson, located on both sides of State Road 616, 0.2 mile southeast of the junction of said road and State Road 643.

The Lloyd Stephenson property, located on the north side of State Road 675, 0.2 mile west of the intersection of State Roads 675 and 32.

The property owned by Cora L. Sumner, Leroy Langston, Susie L. Doles, Irma L. Skeeter, and Beulah L. Copeland, located on a private road 0.2 mile east of State Road 643, said private road junctioning with State Road 643 at a point 0.7 mile north of the junction of said State Road and U.S. Route 13.

The property owned by Lloyd K. Taylor, Sr., located on the northeast side of State Road 673 at the junction of State Roads 673 and 642.

The property owned by William K. Taylor, located on the southwest side of State Road 673 at the junction of State Roads 673 and 642.

The property owned by Cortez H. Tomlin and Marion A. Tomlin, his wife, located on both sides of State Road 680, 0.6 mile southeast of the junction of State Roads 680 and 612.

The property owned by Elizabeth Eberwine Tonkin, located at the end of State Road 626 on the west side of State Road 626.

The property owned by Jesse F. Turner, located north of State Road 673 on a private road which junctions with State Road 673, 0.5 mile south of the junction of State Road 673 and U.S. Route 13, and the adjoining property to the northeast owned by William T. Harrell.

The property owned by George D. Underwood, located on a private road 0.4 mile northwest of State Road 610, said private road junctioning with State Road 610 at a point 0.3 mile northwest of the junction of State Road and U.S. Highway 58.

The property owned by Charles H. Vaughn, located on both sides of State Road 616, 0.7 mile northwest of the junction of said road and U.S. Route 13.

The property owned by the Virginia Electric & Power Co., located on the east side of State Road 624, 0.5 mile north of the junction of State Roads 624 and 658.

The property owned by the Squire Titus Waldon Estate, located on the southwest side of State Road 616 at the junction of State Roads 616 and 661.

The property owned by Willis W. Walden, located on the east side of State Road 661, 0.6 mile south of the intersection of State Roads 661 and 679.

The property owned by C. C. Ward, located on both sides of State Road 677, at the Virginia-North Carolina State line.

The property owned by Cecil T. Ward, located on a private road 0.1 mile east of State Road 677, said private road junctioning with State Road 677, at a point 0.3 mile north of the Virginia-North Carolina State line.

The property owned by M. S. Ward, located on the north side of State Road 616, at its junction with State Road 677.

The property owned by Annie E. Warren, located on the east side of State Road 653, 1

mile south of the junction of State Roads 653 and 664.

The property owned by Frank M. Warington, located on both sides of State Road 603, 1.9 miles east of the junction of State Roads 10 and 603.

The property owned by Littleton West, located on the north side of State Road 616, 0.6 mile west of the junction of State Roads 616 and 613.

The property owned by W. Jape West, located on the south side of State Road 616, 0.7 mile west of the junction of State Roads 616 and 613.

The property owned by William White and Celia White, his wife, located on the west side of State Road 660, and extending west to State Road 667, 0.3 mile north of the junction of State Roads 660 and 667.

The property owned by Paul C. Whitfield, located on the north side of the junction of State Roads 643 and 664.

The property owned by Willis L. Whitfield and Junious O. H. Whitfield, located on the south side of State Road 664, 1 mile east of the junction of State Roads 664 and 643.

The property owned by B. E. Wiggins, located on the west side of State Road 660, 0.5 mile south of the junction of State Roads 660 and 616.

The property owned by Cora Wiggins, located on the south side of State Road 671, 0.5 mile east of the junction of said road and State Road 643.

The property owned by Doss Wiggins, located on both sides of State Road 616, 300 feet west of the junction of State Roads 616 and 613.

The property owned by the Willis J. Wiggins Estate, located 0.5 mile north of the junction of State Roads 666 and 661, and lying on the west side of State Road 661.

The property owned by George F. Wilkerson, located on both sides of State Road 628, 0.3 mile east of the junction of State Roads 628 and 692.

The property owned by Lemuel T. Wilkins, located on both sides of State Road 32 at the junction of State Roads 616 and 32, and extending eastward across State Road 642.

The property owned by Lonnie J. Wilkins, located at the junction of State Roads 612 and 661, and lying on the west side of State Road 612.

The property owned by Julia Ann Matthews Williams, located on the west side of State Road 623, 0.2 mile north of the junction of State Roads 653 and 623.

The property owned by Mignon D. Williams, located on the east side of State Road 604, 2 miles south of the junction of State Roads 604 and 642.

The property owned by Isiah Wilson, located on both sides of State Road 667, 0.5 mile west of the junction of State Roads 667 and 664.

The property owned by Mrs. Nettie Wilkins Winslow, located on a private road 0.7 mile south of State Road 616, said private road junctioning with State Road 616 at its junction with State Road 612.

The property owned by W. J. Winslow, located on the west side of State Road 13, 0.4 mile north of the intersection of State Roads 13 and 647.

The property owned by James E. Worrell and Melean P. Worrell, located on the west side of State Road 612, 0.8 mile south of the junction of State Roads 612 and 680.

The property owned by Mamie Holland Worrell, located on the east side of State Road 612, 0.6 mile north of the junction of State Roads 612 and 653.

The property owned by Sam Jimmie Worrell and Inez S. Worrell, his wife, located on the east side of State Road 612, 0.8 mile north of the junction of State Roads 612 and 653.

The property owned by the E. Linwood Wright Estate, located on the west side of State Road 624, 0.8 mile north of the junction of State Roads 624 and 658.

The property owned by James H. Wright, located on a private road 0.1 mile northwest of State Road 649, said private road junctioning with State Road 649, 0.1 mile north of the junction of State Roads 649 and 650.

The property owned by the Nicholas C. Wright Estate, located on State Road 620, 1.3 miles southeast of the junction of State Roads 620 and 628.

The property owned by William Frank Wright, located on a private road 0.2 mile northwest of the junction of said private road and State Road 649, said junction being 0.1 mile north of the junction of State Roads 649 and 650.

*Southampton County.* The property owned by Harry G. Barrett, Jr., located on the east and west sides of State Road 673, 0.4 mile west of the junction of State Roads 673 and 708.

The property owned by John M. Camp, Jr. Olive Camp Johnson, and Virginia Camp Smith, located on the east side of U.S. Highway 258 at the junction of U.S. Highway 258 and State Road 690.

The property owned by James Chesley, Sr., and the Alice Lewis Beale Estate, located on the southeast side of State Road 684, and the northeast side of State Road 680 at the junction of State Roads 680 and 684.

The property owned by B. W. Everett, located on the north side of State Road 708 and on the west side of State Road 673, at the junction of State Roads 708 and 673.

The property owned by C. R. Everett, located on the northeast and southwest sides of State Road 678, 0.7 mile southeast of the junction of State Roads 678 and 677.

The property owned by Herman H. Grant, located on the south side of State Road 708, 2 miles west of the junction of State Roads 708 and 673.

The property owned by Greenbrier Farms, Inc., located on the west side of State Road 673, 0.6 mile south of the junction of State Roads 673 and 708.

The property owned by Mrs. Clarys McClenney Lawrence, located on the west side of State Road 714, 1.5 miles northwest of the junction of State Roads 714 and 189.

The property owned by the Mrs. Lucy C. Myrick Estate, located on the north and south sides of State Road 708, 1.2 miles west of the junction of State Roads 673 and 708.

The property owned by Mrs. Thelma T. Simmons and the L. W. Simmons Estate, located on the east side of State Road 673, 0.2 mile south of the junction of State Roads 708 and 673.

The property owned by Mrs. Thelma T. Simmons and the L. W. Simmons Estate, located on the east side of State Road 673, 0.4 mile south of the junction of State Roads 708 and 673.

The property owned by Mrs. Thelma T. Simmons and the L. W. Simmons Estate, located on the north side of State Road 673 at the junction of State Roads 673 and 707.

The property owned by John B. Thorpe, Jr., and Rebecca R. Thorpe, located on the south side of State Road 708 and on the west side of State Road 673, at the junction of State Roads 673 and 708.

The property owned by Mrs. Alice Worrell, located on the east side of State Road 673 at the junction of State Roads 673 and 708.

*Virginia Beach City.* The property owned by H. Clay Ackiss, located on the west side of State Road 615, 1.3 miles south of the junction of State Roads 615 and 623.

The property owned by Jessie L. Barnes, located on both sides of State Road 615, 0.7 mile south of the junction of State Roads 615 and 670.

The property owned by Marion G. Bright, located on the northwest and southeast sides



of State Road 777 at the southwest end of State Road 777.

The property owned by Nelson P. Brock, located on the east side of State Road 615 at the south junction of State Roads 615 and 627.

The property owned by Alex C. and Virginia S. Brown, located on the southeast side of State Road 190, 0.3 mile southwest of the intersection of State Roads 190 and 604.

The property owned by Linwood J. and Ulla C. Brumley, located on the east and west sides of State Road 664, 0.1 mile north of the intersection of State Road 664 and the Virginia-North Carolina State line.

The property owned by Claudia May Clifton, located on the east and west sides of State Road 615, 0.2 mile north of the junction of State Roads 615 and 671.

The property owned by Roy A. Craft, located on the east side of State Road 615, 0.1 mile south of the south junction of State Roads 615 and 627.

The property owned by Christine E. Dixon, Marie Dixon Kight, Mildred Dixon Brinkley, Barbara Dixon Jones, Charles Joseph Dixon, Evelyn Dixon Kemp, Daniel I. Dixon, and Irving Dixon, located on the east and west sides of State Road 615 immediately south of the junction of State Roads 671 and 615.

The property owned by Jesse T. Dudley, located on the north side of State Road 670 at the junction of State Roads 615 and 670.

The property owned by Clyde O. and J. W. Freeman, located on the north side of State Road 621, 0.1 mile east of the junction of State Roads 615 and 621.

The property owned by Ernest F. Grinstead, located on the north and south sides of State Road 669, 0.2 mile west of Back Bay.

The property owned by James and Maude M. Hoggard, located on the east and west sides of State Road 615, and on the north-west and southeast sides of State Road 777, at the junction of State Roads 615 and 777.

The property owned by Betty Salmons Lusk, located on the south side of State Road 759 at the junction of State Roads 663 and 759.

The property owned by Betty Salmons Lusk, located on the east side of State Road 663, 0.3 mile southeast of the junction of State Roads 621 and 663.

The property owned by the Ryland J. Murden Estate, located on the west side of State Road 615 and the south side of State Road 627, at the junction of State Roads 615 and 627.

The property owned by J. G. Petree, located on the east side of State Road 634, 0.7 mile south of the junction of State Roads 634 and 858.

The property owned by the Princess Anne County Board of Supervisors, located on the south side of State Road 618 and on the east side of State Road 621, at the junction of State Roads 621 and 618.

The property owned by A. Lee Salmons, located on the west side of State Road 615, 1 mile south of the south junction of State Roads 615 and 623.

The property owned by John W. Smith, located on the east and west sides of State Road 615 at the intersection of State Road 615 and the Virginia-North Carolina State line.

The property owned by William Crinshaw Smith, located on the east side of State Road 615, 0.2 mile south of the junction of State Roads 615 and 616.

The property owned by Nettie F. Spence, located on the east side of State Road 615, 1.1 miles south of the south junction of State Roads 615 and 623.

The property owned by W. G. Wallace, located on the west side of State Road 190,

0.4 mile southwest of the intersection of State Roads 190 and 603.

The property owned by Dallas Williams, located on the east and west sides of State Road 664, at the intersection of State Road 664 and the Virginia-North Carolina State line.

The property owned by Frank Tullie Williams, located on the east side of State Road 621 and on the north side of State Road 619, at the junction of State Roads 621 and 619.

The property owned by Tilford H. Williams, located on the east side of State Road 615, 0.4 mile north of the intersection of State Road 615 and the Virginia-North Carolina State line.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended, 7 CFR 301.79-2)

These administrative instructions shall become effective November 8, 1966, when they shall supersede P.P.C. 624, 11th Rev., 7 CFR 301.79-2a, effective December 14, 1965.

The Director of the Plant Pest Control Division has determined that infestations of the soybean cyst nematode exist or are likely to exist in the counties, other civil divisions, farms, and other premises, or parts thereof, listed above, or that it is necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine purposes from infested localities. Therefore, such counties, other civil divisions, farms, and other premises, or parts thereof, are designated as soybean cyst nematode regulated areas.

This revision adds to the regulated areas, for the first time, parts of the following counties: Arkansas, Independence, Jefferson, Lincoln, Lonoke, Monroe, and Pope Counties in Arkansas; Pope County in Illinois; Henderson and McCracken Counties in Kentucky; Bolivar and Issaquena Counties in Mississippi; Ripley County in Missouri; Chowan and Wayne Counties in North Carolina; and Benton, Henry, and Humphreys Counties in Tennessee.

In addition, the already regulated areas are extended in certain localities in each of the quarantined States.

Inasmuch as this revision imposes restrictions deemed necessary to prevent the interstate spread of the soybean cyst nematode, it should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, in accordance with the provisions of 5 U.S.C., § 553, it is found upon good cause that notice and other public procedure with respect to the foregoing revision are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 3d day of November 1966.

[SEAL]

E. D. BURGESS,  
Director,  
Plant Pest Control Division.

[F.R. Doc. 66-12116; Filed, Nov. 7, 1966;  
8:48 a.m.]

## Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders: Fruits, Vegetables, Nuts), Department of Agriculture

### PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

#### Expenses and Rate of Assessment and Carryover of Unexpended Funds

Notice was published in the September 22, 1966, issue of the FEDERAL REGISTER (31 F.R. 12533) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period beginning August 1, 1966, and ending July 31, 1967, under the amended marketing agreement and Order No. 906 (7 CFR Part 906; 31 F.R. 10461), regulating the handling of oranges and grapefruit grown in Lower Rio Grande Valley of Texas, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Texas Valley Citrus Committee (established pursuant to the said marketing agreement and order), it is hereby found and determined that:

#### § 906.206 Expenses and rate of assessment and carryover of unexpended funds.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee during the period August 1, 1966, through July 31, 1967, will amount to \$401,229.37.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 906.34, is fixed at two and one-half cents (\$0.025) per  $\frac{7}{10}$ -bushel carton, or equivalent quantity of oranges and grapefruit.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended July 31, 1966, shall be carried over as a reserve in accordance with the applicable provisions of § 906.35(a) (2) of said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) shipments of oranges and grapefruit are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit from the beginning of such period; and (3) the current fiscal period began on August 1, 1966, and the rate of assessment herein fixed will automatically apply to all assessable oranges and grapefruit beginning with such date.



(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 3, 1966.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Consumer and Mar-  
keting Service.

[F.R. Doc. 66-12120; Filed, Nov. 7, 1966;  
8:48 a.m.]

## Title 10—ATOMIC ENERGY

### Chapter I—Atomic Energy Commission

#### PART 30—RULES OF GENERAL AP- PLICABILITY TO LICENSING OF BY- PRODUCT MATERIAL

#### PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENER- ALLY LICENSED ITEMS CONTAIN- ING BYPRODUCT MATERIAL

##### Exemption of Tritium Contained in Glow Lamps

On June 21, 1966, the Atomic Energy Commission published in the FEDERAL REGISTER (31 F.R. 8595) proposed amendments to its regulations which would exempt from licensing requirements the possession and use of glow lamps containing up to 10 microcuries of tritium.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments and other factors involved, the Commission has adopted the proposed amendments. The text of the amendments set out below is identical with the text of the proposed amendments published June 21, 1966.

The exemption set out in the amendment to Part 30 does not apply to the manufacture or import for sale or distribution of the glow lamps. Certain criteria for the issuance of a specific license to manufacture or import such exempted items and certain reporting and quality control requirements are set forth in §§ 32.14, 32.15, 32.16 and 32.110, 10 CFR Part 32, "Specific Licenses to Manufacture, Distribute, or Import Exempted and Generally Licensed Items Containing Byproduct Material." The hazard represented by a defective tritium glow lamp is so small that it is not considered necessary to impose all of the quality control requirements appropriate for the manufacture of the other items exempted by § 30.15, 10 CFR Part 30. Therefore, § 32.15, 10 CFR Part 32, has been amended to except glow lamps containing tritium from the requirement of § 32.15(c) that each device be visually inspected.

The Commission has determined that glow lamps are items intended for use by the general public. Accordingly, pursuant to § 150.15(a) (6) of 10 CFR Part

150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274", the transfer of their possession or control by the manufacturer, processor, or producer is subject to the Commission's licensing and regulatory requirements even if the product is manufactured pursuant to an agreement State<sup>1</sup> license. A manufacturer, processor, or producer of glow lamps containing tritium when located in an agreement State would be required to file an application with the Commission for a specific license authorizing the transfer of such lamps. The application should meet the criteria of § 32.14 (b), (c) and (d), 10 CFR Part 32.

The exemption of glow lamps containing up to 10 microcuries of tritium is consistent with the consumer product criteria published in the FEDERAL REGISTER on March 16, 1965 (30 F.R. 3462), which sets out the essential terms of the Commission's policy with respect to the approval of the use of byproduct and source material in products intended for use by the general public without the imposition of regulatory controls on the user. The Commission has found that, under the conditions specified in the amendments, the exemption will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 30 and 32, are published as a document subject to codification effective 30 days after publication in the FEDERAL REGISTER.

1. Section 30.15(a) of 10 CFR Part 30 is amended to add a new subparagraph (7) to read as follows:

§ 30.15 Certain items containing tritium or promethium 147.

(a) Except for persons who apply tritium or promethium 147 to, or persons who incorporate tritium or promethium 147 into, the following products, or persons who import for sale or distribution the following products containing tritium or promethium 147, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30-36 of this chapter to the extent that such person receives, possesses, uses, transfers, exports, owns, or acquires the following products:

(7) Glow lamps containing not more than 10 microcuries of tritium per lamp.

2. Section 32.15(c) of 10 CFR Part 32 is amended to read as follows:

§ 32.15 Same; quality control.

<sup>1</sup>A State to which the Commission has transferred certain regulatory authority over radioactive material by formal agreement, pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

(c) Visually inspect each device, except glow lamps containing tritium, in production lots and reject any device which has an observable physical defect that could affect containment of the tritium or promethium 147.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 26th day of October 1966.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary.

[F.R. Doc. 66-12080; Filed, Nov. 7, 1966;  
8:45 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Adminis- tration, Department of Health, Edu- cation, and Welfare

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

##### Identify Standards; Carrageenan as Optional Ingredient in Cream Cheese, and Guar Gum and Carra- geenan as Optional Ingredients in Neufchatel Cheese

In the matter of amending the standard of identity for cream cheese (21 CFR 19.515) to permit optional use of carrageenan and the standard of identity for neufchatel cheese (21 CFR 19.520) to permit optional use of guar gum and carrageenan:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of August 16, 1966 (31 F.R. 10889), based on a petition filed by Stein, Hall & Co., 605 Third Avenue, New York, N.Y. 10016. It is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments as proposed.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner (21 CFR 2.120; 31 F.R. 3008): *It is ordered*, That Part 19 be amended as set forth below.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds



legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

**Effective date.** This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stated by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: October 31, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

Accordingly, §§ 19.515 (b) (2) and (c) and 19.520 (b) (2) and (c) are amended to read as follows:

§ 19.515 Cream cheese; identity; label statement of optional ingredients.

(b) \* \* \*

(2) In the preparation of cream cheese, one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, guar gum, carrageenan, gelatin, algin, or propylene glycol alginate may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished cream cheese.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in cream cheese, the label shall bear the statement "----- added" or "with added -----," the blank being filled in with the word or words "vegetable gum," "carrageenan," "gelatin," "algin," or "propylene glycol alginate," or any combination of two or more of these, as the case may be. Wherever the name "cream cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.520 Neufchatel cheese; identity; label statement of optional ingredients.

(b) \* \* \*

(2) In the preparation of neufchatel cheese, one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, guar gum, carrageenan, gelatin, algin, or propylene glycol alginate may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished neufchatel cheese.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is

present in neufchatel cheese, the label shall bear the statement "----- added" or "with added -----," the blank being filled in with the word or words "vegetable gum," "carrageenan," "gelatin," "algin," or "propylene glycol alginate," or any combination of two or more of these, as the case may be. Wherever the name "neufchatel cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter. [F.R. Doc. 66-12108; Filed, Nov. 7, 1966; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

AKLOMIDE (2-CHLORO-4-NITROBENZAMIDE); 3-NITRO-4-HYDROXYPHENYLARSONIC ACID

The Commissioner of Food and Drugs, having evaluated the data submitted in a

petition (FAP 6D1941) filed by Salsbury Laboratories, Charles City, Iowa 50616, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of aklomide (2-chloro-4-nitrobenzamide) alone or in combination with 3-nitro-4-hydroxyphenylarsonic acid for the treatment of specified conditions of chickens and for the growth promotion, feed efficiency, and pigmentation improvement of chickens. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended in the following respects:

1. Section 121.262(c) is amended by inserting in Table 1 a new item 1.6, as follows:

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.

\* \* \* \* \*

(c) \* \* \*

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.6 3-Nitro-4-hydroxyphenylarsonic acid.	22.7-45.4 (0.0025%-0.005%)	Aklomide...	227 (0.025%)	For chickens; not to be fed to birds laying eggs for human consumption; withdraw 5 days before slaughter; as sole source of organic arsenic.	Aid in the prevention of coccidiosis caused by <i>E. tenella</i> and <i>E. necatrix</i> ; growth promotion and feed efficiency; improving pigmentation.
...	...	...	...	...	...

2. Section 121.269(c) is amended by inserting in the table new Items 1.1 and 1.4, as follows:

§ 121.269 Aklomide (2-chloro-4-nitrobenzamide).

(c) \* \* \*

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Aklomide...	227 (0.025%)	-----	-----	For chickens; not to be fed to birds laying eggs for human consumption; withdraw 5 days before slaughter.	Aid in the prevention of coccidiosis caused by <i>E. tenella</i> and <i>E. necatrix</i> .
1.4 Aklomide...	227 (0.025%)	3-Nitro-4-hydroxyphenylarsonic acid.	22.7-45.4 (0.0025%-0.005%)	For chickens; not to be fed to birds laying eggs for human consumption; withdraw 5 days before slaughter; as sole source of organic arsenic.	Aid in the prevention of coccidiosis caused by <i>E. tenella</i> and <i>E. necatrix</i> ; growth promotion and feed efficiency; improving pigmentation.
...	...	...	...	...	...

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the

person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompa-



nied by a memorandum or brief in support thereof.

**Effective date.** This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) -

Dated: October 31, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 66-12110; Filed, Nov. 7, 1966;  
8:47 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

#### FOOD STARCH-MODIFIED

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6A1949) filed by National Starch & Chemical Corp., 1700 West Front Street, Plainfield, N.J. 07063, and other relevant material, has concluded that the food additive regulations should be amended (1) to provide for use of higher levels of acetic anhydride in the modification of food starch by treatment with acetic anhydride and adipic anhydride, and by treatment with acetic anhydride and epichlorohydrin; (2) to provide for treatment of food starch with acetic anhydride alone to yield not in excess of 2.5 percent acetyl groups; and (3) to provide for expression of the degree of acetylation in terms of the percent of acetyl groups in the food starch-modified.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.1031 is amended by revising the first and second items in paragraph (d) and the second item in paragraph (f) to read as follows:

#### § 121.1031 Food starch-modified.

\* \* \* \* \*

(d) \* \* \*

Acetic anhydride-----	Acetyl groups in food starch-modified not to exceed 2.5 percent.
Adipic anhydride, not to exceed 0.12 percent, and acetic anhydride.	Do.

\* \* \* \* \*

(f) \* \* \*

Epichlorohydrin, not to exceed 0.3 percent, and acetic anhydride.	Acetyl groups in food starch-modified not to exceed 2.5 percent.
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\* \* \* \* \*

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 31, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 66-12109; Filed, Nov. 7, 1966;  
8:47 a.m.]

## Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter I—Small Business Administration

#### PART 121—SMALL BUSINESS SIZE STANDARDS

[Rev. 6; Amdt. 7]

#### Definition of Small Business for SBA Business Loans

The Note which follows § 121.3-10(f) (4) of the Small Business Size Standards Regulation (Revision 6), as amended, provides that, under present SBA policy, no concern will be denied small business status for the purpose of SBA financial assistance solely because of its contractual relationship with a large interstate van line, provided that its annual receipts have not exceeded \$3 million during the concern's most recently completed fiscal year.

Although SBA's policy for SBA loan purposes remains unchanged, the Note no longer is necessary in view of the promulgation of Amendment 3 to the regulation (31 F.R. 11973) which establishes a rule that affiliation between a franchisee and franchisor will not result from controls imposed on the franchisee by the franchise agreement, provided the franchisee has the right to profit from his effort, commensurate with ownership, and bears the risk of loss.

Therefore, the Small Business Size Standards Regulation (Revision 6) (31 F.R. 9721), as amended (31 F.R. 10114,

11651, 11973, 12479, 12572) is hereby further amended by deleting the Note following § 121.3-10(f) (4).

Since this is only a technical correcting amendment, it shall be effective on publication in the FEDERAL REGISTER.

Dated: November 1, 1966.

BERNARD L. BOUTIN,  
Administrator.

[F.R. Doc. 66-12106; Filed, Nov. 7, 1966;  
8:47 a.m.]

## Title 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

#### SUBCHAPTER H—INTERNAL REVENUE PRACTICE

#### PART 601—STATEMENT OF PROCEDURAL RULES

#### Miscellaneous Amendments

This part as filed with the FEDERAL REGISTER on June 29, 1955, was last amended on February 17, 1966. The further amendments made herein do not reflect changes made by Public Law 89-332, approved on November 8, 1965, which provides for the right of persons to be represented on matters before Federal agencies, and Public Law 89-487, approved July 4, 1966, which provides for the protection and clarification of the right of the public to information. Subpart E of this part, relating to conference and practice requirements, and Subpart G of this part, relating to records, will be amended subsequently to reflect the changes made by Public Law 89-332 and Public Law 89-487 (effective July 4, 1967), respectively. The amended provisions read as follows:

PARAGRAPH 1. Section 601.104 is amended by revising subparagraph (4) of paragraph (a). The revised provision reads as follows:

#### § 601.104 Collection functions.

(a) *Collection methods.* \* \* \*

(4) *Collection by sale of revenue stamps.* Certain taxes are collected by sale of revenue stamps. These taxes fall into three general classes: Documentary stamp taxes, commodity stamp taxes, and occupational stamp taxes. The documentary and commodity stamp taxes are paid by having affixed to the document, package, container, etc., in respect to which the tax is imposed, internal revenue stamps in the amount equal to the tax due and by canceling such stamps in the manner prescribed. Payment of occupational taxes is evidenced by posting or displaying a special occupational tax stamp on the premises where the business is operated. In certain situations where it is not practicable to collect the tax by stamp, for example, where the instrument or commodity subject to stamp tax is no longer in existence or for other reasons cannot be stamped or where it is discovered that an occupational stamp tax was due for a prior taxable year, the tax may be collected by assessment. For special pro-



visions applicable to stamp taxes, see § 601.404.

PAR. 2. Section 601.105 is amended by revising subparagraphs (1) and (4) of paragraph (b), subparagraph (1) of paragraph (d), and subparagraph (6) of paragraph (e). The revised provisions read as follows:

§ 601.105 Examination of returns and claims for refund, credit or abatement; determination of correct tax liability.

(b) *Examination of returns*—(1) *General*. The original examination of income, profits, estate, gift, excise, and employment tax returns is a primary function of internal revenue agents in the Audit Division of the office of each district director of internal revenue. Such internal revenue agents are organized in groups, each of which is under the immediate supervision of a group supervisor designated by the district director. Revenue agents (and such other officers or employees of the Internal Revenue Service as may be designated for this purpose by the Commissioner) are authorized to examine any books, papers, records, or memoranda bearing upon matters required to be included in Federal tax returns and to take testimony relative thereto and to administer oaths. See section 7602 of the Code and the regulations thereunder. There are two general types of audit. These are commonly called "office audit" and "field audit". During the audit of a return a taxpayer may be represented before the examining officer by an attorney, certified public accountant, or other representative. See Subpart E of this part for conference and practice requirements.

(4) *Conclusion of audit*. At the conclusion of an office or field audit, the taxpayer is given an opportunity to agree with the findings of the examining officer. If the taxpayer does not agree, the examining officer will inform the taxpayer of his appeal rights. See paragraph (c) of this section for district conference procedure. If the taxpayer does agree with the proposed changes, the examining officer will invite him to execute either Form 870 or another appropriate agreement form. When the taxpayer agrees with the proposed changes but does not offer to pay any deficiency or additional tax which may be due, the examining officer will also invite payment (by check or money order), together with any applicable interest or penalty. If the agreed case involves income, profits, estate, or gift taxes, the agreement is evidenced by a waiver by the taxpayer of restrictions on assessment and collection of the deficiency, or an acceptance of a proposed overassessment. If the case involves excise or employment taxes or 100 percent penalty, the agreement is evidenced in the form of a consent to assessment and collection of additional tax or penalty and waiver of right to file claim for

abatement, or the acceptance of the proposed overassessment. Even though the taxpayer signs an acceptance of a proposed overassessment the district director or the director of the regional service center remains free to assess a deficiency. On the other hand, the taxpayer who has given a waiver may still claim a refund of any part of the deficiency assessed against him and paid by him, or any part of the tax originally assessed and paid by him. The taxpayer's acceptance of an agreed overassessment does not prevent his filing a claim and bringing a suit for an additional sum, nor does it preclude the Government from maintaining suit to recover an erroneous refund. As a matter of practice, however, waivers or acceptances ordinarily result in the closing of a case insofar as the Government is concerned.

(d) *Thirty-day letters and protests*—(1) *General*. The report of the examining officer, as approved after review, recommends one of four determinations:

- (i) Acceptance of the return as filed and closing of the case;
- (ii) Assertion of a given deficiency or additional tax;
- (iii) Allowance of a given overassessment, with or without a claim for refund, credit, or abatement;
- (iv) Denial of a claim for refund, credit, or abatement which has been filed and is found wholly lacking in merit.

In an unagreed case, the district director sends to the taxpayer a preliminary or "30-day letter" if any one of the last three determinations is made (except a full allowance of a claim in respect of any tax). The 30-day letter is a form letter which states the determination proposed to be made. It is accompanied by a copy of the examining officer's report explaining the basis of the proposed determination. It suggests to the taxpayer that if he concurs in the recommendation, he indicate his agreement by executing and returning a waiver or acceptance. The preliminary letter also advises the taxpayer that if he disagrees with the proposed determination he may file a written protest (see §§ 601.103(c) (1) and 601.509) within 30 days (60 days if taxpayer is outside of the country) from the date of the letter stating the grounds for his disagreement, and he may have a conference in the Appellate Division of the region if requested and if that Division has jurisdiction (see § 601.106(a)(3)). If the taxpayer does not respond to the letter within 30 days a statutory notice of deficiency will be issued or other appropriate action taken, such as the issuance of a notice of adjustment, the denial of a claim in income, profits, estate, and gift tax cases, or an appropriate adjustment of the tax liability or denial of a claim in excise and employment tax cases.

(e) *Claims for refund or credit*.

(6) For special procedure applicable to claims for payment in respect of gasoline used on a farm for farming purposes,

of gasoline and lubricating oil used for nonhighway purposes, or of gasoline used by local transit systems, see sections 6420, 6421 and 6424, and § 601.402(c)(3).

PAR. 3. Section 601.106 is amended by revising subparagraph (1)(ii) of paragraph (d) and subparagraph (9) of paragraph (f). The revised provisions read as follows:

§ 601.106 Appellate functions.

(d) *Disposition and settlement of cases before the Appellate Division*—(1) *Cases not docketed in the Tax Court*.

(ii) If after consideration of the case by the Appellate Division of the region it is determined that there is a deficiency in income, profits, estate, or gift tax, to which the taxpayer does not agree, a statutory notice of deficiency will be prepared and issued by the Appellate Division after consideration by the regional counsel of the memorandum recommending the issuance of such statutory notice. Officers of the Appellate Division having authority for the administrative determination of tax liabilities referred to in paragraph (a) of this section are also authorized to prepare, sign on behalf of the Commissioner, and send to the taxpayer by registered or certified mail any statutory notice of deficiency prescribed in sections 6212 and 6861 of the Code, and in corresponding provisions of the Internal Revenue Code of 1939. Within 90 days, or 150 days if the notice is addressed to a person outside of the States of the Union and the District of Columbia, after such a statutory notice of deficiency is mailed (not counting Saturday, Sunday, or a legal holiday in the District of Columbia as the last day), the taxpayer may file a petition with the Tax Court of the United States for a redetermination of the deficiency. In any other unagreed case, the case and its administrative file will be forwarded to the service center director or returned to the district director with directions to take such action with respect to the tax liability determined in the Appellate Division as may be appropriate, such as the issuance of a statutory notice of disallowance of a claim for refund or credit in whole or in part, the preparation of a notice of adjustment or other appropriate action, or the collection of any additional tax (excise and employment tax cases).

(f) *Conference and practice requirements*.

(9) *Rule IX*. Prior to the receipt of the Tax Court trial calendar on which a docketed case is listed for trial, the taxpayer may request a conference for the purpose of reopening or resuming settlement negotiations before the Appellate Division. If the taxpayer requests reopening or resumption of settlement negotiations subsequent to the issuance of the trial calendar and prior to the opening date of the session of the Tax Court, the request for such a conference



shall be referred to regional counsel. (See paragraph (d) (2) (iii) (h) of this section.)

PAR. 4. Section 601.201 is amended by revising subparagraphs (1), (3), and (4) of paragraph (b). The revised provisions read as follows:

§ 601.201 Rulings and determination letters.

(b) *Rulings issued by the National Office in Washington, D.C.* (1) In income, profits, and gift tax matters, the National Office issues rulings on prospective transactions and on completed transactions before the return is filed. However, the rulings will not be issued if the identical issue is pending in a case before the Appellate Division or if the identical issue is also involved in a return of the taxpayer already filed for a taxable period with respect to which the statutory period of limitation on assessment or refund of the tax has not expired. The National Office issues rulings involving qualifications of plans under section 401 of the Code, or the exempt status of organizations under section 501 or 521 of the Code, only to the extent provided in paragraphs (o) and (n), respectively, of this section. The National Office will not issue rulings with respect to the replacement of involuntarily converted property, even though replacement has not been made, if the taxpayer has filed a return for the taxable year in which the property was converted. However, see paragraph (c) (6) of this section as to the authority of district directors to issue determination letters in this connection.

(3) In employment and excise tax matters, the National Office issues rulings with respect to prospective transactions and to completed transactions either before or after the return is filed. However, the National Office will not rule with respect to an issue, whether related to a prospective or a completed transaction, if it knows or has reason to believe that the same or an identical issue is before any field office in an active examination or audit of the liability of the same taxpayer for the same or a prior period or is being considered by a branch office of the Appellate Division.

(4) Ordinarily, the Service will not issue rulings to business, trade, or industrial associations, or to other similar groups, relating to the application of the tax laws to the members of the groups. However, rulings may be issued to such groups or associations relating to their own tax status or liability provided this is not an issue before any field office in an active examination or audit of the liability of the same taxpayer for the same or a prior period or is not being considered before a branch office of the Appellate Division.

PAR. 5. Section 601.202 is amended by revising subparagraph (1) of paragraph (a), and paragraph (c). The revised provisions read as follows:

§ 601.202 Closing agreements.

(a) *General.* (1) Under section 7121 of the Code and the regulations and delegations thereunder, the Commissioner, or any officer or employee of the Internal Revenue Service authorized in writing by the Commissioner, may enter into and approve a written agreement with a person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any internal revenue tax for any taxable period. Such agreement, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact, shall be final and conclusive.

(c) *Review and execution.* (1) Closing agreements with respect to taxability of earnings from deposits or accounts opened prior to November 15, 1962, of the type described in Revenue Procedure 64-24, C.B. 1964-1 (Part 1), 693, are reviewed and executed in the offices of district directors in cases under their jurisdiction.

(2) Closing agreements providing for the mitigation of economic double taxation under section 3 of Revenue Procedure 64-54, C.B. 1964-2, 1008, are prepared and executed in the office of the Director of International Operations.

(3) Except as provided in subparagraphs (1) and (2) of this paragraph, closing agreements in cases under the jurisdiction of district directors or regional Appellate Divisions are reviewed and executed in regional Appellate Division branch offices if they relate to internal revenue tax liability for a taxable period or periods ended prior to the date of the agreement or to specific items related to such periods and affecting other taxable periods. Agreements related to such periods or items concerning cases under the jurisdiction of a Regional Commissioner but not under the jurisdiction of a district director or regional Appellate branch office will be executed by the Regional Commissioner. Where such cases are docketed in the Tax Court of the United States, closing agreements are restricted to coverage of specific items related to such docketed years and affecting other taxable periods.

(4) Closing agreements covering prospective transactions or completed transactions affecting returns to be filed, except with respect to internal revenue tax liability for alcohol, tobacco, and firearm taxes other than the manufacturer's excise tax on firearms arising from application of sections 4181 and 4182 of the Internal Revenue Code, are reviewed and executed in the office of the Assistant Commissioner (Technical).

(5) All other closing agreements are reviewed and executed in the office of the Assistant Commissioner (Compliance).

(6) After execution of a closing agreement affecting or relating to tax liability for a period ending subsequent to the date of the agreement, the appropriate district director is fully advised as to the basis of the agreement in order that, by the maintenance of proper controls, the Government will give effect to all the terms thereof in the determination of

taxes for a period ending subsequent to the date of agreement.

PAR. 6. Section 601.301 is amended by revising so much of paragraph (c) as precedes subparagraph (1) thereof, and by adding a new subdivision (vii) to subparagraph (2) of paragraph (c). The revised and added provisions read as follows:

§ 601.301 Imposition of taxes, qualification requirements, and regulations.

(c) *Regulations.* The procedural requirements with respect to matters relating to distilled spirits, wines, and beer which are within the jurisdiction of the Alcohol and Tobacco Tax Division are published in the regulations described in this paragraph. These regulations contain full information as to the general course and method by which the functions concerning liquors are channeled and determined, including the nature and requirements of formal and informal procedures, the forms, records, reports, and other documents required, and the contents of applications, notices, registrations, permits, bonds, and other documents. Supplies of prescribed forms may be obtained from the office of assistant regional commissioners (alcohol and tobacco tax), except that Forms 52-A, 52-B, 122, 133, 338, 2051, 2056-2060, 2621, and 2637 must be provided by the users at their own expense. Users and commercial printers may procure specimen copies of such forms from such offices. The following is a brief description of the several regulations arranged according to the principal subjects and operations concerned:

(2) *Miscellaneous liquor transactions.*

(vii) Temporary regulations respecting the filing of deferred payment tax returns by proprietors of distilled spirits plants, by proprietors of bonded wine cellars, and by brewers.

PAR. 7. Section 601.311 is amended by revising subparagraph (2) of paragraph (b). The revised provision reads as follows:

§ 601.311 Imposition of taxes; regulations.

(b) *Regulations.* (2) Part 270 of this chapter relates to the manufacture of cigars and cigarettes; the payment by manufacturers of tobacco products of internal revenue taxes imposed by chapter 52 of the Code; and the qualification of and operations by manufacturers of tobacco products.

PAR. 8. Section 601.312 is amended by revising paragraph (b-1) to read as follows:

§ 601.312 Qualification and bonding requirements.

(b-1) *Puerto Rican manufacturers of cigars and cigarettes.* Every manu-



facturer of cigars and cigarettes in Puerto Rico who desires to defer payment in Puerto Rico of the internal revenue tax imposed by section 7652(a) of the Code on cigars and cigarettes of Puerto Rican manufacture coming into the United States must file a bond with the Director's Representative of the Office of International Operations, in Puerto Rico. Such bond is conditioned on the principal's paying, at the time and in the manner prescribed in the regulations, the full amount of tax computed on the cigars and cigarettes which are released for shipment to the United States. No bond is required if the tax is prepaid.

PAR. 9. Section 601.319 is amended to read as follows:

§ 601.319 Applicable laws.

Chapter 53 of the Internal Revenue Code of 1954 (26 U.S.C. 5801-5862), the provisions of which are chiefly derived from the National Firearms Act, as amended (act of June 26, 1934, 48 Stat. 1236), imposes a tax on the manufacture, and transfer in the United States, of machineguns and certain other types of firearms, and an occupational tax upon every importer and manufacturer of, and dealer and pawnbroker in, such machineguns and firearms. Section 1(b)(2) of the act of August 9, 1939 (53 Stat. 1291; 49 U.S.C. 781-788) makes provision for the seizure and forfeiture of vessels, vehicles, and aircraft which are used to transport, carry, or possess, or to facilitate the same, any firearm with respect to which there has been committed any violation of the National Firearms Act or any regulations issued pursuant thereto. The Federal Firearms Act as amended (52 Stat. 1250; 15 U.S.C. 901-910) makes it unlawful for any manufacturer or dealer (except a manufacturer or dealer having a license issued under the provisions of the act) or any person who is a fugitive from justice or, except as provided in § 177.31 of this chapter, any person who is under indictment for, or has been convicted of, a crime punishable by imprisonment for a term exceeding 1 year, to transport, ship, or receive in interstate or foreign commerce any firearm or ammunition: *Provided*, That a person who has been convicted of a crime punishable by imprisonment for a term exceeding 1 year (other than a crime involving a firearm or other weapon, or a violation of the Federal Firearms Act or of the National Firearms Act) may make application to the Secretary of the Treasury for relief from the disabilities incurred by reason of such conviction.

PAR. 10. Section 601.327 is amended by revising paragraphs (a) and (c) to read as follows:

§ 601.327 Offers in compromise.

(a) *Liabilities (other than forfeiture) under Internal Revenue Code.* Persons desiring to submit offers in compromise in order to avoid prosecution proceedings, and taxpayers who disclaim liability in whole or in part for taxes or claim

inability to pay the taxes in full, may submit offers in compromise to the district director of internal revenue or to an internal revenue officer for forwarding to the district director. Each assistant regional commissioner (alcohol and tobacco tax) has the authority to accept or reject offers in compromise of (1) tax liabilities arising from (i) the illegal production of untaxed distilled spirits, wines, or beer, (ii) the failure to file returns of, or to pay, occupational taxes with respect to distilled spirits, wines, beer, or firearms, and (iii) the failure to pay firearms "making" or transfer taxes; (2) criminal liabilities of retail dealers in liquor arising from violations of the internal revenue laws relating to liquor, including the reuse or refilling of liquor bottles; and (3) liabilities arising under chapter 52 of the Code (cigars, cigarettes, and cigarette papers and tubes). The Director, Alcohol and Tobacco Tax Division, has the authority to accept or reject offers in compromise of civil liability (of less than \$100,000) and criminal liability arising under chapters 51 and 53 of the Code in cases not subject to compromise by assistant regional commissioners (alcohol and tobacco tax). The Commissioner accepts or rejects all other offers in compromise except those in compromise of liabilities listed in paragraphs (b) and (c) of this section. (For offers in compromise generally, see § 601.203.) Form 656 is used in all cases arising under this paragraph, regardless of whether the amount of the offer is tendered in full at the time the offer is filed or the amount of the offer is to be paid by deferred payment or payments. Offers received by the district director which come within the purview of the assistant regional commissioner (alcohol and tobacco tax) or the Director, Alcohol and Tobacco Tax Division, are forwarded to such assistant regional commissioner for consideration and appropriate action. When final action has been taken, the district director, the assistant regional commissioner (when applicable), and the proponent are notified of the acceptance or rejection of the offer. If the offer is rejected, the sum submitted with the offer is returned to the proponent, and prosecution or collection proceedings are resumed. If the offer is accepted, the proponent is notified and the case is closed. Acceptance of an offer in compromise of civil liabilities does not remit criminal liabilities, nor does acceptance of an offer in compromise of criminal liabilities remit civil liabilities.

(c) *Forfeiture liabilities.* The assistant regional commissioner (alcohol and tobacco tax) is authorized to compromise liabilities to administrative forfeiture of personal property seized under the laws administered and enforced by the Internal Revenue Service, including liabilities to forfeiture under the internal revenue laws pertaining to wagering. Persons desiring to submit offers in compromise of such liabilities may submit such offers on Form 656-E to the supervisor-in-charge (alcohol and tobacco

tax). Such offers are forwarded to the assistant regional commissioner (alcohol and tobacco tax) for final action. When the offer is acted upon, the proponent is notified of the acceptance or rejection of the offer. If the offer is rejected, the sum submitted with the offer in compromise is returned to the proponent. If the offer is accepted, the proponent is notified and the case is closed. Acceptance of an offer in compromise of civil liabilities does not remit criminal liabilities, nor does acceptance of an offer in compromise of criminal liabilities remit civil liabilities.

PAR. 11. Section 601.328 is amended by revising paragraph (a) to read as follows:

§ 601.328 Rulings.

(a) *Requests for rulings.* Any person who is in doubt as to any matter in connection with (1) operations or transactions in the alcohol tax area or under the Federal Alcohol Administration Act, (2) operations or transactions in the tobacco tax area, or (3) the taxes relating to machine guns and certain other firearms imposed by chapter 53 of the Code; the registration by importers and manufacturers of, and dealers in, such firearms; the registration of such firearms; and the licensing of manufacturers of, and dealers in, firearms or ammunition under sections 901 through 910 of Title 15 of the United States Code, may request a ruling thereon by addressing a letter to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C. 20224, or to the assistant regional commissioner (alcohol and tobacco tax) of the region in which the inquirer's business is located. Since a ruling as defined in paragraph (a)(2) of § 601.201 can issue only from the National Office, any such request made to an assistant regional commissioner will be referred by him to the Director, Alcohol and Tobacco Tax Division, for reply unless the issues involved are clearly covered by currently effective rulings or come within the plain intent of the statutes or regulations.

PAR. 12. Section 601.401 is amended by revising subparagraph (5) of paragraph (a). The revised provision reads as follows:

§ 601.401 Employment taxes.

(a) *General.* . . .  
(5) *Use of Federal Reserve banks and authorized commercial banks in connection with payment of Federal employment taxes.* Most employers are required to deposit employment taxes either on a monthly basis or a semi-monthly basis as follows:

(i) *Semimonthly deposits.* With respect to wages paid after May 1966, special deposits within 3 banking days after the close of a semimonthly period are required if the employee tax deducted and the employer tax under chapter 21, and income tax withheld at source on wages under chapter 24, exclusive of taxes reportable on Form 942 and Form 943, aggregate more than \$4,000 for any



month in the preceding calendar quarter. An amount not required to be deposited by this subdivision may nevertheless be directly remitted by the employer with his return, or may be deposited and the validated depository receipt attached to his return.

(ii) *Monthly deposits.* With respect to employers not required to make deposits under subdivision (i) of this subparagraph, if (a) during any calendar month, other than the last month of a calendar quarter, the aggregate amount of the employee tax deducted and the employer tax under chapter 21 and the income tax withheld at source on wages under chapter 24, exclusive of taxes reportable on Form 942 and Form 943, exceeds \$100, or (b) at the end of any month or period of 2 or more months and prior to December 1 of any calendar year, the total amount of undeposited taxes imposed by chapter 21, with respect to wages paid for agricultural labor, exceeds \$100, it is the duty of the employer to deposit such amount within 15 days after the close of such calendar month. However, in the case of the last month of any calendar quarter (last month of the calendar year in the case of agricultural employers) the employer may either include with his return direct remittance to the district director for the amount of such taxes or attach to his return a depository receipt validated by a Federal Reserve bank.

(iii) *Additional rules.* If a deposit is made for the last month of the quarter (last month of the year for agricultural employers), or any other voluntary deposit, it must be made in ample time to enable the Federal Reserve bank to return the validated receipt to the employer so that it can be attached to and filed with the employer's return at the time prescribed for filing such return. Deposits under subdivisions (i) and (ii) of this subparagraph are made with a Federal Reserve bank or a commercial bank authorized in accordance with Treasury Department Circular No. 848, revised, to accept remittances of these taxes for transmission to a Federal Reserve bank. The remittance of such amount must be accompanied by a Federal Depository Receipt (Form 450). After the Federal Reserve bank has validated the depository receipt, it will be returned to the employer. The validated receipts must be attached to the return on Form 941 or Form 943 and the employer shall pay to the district director the balance, if any, of the taxes due for the quarter or the year, as the case may be.

(iv) *Employers under chapter 22 of the Code.* Depository procedures similar to those prescribed in this subparagraph are prescribed for employers as defined by the Railroad Retirement Tax Act, except that Railroad Retirement taxes are not required to be deposited semimonthly and must be deposited by using Form 515 (Railroad Retirement Depository Receipt).

PAR. 13. Section 601.402 is amended by revising subparagraph (3) of para-

graph (c). The revised provision reads as follows:

§ 601.402 Sales taxes collected by return.

(c) *Returns, refunds and credits.* \* \* \* (3) *Payments to certain ultimate purchasers of gasoline and lubricating oil.* Sections 6420, 6421, and 6424 of the Code provide for certain payments to ultimate purchasers of gasoline used on a farm for farming purposes, used for certain nonhighway purposes, or used by local transit systems, and of lubricating oil used otherwise than in a highway motor vehicle. For periods after June 30, 1965, payments allowable under sections 6420, 6421, and 6424 of the Code may be taken by an income taxpayer as a credit against the tax due on his income tax return. Governmental agencies and certain exempt organizations may file claims for allowable payments on Form 2240 or Form 843. In the case of gasoline used for certain nonhighway purposes or used by local transit systems, and in the case of lubricating oil used otherwise than in a highway motor vehicle, the ultimate purchaser may file a claim for payment in lieu of such income tax credit, with respect to any of the first three quarters of his taxable year for which he is entitled to a payment of \$1,000 or more. Applicable regulations and instructions accompanying the prescribed forms provide detailed procedures.

PAR. 14. Section 601.403 is amended by revising subparagraph (3) of paragraph (a) and subparagraph (1) of paragraph (c). The revised provisions read as follows:

§ 601.403 Miscellaneous excise taxes collected by return.

(a) *General.* \* \* \* (3) *Foreign insurance policies.* Under chapter 34 of the Code a tax is imposed on premiums paid for foreign insurance policies.

(c) *Collection of tax—*(1) *Imposed taxes.* The tax on the manufacture of sugar and the tax on the issuance of foreign insurance policies are collected in the same manner as manufacturers' sales taxes. See § 601.402. Returns of the tax on wages are required to be filed monthly; returns of interest equalization tax and of tax on foreign insurance premiums are required to be filed quarterly; returns of the tax on circulation other than of national banks are required to be filed on June 1 and December 1 each year; and returns of the taxes on hydraulic mining and on the use of highway motor vehicles are required to be filed annually.

PAR. 15. Section 601.404 is amended by revising subparagraphs (1) and (2) of paragraph (h). The revised provisions read as follows:

§ 601.404 Miscellaneous excise taxes collected by sale of revenue stamps.

(h) *Administrative remedies available to taxpayers after purchase of documentary, commodity, or occupational tax stamps or after assessment or payment of tax—*(1) *Redemption of unused stamps.* Where stamps have been rendered useless by gumming or sticking together in transit or otherwise without fault of the purchaser, they may be exchanged by a district director of internal revenue for other stamps of the same quantity and denomination. Unused stamps which have been spoiled, destroyed, or rendered useless, or unfit for the purpose intended, or for which the owner may have no use, may be redeemed upon proper claim filed with the district director. Such claims must be prepared on Form 843 and must be filed with the district director for the district in which is located the principal office of the claimant, or if he has no such office, with the district director for the district in which he resides. The claim for redemption of unused stamps must be filed within 3 years after the date of purchase of the stamps from the Government. The unused stamps for which redemption is claimed shall be submitted with the claim. If the stamps have been destroyed or damaged to the extent that they cannot be presented for redemption, then proof satisfactory to the district director of such destruction or damage must accompany the claim. Where the actual date of purchase of the stamps from the Government cannot be given, it must be definitely shown in the claim that they were so purchased within 3 years prior to the date of the filing of the claim. Once filed, a claim for redemption follows generally the same channels as do claims for refund. See §§ 601.103 to 601.106.

(2) *Claims for abatement or refund.* In case of any tax payable by a stamp, a claim for credit or refund of an overpayment of such tax must be filed by the taxpayer within 3 years from the time the tax was paid or the stamps affixed. This includes the situation where stamps through mistake have been improperly or unnecessarily used, or have been used in excess of the amount of tax actually due. The used stamps either must actually be submitted with the claim, or if it is impracticable to remove them from the instruments, documents, etc., to which they are attached, the words "Claim for refund of \$----- filed.", with the appropriate amount inserted, shall be written across the face of the stamp by the claimant or the person having custody of the instruments or documents to which the stamps are affixed. The claimant must make a statement in his claim that the stamps have been so marked and by whom. Where a stamp tax is not paid by stamp but the amount thereof is assessed, the person against whom the assessment is made may file a claim for abatement of the tax or a claim for refund for any part of the assessment which has been paid. In ei-



ther case the procedure to be followed by the claimant generally is the same as set forth in the case of claims for abatement or refund of other taxes. See §§ 601.103 to 601.106. All claims for refund of stamp tax paid pursuant to an assessment must be filed within 3 years next after payment of the tax.

(R.S. 161; 5 U.S.C. 301)

[SEAL] **SHELDON S. COHEN,**  
Commissioner of Internal Revenue.

[F.R. Doc. 66-12060; Filed, Nov. 7, 1966;  
8:45 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 11—Coast Guard, Department of the Treasury

[CGPR 66-57]

#### MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530):

#### PART 11-1—GENERAL

1. Chapter 11 of Title 41 of the Code of Federal Regulations is recodified as set forth below to reflect a renumbering of Subparts 11-1.0 and 11-1.1 without substantive change.

##### Subpart 11-1.0—Regulation System

Sec.

11-1.001	Scope of subpart.
11-1.002	Purpose.
11-1.003	Authority.
11-1.004	Applicability.
11-1.005	Exclusions.
11-1.006	Issuance.
11-1.006-1	Code arrangement.
11-1.006-2	Publication.
11-1.006-3	Copies.
11-1.007	Arrangement.
11-1.007-1	General plan.
11-1.007-2	Numbering.
11-1.007-3	Citation.
11-1.008	Coast Guard implementation and supplementation of FPR.
11-1.009	Deviations.
11-1.009-1	Description.
11-1.009-2	Procedure.

**AUTHORITY:** The provisions of this Subpart 11-1.0 issued under 14 U.S.C. 633, 10 U.S.C. 137; Federal Property and Administrative Services Act of 1949.

##### Subpart 11-1.0—Regulation System

###### § 11-1.001 Scope of subpart.

This subpart describes the Coast Guard Procurement Regulations in terms of establishment, authority, applicability, issuance, arrangement implementation and supplementation of FPR, exclusions, deviations and other Coast Guard Procurement Instructions.

###### § 11-1.002 Purpose.

(a) This subpart establishes this Chapter 11, Coast Guard Procurement Regulations (CGPR), implementing and supplementing the Federal Procurement Regulations, and states its relationship to the Federal Procurement Regulations and to other laws and regulations governing Coast Guard procurement. Certain portions of CGPR may contain cross-references to the Armed Services Procurement Regulation (ASPR) for purposes of guidance or in order to incorporate by reference material in the ASPR into CGPR.

(b) This subpart establishes the Federal Procurement Regulations, as implemented and supplemented by this Chapter 11 (Coast Guard Procurement Regulations), as the authorized regulations governing the procurement of supplies and services (including construction) by the Coast Guard from appropriated funds, effective July 1, 1963.

###### § 11-1.003 Authority.

The Coast Guard Procurement Regulations (CGPR) are prescribed pursuant to the authority of 14 U.S.C. 633, Chapter 137 of Title 10 of the United States Code and the Federal Property and Administrative Services Act of 1949.

###### § 11-1.004 Applicability.

The regulations in this subpart apply to Coast Guard procurement made within and outside the United States unless otherwise specified. Pending publication of implementing and supplementing instructions in this Chapter 11, and cancellation of existing Coast Guard procurement regulations, the procedures and regulations previously established, when not in conflict with FPR, will be used.

###### § 11-1.005 Exclusions.

(a) Certain Coast Guard procurement policies and procedures which come within the scope of this Chapter 11 nevertheless may be excluded therefrom when there is justification therefor. These exclusions may include the following categories:

(1) Subject matter which bears a security classification.

(2) Policies or procedures which are expected to be effective for a period of less than 6 months.

(3) Policies or procedures which are effective on an experimental basis for a reasonable period.

(4) Policies and procedures pertaining to other functions of the Coast Guard as well as procurement functions and there is need to make the issuance available simultaneously to all Coast Guard employees concerned.

(5) Where speed of issuance is essential, numerous changes are required in this Chapter 11, and all necessary changes cannot be made promptly.

(b) Procurement policies and procedures issued in other than the FPR System format under paragraph (a) (4) and (5) of this section will be codified into this Chapter 11 at the earliest practicable date, but in any event not later than 6 months from date of issuance.

###### § 11-1.006 Issuance.

###### § 11-1.006-1 Code arrangement.

Coast Guard Procurement Regulations which implement, supplement or deviate from the Federal Procurement Regulations, Chapter 1 of this Title 41 of the Code of Federal Regulations, will be published as this Chapter 11 of this Title 41, Code of Federal Regulations.

###### § 11-1.006-2 Publication.

This Chapter 11 of this Title 41, Code of Federal Regulations will be published in the daily issues of the FEDERAL REGISTER, in cumulated form in the Code of Federal Regulations, and in separate looseleaf form.

###### § 11-1.006-3 Copies.

Copies of the Coast Guard Procurement Regulations in the FEDERAL REGISTER and the Code of Federal Regulations form may be purchased by Federal agencies and the public, at nominal cost from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Looseleaf form copies of this Chapter 11 will be distributed to Coast Guard activities as authorized by Coast Guard Headquarters.

###### § 11-1.007 Arrangement.

###### § 11-1.007-1 General plan.

The Coast Guard Procurement Regulations employ the same numbering system and nomenclature used in the Federal Procurement Regulations and conform with FEDERAL REGISTER standards approved for the FPR, except, that material published in looseleaf form for use only by Coast Guard activities which is not published in this Title 41, Code of Federal Regulations will be indicated by the letters "CG" preceding and following the material.

###### § 11-1.007-2 Numbering.

(a) This Chapter 11 has been allocated to the Coast Guard for implementing and supplementing Chapter 1 of this Title 41 CFR, the Federal Procurement Regulations.

(b) Where the CGPR implements a part, subpart, section, or subsection of the FPR, the implementing part, subpart, section, or subsection of CGPR will be numbered (and captioned) to correspond to the part, subpart, section, or subsection of Chapter 1 of this Title 41 CFR, the FPR.

(c) Where the CGPR supplements the FPR, the numbers 50 and up will be assigned to the parts, subparts, or sections involved.

(d) Where the subject matter contained in a part, subpart, section, or subsection of FPR requires no implementation, the CGPR will contain no corresponding part, subpart, section, or subsection number and the subject matter as published in the FPR governs.

###### § 11-1.007-3 Citation.

Coast Guard Procurement Regulations will be cited in accordance with FEDERAL REGISTER standards approved for the FPR. Thus this section, when referred to in divisions of the Coast Guard Pro-



curement Regulations, should be cited as "§ 11-1.007-3 of this chapter." When this section is referred to formally in official documents, such as legal briefs, it should be cited as "41 CFR 11-1.007-3." Any section of the Coast Guard Procurement Regulations may be informally identified, for purposes of brevity, as CGPR followed by the section number, i.e., "CGPR 11-1.007-3."

**§ 11-1.008 Coast Guard implementation and supplementation of FPR.**

The Coast Guard Procurement Regulations "implement" and "supplement" the FPR. The meaning of these terms includes the following:

(a) Implementation means a part, subpart, section, etc., which treats the policies and procedures of a similarly numbered portion of the FPR in greater detail or indicates the manner of compliance, including any deviations. However, material in this Chapter 11 which differs from material in Chapter 1 of this title (FPR) shall be regarded as a deviation only if explicitly referenced to be a deviation.

(b) Supplementation means CGPR coverage of matters which have no counterpart in the FPR.

**§ 11-1.009 Deviations.**

**§ 11-1.009-1 Description.**

See FPR 1-1.009-1.

**§ 11-1.009-2 Procedure.**

In the interest of establishing and maintaining uniformity to the greatest extent feasible, deviations from the FPR and CGPR shall be kept to a minimum and controlled as follows:

(a) In individual cases, deviations from the FPR and CGPR may be authorized by the Commandant (FS), district commander and commanding officers of Headquarters units (having contracting authority), unless otherwise provided. This authority may not be redelegated.

(1) A supporting statement for each individual deviation, which indicates briefly the nature of the deviation and the reasons for such special action shall be included in the contract file.

(2) A copy of the supporting statement for each individual deviation shall be forwarded to the Commandant (FS).

(b) In classes of cases, requests for deviations from the FPR and the CGPR shall be forwarded in triplicate to the Commandant (F), and shall be accompanied by an appropriate supporting statement. Request will be considered on an expedited basis, and appropriate coordination with Headquarters staff and operating divisions will be obtained. Requests involving the FPR will be considered jointly by the Coast Guard and the General Services Administration, unless, in the judgment of the Commandant (F), after due consideration of the objective of uniformity and program responsibilities of the Coast Guard, circumstances preclude such joint effort. In such cases, the Commandant (F) will approve such class deviations as he determines necessary and will appropri-

ately notify the General Services Administration.

**Subpart 11-1.1 [Reserved]**

**PART 11-7—CONTRACT CLAUSES**

**Subpart 11-7.1—Fixed-Price Supply Contracts**

1. Section 11-7.101-64 is revised to read as follows:

**§ 11-7.101-64 Marking of shipments.**

When appropriate the following clause may be included in supply contracts:

**MARKING OF SHIPMENTS**

The contractor shall mark all shipments under this contract in accordance with the current edition of "Military Standard Marking Shipments MIL-STD-129," issued by the Department of Defense. The applicable lot or item number, or both, shall be included in the marking prescribed for each shipment in addition to the contract number.

2. Section 11-7.101-68 is revised to read as follows:

**§ 11-7.101-68 Priorities, allocations and allotments.**

In accordance with the requirements of § 11-1.311 of this chapter, insert the clause prescribed therein.

**Subpart 11-7.6—Fixed-Price Construction Contracts**

3. Section 11-7.602-64 is revised to read as follows:

**§ 11-7.602-64 Performance of work by contractor.**

In accordance with the requirement of ASPR "32 CFR 18.104" the clause set forth therein will be included in all construction contracts estimated to exceed \$100,000.

4. Section 11-7.602-74 is revised to read as follows:

**§ 11-7.602-74 Priorities, allocations and allotments.**

In accordance with the requirements of § 11-1.311 of this chapter, insert the clause prescribed therein.

**PART 11-11—FEDERAL, STATE AND LOCAL TAXES**

**Subpart 11-11.5—Tax Exemption Forms**

1. In § 11-11.550-6, paragraph (a) is revised to read as follows:

**§ 11-11.550-6 Supply and control of SF 1094.**

(a) *Source of supply.* SF 1094 will be requisitioned by the Coast Guard Supply Center, Brooklyn and Base, Alameda from the General Services Administration. Authorized issuing authorities will submit their orders to the applicable supply source. The unit of issue is "book" and each book contains 25 certificates (SF 1094) and 5 tabulation sheets (SF 1094a).

Dated: October 28, 1966.

[SEAL] P. E. TRIMBLE,  
Vice Admiral, U.S. Coast Guard,  
Acting Commandant.

[F.R. Doc. 66-12093; Filed, Nov. 7, 1966; 8:46 a.m.]

**Title 45—PUBLIC WELFARE**

**Chapter VIII—Civil Service Commission**

**PART 801—VOTING RIGHTS PROGRAM**

**Amendments to Appendices A, B, C, and D**

1. Appendix A to Part 801 is amended (a) under the heading "Dates, Times, and Places for Filing" to include the State of Georgia and to show one place for filing in that State, and (b) under the heading "Forms of Application" to show the form of application prescribed for the State of Georgia.

**APPENDIX A**

\* \* \* \* \*  
DATES, TIMES, AND PLACES FOR FILING  
\* \* \* \* \*

**GEORGIA**

*County; Place for Filing; Beginning Date*

Hancock; Sparta—Post Office Building, Broad Street; November 8, 1966.

**FORMS OF APPLICATION**

\* \* \* \* \*  
GEORGIA  
*Front*

**APPLICATION TO BE LISTED UNDER THE VOTING RIGHTS ACT OF 1965**

Form approved  
Budget Bureau No. 50-R359

State of Georgia, County of \_\_\_\_\_  
Instructions to the Applicant: Please fill out this side of this form. If you need help in answering any question, the Examiner will help you.

1. Name \_\_\_\_\_  
(First) (Middle) (Last)
2. Age \_\_\_\_\_
3. Address \_\_\_\_\_  
(RFD or Street Number) (Street)  
\_\_\_\_\_  
(City or Town) (State)
4. How long have you lived in Georgia? ..
5. How long have you lived at the above address? ..
6. What is your election district? ..
7. Are you now on active duty in the Armed Forces of the United States? \_\_\_\_\_ ☐ Yes ☐ No
8. (a) Are you now registered to vote in Georgia? \_\_\_\_\_ ☐ Yes ☐ No  
(b) Are you now listed under the Voting Rights Act? \_\_\_\_\_ ☐ Yes ☐ No
9. Are you a citizen of the United States and of the State of Georgia? \_\_\_\_\_ ☐ Yes ☐ No
10. Have you ever been convicted of a crime other than a traffic violation? .. ☐ Yes ☐ No
11. Have you ever been declared legally insane or idiotic by a court? \_\_\_\_\_ ☐ Yes ☐ No

Any willful false statement on this application is a Federal crime punishable by fine or imprisonment.



STOP HERE. TAKE THE FORM TO THE EXAMINER

I do solemnly swear (or affirm) that I am not registered to vote under any other name; that I have correctly answered the questions appearing elsewhere on this application; that the information contained elsewhere on this application is true.

Signature (or mark) of applicant \_\_\_\_\_  
Sworn to (or affirmed) and subscribed before me this date \_\_\_\_\_  
Examiner \_\_\_\_\_

United States Civil Service Commission  
CSC Form 805-G  
† August 1965

#### Back

Do not write on this side—  
for use by the Examiner

#### ADDITIONAL INFORMATION ITEMS

2. If applicant shows his age to be under 18, will he be 18 by the date of the next election? ☐ Yes ☐ No  
Write in his date of birth \_\_\_\_\_
4. If applicant shows that he has not lived in Georgia for one year, will he have lived in Georgia for one year by the date of the next election? ☐ Yes ☐ No  
If yes, write in date residence began \_\_\_\_\_  
Former address \_\_\_\_\_
5. If applicant shows that he has not lived at his present address for six months, will he have lived within the same county for six months by the date of the next election? ☐ Yes ☐ No  
If yes, write in the date residence began \_\_\_\_\_  
Former address \_\_\_\_\_
7. If applicant answers yes, is his residence in Georgia and in his county for temporary purposes only? ☐ Yes ☐ No
8. (a) If applicant shows that he is now registered to vote in Georgia, write in the county where he is registered \_\_\_\_\_

- (b) If applicant shows that he is now listed under the Voting Rights Act, write in the county where he is listed \_\_\_\_\_  
and certificate number if available \_\_\_\_\_

10. If applicant answers yes, name the crime \_\_\_\_\_  
Where and when convicted? \_\_\_\_\_  
Was the conviction for a disqualifying crime? ☐ Yes ☐ No  
If a disqualifying crime, has applicant been pardoned? ☐ Yes ☐ No  
If so pardoned, where and when? \_\_\_\_\_
11. If applicant answers yes, has he subsequently been declared legally sane or competent by a court? ☐ Yes ☐ No  
If yes, when and by what court? \_\_\_\_\_  
Certificate of Eligibility Issued—No. \_\_\_\_\_  
Notice of Ineligibility Issued—No. \_\_\_\_\_

2. Appendix B to Part 801 is amended by the addition of the qualifications required for listing on an eligibility list in the State of Georgia.

#### APPENDIX B

##### GEORGIA

A person is qualified to be listed as an eligible voter in elections in the State of Georgia, except municipal elections, if he has all the following qualifications at the time he applies for listing and if he takes the required oath or affirmation.

- (1) He will be 18 years of age by the date of the next election.
- (2) He is a citizen of the United States and of the State of Georgia.
- (3) He will have lived in the State of Georgia for 1 year and in his county for 6 months by the date of the next election.
- (4) He has not been convicted of treason against the State, embezzlement of public funds, malfeasance in office, bribery or larceny, or of any crime involving moral turpitude, punishable by the laws of Georgia with imprisonment in the penitentiary, or if so convicted he has been subsequently pardoned.
- (5) He has not been declared legally insane or idiotic by a court, or if so declared he has been subsequently declared legally sane or competent by a court.

(6) He is not otherwise registered or listed as eligible to vote in the county in which he applies for listing.

3. Appendix C of Part 801 is amended by the addition of the address of the Examiner (State Supervisor) in the State of Georgia.

#### APPENDIX C

##### GEORGIA

Examiner (State Supervisor), U.S. Civil Service Commission, Merchandise Mart Building, 240 Peachtree Street NW., Atlanta, Georgia 30303.

4. Appendix D of Part 801 is amended by the addition of the bases for loss of eligibility to vote and removal from an eligibility list in the State of Georgia.

#### APPENDIX D

A person loses his eligibility to vote in elections in the State of Georgia if:

(1) He is no longer a legal resident of the State of Georgia or the county for which he is listed;

(2) He dies;

(3) He is convicted of treason against the State, embezzlement of public funds, malfeasance in office, bribery or larceny, or of any crime involving moral turpitude, punishable by the laws of Georgia with imprisonment in the penitentiary, and has not been subsequently pardoned;

(4) He is declared legally insane or idiotic by a court and has not been subsequently declared legally sane or competent by a court; or

(5) He loses his citizenship in the United States or the State of Georgia.

A person loses his eligibility to vote in municipal elections only, if he is no longer a legal resident of his city or town. Loss of eligibility to vote in a municipal election because of change of such residence does not result in loss of eligibility in any other election.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89-110)

#### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Acting Executive Assistant  
to the Commissioners.

[F.R. Doc. 66-12232; Filed, Nov. 7, 1966; 12:42 p.m.]



# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Part 179 ]

### MACHINEGUNS AND CERTAIN OTHER FIREARMS

#### Notice of Exemption and Transfer

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulation set forth in tentative form below is proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulation, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on the proposed regulation should submit his request, in writing, to the Director, Alcohol and Tobacco Tax Division, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulation is to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] **SHELDON S. COHEN,**  
*Commissioner of Internal Revenue.*

In order to establish that a reported tax-exempted transfer of a firearm coming within the purview of the National Firearms Act (Chapter 53 of the Internal Revenue Code of 1954) has been accomplished, § 179.105 of 26 CFR Part 179 is amended to read as follows:

#### § 179.105 Notice of exemption and transfer.

Where a transfer is claimed to be exempt from tax under section 5812 I.R.C., as implemented by §§ 179.104, 179.104a, and 179.104b, a notice of exemption and transfer must be immediately executed by the transferor in triplicate on Form 5 (Firearms), and the original forwarded to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C. 20224, the duplicate retained by the transferor, and the triplicate furnished to the transferee. The notice must show the name and address of the transferor and transferee, a description of the firearm, the date of the transfer, the basis of the exemption

claimed, and any other evidence which the Director, Alcohol and Tobacco Tax Division, may require. In addition, the transferor must establish that the transferee has received the firearm. Acceptable proof of receipt of a firearm may be in the form of a document such as a bill of lading showing shipment of the firearm to the transferee, or a signed statement by the transferee, or by a responsible officer or official on behalf of the transferee, acknowledging receipt of the firearm. Any document evidencing receipt of the firearm by the transferee must be securely affixed to the original Form 5 (Firearms) furnished to the Director, Alcohol and Tobacco Tax Division.

[F.R. Doc. 66-12094; Filed, Nov. 7, 1966; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[ 7 CFR Part 906 ]

### ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

#### Terms and Conditions Governing Use by Handlers of Identifying Marks Utilized by Committee in Promotional and Advertising Projects

Consideration is being given to the proposal submitted, and unanimously recommended, by the Texas Valley Citrus Committee, established under the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906; 31 F.R. 10461), regulating the handling of oranges and grapefruit grown in Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof, that use of the identifying mark "TEXA-SWEET" be limited as hereinafter set forth:

#### § 906.137 Handlers use of identifying marks utilized by the committee in promotional and advertising projects.

(a) On and after the effective date hereof, the identifying mark "TEXA-SWEET" shall be available to handlers only under the following terms and conditions:

(1) The identifying mark "TEXA-SWEET" may be affixed only to containers of grapefruit or to individual grapefruit comprising a lot which grades at least U.S. Combination, with not less than 60 percent, by count, of the grapefruit in each container thereof grading at least U.S. No. 1 and the remainder U.S. No. 2; or

(2) The identifying mark "TEXA-SWEET" may be affixed only to containers of oranges or to individual oranges comprising a lot which grades at least U.S. Combination.

(b) When used herein, terms relating to grade shall have the same meaning as is given to the respective term in the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620-51.685 of this title) and in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680-51.712 of this title).

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 3, 1966.

**FLOYD F. HEDLUND,**  
*Director, Fruit and Vegetable  
Division, Consumer and Mar-  
keting Service.*

[F.R. Doc. 66-12119; Filed, Nov. 7, 1966; 8:48 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Parts 120, 121 ]

2,4-D

#### Tolerances for Residues

The U.S. Department of Agriculture has requested that action be taken to permit the use of 2,4-D (2,4-dichlorophenoxyacetic acid), its ammonium, lithium, and sodium salts, and the various amine salts and esters identified below, as a herbicide on barley, oats, rye, and wheat for the control of broadleaf weeds. The Commissioner of Food and Drugs has concluded that pesticide and food additive tolerances should be proposed as hereinafter set forth.

These proposed tolerances are based upon use patterns so limited that application may not be at a dosage greater than 1.5 pounds acid equivalent per acre and that applications may not be made later than 14 days before harvest. Available data show that under these conditions residues on the grains at time of harvest do not exceed 0.5 part per mil-



lion of 2,4-D acid nor do they exceed 20 parts per million in the forage of these grains. The data also show that the carryover of residues to grain fractions do not exceed 0.5 part per million in flour or 2 parts per million in other grain fractions.

1. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346(e)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), it is proposed that § 120.142 be amended by designating its present text as paragraph (a) and by adding thereto paragraph (b) reading as follows:

§ 120.142 2,4-D: tolerances for residues.

(b) Tolerances are established for residues of 2,4-D calculated as the acid at 0.5 part per million in or on the grain of and at 20 parts per million in or on the forage of barley, oats, rye, and wheat from application of 2,4-D in acid form or in the form of one or more of the following salts or esters:

(1) The inorganic salts ammonium, lithium, and sodium.

(2) The amine salts diethanol, dimethyl, dodecyl, ethanol, isopropanol, isopropyl, *n*-oleyl-1,3-propylene diamine, triethanol, and tetradecyl.

(3) The esters butoxyethanol, butoxyethoxypropyl, butoxyethyl, butyl, ethyl, isopropyl methyl octyl (isooctyl), pentyl, polyethylene glycol butyl ether, and tetrahydropropyl.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed in this document may request, within 30 days from the date of publication of this proposal in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

2. Pursuant to the provisions of the act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated as cited above, it is proposed that Part 121 be amended:

a. By adding to Subpart C a new section as follows:

§ 121.— 2,4-D.

A tolerance of 2 parts per million is established for residues of 2,4-D (2,4-dichlorophenoxyacetic acid) in the milled fractions derived from barley, oats, rye, and wheat to be ingested as animal feed or converted into animal feed. Such residues may be present therein only as a

result of application to the growing crop of the herbicides identified in § 120.142 of this chapter.

b. By adding to Subpart D a new section as follows:

§ 121.— 2,4-D.

A tolerance of 2 parts per million is established for residues of 2,4-D (2,4-dichlorophenoxyacetic acid) in the milled fractions (except flour) derived from barley, oats, rye, and wheat to be ingested as food or to be converted to food. Such residues may be present therein only as a result of application to the growing crop of the herbicides identified in § 120.142 of this chapter.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments on these proposals, preferably in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: October 31, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 66-12111; Filed, Nov. 7, 1966;  
8:47 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—ATS 643.3-b]

### SHOES FROM RUMANIA

#### Notice of Intent To Discontinue Investigation and To Make Determination That No Sales Exist Below Fair Value

NOVEMBER 1, 1966.

Information was received on October 15, 1964, that shoes, leather, men's and boys', welt construction, imported from Rumania, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

On May 25, 1965, the Acting Commissioner of Customs issued a withholding of appraisal notice with respect to such merchandise, which was published in the FEDERAL REGISTER dated June 2, 1965.

Promptly after the commencement of the antidumping investigation, sales to the United States of the merchandise were terminated. The exporter gave assurances that if sales to the United States are resumed they will not be below fair value within the meaning of the Antidumping Act, 1921, as amended. These assurances were given regardless of the determination of this case. The complaint thereafter was withdrawn.

In view of the foregoing it appears that there are not, and are not likely to be, sales below fair value of shoes, leather, men's and boys', welt construction, from Rumania.

Unless persuasive evidence or argument to the contrary is presented within 30 days, a determination will be made that there are not, and are not likely to be, sales below fair value.

Any such evidence or argument should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice is published pursuant to § 14.7(b) (9) of the Customs Regulations (19 CFR 14.7(b) (9)).

[SEAL] TRUE DAVIS,  
Assistant Secretary of the Treasury.

[F.R. Doc. 66-12095; Filed, Nov. 7, 1966; 8:46 a.m.]

[Antidumping—ATS 643.3-b]

### SHOES FROM RUMANIA

#### Notice of Intent To Discontinue Investigation and To Make Determination That No Sales Exist Below Fair Value

NOVEMBER 1, 1966.

Information was received on July 16, 1965, that shoes, leather (other than men's and boys' of welt construction),

imported from Rumania, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. This information was the subject of an Antidumping Proceeding Notice which was published pursuant to § 14.6(d), Customs Regulations, in the FEDERAL REGISTER of August 18, 1965, on page 10249 thereof.

On August 18, 1965, the Commissioner of Customs issued a withholding of appraisal notice with respect to such merchandise, which was published in the FEDERAL REGISTER dated August 25, 1965.

Comparison between purchase price and constructed value based on comparable shoes from a country not having a controlled economy, revealed that constructed value was higher than purchase price. Upon being advised of this fact, the exporter agreed not to make further sales to the United States at a price below constructed value. Assurances were given, that, regardless of the determination of this case, no future sales to the United States will be made at prices which could be construed as being at less than fair value, within the meaning of section 201(a) of the Antidumping Act, 1921, as amended. The complaint thereafter was withdrawn.

In view of the foregoing it appears that there are not, and are not likely to be, sales below fair value of shoes, leather (other than men's and boys' of welt construction), from Rumania.

Unless persuasive evidence or argument to the contrary is presented within 30 days, a determination will be made that there are not, and are not likely to be, sales below fair value.

Any such evidence or argument should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice is published pursuant to § 14.7(b) (9) of the Customs Regulations (19 CFR 14.7(b) (9)).

[SEAL] TRUE DAVIS,  
Assistant Secretary of the Treasury.

[F.R. Doc. 66-12096; Filed, Nov. 7, 1966; 8:46 a.m.]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Planning Unit Code 31, Classification 4; Arizona 033050]

### ARIZONA

#### Notice of Proposed Classification of Public Lands

OCTOBER 31, 1966.

Notice is hereby given of a proposal to classify the lands described below for dis-

posal under the Recreation and Public Purposes Act (43 U.S.C. 869 et seq.). This publication is made pursuant to the Act of September 19, 1964 (43 U.S.C. 1612).

This proposal has been discussed with State, county and local government agencies, the soil conservation district, and other interested parties of record. Information derived from discussions and other services indicates that these lands meet the criteria of 43 CFR 2410.1-3(c)(3) for nonprofit recreation and public purpose uses proposed by the Arizona State Parks Board. Publication in the FEDERAL REGISTER segregates the described lands from all forms of disposal under the public land laws except the Recreation and Public Purposes Act.

Information concerning the lands is available for inspection and study in Room 3041, Federal Building, Phoenix, Ariz. For a period of 60 days from the date of this publication, interested parties may submit comments to the Manager, Bureau of Land Management, Room 3010, Federal Building, Phoenix, Ariz. 85025. The lands affected by this proposal are located in Pinal County and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 9 S., R. 9 E.,	
sec. 4, S $1\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , and	Acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	280.00
sec. 9, S $1\frac{1}{2}$ , NW $\frac{1}{4}$ , and W $\frac{1}{2}$ NE $\frac{1}{4}$	560.00
sec. 21	640.00
sec. 22	640.00
sec. 23	640.00

Total----- 2,760.00

FRED J. WEILER,  
State Director.

[F.R. Doc. 66-12083; Filed, Nov. 7, 1966; 8:45 a.m.]

### CALIFORNIA

#### Proposed Classification of Public Lands

Notice is hereby given that it is proposed to classify, pursuant to section 3 of the act of August 31, 1964 (78 Stat. 751; 43 U.S.C. 254), the public lands described below for disposal in satisfaction of valid scrip rights. This publication is made pursuant to section 2 of the act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1412). For a period of 60 days from the date of this publication, interested parties may submit comments to the Director, Bureau of Land Management, Washington, D.C. 20240.

Regulations (43 CFR 2221.0—2221.2-4) governing selection of classified lands were published August 24, 1966 (31 F.R. 11178, 11179). As stated therein, scrip claimants may submit recommendations of areas to be classified for satisfaction of claims, specifying the type of claim for which the land should be classified. Recommendations should be sent to the



State Director, Bureau of Land Management, of the State in which the recommended lands are located (see 43 CFR 1821.2-1).

The lands affected by this proposal are described as follows:

For satisfaction of Valid Valentine, Sioux Halfbreed, Wyandotte, Porterfield, Gerard, McKee, and Railroad Lieu Selection Claims:

#### HUMBOLDT MERIDIAN

T. 11 $\frac{1}{2}$  N., R. 3 E.,  
Sec. 31, Lot 4.

#### MOUNT DIABLO MERIDIAN

T. 15 N., R. 8 E.,  
Sec. 3, Lot 16.  
T. 25 S., R. 34 E.,  
Sec. 35, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

#### SAN BERNARDINO MERIDIAN

T. 5 S., R. 6 E.,  
Sec. 30, Lots 33, 40, 47, 48.  
T. 6 S., R. 6 E.,  
Sec. 6, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
The areas described aggregate approximately 105.69 acres.  
For satisfaction of Valid Soldiers Additional Homestead, Isaac Crow, Merritt W. Blair, and Forest Lieu Claims:

#### SAN BERNARDINO MERIDIAN

T. 11 N., R. 9 W.,  
Sec. 2, N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 10, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 11 N., R. 10 W.,  
Sec. 20, NE $\frac{1}{4}$ ;  
Sec. 22, All.  
T. 10 N., R. 3 E.,  
Sec. 3, Lot 2 of NW $\frac{1}{4}$ , W $\frac{1}{2}$  Lot of NW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 12, S $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 10 N., R. 4 E.,  
Sec. 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
N $\frac{1}{2}$  Lot 2 of SW $\frac{1}{4}$ ,  
N $\frac{1}{2}$  Lot 1 of SW $\frac{1}{4}$ ,  
S $\frac{1}{2}$  Lot 2 of SW $\frac{1}{4}$ ;  
Sec. 18, N $\frac{1}{2}$  Lot 2 of SW $\frac{1}{4}$ ,  
N $\frac{1}{2}$  Lot 1 of SW $\frac{1}{4}$ ,  
S $\frac{1}{2}$  Lot 2 of SW $\frac{1}{4}$ ,  
S $\frac{1}{2}$  Lot 1 of SW $\frac{1}{4}$ ;  
Sec. 32, NW $\frac{1}{4}$ , SW $\frac{1}{4}$ .  
T. 9 N., R. 3 E.,  
Sec. 6, SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$  Lot 2 of SW $\frac{1}{4}$ ,  
S $\frac{1}{2}$  Lot 2 of SW $\frac{1}{4}$ ;  
Sec. 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 9 N., R. 2 E.,  
Sec. 11, NE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 3 N., R. 5 E.,  
Sec. 13, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 17, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 22, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 35, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 2 N., R. 6 E.,  
Sec. 3, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 5, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 9, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 1 N., R. 7 E.,  
Sec. 8, Lot 23.  
T. 1 N., R. 10 E.,  
Sec. 13, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 28, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 31, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 8 S., R. 12 E.,  
Sec. 34, S $\frac{1}{2}$ .

T. 9 S., R. 12 E.,  
Sec. 4, Lots 1 and 2 of NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 10, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 12, NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 14, N $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ .

The areas described aggregate approximately 4,568.61 acres.

EUGENE ZUMWALT,  
Acting Director.

NOVEMBER 2, 1966.

[F.R. Doc. 66-12084; Filed, Nov. 7, 1966;  
8:45 a.m.]

## MONTANA

### Redelegation to Area Managers; Revocation

OCTOBER 25, 1966.

Redelegation to Area Managers, Montana, published in the FEDERAL REGISTER, Vol. 31, No. 194, dated October 6, on page 13010, is hereby revoked.

HAROLD TYSK,  
State Director.

[F.R. Doc. 66-12085; Filed, Nov. 7, 1966;  
8:45 a.m.]

## NEW MEXICO

### Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 28, 1966.

The Forest Service, U.S. Department of Agriculture has filed application Serial No. New Mexico 531 for the withdrawal of lands described below. The lands were conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. The lands are located within the boundaries of the Las Vegas Ranger District of the Santa Fe National Forest. They have not been open to entry under the public land laws. The applicant desires the lands for addition to, and consolidation with National Forest lands and to permit more efficient administration thereof in the conservation of national resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and

to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

#### NEW MEXICO PRINCIPAL MERIDIAN

T. 19 N., R. 14 E.,  
Sec. 8, lots 4, 5, 8, S $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 15, W $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 16, All, excepting a tract more particularly described as beginning at a point on the west section line 100 feet south of the  $\frac{1}{4}$  corner, thence N. 89°56' E., 1,950.23 feet to a stake located 100 feet south of the E-W centerline, thence N. 02°19' W., 2,868.70 feet to a stake on the north section line, thence westward along the section line to the corner common to sections 8, 9, 16, and 17, and thence southward along the west section line to the point of beginning, containing 128.435 acres, more or less.  
Sec. 17, lots 3, 6, and SE $\frac{1}{4}$ , excepting a tract more particularly described as beginning at a point which is the intersection of the E-W centerline of section 17 and the west line of the Mora Grant, thence S. 89°10' E., 1,475.70 feet to a stake, thence S. 84°41' E., 1,363.60 feet to a stake located 100 feet south of the east  $\frac{1}{4}$  corner, thence northward to the  $\frac{1}{4}$  corner, and thence westward along the E-W centerline of the section to the point of beginning, containing 1.565 acres, more or less.  
Sec. 21, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 22, E $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 26, S $\frac{1}{2}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described contains 2,086.21 acres.

MICHAEL T. SOLAN,  
Chief, Division of Lands and  
Minerals, Program Management  
and Land Office.

[F.R. Doc. 66-12086; Filed, Nov. 7, 1966;  
8:45 a.m.]

## Fish and Wildlife Service

[Docket No. A-406]

### OLAF HEMNES

### Notice of Loan Application

NOVEMBER 3, 1966.

Olaf Hemnes, Route 1, Box 984, Ketchikan, Alaska 99901, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a 35.7-foot registered length used wood fishing vessel to engage in the fishery for salmon, halibut, shrimp, sablefish, crab and tuna.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fish-



eries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause economic hardship or injury.

HAROLD E. CROWTHER,  
*Acting Director,*  
*Bureau of Commercial Fisheries.*

[F.R. Doc. 66-12088; Filed, Nov. 7, 1966;  
8:45 a.m.]

## MONOMOY ISLAND WILDERNESS

### Notice of Public Hearing Regarding Proposed Establishment

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on January 11, 1967, at the Chatham Fire Station, Chatham, Mass., on a proposal for recommendation to be made to the President of the United States by the Secretary of the Interior, that a recommendation be submitted to Congress for the establishment of the Monomoy Island Wilderness, comprising the entirety of Monomoy Island, consisting of approximately 2,600 acres within the Monomoy National Wildlife Refuge. The proposed Wilderness lies entirely within Barnstable County, State of Massachusetts.

A brochure containing a map and information about the proposed Wilderness may be obtained from the Refuge Manager, Great Meadows National Wildlife Refuge, 110 Great Road, Bedford, Mass. 01730, or the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Individuals or organizations may express their views by appearing at this hearing, or they may submit written comments for inclusion in the official record to the Regional Director at the above address by February 11, 1967.

RICHARD E. GRIFFITH,  
*Regional Director, Bureau of*  
*Sport Fisheries and Wildlife.*

NOVEMBER 1, 1966.

[F.R. Doc. 66-12092; Filed, Nov. 7, 1966;  
8:45 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

[P.P.C. 639]

### JAPANESE AND WHITE-FRINGED BEETLES, EUROPEAN CHAFER, AND IMPORTED FIRE ANT

#### List of Approved Laboratories Au- thorized to Receive Soil Samples Without Certification or Permit

Pursuant to the Japanese Beetle, White-fringed Beetle, European Chafer, and Imported Fire Ant Quarantines (Notices of Quarantines Nos. 48, 72, 77, and 81; 7 CFR 301.48, 301.72, 301.77, and 301.81) and §§ 301.48a(a)(10), 301.72a(c), 301.77a(b), and 301.81a(c) of the supplemental administrative instructions (7 CFR 301.48a(a)(10), 301.72a(c), 301.77a(b), 301.81a(c)), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the lists of approved laboratories (30 F.R. 12422, 31 F.R. 4255, 10424) authorized to receive soil samples of 1 pound or less without certification or permit from areas regulated under the said notices of quarantines and supplemental administrative instructions pertaining thereto are hereby revised to read as follows:

Laboratory, address:

#### ALABAMA

Agronomy Department, Soil and Water Conservation Research Division, ARS, Auburn University, Auburn.

Auburn University Soil Testing Laboratory, Funchess Hall, Auburn University, Auburn.  
Dixie Laboratories, Inc., 155 Beauregard Street, Mobile.

L. R. Johnston Co., Inspection Bureau, 2650 Government Boulevard, Mobile.

F. S. Royster Guano Co., Soil Test Laboratory, 62 Ninth Street, Post Office Box 308, Montgomery.

A. W. Williams Inspection Co., 208 Virginia Street, Mobile.

#### ARIZONA

Southwest Rangeland Hydrology Research Watershed, Post Office Box 3926, Tucson.

U.S. Water Conservation Laboratory, Route 2, Box 816-A, Tempe.

#### ARKANSAS

University of Arkansas Experiment Station Soil Testing Laboratory, Marianna.

#### CALIFORNIA

Fresno Field Station, 4816 East Shields Avenue, Fresno.

Quality of Water Laboratory, Water Resources Division, U.S. Geological Survey, 345 Middlefield Road, Menlo Park 94025.

Southwestern Irrigation Field Station, Post Office Box 1339, Brawley.

U.S. Salinity Laboratory, Post Office Box 672, Riverside.

#### COLORADO

Analytical Laboratory, Geologic Division, U.S. Geological Survey, Building 25, Federal Center, Denver, 80225.

Branch of Quality of Water Laboratory, Water Resources Division, U.S. Geological Survey, Federal Center, Denver 80225.

#### COLORADO—Continued

Engineering Geology Laboratory, Geologic Division, U.S. Geological Survey, Federal Center, Denver 80225.

Exploration Research Laboratory, Geologic Division, U.S. Geological Survey, Federal Center, Denver 80225.

Hydrologic Laboratory, Water Resources Division, U.S. Geological Survey, Federal Center, Denver 80225.

Nitrogen Laboratory, Post Office Box 758, Fort Collins.

Paleontology and Stratigraphy Laboratory, Geologic Division, U.S. Geological Survey, Federal Center, Denver 80225.

Palynology Laboratory, Geologic Division, U.S. Geological Survey, Federal Center, Denver 80225.

Pesticide Laboratory, Water Resources Division, U.S. Geological Survey, Federal Center, Denver 80225.

USDA Central Great Plains Field Station, Box K, Akron.

#### CONNECTICUT

Chas. Pfizer & Co., Inc., Eastern Point Road, Groton.

Consolidated Cigar Corp., 131 Oak Street, Glastonbury.

#### DISTRICT OF COLUMBIA

Analytical Laboratory, Geologic Division, U.S. Geological Survey, Navy Yard Annex, Washington 20242.

Branch of Quality of Water Laboratory, Water Resources Division, U.S. Geological Survey, Room 117, Old Post Office Building, Washington 20242.

Carbon 14 Laboratory, Isotope Geology Branch, Geologic Division, U.S. Geological Survey, Washington 20242.

Division of Physics Research, Bureau of Public Roads, U.S. Department of Commerce, Washington 25.

#### FLORIDA

American Agricultural Chemical Co., Soil Testing Laboratory, Pierce.

Armour Agricultural Chemical Co., East Eighth Street and Talleyrand Avenue, Post Office Box 3007, Jacksonville.

Collier County Soil Laboratory, County Court House, Naples 33940.

Dade County Soils Laboratory, Homestead 33030.

Escambia County Soils Laboratory, Room 308, County Court House, Pensacola 32501.

Flowers Analytical Laboratories, Post Office Box 587, Altamonte Springs 32701.

International Minerals & Chemical Corp., Post Office Box 467, Mulberry 33860.

Law Engineering Testing Co., Post Office Box 632, Cape Canaveral 32920.

Law Engineering Testing Co., Post Office Box 5738, Jacksonville 32207.

Law Engineering Testing Co., Post Office Box 5742, Orlando 32805.

Law Engineering Testing Co., Post Office Box 10476, Tampa 33609.

Dr. Ralph Miller's Laboratory, 701 South Hyer, Orlando 32800.

Plantation Field Laboratory, Post Office Box 9087, Fort Lauderdale.

Soil Testing Laboratory, Agricultural Extension Service, Gainesville 32601.

Three Gee Dee, Pembroke.

Dr. Wolf's Agricultural Lab, Soil and Plant Test, 2620 Taylor Street, Hollywood.

#### GEORGIA

Agriculture Experiment Station, University of Georgia, Athens.

Agriculture Experiment Station, University of Georgia, Experiment.

Agriculture Experiment Station, University of Georgia, Tifton.



## GEORGIA—Continued

Department of Agronomy Soil Testing Laboratory, University of Georgia, Athens.  
International Mineral & Chemical Corp., East Point.

Jay Evans Testing Laboratory, Albany.  
Law Engineering Testing Co., Atlanta.

Soil and Water Conservation Research Division, Southern Piedmont Conservation Research Center, Post Office Box 33, Watkinsville.

Soil Conservation Service, U.S. Department of Agriculture, Athens.

Southern Nitrogen Co., Post Office Box 246, Savannah.

State Highway Soil Testing Laboratory, 305 Sixth Street NW., Atlanta.

Tennessee Corp., Agricultural Operational Division, 1330 West Peachtree Street, Atlanta.

## IDAHO

Northwest Hydrology Research Watershed, 306 North Fifth Street, Post Office Box 2724, Boise.

Snake River Conservation Research Center, Route 1, Box 186, Kimberly.

## ILLINOIS

Agronomy Soil Testing Laboratory, University of Illinois, Urbana.

Consolidated Laboratories, Congerville.  
Federal Chemical Co., Post Office Box 11, Danville.

International Minerals & Chemical Corp., Erie.

International Minerals & Chemical Corp., Libertyville.

International Minerals and Chemical Corp., Old Orchard Road, Skokie.

International Minerals & Chemical Corp., Union.

Midwest Soil Testing Service, Post Office Box 125, Danforth.

Nuag Soil Testing Laboratory, Rochelle.

Olson Management Service, 68 Monterey Street, Freeport.

Schofield Soil Service, Paxton.

Soil and Water Conservation Research Division Laboratory, ARS, S-212 Turner Hall, University of Illinois, Urbana.

## INDIANA

Soil and Water Conservation Research Division Laboratory, ARS, Agricultural Engineering Department, Purdue University, Lafayette.

## IOWA

Soil and Water Conservation Research Division Laboratory, Agricultural Research Service, Agronomy Building, Iowa State University, Ames.

## KANSAS

Soil and Water Conservation Research Division Laboratory, ARS, Agronomy Department, Waters Hall, Kansas State University, Manhattan.

## KENTUCKY

Federal Chemical Co., 646 Starks Building, Louisville.

Soil Testing Laboratory, College of Agriculture, University of Kentucky, Lexington.

## LOUISIANA

Bureau of Public Roads, 3444 Convention Street, Baton Rouge.

Engineers Testing Laboratories, 727 Main Street, Baton Rouge.

Pittsburg Testing Laboratories, Post Office Box 3128, Baton Rouge.

Shilstone Testing Laboratories, Post Office Box 123, Baton Rouge.

Soil and Water Conservation Research Division Laboratory, ARS, Post Office Drawer U, University Station, Baton Rouge.

## MAINE

Soil and Water Conservation Research Division Laboratory, ARS, The Maples, University of Maine, Orono.

## MARYLAND

American Agricultural Chemical Co., 2272 South Clinton Street, Baltimore.

Pesticides Investigations, Crops Research Division, Crop Protection Research Branch, Plant Industry Station, Building 050, Beltsville.

Soil and Water Conservation Research Division, Northeast Branch Soil Laboratory, Plant Industry Station, Beltsville.

U.S. Hydrograph Laboratory, Soil and Water Conservation Research Division, ARS, Plant Industry Station, Beltsville.

U.S. Soils Laboratory, Soil and Water Conservation Research Division, ARS, Plant Industry Station, Beltsville.

## MASSACHUSETTS

Soil Mechanics Division, Massachusetts Institute of Technology, Cambridge.

## MICHIGAN

American Agricultural Chemical Co., 204 South Forman Street, Detroit.

Dow Chemical Co., Midland.

Prescription Farming, Inc., Eau Claire.

Upjohn Pharmaceutical Co., 7171 Portage Road, Kalamazoo.

## MINNESOTA

Minnesota Soil Testing Laboratory, 35 Soil Science Building, St. Paul Campus, University of Minnesota, St. Paul 55101.

North Central Soil Conservation Research Center, Morris.

## MISSISSIPPI

Soil and Water Conservation Research Division Laboratory, ARS, Agricultural Experiment Station, Post Office Box 502, State College.

Soil Laboratory, Department of Chemistry, Agricultural Experiment Station, Mississippi State University, Post Office Box 642, State College, 39762.

Soil Testing Laboratory, Cooperative Extension Service, Mississippi State University, Post Office Box 1535, State College, 39762.

State Highway Department, Jackson.

U.S. Army Engineer Waterways Experiment Station, Vicksburg.

USDA Sedimentation Laboratory, Box 30, Oxford.

## MISSOURI

North Central Hydrology Research Watershed, Post Office Box 208, Columbia.

## MONTANA

Northern Plains Soil and Water Research Center, Post Office Box 1109, Sidney.

## NEBRASKA

Soil and Water Conservation Research Division Laboratory, ARS, Agronomy Department, University of Nebraska, Lincoln.

USDA Soil Conservation Service, Soil Survey Laboratory, 1325 N Street, Lincoln.

## NEW JERSEY

American Cyanamid Co., Quakerbridge Road, Clarksville.

Campbell Soup Co., Branch Pike, Riverton.

Geology Department, Princeton University, Guyot Hall, Princeton.

Hoffmann-LaRoche, Inc., 340 Kingland Avenue, Nutley.

Johnson Soil Engineering Laboratory, 193 North Shore Avenue, Bagota.

Charles Pfizer Co., Maywood Avenue, Maywood.

Seabrook Farms, Seabrook.

Soils Department, Rutgers University, New Brunswick.

U.S. Testing Co., 14-15 Park Avenue, Hoboken.

Joseph S. Ward, Inc., Consulting Engineer, 91 Roseland Avenue, Caldwell.

## NEW YORK

Agronomy Department, Cornell University, Ithaca.

Department of Soil Engineering, School of Civil Engineering, Cornell University, Ithaca.

Floriculture Department, Cornell University, Ithaca.

U.S. Plant, Soil, and Nutrition Laboratory, Tower Road, Ithaca.

## NORTH CAROLINA

Chembac Laboratories, Western Boulevard, Charlotte.

Froehling and Robertson, Inc., 2860 North Graham Street, Charlotte.

Froehling and Robertson, Inc., Inspection Engineers and Chemists, Fayetteville.

Froehling and Robertson, Inc., Inspection Engineers and Chemists, 2608 South Saunders Street, Raleigh.

International Soil Testing Control Center, North Carolina State University, Raleigh.

Law Engineering Testing Company, 4560 Old Pineville Road, Charlotte.

Ezra Meir & Associates, Consulting Engineers, 709 West Johnson Street, Raleigh.

North Carolina Department of Geology, Raleigh.

North Carolina Highway and Public Works Commission, Fayetteville.

North Carolina Highway and Public Works Commission, Raleigh.

Pittsburgh Soil Testing Co., 4509 West Market St., Greensboro.

Soil and Water Conservation Research Division Laboratory, ARS, Post Office Box 5906, Raleigh.

Southeastern Testing Laboratories, West Morehead Street, Charlotte.

Southern Testing and Research Laboratories, Wilson.

USDA, SCS, Division of Soil Survey Investigation, 387-A Williams Hall, North Carolina State University, Raleigh.

## NORTH DAKOTA

USDA Northern Great Plains Research Center, Post Office Box 459, Mandan.

## OHIO

American Agricultural Chemical Co., Washington Court House.

Brookside Research Laboratory, New Knoxville.

Federal Chemical Co., Columbus.

H. J. Heinz Co., 540 North Enterprise Street, Bowling Green.

North Appalachian Experimental Watershed, Soil and Water Conservation Research Division, ARS, Coshocton.

Ohio Extension Service Soil Testing Laboratory, College of Agriculture, Ohio State University, Columbus.

Ohio Florists Association, Columbus.

F. S. Royster Guano Co., Toledo.

O. M. Scott & Sons Seed Co., Marysville.

Smith-Douglass Co., 618 North Champion Avenue, Columbus.

Stim-U-Plant Laboratory, Inc., 2077 Parkwood Avenue, Columbus.

## OKLAHOMA

Southern Great Plains Hydrology Research Watershed, Post Office Box 400, Chickasha.

## PENNSYLVANIA

Michael Baker, Inc., Rochester.

Robert B. Peters Co., 2833 Pennsylvania Street, Allentown.

## PUERTO RICO

Soil and Water Conservation Research Division Laboratory, ARS, Agricultural Experiment Station, University of Puerto Rico, Rio Piedras.



## SOUTH CAROLINA

Clemson Soil Testing Laboratory, Clemson University, Clemson.  
Coastal Plains Soil and Water Research Center, Post Office Box 271, Florence.

## TENNESSEE

U.S. Testing Co., Inc., Cotton Exchange Building, Memphis 38103.

## TEXAS

Agricultural Department, Stephen F. Austin College, Nacogdoches.  
Agricultural Service Laboratories, 1206 South Aster, Pharr.  
Agronomy Department, Texas A. & M. University, College Station.  
Blackland Conservation Experiment Station, Post Office Box 748, Temple.  
Citrus, Vegetable, Soil, and Water Laboratory, Post Office Box 267, Weslaco.  
Geochemical Surveys, 3806 Cedar Springs Road, Post Office Box 6508, Dallas 75219.  
Horvitz Research Laboratories, 3217 Milam Street, Houston.  
McClelland Engineers, Inc., 6100 Hillcroft, Houston.  
Pattison's Laboratories, Inc., 211 East Monroe, Harlingen.  
Plains Laboratory, 707 Avenue H, Lubbock.  
Shilstone Testing Laboratory, 1205 North Tanguahua Street, Corpus Christi.  
Shilstone Testing Laboratory, 1714 West Capitol Avenue, Houston.  
Soil Testing Laboratory, Wharton County Junior College, Lower Colorado River Authority, Wharton.  
Trinity Testing Laboratories, Inc., Corpus Christi.  
USDA Soil Conservation Service—Soil Laboratory, 3630 McCart Street, Fort Worth.  
USDA Southwestern Great Plains Research Center, Bushland.

## UTAH

Soil and Water Conservation Research Division Laboratory, ARS, Agricultural Science Building 63, Agronomy Department, Utah State University, Logan.

## VIRGINIA

Commercial Testing and Engineering Co., 1831 Lindsay Avenue, Norfolk.  
Froehling & Robertson, Inc., 1111 Boissvain Avenue, Norfolk.  
Froehling & Robertson, Inc., 814 West Cary Street, Richmond.  
W. R. Grace & Co., Davison Chemical Division, Box 277, South Hill.  
Greenlife Products Co., Inc., West Point.  
Hazelton Laboratories, Inc., 9200 Leesburg Highway, Post Office Box 30, Falls Church.  
McCallum Inspection Co., 1808 Hayward Avenue, Norfolk.  
F. S. Royster Guano Co., Room 1004, Royster Building, Norfolk.  
Smith-Douglass, Box 419, 5100 Virginia Beach Boulevard, Norfolk 23501.  
Swift & Co., Agrichem Division, Box 7537, Norfolk 23515.  
V-C Chemical Co., 818 Perry Street, Richmond.  
V-C Chemical Co., Atlee, Va., Post Office Box 631, Ashland 23005.  
Virginia Polytechnic Institute, Soil Testing Laboratory, Blacksburg.  
Virginia Truck Experiment Station, Post Office Box 2160, Norfolk.  
Virginia Truck Experiment Station, Eastern Shore Branch, Painter.  
Woodard Research Corp., Post Office Box 405, 12310 Pinecrest Road, Herndon 22070.

## WASHINGTON

Irrigation Experiment Station, Prosser.  
Soil and Water Conservation Research Division Laboratory, ARS, 215 Johnson Hall, Washington State University, Pullman.

## WEST VIRGINIA

Commercial Testing and Engineering Co., Piedmont and Broad Streets, Charleston.

## WISCONSIN

Wisconsin Soil Testing Laboratory, Soils Building, College of Agriculture, University of Wisconsin, Madison 53706.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 7 CFR 301.48a(a)(10), 301.72a(c), 301.77a(b), 301.81a(c). 29 F.R. 16210, as amended)

The foregoing revision shall become effective November 8, 1966, when it shall supersede P.P.C. 639, effective September 29, 1965, as amended effective March 10, 1966, and August 2, 1966.

Administrative instructions supplemental to the Japanese Beetle, White-fringed Beetle, European Chafer, and Imported Fire Ant Quarantines exempt from the certification and permit requirements of such quarantines soil samples that do not weigh more than 1 pound; meet certain origin, destination, and packaging requirements; and are consigned to laboratories which are approved by the Director of the Plant Pest Control Division and operate under compliance agreements. This revision of the notice of laboratories approved by said Director combines the previous lists of such laboratories; corrects the names and addresses of some previously listed laboratories; deletes one previously listed laboratory; and adds several laboratories to the consolidated list.

The Director of the Plant Pest Control Division has determined that the laboratories listed above qualify for approval under said administrative instructions. Therefore, such laboratories are authorized to receive, without certification or permit, from the respective regulated areas, soil samples that meet the requirements of said administrative instructions as to weight, origin, destination, and packaging.

With respect to the establishments added to the list of approved laboratories, this revision relieves certain restrictions presently imposed and should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions that are being relieved. The deletion of one laboratory from such list imposes certain restrictions, that are necessary to prevent the spread of Japanese and white-fringed beetles, European chafers, and imported fire ants, on persons desiring to ship soil samples, and should be made effective promptly to prevent the interstate spread of such dangerous insects. The consolidation of previous lists of approved laboratories and corrections of the names and addresses of previously listed establishments are nonsubstantive in nature, and notice and other public procedure with respect thereto would serve no useful purpose. Accordingly, it is found upon good cause under the provisions of 5 U.S.C., section 553, that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making the revision effective

less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 3d day of November 1966.

[SEAL]

E. D. BURGESS,  
Director,  
Plant Pest Control Division.

[F.R. Doc. 66-12117; Filed, Nov. 7, 1966; 8:48 a.m.]

## Office of the Secretary INDIANA

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Indiana natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

## INDIANA

Benton.	Montgomery.
Clay.	Owen.
Clinton.	Parke.
Grant.	Pulaski.
Greene.	Putnam.
Howard.	Randolph.
Madison.	Tiptecanoe.
Monroe.	White.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 3d day of November 1966.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 66-12121; Filed, Nov. 7, 1966; 8:48 a.m.]

## MISSISSIPPI

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Mississippi natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

## MISSISSIPPI

Clalborne.	Quitman.
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Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special live-



stock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 3d day of November 1966.

ORVILLE L. FREEMAN,  
*Secretary.*

[F.R. Doc 66-12122; Filed, Nov. 7, 1966;  
8:48 a.m.]

## DEPARTMENT OF COMMERCE

Office of the Secretary

GEORGE E. LAWRENCE

### Statement of Changes in Financial Interests

In accordance with requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months:

A. Deletions: None.

B. Additions: None.

This statement is made as of October 30, 1966.

GEORGE E. LAWRENCE.

OCTOBER 30, 1966.

[F.R. Doc 66-12087; Filed, Nov. 7, 1966;  
8:45 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ONYX CHEMICAL CO.

### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7H2111) has been filed by Onyx Chemical Co., Division of Millmaster Onyx Corp., 190 Warren Street, Jersey City, N.J. 07302, proposing an amendment to § 121.2520 *Adhesives* to provide for the safe use of alkyl dimethylethylbenzyl ammonium cyclohexyl sulfamate as a preservative for adhesives intended for use as components of articles that contact food.

Dated: October 31, 1966.

J. K. KIRK,  
*Associate Commissioner  
for Compliance.*

[F.R. Doc. 66-12112; Filed, Nov. 7, 1966;  
8:48 a.m.]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

### Statement of Organization and Delegations of Authority

Section 8.10 of Part 8 of the Statement of Organization and Delegations of Au-

thority of the Department (22 F.R. 1050), as amended, is amended to specify revised internal organizational nomenclature for the Bureau of Health Insurance, as follows:

Bureau of Health Insurance:

Office of the Bureau Director.  
Office of the Chief Medical Officer.  
Division of Intermediary Operations.  
Division of Management.  
Division of Policy and Standards.  
Division of State Operations.  
Division of Systems.  
Division of Reimbursement.  
Office of the Regional Representative,  
Health Insurance.

(Sec. 6, Reorganization Plan No. 1 of 1953)

Approved: November 2, 1966.

[SEAL] WILBUR J. COHEN,  
*Acting Secretary.*

[F.R. Doc. 66-12113; Filed, Nov. 7, 1966;  
8:48 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-267]

### PUBLIC SERVICE COMPANY OF COLORADO

#### Notice of Receipt of Application for Construction Permit and Utilization Facility License

The Public Service Co. of Colorado, Denver, Colo., has submitted an application dated October 19, 1966, for construction permit and license to construct and operate a 837 megawatt (thermal) high temperature, gas cooled type nuclear power reactor under section 104.b. of the Atomic Energy Act of 1954, as amended. The proposed location for the reactor, designated by the applicant as the Fort St. Vrain Nuclear Generating Station, is on a 2,163 acre site in Weld County, approximately 3½ miles northwest of Platteville, Colo. A copy of the application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated of issuance: November 1, 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,  
*Director,  
Division of Reactor Licensing.*

[F.R. Doc. 66-12081; Filed, Nov. 7, 1966;  
8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 15419]

### BLOCKED-SPACE AIRFREIGHT TARIFFS

#### Notice of Postponement of Prehearing Conference and Other Procedural Dates

By motion filed October 21, 1966, Flying Tiger Line Inc. requests indefinite postponement of procedural dates pending the Board's action on that carrier's motion to dismiss this investigation.

United Air Lines, Inc., has indicated opposition to the postponement request.

On consideration of the matters set forth by the parties, the procedural steps herein are postponed. In the event the Board grants the motion to dismiss, no further steps will be necessary. In the event of denial of the motion to dismiss, the following dates are hereby fixed:

Exchange of proposed revisions in the statements of issues, revised requests for information, revisions in the statements of positions of the parties, and proposed procedural dates—2 weeks after the date of the Board's order of denial; and

Prehearing conference—3 weeks after the date of the Board's order of denial.

A future notice will fix the precise time and place of the prehearing conference, if the Board denies the dismissal motion.

Dated at Washington, D.C., November 2, 1966.

[SEAL] RALPH L. WISER,  
*Hearing Examiner.*

[F.R. Doc. 66-12101; Filed, Nov. 7, 1966;  
8:46 a.m.]

[Order No. E-24356]

### CERTAIN UNAUTHORIZED INDIRECT AIR CARRIERS

#### Order Granting Temporary Relief To Perform Household Goods Services for Department of Defense

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of November 1966.

At the request of the Department of Defense (DOD), the Board on March 9, 1965, granted temporary relief from certain provisions of the Federal Aviation Act of 1958 to a number of persons who had been operating without Board authorization as indirect air carriers of used household goods pursuant to DOD contracts (DOD carriers).<sup>1</sup> The relief which allowed these carriers an opportunity to apply for operating authorizations to engage in indirect air transportation as air freight forwarders of used household goods,<sup>2</sup> was granted upon the condition that such carriers file applications in accordance with the provisions of Part 296 and/or Part 297 of the Board's Economic Regulations on or before April 15, 1965. Subsequently, the Board granted the same relief to other DOD carriers.<sup>3</sup>

By subsequent orders the Board has extended the temporary relief granted in Orders E-21883, E-22079, and E-22269

<sup>1</sup> Order E-21883.

<sup>2</sup> The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals or other establishments, and (2) objects of art (other than personal effects), displays, and exhibits.

<sup>3</sup> See Orders E-22079, Apr. 26, 1965, and E-22269, June 4, 1965.



until November 15, 1966.<sup>4</sup> The Board noted that many of the applications filed by DOD carriers posed policy issues awaiting final resolution by the Board and that DOD had advised the Board that it needed the services of the carriers relieved by the foregoing orders until a final decision is reached with respect to the policy issues raised by their applications.<sup>5</sup>

It now appears that processing of some of the applications filed by DOD carriers cannot be completed prior to the expiration date of the temporary relief. Furthermore, the Board has not yet resolved the policy issues raised by some of the applications filed by DOD carriers. Accordingly, we find it in the public interest to extend the relief for these DOD carriers for the reasons given in our previous extension orders.<sup>6</sup>

Accordingly, it is ordered, That:

1. Pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, the air freight forwarder applicants listed in Appendix A are hereby relieved from the provisions of title IV and section 610(a)(4) of the Act from November 15, 1966, through April 17, 1967, or until the date the application for operating authorization is granted, denied, or dismissed, whichever occurs first, to the extent necessary to transport by air used household goods of personnel of the Department of Defense upon tender by the Department;

2. The relief granted in ordering paragraph 1 will not be renewed or extended beyond the termination date of April 17, 1967, for any applicant who has not been granted operating authorization by that date: *Provided*, That the Board may extend such relief in cases in which applicant has been granted additional time to respond to requests for supplemental information necessary to process his application;

3. The transportation services performed pursuant to the authority granted herein do not constitute an activity of a continuing nature within the meaning of section 9(b) of the Administrative Procedure Act, 5 U.S.C. 1009(b);

4. This order may be amended or revoked at any time in the discretion of the Board, without hearing; and

5. Copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and all persons listed in Appendix A.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

<sup>4</sup> See Orders E-22544 and E-23210, and E-23639, dated Aug. 13, 1965, Feb. 9 and May 4, 1966, respectively.

<sup>5</sup> See Orders E-22185, May 20, 1965, E-22447, July 16, 1965, and E-22496, Aug. 2, 1965.

<sup>6</sup> Nothing in this order should be construed as a determination of the final disposition to be made of the applications for air freight forwarder authority filed by the carriers relieved by this order. Furthermore, nothing in this order should be construed as an approval of control and interlocking relationships or agreements of the carriers relieved by this order, or their affiliates.

## APPENDIX A

Air Van Lines, Inc. (Alaska), 135 North Post Road, Anchorage, Alaska.  
Allied Van Lines, Inc., 25th Avenue and Roosevelt Road, Broadview, Ill.  
American Ensign Van Service, Inc., 1010 Hawkins Way, El Paso, Tex. 79925.  
Asiatic Forwarders, Inc., 3009 16th Street, San Francisco, Calif. 94103.  
Container Transport International, Inc., 17 State Street, New York, N.Y. 10004.  
Express Forwarding & Storage Co., Inc., 17 State Street, New York, N.Y. 10004.  
Fernstrom Storage & Van Co., 5600 North River Road, Rosemont, Ill.  
Four Winds Forwarding, Inc., 737 East Artesia Boulevard, Long Beach 5, Calif.  
Getz Bros. & Co. (U.S.), 640 Sacramento Street, San Francisco, Calif. 94111.  
HC&D Moving & Storage, 800 South Street, Honolulu, Hawaii.  
Imperial Household Shipping Co., Inc., Post Office Box 2125, Torrance, Calif. 90509.  
International Sea Van, Inc., 1212 St. George Road, Evansville, Ind. 47703.  
Lyon Van Lines, Inc., 3416 South LaCienega Boulevard, Los Angeles, Calif. 90016.  
Neptune World Wide Moving, Inc., 55 Weyman Avenue, New Rochelle, N.Y.  
North American Van Lines, Inc., Post Office Box 988, Fort Wayne, Ind.  
Railway Express Agency, Inc., 219 East 42d Street, New York 17, N.Y.  
Richardson Transfer & Storage Co., Inc., 246 North Fifth Street, Salina, Kans.  
Shamrock Van Lines, Inc., Post Office Box 5447, Dallas 7, Tex.  
Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133.  
Suddath Moving & Storage Co., Inc., 315-19 East Bay Street, Jacksonville 2, Fla.  
United Van Lines, Inc., 7808 Maplewood Industrial Court, St. Louis 17, Mo.  
Von Der Ahe Van Lines, Inc., 600 Rudder Avenue, Fenton, Mo. 63026.  
Withers Van Lines of Miami, Inc., 1000 Northeast First Avenue, Miami 36, Fla.  
[F.R. Doc. 66-12102; Filed, Nov. 7, 1966; 8:46 a.m.]

## FEDERAL MARITIME COMMISSION

[Docket No. 66-58]

## WEST COAST OF ITALY, SICILIAN AND ADRIATIC PORTS NORTH ATLANTIC RANGE CONFERENCE

## Self-Policing Reports; Shippers' Requests and Complaints; Order To Show Cause

Agreement 2846-13, as amended, originally approved March 31, 1965, between the member lines of the West Coast of Italy, Sicilian and Adriatic Ports North Atlantic Range Conference, covers the trade from West Coast of Italy ports (between Ventimiglia and Reggio Calabria inclusive on the mainland), Sicilian and Sardinian Island ports and ports on the Adriatic Sea, to North Atlantic ports of the United States (Hampton Roads/Portland Range).

Section 15 of the Shipping Act, 1916, reads in pertinent part, as follows:

The Commission shall disapprove any such agreement, after notice and hearing, on a finding of inadequate policing of the obligations under it \* \* \*.

General Order 7 (46 CFR Part 528) was adopted to implement section 2 of

Public Law 87-346, 75 Stat. 763-4, effective October 3, 1961. In this connection the order provides that:

§ 528.1 *Scope and purpose.* \* \* \* the Commission shall disapprove an agreement thereunder if, after notice and hearing, it finds inadequate policing of the obligations of the agreement. This amendment makes it necessary that provision for self-policing be included in certain section 15 agreements and that the Commission be informed of the manner in which such provision is being carried out. The requirements set forth below are to aid the Commission in determining the existence and adequacy of self-policing systems, in accordance with the statutory objective.

§ 528.2 *General requirements; section 15 agreements.* Conference agreements and other rate-fixing agreements between common carriers by water in the foreign and domestic off-shore commerce of the United States, whether or not previously approved, shall contain a provision describing the method or system used by the parties in policing the obligations under the agreement, including the procedure for handling complaints and the functions and authority of every person having responsibility for administering the system. In the case of agreements previously approved under section 15 which do not meet these requirements, the parties shall file for approval an amendment which complies with the requirements \* \* \*.

§ 528.3 *Reporting requirements.* Twice each year, once during the month of January and once during the month of July, there shall be filed with the Commission by the conferences and carriers subject to these rules, or by any person to whom they have delegated the self-policing authority, a report showing the nature of each complaint received during the preceding 6-month period; the action taken on the complaint or on the volition of any person responsible for policing; and with respect to violations found, the nature thereof and the penalty or other sanction imposed. The names of the parties involved in complaints or in action taken on the volition of the person responsible for policing may be omitted from these reports. The first report due under this section shall be filed during the month of July 1964. In the event that no complaints were received during the 6-month period, or no actions were taken on complaints received in the previous 6-month period, a negative report so stating must be filed.

A form letter dated November 24, 1964 (Attachment 1),<sup>1</sup> was addressed to all conferences and rate-fixing agreements, including the subject Conference, which had not filed self-policing reports due in July 1964, covering the period from January through June 1964, pursuant to the requirements of § 528.3 of General Order 7. On December 15, 1964, the Conference Secretary, Mr. G. Ravera, submitted a negative report for the period.

A form letter dated May 5, 1965 (Attachment 2),<sup>1</sup> was addressed to those conferences and rate-fixing agreements, including the subject Conference, which had not filed self-policing reports due in January 1965, covering the period from July through December 1964. On May 17, 1965, the Conference Secretary submitted a negative report.

By letter dated February 16, 1966 (Attachment 3),<sup>1</sup> the Conference Secretary was advised that we had not received

<sup>1</sup> Attachments 1-8 filed as part of original document.



the self-policing reports due in July 1965 and January 1966. By letter of March 24, 1966 (Attachment 4),<sup>1</sup> the Conference Secretary informed the Commission that he had been unable to answer certain correspondence because of his workload.

The Conference Secretary was again reminded by our letter of June 14, 1966 (Attachment 5),<sup>1</sup> of the semiannual reports which were due in July 1965 and January 1966. By letter dated July 20, 1966 (Attachment 6),<sup>1</sup> the Conference Secretary stated the contents of our letter had been communicated to the Member Lines and would advise the Commission as to their position. To date the Conference has failed to submit the required reports.

Section 15 of the Shipping Act, 1916 further provides, in pertinent part, that:

The Commission shall disapprove any such agreement, after notice and hearing, on a finding . . . of failure or refusal to adopt and maintain reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints.

General Order 14 was adopted to implement section 2 of Public Law 87-346, effective October 3, 1961. The general order provides, in pertinent part, as follows:

§ 527.3 *Filing of procedures.* Within 60 days from the effective date of these rules, each rate-making group operating under an approved section 15 agreement shall file with the Commission a statement outlining in complete detail its procedures for the disposition of shippers' requests and complaints.

§ 527.4 *Reports.* By January 31, April 30, July 31, and October 31 of each year, each conference and each other body with rate-fixing authority under an approved agreement shall file with the Commission a report covering all shippers' requests and complaints received during the preceding calendar quarter or pending at the beginning of such calendar quarter. The first such report shall be filed by October 31, 1965. All such reports shall include the following information for each request or complaint:

- (a) Date request or complaint was received.
- (b) Identity of the person or firm submitting the request or complaint.
- (c) Nature of request or complaint, i.e., rate reduction, rate establishment, classification, overcharge, undercharge, measurement, etc.
- (d) If final action was taken, date and nature thereof.
- (e) If final action was not taken, an identification of the request or complaint as "pending."
- (f) If denied, the reason.

§ 527.5 *Resident representative.* Conferences and other rate-making groups domiciled outside the United States shall designate a resident representative in the United States with whom shippers situated in the United States may lodge their requests and complaints. The resident representative shall maintain for a period of 2 years a complete record of requests and complaints filed with him by shippers and consignees situated in the United States and its territories. Conferences and other rate-fixing groups subject to this section may satisfy the reporting requirements of § 527.4 by reporting those requests and complaints filed with the resident agent appointed pursuant to the provisions of this section. Appointment of the resident representative shall be made by September 9, 1965.

§ 527.6 *Tariff provision.* Tariffs issued by or on behalf of conferences and other rate-making groups shall contain full instructions as to where and by what method shippers may file their requests and complaints, together with a sample of the rate request form, if one is used, or, in lieu thereof, a statement as to what supporting information is considered necessary for processing the request or complaint through conference channels. Appropriate tariff provisions shall be accomplished within 90 days from the effective date of this part. All changes made in such instructions shall be published in said tariffs, supplements thereto, or reissues thereof, in accordance with the tariff filing requirements of section 18(b) of the Shipping Act, 1916.

On June 9, 1965, all conferences and rate-making agreements were mailed a copy of General Order 14 which became effective July 9, 1965. Although the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference has complied with § 527.3 of General Order 14 by filing with the Commission a statement outlining its procedures for disposing of shippers' requests and complaints, and with § 527.6 by including a tariff provision containing instructions as to where and by what method shippers may file their requests and complaints, the Conference failed to comply with §§ 527.4 and 527.5 of said general order.

By letter of January 12, 1966 (Attachment 7),<sup>1</sup> the Conference Secretary was requested to comply with the general order and was reminded of (1) its failure to file a report on or before October 31, 1965, covering all shippers' requests and complaints (and the information requested with respect thereto) which were received during the preceding calendar quarter or pending at the beginning of such calendar quarter as provided in § 527.4 of General Order 14, and (2) its failure to advise the Commission of the appointment of a resident representative in the United States on or before September 9, 1965, as provided in § 527.5 of the general order.

By letter of reply dated May 10, 1966, the Conference Secretary informed the Commission that the Conference had decided to appoint a resident agent in the United States. The Conference Secretary by letter of July 19, 1966, notified the Commission of their appointment of a resident representative in the United States.

By letter of June 14, 1966 (Attachment 5),<sup>1</sup> the Conference Secretary was again requested to comply with § 527.4 of General Order 14 and was reminded of its failure to file the prescribed quarterly reports covering all shippers' requests and complaints received during the calendar quarters ending September 30, 1965, December 31, 1965, and March 31, 1966, which were due October 31, 1965, January 31, and April 30, 1966, respectively. By letter dated July 20, 1966 (Attachment 6),<sup>1</sup> the Conference Secretary stated that the contents of our letter had been communicated to the member lines and that the Commission would be advised as to their position. To date the Secretary has failed to submit the required reports.

The issues raised herein do not involve any disputed issues of fact which necessitate an evidentiary hearing and require a prompt determination by the Commission.

Now therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916:

*It is ordered,* That the West Coast of Italy, Sicilian and Adriatic Ports North Atlantic Range Conference and the member lines thereof show cause why Agreement 2846-13, as amended, should not be disapproved by the Commission pursuant to section 15 of the Shipping Act, 1916, because of the Conference's failure to comply with the Commission's General Order 7, effective August 22, 1963, and the Commission's General Order 14, effective July 9, 1965. This proceeding shall be limited to the submission of affidavits and memoranda and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than close of business November 18, 1966, replies thereto shall be filed by Hearing Counsel and interveners, if any, no later than close of business December 5, 1966. An original and 15 copies of affidavits of fact, memoranda of law, and replies to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any paper filed with the Secretary should also be served upon all parties hereto. Oral argument will be heard at a date and time to be announced.

*It is further ordered,* That the West Coast of Italy, Sicilian and Adriatic Ports North Atlantic Range Conference and its member lines as indicated in Attachment 8,<sup>1</sup> are hereby made respondents in this proceeding.

*It is further ordered,* That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure, no later than close of business November 10, 1966, with copy to respondent Conference.

By the Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12107; Filed, Nov. 7, 1966;  
8:47 a.m.]

## FEDERAL RESERVE SYSTEM

### COLONIAL BANK AND TRUST CO.

#### Order Approving Merger of Banks

In the matter of the application of The Colonial Bank and Trust Co. for approval of merger with Puritan Bank and Trust Co.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89-356), an application by The Colonial Bank and Trust Co., Waterbury, Conn., a State member bank of the Fed-

<sup>1</sup> Attachments 1-8 filed as part of original document.



eral Reserve System, for the Board's prior approval of the merger of that bank and Puritan Bank and Trust Co., Meriden, Conn., under the charter and title of The Colonial Bank and Trust Co. As an incident to the merger, the four offices of Puritan Bank and Trust Co. would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

*It is hereby ordered,* For the reasons set forth in the Board's Statement<sup>1</sup> of this date, that said application be and hereby is approved: *Provided,* That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 31st day of October 1966.

By order of the Board of Governors.<sup>2</sup>

[SEAL] KENNETH A. KENYON,  
Assistant Secretary.

[F.R. Doc. 66-12082; Filed, Nov. 7, 1966;  
8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4426]

### AMERICAN ELECTRIC POWER CO., INC.

#### Notice of Proposed Stock Dividend

NOVEMBER 2, 1966.

Notice is hereby given that American Electric Power Co., Inc. ("American"), 2 Broadway, New York, N.Y. 10004, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transaction. All interested persons are referred to said declaration, which is summarized below, for a complete statement of the proposed transaction.

American proposes to declare a stock dividend at the rate of 2½ shares for each 100 shares of its outstanding \$6.50 par value common stock. The dividend is to be payable January 10, 1967, to

holders of record on December 9, 1966. American has outstanding 45,120,881 shares of such common stock having an aggregate par value of \$293,285,726. If the maximum number of shares are issued, the stock dividend will involve the issuance of 1,128,022 shares and will bring the total number of outstanding shares to 46,248,903 with an aggregate par value of \$300,617,869.

As of September 30, 1966, the earned surplus of American was \$100,387,592. To effectuate the transaction American proposes to debit such earned surplus with an assigned value of \$37 per share of common stock to be issued as such stock dividend, or a total of not to exceed \$41,736,814; to credit its common stock account with the par value of such stock, or a total of not more than \$7,332,143; and to credit capital surplus—premium on common stock with the excess of such assigned value over such par value, or a total of not more than \$34,404,671.

No fractional shares of common stock will be issued in connection with the stock dividend. In lieu thereof, each stockholder, during a period of 29 days, may instruct Morgan Guaranty Trust Co. of New York, the distribution agent, (1) to consolidate the fractional interest held into one full share upon payment by such holder of the cost of the additional fractional interest acquired, or (2) to sell such fractional interest on behalf of such holder. Absent any instructions, fractional interests will be sold by the Agent for the holders' accounts. The Agent will execute consolidation and sale requests received from time to time by matching the same upon the basis of the currently prevailing market price of the shares as determined by the Agent in its discretion. The services of the Agent will be rendered without charge to stockholders.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

A statement of the fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than November 28, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-stated address, and proof of service by affidavit (or, if by an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration as filed or as it may be amended, may be permitted to become

effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 66-12097; Filed, Nov. 7, 1966;  
8:46 a.m.]

[811-1334]

### BUSINESS RESOURCES, INC.

#### Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Com- pany

NOVEMBER 2, 1966.

Notice is hereby given that Business Resources, Inc. ("Applicant"), 2030 Marine Plaza, Milwaukee, Wis. 53202, a Wisconsin corporation licensed as a small business investment company under the Small Business Investment Act of 1958 and a management closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant represents that Marine Capital Corp. ("Marine"), also licensed as a small business investment company under the Small Business Investment Act of 1958 and a management closed-end nondiversified investment company registered under the Act, caused Applicant to be incorporated and registered pursuant to a plan of reorganization of Marine. Applicant further represents that the reorganization of Marine was contingent upon the approval by the Small Business Administration of the transfer of the small business investment company license of Marine to Applicant and also subject to the approval by the Commission of Marine's application for exemption from the provisions of section 12(d) of the Act, which restricts the amount of securities of another investment company which a registered investment company may purchase.

Applicant states that on July 15, 1966, the shareholders of Marine voted to liquidate and dissolve Marine and that this action constituted the abandonment of the plan of reorganization of Marine and eliminated the necessity for the operation of Applicant. Applicant represents that it has no assets, no shareholders, that it does not contemplate making a public offering of its stock and that Marine is the sole subscriber to its stock. Applicant states that the stock subscription executed by Marine was contingent upon favorable action by the

<sup>1</sup>Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston. Dissenting Statement of Governor Robertson in which Governor Maisel concurs also filed as part of the original document and available upon request.

<sup>2</sup>Voting for this action: Chairman Martin, and Governors Shepardson, Mitchell, Daane, and Brimmer. Voting against this action: Governors Robertson and Maisel.



Commission upon its joint application with Marine for an exemption from the provisions of section 12(d) of the Act and that the application was withdrawn on August 9, 1966. Upon termination of Applicant's registration under the Act, Applicant will be dissolved in accordance with the provisions of Wisconsin Statutes, sec. 180.753.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 23, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Deputy Administrator for Investments, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 66-12098; Filed, Nov. 7, 1966;  
8:46 a.m.]

[File No. 7-2620]

#### LUBRIZOL CORP.

#### Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 2, 1966.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with

the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

The Lubrizol Corp., File No. 7-2620.

Upon receipt of a request, on or before November 17, 1966, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 66-12099; Filed, Nov. 7, 1966;  
8:46 a.m.]

[File No. 7-2619]

#### WHITE CROSS STORES, INC.

#### Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 2, 1966.

In the matter of application of the Pittsburgh Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

White Cross Stores, Inc., File No. 7-2619.

Upon receipt of a request, on or before November 17, 1966, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified.

If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 66-12100; Filed, Nov. 7, 1966;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 281]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 3, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 56640 (Sub-No. 23 TA), filed October 31, 1966. Applicant: DELTA LINES, INC., 65th and Eastshore Freeway, Emeryville, Calif. 94608. Applicant's representative: J. M. McSweeney (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except used household goods as defined by the Commission in 17 MCC 467 and commodities in bulk), between Yuba City, Calif., and Bullards Bar Dam project located on Yuba River above Dobbins, Calif., for 150 days. Supporting Shippers: Perini Corp., Post Office Box 1650, Marysville, Calif. 95901; Northern California Euclid, Inc., Post Office Box 1025, Sacramento, Calif. 95805; Consolidated Electrical Distributors, 1355 Woodward Avenue, Yuba City, Calif.; H. Earl Parker, Inc., 12th and F Streets, Marysville, Calif. Send protests to: Howard O. Gaston, District Supervisor, Bureau of



Operations and Compliance, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 66562 (Sub-No. 2198 TA), filed October 31, 1966. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: William H. Marx (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, from Syracuse, N.Y., to Watertown, N.Y., via Interstate Highway 81, serving the intermediate point of Pulaski, N.Y., for 180 days. Supporting shipper: No supporting shippers' statements attached. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 66562 (Sub-No. 2199 TA), filed November 1, 1966. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. 64108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, including class A and B explosives, (1) between Belleville, Kans., and Denver, Colo., serving the intermediate points of Mankato, Smith Center, Phillipsburg, Norton, Hill City, Hoxie, Colby, and Goodland, Kans., and Burlington Stratton, Seibert, Flagler, Arriba, and Limon, Colo., and the off-route point of Lebanon, Kans.: From Belleville, Kans., in a westerly direction over U.S. Highway 36 to junction U.S. Highway 283; thence over U.S. Highway 283 to junction U.S. Highway 24; thence over U.S. Highway 24 to junction U.S. Highway 40; thence over U.S. Highway 40 to Denver, Colo.; and return over the same route, (2) between Salina and Hill City, Kans., serving the intermediate points of Lincoln, Luray, and Plainville, Kans.: From Salina, Kans., in a northerly direction over U.S. Highway 81 to junction Kansas State Highway 18; thence over Kansas State Highway 18 to junction U.S. Highway 24; thence over U.S. Highway 24 to Hill City, Kans.; and return over the same route, for 150 days. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of, express service of the Railway Express Agency, Inc. Shipments transported shall be limited to those moving on through bills of lading or express receipts. Permission to tack requested. Applicant requests that the authority for the proposed operations, if granted, be construed as an extension, to be joined, tacked, and combined with R. E. A's existing authority in MC 66562 and subs thereunder, thereby negating the restrictions against tacking or joining customarily placed upon temporary authority. Supporting shippers: The application is supported by statements from 25 shippers which may be examined here at the Interstate Commerce Com-

mission in Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 76436 (Sub-No. 31 TA), filed November 1, 1966. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Post Office Box 16206, Louisville, Ky. 40216. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Evansville, Ind., and Hopkinsville, Ky., serving the intermediate point of Madisonville, Ky.: From Evansville over U.S. Highway 41 to junction U.S. Highway 41 and Kentucky Highway 1751, thence over Kentucky Highway 1751 to Madisonville, thence over Kentucky Highway 70 to its junction U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, and return over the same route; (2) between Elizabethtown, Ky., and junction U.S. Highway 41 and the Western Kentucky Turnpike, serving no intermediate points and serving Elizabethtown and junction U.S. Highway 41 and the Western Kentucky Turnpike for joinder only: From Elizabethtown over the Western Kentucky Turnpike to its junction with U.S. Highway 41, and return over the same route.

(3) Between Princeton, Ky., and junction U.S. Highway 41 and the Western Kentucky Turnpike, serving no intermediate points and serving the junction of U.S. Highway 41 and the Western Kentucky Turnpike for joinder only: From Princeton over U.S. Highway 62 to junction U.S. Highway 41, thence over U.S. Highway 41 to its junction with the Western Kentucky Turnpike, and return over the same route; (4) between Hopkinsville, and Princeton, Ky., serving no intermediate points: From Hopkinsville over Kentucky Highway 91 to Princeton and return over the same route; (5) between Hopkinsville and Cadiz, Ky., serving no intermediate points: From Hopkinsville over U.S. Highway 68 to Cadiz and return over the same route; (6) between Princeton and Cadiz, Ky., serving no intermediate points: From Princeton over Kentucky Highway 139 to Cadiz and return over the same route, for 180 days. Supporting shippers: The application is supported by statements from 23 shippers which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 107064 (Sub-No. 51 TA), filed October 31, 1966. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Street (75201), Post Office Box 2998, Dal-

las, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Plainview, Tex., to points in Arizona, Colorado, and Utah, for 150 days. Supporting shipper: The Best Fertilizer Co., Plainview Tex. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 107496 (Sub-No. 510 TA), filed October 31, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third (50309), Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plant-site of Dundee Cement Co. at Rock Island, Ill., to points in Iowa, for 180 days. Supporting shipper: Dundee Cement Co., Dundee, Mich. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 114699 (Sub-No. 35 TA), filed November 1, 1966. Applicant: TANK LINES INCORPORATED, North Dabney Road, Post Office Box 6415, Richmond, Va. 23230. Applicant's representative: G. C. Kirkmyer, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from the District of Columbia, to points in Virginia, for 180 days. Supporting shipper: Darling-Delaware Co., Inc. 4201 South Ashland Avenue, Chicago, Ill. 60609. Send protests to: Robert W. Waldron, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 115181 (Sub-No. 8 TA), filed October 31, 1966. Applicant: HAROLD M. FELTY, INC., Rural Delivery No. 1, Pine Grove, Pa. Applicant's representative: John W. Dry, 541 Penn Street, Reading, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Berks County, Pa., to Sparrows Point, Md., for 150 days. Supporting shipper: Quaker Products, Inc., 1 East Wynnewood Road, Wynnewood, Pa. Send protests to: Kenneth R. Davis, District Supervisor, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 124230 (Sub-No. 5 TA), filed October 31, 1966. Applicant: C. B. JOHNSON, INC., Post Office Drawer S, Cortez, Colo. 81321. Applicant's representative: Leslie R. Kehl, Suite 420, Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper ore*, from Frazier Mining Co. mine located near Fry Canyon, Utah, to Inspiration Copper Smelter, Miami, Ariz., for 150 days. Sup-



porting shipper: Paul A. Frazier, Frazier Mining Co., Box 517, Mancos, Colo. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 2022 Federal Office Building, Denver, Colo. 80202.

No. MC 124534 (Sub-No. 1 TA), filed November 1, 1966. Applicant: LLOYD R. CULLENY, doing business as DYOLL DELIVERY SERVICE, Post Office Box 391, Rockaway, N.J. 07865. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Electronic instruments and parts*, uncrated, between Rockaway, N.J., on the one hand, and, on the other, West Conshohocken and Avondale, Pa., for 150 days. Supporting shipper: Hewlett-Packard Co., 1501 Page Mill Road, Palo Alto, Calif. 04304. Send protests to: District Supervisor, Joel Morrows, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 127276 (Sub-No. 3 TA), filed October 31, 1966. Applicant: SOUTH CITY FREIGHT LINES, INC., 1470 Bayshore Highway, Burlingame, Calif. 94104. Applicant's representative: Raymond A. Greene, 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Radio-active pharmaceuticals*, from San Francisco International Airport to points in the San Francisco, Calif., commercial zone, San Pablo, Martinez, Concord, Antioch, Pittsburg, Livermore, Walnut Creek, Castro Valley, San Jose, Santa Clara, Mountain View, Palo Alto, and Redwood City, Calif., for 150 days. Supporting shipper: Abbott Laboratories, North Chicago, Ill. Send protests to: Wm. R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 128565 (Sub-No. 1 TA), filed October 31, 1966. Applicant: WILFORD J. SCHAFER AND WALTER J. SCHAFER, a partnership, doing business as SCHAFER BROS. TRANSFER & PIANO MOVERS, 1000 South Santa Fe Avenue, Los Angeles, Calif. 90021. Applicant's representative: Clyde M. Covell, 3621 Monterey Avenue, El Monte, Calif. 91734. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Pianos, organs, piano benches, organ benches, and related musical accessories*, from Granite Falls, N.C., to points in the United States (excluding Alaska). Return movement shall be *pianos, organs, piano benches, organ benches, and related musical accessories* returned to factory for repair from shippers authorized, for 180 days. Supporting shipper: Kohler & Campbell, Inc., Granite Falls, N.C. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 7703 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128629 (Sub-No. 1 TA), filed October 28, 1966. Applicant: HAROLD SPAETH, 987 Birchwood Drive, West Bend, Wis. 53095. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Butter*, from the plantsite of Level Valley Dairy in the town of Jackson, Washington County, Wis., to Chicago, Ill.; Grand Rapids, Saginaw, and Detroit, Mich., and Pickerington, Ohio, for 180 days. Supporting Shipper: Level Valley Dairy Co., West Bend, Wis. 53095, Doug Devenport, President. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 100 West Wells Street, Room 511, Milwaukee, Wis. 53203.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12103; Filed, Nov. 7, 1966;  
8:47 a.m.]

[Notice 1438]

### MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 3, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

F.D. No. 24311. By order of October 28, 1966, the Transfer Board approved the transfer to Catalina Freight Line, a corporation, Avalon, Calif., of fourth amended certificate No. W-827 (Sub-No. 3), issued January 4, 1965, to Catalina Island Sightseeing Lines, a corporation, Avalon, Calif., authorizing the transportation of: Passengers, by self-propelled vessels, and commodities generally by self-propelled vessels of not more than 100 tons carrying capacity and by non-self-propelled vessels with the use of separate towing vessels, between Wilmington, Calif., and points on Santa Catalina Island, Calif., by way of San Pedro Channel. Warren N. Grossman, 727 West Seventh Street, Los Angeles, Calif. 90017, attorney for applicants.

No. MC-FC-69038. By order of October 27, 1966, the Transfer Board, on reconsideration, approved the transfer to J. & M. Trucking, Inc., Sidney, Nebr., of the operating rights set forth in certifi-

cate No. MC-88685 (Sub-No. 7), issued October 7, 1952, to L. E. Whitlock Truck Service, Inc., a Kansas corporation, Dallas, Tex. (formerly of Stafford, Kans.), and authorizing the transportation of the so-called Mercer commodities, over irregular routes, between points in Colorado on and east of U.S. Highway 87, on the one hand, and, on the other, points in Nebraska. Alvin J. Meiklejohn, Jr., and Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202, attorney for applicants.

No. MC-FC-69110. By order of October 27, 1966, the Transfer Board approved the transfer to B. R. Williams Trucking, Inc., Oxford, Ala., of the permit in No. MC-126542, issued September 10, 1965, to B. R. Williams, doing business as B. R. Williams Trucking, Oxford, Ala., authorizing the transportation of: Brass, bronze, and copper pipe fittings, valves, and castings, from Anniston, Ala., to points in the United States except Alaska and Hawaii, and brass, bronze, and copper scrap, ingots, tubing, valves, valve parts, castings, and equipment, materials, and supplies as excepted, from points in the United States to Anniston, Ala. Ralph D. Porch, Commercial National Bank Building, Anniston, Ala. 36201, attorney for applicants.

No. MC-FC-69140. By order of October 27, 1966, the Transfer Board approved the transfer to Arcangelo A. Romano, doing business as A & E Auto Salvage, Route No. 3, Box 248A, Kenosha, Wis., of the operating rights in certificate No. MC-123146, issued November 20, 1961, to Arcangelo Romano and Emil A. Vena, a partnership, doing business as A & E Auto Salvage, Route No. 3, Box 248A, Kenosha, Wis., authorizing the transportation, over irregular routes, of wrecked and disabled motor vehicles, in truck-away service, by means of wrecker equipment, from points in Kenosha County, Wis., to points in that part of Illinois east of Illinois Highway 47 and north of U.S. Highway 6, including points on Illinois Highway 47.

No. MC-FC-69141. By order of October 28, 1966, the Transfer Board approved the transfer to Vale Truck Lines, Inc., Pittsburgh, Pa., of the portion of the operating rights in certificate No. MC-79687, issued December 17, 1965, to Clyde R. Sauers, Inc., Zelenople, Pa., authorizing the transportation, over irregular routes, of iron and steel products from McKees Rocks, Pa., to points in specified areas in Ohio and Maryland. Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa. 15222, attorney for applicants.

No. MC-FC-69146. By order of October 28, 1966, the Transfer Board approved the transfer to Instant Delivery Corp., a corporation, Camden, N.J., of the operating rights in certificates Nos. MC-123224 (Sub-No. 1), and MC-123224 (Sub-No. 2) issued June 15, 1962 and December 28, 1964, respectively, to Parcel Distributors, Inc., Havertown, Pa., authorizing the transportation, of: Such merchandise as is ordinarily dealt in by retail stores, premium redemption companies, and mail-order houses, between points in New York, New Jersey, Con-



necticut, Delaware, Maryland, and Pennsylvania. V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. 19109, attorney for applicants.

[SEAL]

H. NEIL GARSON,  
*Secretary.*

[F.R. Doc. 66-12104; Filed, Nov. 7, 1966;  
8:47 a.m.]

## DEPARTMENT OF JUSTICE

Office of the Attorney General  
HANCOCK COUNTY, GA.

Certification of the Attorney General  
Pursuant to Section 6 of the Voting  
Rights Act of 1965 (Public Law 89-  
110)

In accordance with section 6 of the  
Voting Rights Act of 1965, I hereby cer-  
tify that in my judgment the appoint-  
ment of examiners is necessary to en-  
force the guarantees of the 15th amend-

ment to the Constitution of the United  
States in Hancock County, Ga. This  
county is included within the scope of  
the determinations of the Attorney Gen-  
eral and the Director of the Census made  
on August 6, 1965, under section 4(b) of  
the Voting Rights Act of 1965 and pub-  
lished in the FEDERAL REGISTER on Au-  
gust 7, 1965 (30 F.R. 9897).

RAMSEY CLARK,  
*Acting Attorney General  
of the United States.*

NOVEMBER 7, 1966.  
[F.R. Doc. 66-12231; Filed, Nov. 7, 1966;  
12:42 p.m.]

## Title 2—THE CONGRESS

### ACTS APPROVED BY THE PRESIDENT

NOTE: In the list published in the is-  
sue of Saturday, November 5, 1966, a  
heading reading "Approved November 3,  
1966" should have preceded H.R. 13161  
in the first column of page 14332.

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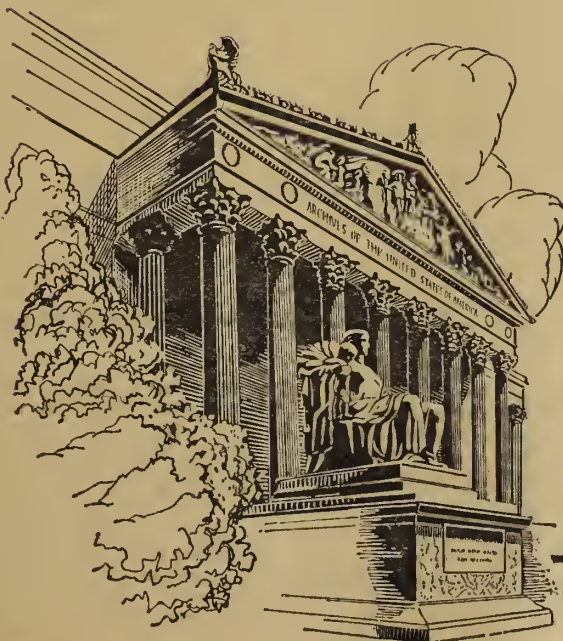
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## Title 3—THE PRESIDENT

### Proclamation 3753

#### AMERICAN EDUCATION WEEK, 1966

By the President of the United States of America

#### A Proclamation

America's laws, her institutions, her wealth—all the treasures of our civilization—have been shaped not only by American will and ambition, but by American intellect.

Without the creative spark of human imagination; without trained minds and finely-trained men, none of our proudest accomplishments would have been possible.

And what is true of our past is even more true for our future: better education must be the base on which we build all our other goals.

Because we treasure trained intelligence as a precious national resource, we have begun a major effort to expand and improve our schools, colleges and universities.

A greatly-strengthened Federal, State and local partnership is at work to serve our 56 million students—the three of every ten Americans who are enrolled in school.

For their sake and for the nation's sake;

- We are making improved education available to thousands of poor children, so that they need not be poor adults;
- We are increasing opportunities for vocational training to meet changing job needs in a technical age;
- We are helping physically and socially handicapped young people prepare for productive lives;
- We are cooperating with the States and with private institutions to improve higher education, and to make it more widely available to deserving young citizens.

But even these massive efforts are not enough.

No programs of government, on any level, hold more promise for the future of our nation than those which advance the cause of education. The foremost goal of this Administration has been to create a legacy of educational excellence. We shall continue to pursue that goal until our schools and universities are as great as human wisdom can make them, and the doors to our classrooms are open to every American boy and girl.

American Education Week, 1966, should be a time for every American to commit himself anew to completing the unfinished business of American Education—and to developing new and more helpful ways to enrich the minds of our citizens in years to come.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the period of November 6, through November 12, 1966, as American Education Week.



## THE PRESIDENT

I call upon all the people of the United States to take an active part in the progress and improvement of American education. I ask the citizens of every community to seek every means of advancing the excellence of their schools and fulfilling the educational needs of their school children. I urge educators and laymen to join in common diligence to strengthen our educational system at every level. Above all, I propose that we establish, as our great and immediate goal, the translation into complete reality of our long-cherished hope for full and equal educational opportunity for all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.



DONE on this twenty-sixth day of October in the year of our Lord nineteen hundred and sixty-six, and of the Independence of the United States of America the one hundred and ninety-first.

A handwritten signature in dark ink, reading "Lyndon B. Johnson".

By the President:

A handwritten signature in dark ink, reading "Robert S. Kennedy".

*Acting Secretary of State.*

[F.R. Doc. 66-12277; Filed, Nov. 8, 1966; 12:44 p.m.]



## Proclamation 3754

EFFECTIVE DATE OF THE EDUCATIONAL, SCIENTIFIC, AND CULTURAL  
MATERIALS IMPORTATION ACT OF 1966

By the President of the United States of America

## A Proclamation

WHEREAS Section 2 of the Educational, Scientific, and Cultural Materials Importation Act of 1966, approved October 14, 1966 (Public Law 89-651), provides that the Act shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after a date proclaimed by the President, which date shall be within a period of three months after the date on which the United States instrument of ratification of the Agreement on the Importation of Educational, Scientific and Cultural Materials (commonly referred to as the Florence Agreement) shall have been deposited with the Secretary-General of the United Nations; and

WHEREAS such instrument of ratification was deposited with the Secretary-General of the United Nations on November 2, 1966:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including Section 2 of the Educational, Scientific, and Cultural Materials Importation Act of 1966, do proclaim that that Act shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after February 1, 1967.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.



DONE at the City of Washington this third day of November in the year of our Lord nineteen hundred and sixty-six, and of the Independence of the United States of America the one hundred and ninety-first.

A handwritten signature in dark ink, reading "Lyndon B. Johnson".

By the President:

A handwritten signature in dark ink, reading "Nicholas de K. Kefauver".

*Acting Secretary of State.*

[F.R. Doc. 66-12278; Filed, Nov. 8, 1966; 12:44 p.m.]







# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

#### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

#### PART 728—WHEAT

#### Subpart—Regulations Pertaining to Acreage Allotments, Yields, Wheat Diversion and Wheat Certificate Programs for Crop Years 1966–1969

The regulations governing the 1966–1969 wheat program, 31 F.R. 8758, as amended, are hereby further amended by adding a new section to read as follows:

#### § 728.416a County projected yields for the 1967 crop of wheat.

(a) A county projected yield has been determined for each wheat producing county in the United States for the 1967 crop, except for counties in Alaska, Hawaii, and New Hampshire, for which no apparent need for such yields exists. The county projected yield for 1967 was determined on the basis of the average of the yields per harvested acre of wheat for the county during each of the 5 calendar years, 1961 through 1965, adjusted for abnormal weather conditions affecting such yields, for trends in yields, and for any significant changes in production practices.

(b) In adjusting for abnormal weather conditions: (1) 80 percent of the 5-year period, 1961 through 1965 average yield was substituted for each annual yield less than 80 percent of the 5-year average, (2) 140 percent of the 5-year period, 1961 through 1965, average yield was substituted for each annual yield in excess of 140 percent of the 5-year average yield, (3) an average of the 5 annual yields, after adjustment as in subparagraphs (1) and (2) of this paragraph, was then obtained, (4) the "county adjusted average yield" would be the yield calculated under paragraph (3), but not less than the higher of the unadjusted 5-year (1961–65) average yield or the unadjusted 10-year (1956–65) average yield. (Access to the 10-year average yield was confined to counties in those States where the unadjusted 10-year (1956–65) average yield, based on State SRS yield data, was equal to or higher than the 5-year (1961–65) adjusted average yield.)

(c) The adjustment for trend was as follows: (1) Each county adjusted average yield calculated under subparagraph (4) of paragraph (b) was then averaged with the 2-year (1964–65) adjusted average yield to obtain the county trend

adjusted average yield. If the 2-year (1964–65) adjusted average yield was less than the 5-year adjusted average yield in subparagraph (4) of paragraph (b), no adjustment for trend was made, (2) the county adjusted average yields calculated under subparagraph (1) of this paragraph above, were then weighted by the 1967 county wheat acreage allotment to determine a national weighted average of adjusted county average yields, (3) the national weighted average yield (paragraph (c) (2)) was then divided into the national projected yield (less the adjustment required to implement the 95 percent of the preceding year's projected yield rule) to obtain a national adjustment factor. Each county adjusted average yield (paragraph (c) (1)) was then multiplied by the national adjustment factor to obtain the county preliminary projected yield. For those counties where the yield so computed is less than 95 percent of the 1966 projected yield, 95 percent of the 1966 projected yield was substituted. The weighted average of county preliminary projected yields became the 1967 State check yield.

(d) Projected county yield computations made under the foregoing regulations were then submitted to the State committees for their review and recommendations. State committees were authorized, where the situation warranted, to recommend additional adjustments of county projected yields to compensate for abnormal weather, trend, and significant changes in production practices based upon specific and detailed knowledge of yield conditions in local areas. Upward adjustments in any county were required to be offset by downward adjustments in other counties to the extent necessary to weight out to the State check yield. Yield adjustments recommended by State committees were submitted to the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, for final approval.

(e) The approved county projected yields determined on the basis of the regulations above, with such adjustments as were recommended by State committees and approved as provided in paragraph (d) of this section are as follows:

#### ALABAMA

County	Projected 1967 yield	County	Projected 1967 yield
Autauga	26.5	Chilton	24.7
Baldwin	23.1	Choctaw	20.4
Barbour	23.5	Clarke	22.4
Bibb	24.8	Clay	24.7
Blount	25.7	Cleburne	24.9
Bullock	24.5	Coffee	26.4
Butler	24.0	Colbert	30.6
Calhoun	26.0	Conecuh	25.1
Chambers	24.3	Coosa	24.0
Cherokee	27.3	Covington	25.9

#### ALABAMA—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Crenshaw	26.3	Marengo	24.3
Cullman	26.5	Marion	30.2
Dale	25.6	Marshall	31.8
Dallas	27.7	Mobile	23.4
De Kalb	27.1	Monroe	26.5
Elmore	25.0	Montgomery	23.6
Escambia	29.2	Morgan	28.9
Etowah	25.5	Perry	24.2
Fayette	28.3	Pickens	26.3
Franklin	28.0	Pike	25.9
Geneva	24.0	Randolph	23.9
Greene	24.9	Russell	24.3
Hale	24.1	St. Clair	26.3
Henry	23.3	Shelby	25.5
Houston	25.3	Sumter	25.1
Jackson	26.5	Talladega	24.9
Jefferson	26.5	Tallapoosa	23.9
Lamar	28.0	Tuscaloosa	25.3
Lauderdale	30.2	Walker	28.3
Lawrence	30.4	Washington	24.9
Lee	24.3	Wilcox	21.8
Limestone	30.2	Winston	24.9
Lowndes	24.1	State check yield	27.9
Macon	22.6		
Madison	30.2		

#### ARIZONA

Apache	16.3	Navajo	19.0
Cochise	40.8	Pima	38.1
Coconino	19.5	Pinal	44.6
Gila	33.8	Santa Cruz	35.7
Graham	31.0	Yavapai	27.8
Greenlee	35.7	Yuma	49.9
Maricopa	50.2	State check yield	44.4
Mohave	27.0		

#### ARKANSAS

Arkansas	32.8	Lincoln	25.9
Ashley	25.4	Little River	25.2
Baxter	23.7	Logan	25.2
Benton	27.1	Lonoke	24.7
Boone	25.9	Madison	24.9
Bradley	14.0	Marion	19.6
Calhoun	14.6	Miller	21.5
Carroll	21.1	Mississippi	34.9
Chicot	29.6	Monroe	32.0
Clark	17.9	Montgomery	20.9
Clay	29.2	Nevada	---
Cleburne	19.9	Newton	21.8
Cleveland	---	Ouachita	17.5
Columbia	---	Perry	20.6
Conway	24.8	Phillips	32.6
Craighead	30.6	Pike	---
Crawford	29.4	Poinsett	31.2
Crittenden	32.8	Polk	23.3
Cross	29.1	Pope	23.1
Dallas	20.5	Prairie	24.1
Desha	31.3	Pulaski	30.0
Drew	27.4	Randolph	24.7
Faulkner	23.4	St. Francis	33.7
Franklin	26.2	Saline	18.7
Fulton	19.8	Scott	25.3
Garland	16.5	Searcy	17.4
Grant	11.6	Sebastian	27.9
Greene	27.4	Sevier	---
Hempstead	30.0	Sharp	21.0
Hot Spring	14.9	Stone	22.0
Howard	---	Union	21.2
Independence	31.2	Van Buren	20.6
Izard	17.2	Washington	27.1
Jackson	29.0	White	21.6
Jefferson	30.8	Woodruff	30.1
Johnson	28.8	Yell	26.0
Lafayette	24.9	State check yield	30.5
Lawrence	26.3		
Lee	29.2		



## RULES AND REGULATIONS

## CALIFORNIA

County	Projected 1967 yield	County	Projected 1967 yield
Alameda	30.8	Riverside	21.0
Alpine	28.2	Sacramento	42.2
Amador	30.1	San Benito	28.8
Butte	33.2	San Bernar-	
Calaveras	21.4	dino	25.6
Colusa	35.3	San Diego	27.8
Contra Costa	48.7	San Francisco	
Del Norte		San Joaquin	50.9
El Dorado		San Luis Obis-	
Fresno	46.1	po	14.8
Glenn	29.0	San Mateo	18.9
Humboldt	31.0	Santa Bar-	
Imperial	60.4	bara	18.1
Inyo	21.0	Santa Clara	24.2
Kern	25.5	Santa Cruz	
Kings	48.5	Shasta	21.8
Lake	27.9	Sierra	19.4
Lassen	32.4	Siskiyou	34.8
Los Angeles	18.1	Solano	41.4
Madera	27.3	Sonoma	24.7
Marin	22.4	Stanislaus	35.0
Mariposa	29.4	Sutter	39.1
Mendocino	30.1	Tehama	26.3
Merced	38.8	Trinity	20.8
Modoc	46.6	Tulare	26.7
Mono	19.8	Tuolumne	19.8
Monterey	23.3	Ventura	29.5
Napa	27.7	Yolo	41.7
Nevada		Yuba	29.5
Orange	19.4	State check	
Placer	27.7	yield	28.4
Plumas	20.8		

## COLORADO

Adams	25.1	La Plata	24.8
Alamosa	33.2	Larimer	25.1
Arapahoe	24.5	Las Animas	14.5
Archuleta	26.4	Lincoln	20.7
Baca	19.0	Logan	21.5
Bent	21.0	Mesa	31.8
Boulder	30.3	Mineral	
Chaffee	29.2	Moffat	23.7
Cheyenne	21.7	Montezuma	19.8
Clear Creek		Montrose	36.1
Conejos	31.8	Morgan	23.3
Costilla	29.8	Otero	35.9
Crowley	21.2	Ouray	24.2
Custer	28.6	Park	
Delta	34.6	Phillips	26.6
Denver		Pitkin	33.6
Dolores	17.1	Prowers	22.6
Douglas	24.2	Pueblo	21.5
Eagle	39.0	Rio Blanco	24.3
Elbert	20.9	Rio Grande	35.5
El Paso	18.0	Routt	26.3
Fremont	26.5	Saguache	33.4
Garfield	22.4	San Juan	
Gilpin		San Miguel	18.4
Grand	22.8	Sedgwick	25.2
Gunnison		Summit	
Hinsdale		Teller	31.3
Huerfano	18.0	Washington	22.6
Jackson	23.0	Weld	23.3
Jefferson	28.8	Yuma	23.0
Kiowa	18.9	State check	
Kitt Carson	23.3	yield	22.3
Lake			

## CONNECTICUT

Fairfield	30.6	New London	
Hartford	30.6	Tolland	30.6
Litchfield	30.6	Windham	30.6
Middlesex	30.6	State check	
New Haven	30.6	yield	30.6

## DELAWARE

Kent	33.4	State check	
New Castle	34.7	yield	33.7
Sussex	32.6		

## FLORIDA

County	Projected 1967 yield	County	Projected 1967 yield
Alachua	19.7	Lee	
Baker	17.9	Leon	22.4
Bay		Levy	24.5
Bradford		Liberty	21.0
Brevard		Madison	23.7
Broward		Manatee	
Calhoun	22.9	Marion	24.9
Charlotte		Martin	
Citrus		Monroe	
Clay		Nassau	
Collier		Okaloosa	28.1
Columbia	23.8	Okcechobee	
Dade		Orange	
De Soto		Osceola	
Dixie		Palm Beach	
Duval		Pasco	
Escambia	27.1	Pinellas	
Flagler		Polk	
Franklin		Putnam	
Gadsden	29.0	St. Johns	
Gilchrist	16.7	St. Lucie	
Glades		Santa Rosa	29.8
Gulf		Sarasota	
Hamilton	19.7	Seminole	
Hardee		Sumter	20.5
Henry		Suwannee	17.8
Hernando		Taylor	
Highlands		Union	
Hillsborough		Volusia	
Holmes	28.7	Wakulla	
Indian River		Walton	23.2
Jackson	28.7	Washington	20.1
Jefferson	21.8	State check	
Lafayette	17.1	yield	25.8
Lake			

## GEORGIA

Appling	27.8	Decatur	27.1
Atkinson	25.0	De Kalb	25.9
Bacon	28.5	Dodge	26.1
Baker	29.2	Dooly	30.0
Baldwin	23.6	Dougherty	29.4
Banks	26.9	Douglas	22.8
Barrow	25.3	Early	28.4
Bartow	23.6	Echols	21.4
Ben Hill	26.3	Effingham	23.5
Berrien	27.2	Elbert	29.6
Bibb	31.4	Emanuel	26.7
Bleckley	29.2	Evans	25.7
Brantley	21.3	Fannin	22.2
Brooks	27.3	Fayette	23.3
Bryan	22.4	Floyd	25.3
Bulloch	28.2	Forsyth	23.6
Burke	26.1	Franklin	27.7
Butts	26.9	Fulton	26.3
Calhoun	27.7	Gilmer	23.4
Camden	20.4	Glascok	25.3
Candler	30.0	Glynn	20.4
Carroll	26.5	Gordon	24.6
Catoosa	23.6	Grady	27.9
Charlton	20.4	Greene	24.2
Chatham	20.8	Gwinnett	26.9
Chattahoo-		Habersham	25.5
chee		Hall	23.6
Chattooga	21.0	Hancock	27.3
Cherokee	23.4	Haralson	27.7
Clarke	29.3	Harris	24.9
Clay	26.5	Hart	30.6
Clayton	25.3	Heard	27.3
Clinch	20.4	Henry	28.7
Cobb	23.0	Houston	33.0
Coffee	25.3	Irwin	26.8
Colquitt	27.5	Jackson	27.6
Columbia	22.9	Jasper	26.7
Cook	26.1	Jeff Davis	26.4
Coweta	23.9	Jefferson	29.8
Crawford	31.7	Jenkins	23.6
Crisp	29.3	Johnson	24.1
Dade	20.6	Jones	23.0
Dawson	24.4	Lamar	25.9

## GEORGIA—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Lanier	27.1	Scriven	25.7
Laurens	29.8	Seminole	28.9
Lee	30.2	Spalding	28.1
Liberty	20.4	Stephens	28.5
Lincoln	28.7	Stewart	29.8
Long	20.4	Sumter	31.6
Lowndes	27.0	Talbot	27.5
Lumpkin	25.2	Taliaferro	26.1
McDuffie	24.9	Tattnall	27.0
McIntosh	20.4	Taylor	29.2
Macon	32.6	Telfair	26.4
Madison	30.0	Terrell	28.9
Marion	26.3	Thomas	29.2
Meriwether	26.3	Tift	28.7
Miller	28.8	Toombs	27.1
Mitchell	27.6	Towns	23.9
Monroe	24.1	Treutlen	23.6
Montgomery	24.9	Troup	26.7
Morgan	25.5	Turner	27.6
Murray	25.3	Twiggs	30.3
Muscogee	28.2	Union	23.9
Newton	24.5	Upson	26.1
Oconee	29.2	Walker	24.7
Oglethorpe	28.3	Walton	26.7
Paulding	22.8	Ware	21.4
Peach	33.7	Warren	27.8
Pickens	25.0	Washington	30.6
Pierce	21.4	Wayne	21.4
Pike	28.4	Webster	26.5
Polk	24.5	Wheeler	26.9
Pulaski	34.2	White	23.9
Putnam	25.3	Whitfield	23.2
Quitman	30.2	Wilcox	26.7
Rabun	23.4	Wilkes	28.3
Randolph	30.2	Wilkinson	26.1
Richmond	22.6	Worth	27.1
Rockdale	25.8	State check	
Schley	30.1	yield	28.6

## IDAHO

Ada	51.9	Gooding	56.4
Adams	36.3	Idaho	49.4
Bannock	28.4	Jefferson	51.4
Bear Lake	28.2	Jerome	63.1
Benewah	50.1	Kootenai	39.3
Bingham	50.6	Latah	53.7
Blaine	40.3	Lemhi	50.8
Bolse	36.3	Lewis	56.2
Bonner	31.2	Lincoln	55.7
Bonneville	34.7	Madison	37.4
Boundary	49.6	Minidoka	58.6
Butte	38.9	Nev Perce	52.4
Camas	24.5	Oneida	25.7
Canyon	68.0	Owyhee	68.0
Caribou	31.2	Payette	55.6
Cassia	38.5	Power	27.1
Clark	30.2	Shoshone	
Clearwater	48.3	Teton	31.4
Custer	51.4	Twin Falls	67.0
Elmore	35.8	Valley	25.2
Franklin	34.0	Washington	38.2
Fremont	38.4	State check	
Gem	52.4	yield	41.5

## ILLINOIS

Adams	35.2	Cook	39.6
Alexander	34.0	Crawford	36.5
Bond	36.5	Cumberland	42.2
Boone	38.0	De Kalb	41.2
Brown	34.8	De Witt	42.7
Bureau	38.3	Douglas	43.4
Calhoun	33.6	Du Page	41.1
Carroll	34.5	Edgar	40.1
Cass	35.3	Edward	34.7
Champaign	41.4	Effingham	40.9
Christian	41.6	Fayette	37.0
Clark	37.0	Ford	39.4
Clay	34.2	Franklin	29.3
Clinton	35.1	Fulton	34.6
Coles	41.1	Gallatin	36.1



## ILLINOIS—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Greene	35.8	Montgomery	38.3
Grundy	39.8	Morgan	38.9
Hamilton	33.0	Moultrie	41.1
Hancock	34.0	Ogle	37.0
Hardin	26.3	Peoria	39.3
Henderson	36.0	Perry	30.5
Henry	35.7	Piatt	41.0
Iroquois	38.3	Pike	32.8
Jackson	32.4	Pope	25.8
Jasper	41.2	Pulaski	29.6
Jefferson	31.4	Putnam	39.8
Jersey	38.2	Randolph	33.0
Jo Daviess	31.5	Richland	35.3
Johnson	26.1	Rock Island	32.5
Kane	41.1	St. Clair	37.1
Kankakee	38.9	Saline	31.0
Kendall	38.9	Sangamon	41.6
Knox	37.3	Schuyler	34.9
Lake	38.7	Scott	34.6
La Salle	39.8	Shelby	38.8
Lawrence	35.7	Stark	38.0
Lee	40.2	Stephenson	32.7
Livingston	37.0	Tazewell	37.7
Logan	40.5	Union	33.9
McDonough	37.3	Vermilion	40.2
McHenry	38.6	Wabash	38.3
McLean	41.7	Warren	39.1
Macon	43.6	Washington	35.3
Macoupin	39.8	Wayne	32.4
Madison	37.9	White	35.3
Marion	36.3	Whiteside	36.4
Marshall	40.0	Will	39.4
Mason	34.6	Williamson	28.9
Massac	31.2	Winnebago	33.7
Menard	37.9	Woodford	39.4
Mercer	33.5	State check	
Monroe	37.1	yield	37.4

## INDIANA

Adams	41.0	Madison	40.9
Allen	40.2	Marion	37.2
Bartholomew	37.1	Marshall	35.1
Benton	43.0	Martin	34.3
Blackford	38.8	Miami	41.5
Boone	41.2	Monroe	28.6
Brown	27.4	Montgomery	41.3
Carroll	42.5	Morgan	37.5
Cass	40.0	Newton	41.8
Clark	34.7	Noble	34.0
Clay	37.0	Ohio	29.7
Clinton	41.8	Orange	33.5
Crawford	27.3	Owen	28.9
Daviess	40.0	Parke	39.9
Dearborn	29.3	Perry	28.5
Decatur	34.2	Pike	36.0
De Kalb	36.7	Porter	39.1
Delaware	39.2	Posey	34.2
Dubois	33.0	Pulaski	36.7
Elkhart	33.6	Putnam	36.4
Fayette	35.5	Randolph	38.9
Floyd	31.0	Ripley	31.2
Fountain	40.4	Rush	33.7
Franklin	30.4	St. Joseph	33.8
Fulton	35.1	Scott	30.1
Gibson	36.4	Shelby	36.0
Grant	39.7	Spencer	34.5
Greene	37.9	Starke	31.4
Hamilton	41.1	Steuben	37.7
Hancock	39.0	Sullivan	41.4
Harrison	31.0	Switzerland	29.1
Hendricks	41.0	Tippecanoe	39.8
Henry	37.4	Tipton	44.2
Howard	42.2	Union	38.0
Huntington	41.5	Vanderburgh	37.4
Jackson	32.3	Vermillion	39.3
Jasper	38.6	Vigo	39.8
Jay	34.7	Wabash	37.8
Jefferson	30.6	Warren	40.3
Jennings	31.4	Warrick	34.6
Johnson	40.9	Washington	31.9
Knox	42.8	Wayne	36.2
Kosciusko	34.4	Wells	41.7
Lagrange	32.4	White	43.2
Lake	42.6	Whitley	40.0
La Porte	37.2	State check	
Lawrence	30.2	yield	37.6

## IOWA

County	Projected 1967 yield	County	Projected 1967 yield
Adair	24.5	Jefferson	29.4
Adams	25.1	Johnson	26.6
Allamakee	28.0	Jones	27.8
Appanoose	27.8	Keokuk	26.4
Audubon	26.0	Kossuth	29.0
Benton	31.9	Lee	32.4
Black Hawk	29.6	Linn	30.2
Boone	27.3	Louisa	35.0
Bremer	30.0	Lucas	22.7
Buchanan	26.9	Lyon	23.0
Buena Vista	24.2	Madison	26.4
Butler	32.1	Mahaska	29.0
Calhoun	32.2	Marion	28.4
Carroll	30.6	Marshall	33.6
Cass	26.4	Mills	26.2
Cedar	30.0	Mitchell	25.6
Cerro Gordo	26.9	Monona	23.0
Cherokee	31.3	Monroe	24.0
Chickasaw	29.6	Montgomery	25.9
Clarke	25.6	Muscatine	30.8
Clay	35.5	O'Brien	25.7
Clayton	29.4	Osceola	24.4
Clinton	28.6	Page	25.3
Crawford	26.9	Palo Alto	28.8
Dallas	28.6	Plymouth	23.3
Davis	28.8	Pocahontas	25.9
Decatur	25.3	Polk	29.3
Delaware	33.6	Poweshiek	27.0
Des Moines	36.2	Ringgold	23.7
Dickinson	21.3	Sac	31.5
Dubuque	31.1	Scott	30.6
East Pottawat-		Shelby	30.3
tamie	25.8	Sioux	25.7
Emmet	26.0	Story	31.9
Fayette	35.2	Tama	25.1
Floyd	28.4	Taylor	25.3
Franklin	28.6	Union	25.6
Fremont	25.9	Van Buren	28.3
Greene	23.5	Wapello	28.8
Grundy	28.8	Warren	26.1
Guthrie	25.6	Washington	30.0
Hamilton	28.8	Wayne	25.8
Hancock	25.8	Webster	30.6
Hardin	26.4	West Potta-	
Harrison	26.2	wattamie	25.8
Henry	30.4	Winnebago	26.1
Howard	25.7	Winneshiek	28.8
Humboldt	29.6	Woodbury	23.9
Ida	25.9	Worth	25.3
Iowa	29.8	Wright	27.4
Jackson	29.2	State check	
Jasper	28.0	yield	26.8

## KANSAS

Allen	27.9	Graham	23.0
Anderson	28.5	Grant	27.7
Atchison	26.9	Gray	23.5
Barber	24.9	Greeley	26.3
Barton	21.3	Greenwood	26.1
Bourbon	26.0	Hamilton	26.5
Brown	31.2	Harper	27.5
Butler	29.4	Harvey	33.7
Chase	29.5	Haskell	24.5
Chautauqua	32.2	Hodgeman	22.9
Cherokee	29.4	Jackson	28.2
Cheyenne	27.4	Jefferson	25.3
Clark	21.2	Jewell	26.6
Clay	27.3	Johnson	31.5
Cloud	28.1	Kearny	28.1
Coffey	28.3	Kingman	25.3
Comanche	19.2	Kiowa	22.1
Cowley	30.8	Labette	31.7
Crawford	27.3	Lane	27.0
Decatur	28.6	Leavenworth	28.5
Dickinson	31.0	Lincoln	25.5
Doniphan	30.2	Linn	26.9
Douglas	29.9	Logan	28.3
Edwards	22.6	Lyon	26.7
Elk	27.0	McPherson	29.8
Ellis	19.5	Marion	30.6
Ellsworth	24.5	Marshall	29.4
Finney	27.8	Meade	21.1
Ford	23.1	Miami	29.5
Franklin	27.8	Mitchell	25.7
Geary	32.4	Montgomery	32.6
Gove	28.4	Morris	29.3

## KANSAS—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Morton	21.7	Sedgwick	30.4
Nemaha	30.6	Seward	21.4
Neosho	29.9	Shawnee	28.9
Ness	21.7	Sheridan	29.1
Norton	25.5	Sherman	29.6
Osage	29.2	Smith	25.4
Osborne	22.7	Stafford	23.6
Ottawa	27.2	Stanton	27.0
Pawnee	22.9	Stevens	23.5
Phillips	24.1	Sumner	29.9
Pottawatomie	27.7	Thomas	29.6
Pratt	23.4	Trego	25.3
Rawlins	28.6	Wabaunsee	28.1
Reno	29.2	Wallace	25.1
Republic	27.3	Washington	28.7
Rice	25.3	Wichita	29.0
Riley	28.9	Wilson	30.8
Rooks	21.9	Woodson	25.3
Rush	21.2	Wyandotte	32.8
Russell	20.6	State check	
Saline	29.4	yield	26.2
Scott	31.3		

## KENTUCKY

Adair	26.9	Larue	29.2
Allen	24.0	Laurel	24.5
Anderson	23.7	Lawrence	---
Ballard	31.4	Lee	19.9
Barren	28.3	Leslie	---
Bath	24.3	Letcher	---
Bell	---	Lewis	23.7
Boone	25.8	Lincoln	24.9
Bourbon	30.8	Livingston	26.9
Boyd	23.4	Logan	33.4
Boyle	25.0	Lyon	28.1
Bracken	31.4	McCracken	32.6
Breathitt	---	McCreary	---
Breckinridge	27.1	McLean	27.9
Bullitt	26.4	Madison	28.5
Butler	24.4	Magoffin	---
Caldwell	31.0	Marion	28.6
Calloway	30.6	Marshall	28.2
Campbell	26.2	Martin	---
Carlisle	26.4	Mason	38.0
Carroll	27.3	Meade	28.7
Carter	24.7	Menifee	---
Casey	24.7	Mercer	27.6
Christian	34.2	Metcalfe	25.7
Clark	30.6	Monroe	26.9
Clay	22.7	Montgomery	28.1
Clinton	26.1	Morgan	20.4
Crittenden	29.4	Muhlenberg	28.5
Cumberland	22.6	Nelson	27.7
Daviess	30.4	Nicholas	29.8
Edmonson	21.1	Ohio	26.1
Elliott	---	Oldham	31.0
Estill	23.3	Owen	27.1
Fayette	30.5	Owsley	---
Fleming	27.5	Pendleton	24.0
Floyd	---	Perry	---
Franklin	26.5	Pike	---
Fulton	34.7	Powell	23.3
Gallatin	26.9	Pulaski	25.7
Garrard	23.4	Robertson	27.3
Grant	28.6	Rockcastle	26.9
Graves	34.4	Rowan	22.6
Grayson	25.7	Russell	25.6
Green	26.5	Scott	28.1
Greenup	23.7	Shelby	30.2
Hancock	25.4	Simpson	33.8
Hardin	30.3	Spencer	26.1
Harlan	---	Taylor	27.4
Harrison	28.8	Todd	35.3
Hart	27.6	Trigg	32.4
Henderson	36.9	Trimble	32.6
Henry	31.6	Union	35.1
Hickman	33.8	Warren	32.8
Hopkins	29.2	Washington	24.9
Jackson	23.1	Wayne	26.9
Jefferson	33.4	Webster	29.5
Jessamine	25.2	Whitley	---
Johnson	---	Wolfe	19.2
Kenton	26.7	Woodford	31.3
Knott	---	State check	
Knox	22.9	yield	30.9



## RULES AND REGULATIONS

## LOUISIANA

County	Projected 1967 yield	County	Projected 1967 yield
Acadia	20.9	Natchitoches	22.5
Allen	20.4	Orleans	26.2
Ascension	---	Ouachita	---
Assumption	---	Plaquemines	---
Avoyelles	22.2	Pointe Cou-	---
Beauregard	---	pee	21.7
Bienville	22.6	Rapides	20.8
Bossier	26.2	Red River	26.9
Caddo	24.4	Richland	23.1
Calcasieu	20.4	Sabine	---
Caldwell	26.2	St. Bernard	---
Cameron	---	St. Charles	---
Catahoula	24.4	St. Helena	---
Claiborne	17.3	St. James	20.4
Concordia	25.0	St. John	---
De Soto	21.1	the Baptist	---
East Baton	---	St. Landry	18.7
Rouge	22.9	St. Martin	---
East Carroll	25.8	St. Mary	---
East Feliciana	21.8	St. Tammany	---
Evangeline	22.5	Tangipahoa	---
Franklin	24.0	Tensas	24.9
Grant	---	Terrebonne	---
Iberia	---	Union	20.4
Iberville	---	Vernon	20.4
Jackson	18.3	Washington	---
Jefferson	---	Webster	19.9
Jefferson	---	West Baton	---
Davis	19.4	Rouge	22.4
Lafayette	20.4	West Carroll	24.8
Lafourche	---	West Felic-	---
La Salle	21.9	ana	23.4
Lincoln	---	Winn	---
Livingston	---	State check	---
Madison	26.6	yield	25.3
Morehouse	23.3		

## MAINE

Androscog-	---	Penobscot	30.8
gin	30.7	Piscataquis	---
Aroostook	30.8	Sagadahoc	---
Cumberland	29.9	Somerset	30.6
Franklin	---	Waldo	31.0
Hancock	---	Washington	30.7
Kennebec	30.8	York	30.8
Knox	---	State check	---
Lincoln	---	yield	30.8
Oxford	---		

## MARYLAND

Allegany	26.0	Kent	34.2
Anne Arundel	21.8	Montgomery	30.2
Baltimore	32.4	Prince	---
Calvert	23.3	Georges	20.4
Caroline	31.5	Queen Annes	32.1
Carroll	31.1	St. Marys	24.0
Cecil	34.3	Somerset	28.0
Charles	22.8	Talbot	31.8
Dorchester	31.9	Washington	29.5
Frederick	28.5	Wicomico	28.0
Garrett	29.0	Worcester	28.0
Harford	36.3	State check	---
Howard	30.2	yield	30.5

## MASSACHUSETTS

Barnstable	---	Middlesex	29.7
Berkshire	30.8	Nantucket	---
Bristol	29.6	Norfolk	---
Dukes	---	Plymouth	28.9
Essex	31.0	Suffolk	---
Franklin	31.4	Worcester	29.8
Hampden	31.6	State check	---
Hampshire	30.8	yield	30.8

## MICHIGAN

Alcona	28.8	Benzie	17.9
Alger	23.4	Berrien	33.6
Allegan	34.4	Branch	33.4
Alpena	31.6	Calhoun	35.3
Antrim	26.5	Cass	32.4
Arenac	33.4	Charlevoix	24.9
Baraga	25.6	Chesboygan	22.7
Barry	35.1	Chippewa	22.7
Bay	41.2	Clare	33.4

## MICHIGAN—Continued

Clinton	39.1	Marquette	20.8
Crawford	22.7	Mason	34.0
Delta	20.4	Mecosta	34.3
Dickinson	20.8	Menominee	25.6
Eaton	38.8	Midland	39.1
Emmet	28.8	Missaukee	31.5
Genesee	36.3	Monroe	37.2
Gladwin	33.4	Montcalm	35.3
Gogebic	19.7	Montmorency	28.8
Grand	---	Muskegon	34.8
Traverse	27.4	Newaygo	33.8
Gratiot	41.0	Oakland	35.3
Hillsdale	35.0	Oceana	33.4
Houghton	22.6	Ogemaw	31.5
Huron	41.5	Ontonagon	18.9
Ingham	39.6	Oscoda	28.8
Ionia	39.6	Osego	22.7
Iosco	28.6	Ottawa	35.1
Iron	18.9	Presque Isle	27.1
Isabella	36.2	Roscommon	31.5
Jackson	34.5	Saginaw	41.0
Kalamazoo	34.8	St. Clair	36.2
Kalkaska	17.5	St. Joseph	33.4
Kent	34.5	Sanilac	38.1
Keweenaw	---	Schoolcraft	18.9
Lake	29.7	Shiawassee	39.1
Lapeer	37.8	Tuscola	41.0
Leelanau	24.6	Van Buren	34.8
Lenawee	39.5	Washtenaw	37.8
Livingston	35.9	Wayne	32.4
Luce	18.1	Wexford	22.7
Mackinac	23.9	State check	---
Macomb	36.6	yield	37.0
Manistee	24.6		

## MINNESOTA

Alitkin	19.8	Martin	26.3
Anoka	22.5	Meeker	25.5
Becker	25.7	Mille Lacs	22.2
Beltrami	21.1	Morrison	20.2
Benton	22.4	Mower	27.4
Big Stone	21.5	Murray	21.6
Blue Earth	27.9	Nicollet	26.6
Brown	23.7	Nobles	23.0
Carlton	20.9	Norman	27.8
Carver	27.5	North St.	---
Cass	20.2	Louis	23.7
Chippewa	21.8	Olmsted	28.8
Chisago	21.6	Pennington	24.7
Clay	27.8	Pine	20.4
Clearwater	22.9	Pipestone	21.3
Cook	---	Pope	21.1
Cottonwood	23.4	Ramsey	---
Crow Wing	20.6	Red Lake	24.7
Dakota	26.0	Redwood	22.6
Dodge	26.8	Renville	25.5
Douglas	23.1	Rice	26.1
East Otter Tail	24.7	Rock	21.7
East Polk	27.3	Roseau	22.4
Faribault	29.8	Scott	26.9
Fillmore	26.8	Sherburne	21.3
Freeborn	28.8	Sibley	26.4
Goodhue	26.0	South	---
Grant	24.1	St. Louis	---
Hennepin	24.5	Stearns	22.1
Houston	28.5	Steele	28.4
Hubbard	20.2	Stevens	22.9
Isanti	23.6	Swift	21.0
Itasca	20.9	Todd	20.7
Jackson	23.3	Traverse	22.7
Kanabec	22.5	Wabasha	28.9
Kandiyohi	24.9	Wadena	20.3
Kittson	25.7	Waseca	29.4
Koochiching	21.1	Washington	26.6
Lac Qui Parle	20.5	Watsonwan	22.4
Lake	---	West Ottertail	25.4
Lake of	---	West Polk	28.1
the Woods	22.6	Wilkin	25.7
Le Sueur	27.9	Winona	28.0
Lincoln	21.5	Wright	25.4
Lyon	21.7	Yellow	---
McLeod	26.7	Medicine	21.8
Mahnomen	26.2	State check	---
Marshall	28.0	yield	25.8

## MISSISSIPPI

County	Projected 1967 yield	County	Projected 1967 yield
Adams	27.9	Lincoln	23.6
Alcorn	24.9	Lowndes	24.5
Amite	23.7	Madison	29.8
Attala	29.4	Marion	22.2
Benton	26.5	Marshall	26.3
Bolivar	29.6	Monroe	27.0
Calhoun	27.5	Montgomery	25.9
Carroll	27.9	Neshoba	20.9
Chickasaw	23.5	Newton	22.4
Choctaw	21.2	Noxubee	26.9
Claiborne	26.3	Oktibbeha	20.8
Clarke	22.2	Panola	29.4
Clay	24.9	Pearl River	22.3
Coahoma	30.2	Perry	21.7
Copiah	23.4	Pike	22.8
Covington	24.7	Pontotoc	25.6
De Soto	31.4	Prentiss	24.9
Forrest	22.6	Quitman	29.0
Franklin	21.1	Rankin	24.2
George	26.9	Scott	24.0
Greene	---	Sharkey	30.8
Grenada	24.9	Simpson	22.8
Hancock	---	Smith	22.4
Harrison	---	Stone	---
Hinds	27.7	Sunflower	29.6
Holmes	28.2	Tallahatchie	29.6
Humphreys	29.4	Tate	30.2
Issaquena	29.6	Tippah	25.5
Itawamba	27.9	Tishomingo	25.0
Jackson	24.4	Tunica	31.5
Jasper	24.1	Union	26.9
Jefferson	25.9	Walthall	21.9
Jefferson	---	Warren	28.0
Davis	23.4	Washington	30.2
Jones	26.5	Wayne	20.3
Kemper	21.8	Webster	28.2
Lafayette	25.2	Wilkinson	23.2
Lamar	---	Winston	22.7
Lauderdale	22.0	Yalobusha	24.7
Lawrence	23.2	Yazoo	31.4
Leake	23.5	State check	---
Lee	27.1	yield	30.1
Leflore	30.6		

## MISSOURI

Adair	31.1	Grundy	26.9
Andrew	27.7	Harrison	28.6
Atchison	29.4	Henry	30.0
Audrain	34.2	Hickory	25.6
Barry	28.9	Holt	29.7
Barton	28.0	Howard	31.4
Bates	27.0	Howell	20.4
Benton	26.8	Iron	20.7
Bollinger	30.8	Jackson	32.7
Boone	31.8	Jasper	28.3
Buchanan	29.7	Jefferson	28.9
Butler	34.9	Johnson	26.9
Caldwell	30.4	Knox	32.5
Callaway	35.2	Laclede	29.4
Camden	26.8	Lafayette	31.6
Cape	---	Lawrence	26.6
Girardeau	36.9	Lewis	31.4
Carroll	31.6	Lincoln	34.9
Carter	28.8	Linn	31.1
Cass	27.5	Livngston	30.6
Cedar	27.1	McDonald	27.6
Chariton	33.2	Macon	30.5
Christian	24.5	Madison	23.8
Clark	30.3	Maries	27.6
Clay	31.2	Marion	32.1
Clinton	30.5	Mercer	29.6
Cole	31.1	Miller	28.6
Cooper	33.5	Mississippi	40.3
Crawford	28.0	Moniteau	30.8
Dade	27.9	Monroe	31.3
Dallas	25.2	Montgomery	35.2
Davless	27.9	Morgan	29.7
De Kalb	30.5	New Madrid	38.8
Dent	23.6	Newton	27.0
Douglas	21.6	Nodaway	29.4
Dunklin	35.2	Oregon	26.7
Franklin	32.8	Osage	31.8
Gasconade	30.5	Ozark	24.2
Gentry	29.4	Pemiscot	43.0
Greene	27.8	Perry	35.8



MISSOURI—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Pettis	30.4	Scotland	27.7
Phelps	29.7	Scott	38.5
Pike	31.9	Shannon	24.8
Platte	31.1	Shelby	31.1
Polk	28.2	Stoddard	36.8
Pulaski	24.1	Stone	24.2
Putnam	26.9	Sullivan	29.6
Ralls	31.4	Taney	21.8
Randolph	32.6	Texas	25.8
Ray	32.8	Vernon	28.7
Reynolds	26.4	Warren	35.3
Ripley	22.1	Washington	32.2
St. Charles	37.0	Wayne	26.3
St. Clair	26.1	Webster	21.8
St. Francois	33.4	Worth	26.0
St. Louis	36.5	Wright	24.8
Ste. Genevieve	35.6	State check	
Saline	30.4	yield	31.3
Schuyler	30.3		

MONTANA

Beaverhead	28.7	Meagher	27.0
Big Horn	27.5	Mineral	29.3
Blaine	20.4	Missoula	30.2
Broadwater	27.4	Musselshell	26.0
Carbon	28.5	Park	27.3
Carter	17.7	Petroleum	23.4
Cascade	30.5	Phillips	21.9
Chouteau	30.0	Pondera	31.0
Custer	23.5	Powder River	22.3
Daniels	21.4	Powell	32.4
Dawson	19.2	Prairie	22.3
Deer Lodge	52.6	Ravalli	34.0
Fallon	16.8	Richland	21.5
Fergus	28.8	Roosevelt	21.2
Flathead	41.8	Rosebud	24.9
Gallatin	34.7	Sanders	26.5
Garfield	19.6	Sheridan	24.6
Glacier	28.6	Silver Bow	20.1
Golden Valley	25.4	Stillwater	27.9
Granite	31.3	Sweet Grass	23.0
Hill	21.2	Teton	29.2
Jefferson	24.0	Toole	20.8
Judith Basin	27.5	Treasure	28.7
Lake	32.7	Valley	21.8
Lewis and Clark	26.9	Wheatland	24.5
Liberty	20.9	Wibaux	19.3
Lincoln	26.1	Yellowstone	30.2
McCone	20.6	State check	
Madison	29.5	yield	24.6

NEBRASKA

Adams	24.0	Frontier	23.9
Antelope	26.0	Furnas	25.2
Arthur	17.7	Gage	26.9
Banner	25.9	Garden	26.9
Blaine		Garfield	22.3
Boone	27.3	Gosper	22.7
Box Butte	26.3	Grant	
Boyd	20.4	Greeley	25.9
Brown	22.5	Hall	24.5
Buffalo	25.2	Hamilton	24.4
Burt	29.1	Harlan	26.2
Butler	29.0	Hayes	24.7
Cass	29.6	Hitchcock	24.8
Cedar	20.5	Holt	17.9
Chase	23.9	Hooker	14.4
Cherry	22.1	Howard	25.2
Cheyenne	25.6	Jefferson	26.3
Clay	25.9	Johnson	26.8
Colfax	29.4	Kearney	23.2
Cuming	29.1	Keith	26.2
Custer	25.3	Keya Paha	20.1
Dakota	26.9	Kimball	23.0
Dawes	25.3	Knox	24.2
Dawson	24.3	Lancaster	28.5
Deuel	27.2	Lincoln	22.6
Dixon	24.9	Logan	23.1
Dodge	28.4	Loup	26.0
Douglas	28.3	McPherson	19.5
Dundy	25.2	Madison	27.6
Fillmore	26.0	Merrick	23.8
Franklin	22.5	Morrill	24.1

NEBRASKA—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Nance	27.0	Seward	26.1
Nemaha	28.0	Sheridan	24.2
Nuckolls	26.2	Sherman	25.9
Otoe	28.3	Sioux	24.8
Pawnee	27.9	Stanton	27.2
Perkins	25.1	Thayer	26.5
Phelps	25.9	Thomas	14.1
Pierce	27.0	Thurston	26.0
Platte	27.9	Valley	27.5
Polk	28.4	Washington	27.9
Red Willow	27.6	Wayne	26.5
Richardson	29.0	Webster	22.2
Rock	18.0	Wheeler	19.6
Saline	26.5	York	27.0
Sarpy	28.1	State check	
Saunders	28.2	yield	25.7
Scotts Bluff	26.2		

NEVADA

Churchill	46.1	Mineral	29.9
Clark	30.1	Nye	31.1
Douglas	38.7	Ormsby	36.1
Elko	38.7	Pershing	61.4
Esmeralda	36.1	Storey	36.1
Eureka	29.8	Washoe	35.2
Humboldt	48.5	White Pine	30.6
Lander	38.5	State check	
Lincoln	33.4	yield	46.8
Lyon	49.9		

NEW JERSEY

Atlantic	31.4	Monmouth	34.0
Bergen	30.6	Morris	30.6
Burlington	34.6	Ocean	31.8
Camden	34.0	Passaic	30.6
Cape May	31.1	Salem	36.1
Cumberland	35.9	Somerset	30.2
Essex	30.6	Sussex	33.7
Gloucester	34.6	Union	29.6
Hudson		Warren	36.3
Hunterdon	32.1	State check	
Mercer	33.6	yield	33.6
Middlesex	33.8		

NEW MEXICO

Bernalillo	19.9	Otero	35.7
Catron	29.6	Quay	17.5
Chaves	35.0	Rio Arriba	14.2
Colfax	21.0	Roosevelt	19.9
Curry	29.0	Sandoval	19.7
De Baca	30.9	San Juan	29.2
Dona Ana	34.0	San Miguel	22.2
Eddy	35.9	Sante Fe	21.6
Grant	36.1	Sierra	32.7
Guadalupe	17.1	Socorro	17.5
Harding	14.5	Taos	26.6
Hidalgo	41.0	Torrance	16.0
Lea	19.3	Union	21.3
Lincoln	18.7	Valencia	23.8
Luna	34.7	State check	
McKinley	14.0	yield	22.7
Mora	23.0		

NEW YORK

Albany	27.7	Jefferson	32.1
Allegany	30.7	Lewis	31.0
Broome	32.3	Livingston	35.5
Cattaraugus	31.4	Madison	35.1
Cayuga	37.8	Monroe	36.9
Chautauqua	33.5	Montgomery	32.0
Chemung	31.2	Nassau	31.9
Chenango	35.5	New York	
Clinton	25.8	City	
Columbia	30.1	Niagara	36.9
Cortland	36.1	Oneida	36.1
Delaware	30.2	Onondaga	36.7
Dutchess	30.2	Ontario	37.7
Erie	35.1	Orange	30.3
Essex	36.1	Orleans	39.1
Franklin	25.8	Oswego	33.9
Fulton	27.7	Otsego	34.3
Genesee	38.3	Putnam	
Greene	29.2	Rensselaer	29.7
Hamilton		Richmond	
Herkimer	33.6	Rockland	27.4

NEW YORK—Continued

County	Projected 1967 yield	County	Projected 1967 yield
St. Lawrence	31.0	Tompkins	35.9
Saratoga	31.6	Ulster	29.1
Schenectady	29.7	Warren	
Schoharie	28.7	Washington	29.4
Schuyler	31.4	Wayne	35.2
Seneca	36.9	Westchester	29.5
Steuben	33.0	Wyoming	35.7
Suffolk	35.9	Yates	36.3
Sullivan	29.8	State check	
Tioga	30.7	yield	36.0

NORTH CAROLINA

Alamance	27.9	Jones	31.8
Alexander	25.7	Lee	27.5
Alleghany	29.4	Lenoir	33.0
Anson	24.5	Lincoln	28.3
Ashe	28.6	McDowell	26.6
Avery	26.2	Macon	24.9
Beaufort	31.5	Madison	24.7
Bertie	33.1	Martin	34.9
Bladen	31.7	Mecklenburg	25.4
Brunswick	29.5	Mitchell	19.2
Buncombe	27.6	Montgomery	22.8
Burke	25.0	Moore	22.4
Cabarrus	25.1	Nash	32.6
Caldwell	28.0	New Hanover	29.4
Camden	37.5	Northampton	29.8
Carteret	33.5	Onslow	28.3
Caswell	25.5	Orange	28.6
Catawba	28.8	Pamlico	35.5
Chatham	24.9	Pasquotank	36.1
Cherokee	22.6	Pender	29.0
Chowan	35.5	Perquimans	37.9
Clay	22.6	Person	24.5
Cleveland	25.9	Pitt	
Columbus	30.0	Polk	25.1
Craven	34.5	Randolph	25.5
Cumberland	27.4	Richmond	23.5
Currituck	34.8	Robeson	28.4
Dare		Rockingham	26.8
Davidson	25.5	Rowan	28.1
Davie	28.3	Rutherford	27.8
Duplin	30.0	Sampson	30.1
Durham	28.9	Scotland	29.0
Edgecombe	32.8	Stanly	24.3
Forsyth	26.1	Stokes	25.7
Franklin	27.1	Surry	29.2
Gaston	26.3	Swain	19.4
Gates	32.2	Transylvania	26.5
Graham	17.5	Tyrrell	34.9
Granville	24.2	Union	27.3
Greene	35.6	Vance	23.6
Guilford	27.0	Wake	27.8
Halifax	31.0	Warren	23.2
Harnett	30.0	Washington	35.9
Haywood	26.1	Watauga	28.5
Henderson	27.6	Wayne	34.2
Hertford	31.0	Wilkes	28.3
Hoke	26.5	Wilson	35.8
Hyde	33.2	Yadkin	26.5
Iredell	26.8	Yancey	24.9
Jackson	23.9	State check	
Johnston	31.2	yield	27.9

NORTH DAKOTA

Adams	20.1	Griggs	28.3
Barnes	24.8	Hettinger	21.5
Benson	26.7	Kidder	20.1
Billings	20.5	La Moure	21.0
Bottineau	28.9	Logan	17.1
Bowman	19.1	McHenry	24.3
Burke	27.2	McIntosh	17.1
Burleigh	20.8	McKenzie	22.3
Cass	26.7	McLean	27.3
Cavalier	30.2	Mercer	23.2
Dickey	20.4	Morton	22.5
Divide	25.7	Mountrail	27.8
Dunn	22.0	Nelson	32.0
Eddy	25.0	Oliver	21.2
Emmons	18.3	Pembina	27.3
Foster	26.3	Pierce	24.9
Golden Valley	22.3	Ramsey	30.0
Grand Forks	30.2	Ransom	21.0
Grant	19.0	Renville	29.2



## NORTH DAKOTA—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Richland	23.5	Towner	28.7
Rolette	26.9	Traill	30.0
Sargent	22.4	Walsh	30.4
Sheridan	22.4	Ward	29.2
Sioux	19.2	Wells	26.3
Slope	19.6	Williams	24.1
Stark	21.5	State check	
Steele	30.8	yield	25.0
Stutsman	22.4		

## OHIO

Adams	25.6	Logan	36.0
Allen	36.8	Lorain	34.0
Ashland	31.4	Lucas	37.6
Ashtabula	33.6	Madison	36.3
Athens	28.0	Mahoning	34.9
Auglaize	37.2	Marion	36.3
Belmont	31.0	Medina	32.6
Brown	24.9	Meigs	26.6
Butler	30.4	Mercer	37.0
Carroll	30.6	Miami	37.5
Champaign	38.0	Monroe	26.7
Clark	37.9	Montgomery	33.8
Clermont	27.5	Morgan	27.7
Clinton	33.4	Morrow	31.3
Columbiana	33.2	Muskingum	27.8
Coshocton	28.6	Noble	28.0
Crawford	34.7	Ottawa	36.6
Cuyahoga	31.6	Paulding	33.5
Darke	37.1	Perry	28.0
Defiance	34.5	Pickaway	32.6
Delaware	32.4	Pike	27.3
Erie	37.9	Portage	32.6
Fairfield	31.3	Preble	34.2
Fayette	36.3	Putnam	36.0
Franklin	32.0	Richland	32.5
Fulton	38.6	Ross	31.2
Gallia	26.3	Sandusky	36.5
Geauga	31.6	Scioto	29.8
Greene	34.4	Seneca	36.3
Guernsey	27.9	Shelby	37.2
Hamilton	30.8	Stark	33.8
Hancock	36.7	Summit	32.6
Hardin	36.4	Trumbull	31.8
Harrison	28.9	Tuscarawas	31.4
Henry	38.1	Union	34.2
Highland	27.7	Van Wert	39.3
Hocking	27.1	Vinton	27.5
Holmes	31.2	Warren	30.4
Huron	35.2	Washington	26.5
Jackson	27.1	Wayne	35.3
Jefferson	31.1	Williams	36.7
Knox	29.8	Wood	37.1
Lake	30.8	Wyandot	35.9
Lawrence	28.2	State check	
Licking	29.5	yield	24.3

## OKLAHOMA

Adair	27.6	Greer	22.2
Alfalfa	28.5	Harmon	22.2
Atoka	22.8	Harper	16.4
Beaver	17.3	Haskell	27.9
Beckham	20.7	Hughes	24.6
Blaine	26.1	Jackson	23.9
Bryan	25.6	Jefferson	25.9
Caddo	30.4	Johnston	26.7
Canadian	28.5	Kay	33.3
Carter	25.5	Kingfisher	26.0
Cherokee	22.9	Kiowa	23.5
Choctaw	26.6	Latimer	26.1
Cimarron	16.9	Le Flore	29.8
Cleveland	30.2	Lincoln	24.7
Coal	23.4	Logan	29.2
Comanche	23.1	Love	24.9
Cotton	29.6	McClain	32.0
Craig	29.0	McCurtain	26.7
Creek	22.2	McIntosh	23.7
Custer	25.9	Major	26.3
Delaware	27.9	Marshall	23.5
Dewey	20.6	Mayes	29.8
Ellis	16.2	Murray	27.1
Garfield	28.7	Muskogee	27.7
Garvin	27.5	Noble	30.9
Grady	30.3	Nowata	28.7
Grant	27.7	Okfuskee	24.8

## OKLAHOMA—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Oklahoma	28.5	Sequoyah	28.9
Okmulgee	24.5	Stephens	26.7
Osage	30.0	Texas	17.5
Ottawa	30.4	Tillman	28.3
Pawnee	29.0	Tulsa	29.8
Payne	27.9	Wagoner	27.5
Pittsburg	23.0	Washington	29.4
Pontotoc	25.1	Washita	23.3
Pottawatomie	27.7	Woods	23.4
Pushmataha	26.5	Woodward	19.9
Roger Mills	19.4	State check	
Rogers	29.2	yield	24.5
Seminole	25.2		

## OREGON

Baker	35.5	Lane	46.2
Benton	47.5	Lincoln	---
Clackamas	47.5	Linn	43.0
Clatsop	---	Malheur	59.5
Columbia	42.2	Marion	52.6
Coos	---	Morrow	28.7
Crook	54.0	Multnomah	45.3
Curry	---	Polk	51.9
Deschutes	43.2	Sherman	34.3
Douglas	31.5	Tillamook	---
Gilliam	30.6	Umatilla	36.7
Grant	27.1	Union	43.6
Harney	20.0	Wallowa	38.7
Hood River	25.0	Wasco	34.2
Jackson	38.4	Washington	55.2
Jefferson	53.0	Wheeler	32.1
Josephine	35.0	Yamhill	54.4
Klamath	44.9	State check	
Lake	29.2	yield	37.5

## PENNSYLVANIA

Adams	29.8	Lawrence	32.6
Allegheny	27.7	Lebanon	36.7
Armstrong	28.0	Lehigh	32.6
Beaver	29.5	Lucerne	30.4
Bedford	30.2	Lycoming	30.5
Berks	32.9	McKean	31.5
Blair	31.6	Mercer	31.5
Bradford	29.2	Mifflin	30.5
Bucks	32.4	Monroe	31.5
Butler	31.4	Montgomery	31.5
Cambria	28.2	Montour	28.5
Cameron	23.2	Northamp-	
Carbon	30.8	ton	35.9
Centre	31.2	Northumber-	
Chester	37.5	land	30.4
Clarion	26.2	Perry	30.6
Clearfield	27.3	Philadelphia	---
Clinnton	33.1	Pike	30.0
Columbia	32.7	Potter	32.8
Crawford	29.4	Schuylkill	29.4
Cumberland	30.8	Snyder	28.4
Dauphin	34.0	Somerset	29.2
Delaware	31.9	Sullivan	31.0
Elk	28.4	Susquehanna	32.8
Erie	29.6	Tioga	29.5
Fayette	30.3	Union	31.0
Forest	26.7	Venango	27.8
Franklin	30.9	Warren	28.5
Fulton	26.6	Washington	30.5
Greene	31.0	Wayne	31.1
Huntingdon	27.9	Westmoreland	29.8
Indiana	28.0	Wyoming	29.9
Jefferson	26.5	York	33.6
Juniata	29.4	State check	
Lackawanna	29.7	yield	32.0
Lancaster	38.9		

## RHODE ISLAND

Bristol	---	Washington	29.0
Kent	---	State check	
Newport	29.0	yield	29.0
Providence	---		

## SOUTH CAROLINA

Abbeville	27.7	Bamberg	29.8
Aiken	24.7	Barnwell	28.5
Allendale	30.6	Beaufort	31.7
Anderson	25.9	Berkeley	29.0

## SOUTH CAROLINA—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Calhoun	32.2	Lancaster	27.1
Charleston	28.9	Laurens	27.3
Cherokee	24.1	Lee	30.4
Chester	25.1	Lexington	25.6
Chesterfield	26.1	McCormick	28.1
Clarendon	27.5	Marion	28.6
Colleton	26.2	Marlboro	26.4
Darlington	29.2	Newberry	31.6
Dillon	28.7	Oconee	22.6
Dorchester	27.7	Orangeburg	28.0
Edgefield	28.8	Pickens	21.5
Fairfield	27.5	Richland	30.0
Florence	27.0	Saluda	29.4
Georgetown	22.0	Spartanburg	25.5
Greenville	25.8	Sumter	27.3
Greenwood	28.3	Union	21.8
Hampton	29.5	Williamsburg	27.1
Horry	29.8	York	25.8
Jasper	28.6	State check	
Kershaw	27.9	yield	27.2

## SOUTH DAKOTA

Aurora	18.2	Jerauld	15.5
Beadle	14.9	Jones	23.2
Bennett	28.3	Kingsbury	16.7
Bon Homme	17.0	Lake	18.0
Brookings	17.7	Lawrence	20.8
Brown	17.9	Lincoln	18.2
Brule	20.9	Lyman	24.7
Buffalo	19.0	McCook	18.5
Butte	18.5	McPherson	15.3
Campbell	17.1	Marshall	19.6
Charles Mix	18.9	Meade	20.6
Clark	15.5	Mellette	23.2
Clay	20.2	Miner	15.9
Codington	16.9	Minnehaha	18.1
Corson	17.3	Moody	19.7
Custer	16.8	Pennington	21.8
Davison	18.6	Perkins	16.2
Day	17.7	Potter	17.9
Deuel	17.8	Roberts	18.0
Dewey	16.5	Sanborn	14.9
Douglas	18.9	Shannon	26.1
Edmunds	15.3	Spink	15.5
Fall River	22.5	Stanley	23.6
Faulk	16.2	Sully	19.2
Grant	17.6	Todd	23.9
Gregory	22.0	Tripp	25.6
Haakon	24.8	Turner	18.5
Hamlin	17.1	Union	19.9
Hand	17.8	Walworth	19.0
Hanson	18.6	Washabaugh	27.3
Harding	16.1	Yankton	17.9
Hughes	18.7	Ziebach	16.9
Hutchinson	17.0	State check	
Hyde	17.8	yield	18.4
Jackson	25.3		

## TENNESSEE

Anderson	21.4	Franklin	31.6
Bedford	23.4	Gibson	25.4
Benton	24.3	Giles	23.2
Bledsoe	22.2	Grainger	24.1
Blount	24.9	Greene	23.1
Bradley	22.6	Grundy	30.0
Campbell	22.8	Hamblen	27.3
Cannon	21.9	Hamilton	22.3
Carroll	24.3	Hancock	21.8
Carter	22.6	Hardeman	28.7
Cheatham	27.1	Hardin	22.2
Chester	25.3	Hawkins	25.3
Claiborne	22.8	Haywood	25.7
Clay	22.2	Henderson	25.5
Cocke	23.9	Henry	27.1
Coffee	28.6	Hickman	23.2
Crockett	26.3	Houston	23.9
Cumberland	21.0	Humphreys	23.6
Davidson	24.7	Jackson	19.6
Decatur	17.9	Jefferson	25.9
De Kalb	23.9	Johnson	25.7
Dickson	24.1	Knox	25.1
Dyer	31.2	Lake	37.0
Fayette	25.9	Lauderdale	33.0
Fentress	21.7	Lawrence	26.7



TENNESSEE—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Lewis	19.8	Rutherford	25.3
Lincoln	22.1	Scott	
Loudon	23.9	Sequatchie	23.9
McMinn	21.8	Sevier	22.4
McNairy	22.2	Shelby	26.0
Macon	21.0	Smith	19.8
Madison	27.7	Stewart	25.5
Marion	25.5	Sullivan	23.2
Marshall	20.6	Sumner	25.5
Mauzy	26.5	Tipton	30.2
Meigs	21.2	Trousdale	22.0
Monroe	22.6	Unicoi	24.7
Montgomery	34.9	Union	23.9
Moore	22.3	Van Buren	25.3
Morgan	22.0	Warren	25.9
Obion	30.4	Washington	24.9
Overton	24.0	Wayne	22.7
Perry	17.7	Weakley	25.7
Pickett	24.6	White	27.6
Polk	21.2	Williamson	25.9
Putnam	23.9	Wilson	21.4
Rhea	18.6	State check	
Roane	20.8	yield	26.5
Robertson	29.8		

TEXAS

Anderson		Deaf Smith	30.9
Andrews		Delta	22.2
Angelina		Denton	20.9
Aransas		De Witt	17.7
Archer	17.6	Dickens	16.2
Armstrong	19.4	Dimmit	14.9
Atascosa	16.5	Donley	17.7
Austin		Duval	
Bailey	30.4	Eastland	15.3
Bandera	16.2	Ector	
Bastrop	16.7	Edwards	14.9
Baylor	18.8	Ellis	18.9
Bee	16.5	El Paso	
Bell	17.3	Erath	15.0
Bexar	16.8	Falls	17.0
Blanco	15.9	Fannin	22.2
Borden	14.0	Fayette	
Bosque	17.1	Fisher	16.0
Bowie	23.6	Floyd	26.3
Brazoria		Foard	17.0
Brazos	20.9	Fort Bend	
Brewster		Franklin	
Briscoe	21.6	Freestone	
Brooks		Frio	17.3
Brown	14.6	Gaines	23.5
Burleson		Galveston	
Burnet	15.7	Garza	15.2
Caldwell	17.9	Gillespie	16.8
Calhoun		Glasscock	16.1
Callahan	16.3	Goliad	15.9
Cameron		Gonzales	17.7
Camp		Gray	19.0
Carson	20.5	Grayson	21.8
Cass		Gregg	
Castro	36.1	Grimes	
Chambers		Guadalupe	19.1
Cherokee	14.9	Hale	34.9
Childress	18.2	Hall	17.4
Clay	18.8	Hamilton	16.5
Cochran	25.4	Hansford	25.1
Coke	15.3	Hardeman	18.9
Coleman	15.5	Hardin	
Collin	21.5	Harris	
Collingsworth	18.0	Harrison	
Colorado	18.8	Hartley	17.5
Comal	15.1	Haskell	17.7
Comanche	15.3	Hays	16.6
Concho	15.1	Hemphill	15.4
Cooke	20.5	Henderson	18.0
Coryell	17.0	Hidalgo	
Cottle	17.0	Hill	18.2
Crane		Hockley	23.1
Crockett		Hood	17.9
Crosby	26.0	Hopkins	19.9
Culberson	19.9	Houston	14.9
Dallam	17.2	Howard	15.3
Dallas	19.8	Hudspeth	19.9
Dawson	22.7	Hunt	21.3

TEXAS—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Hutchinson	28.5	Polk	
Irion	14.9	Potter	18.4
Jack	16.7	Presidio	24.9
Jackson	16.2	Rains	18.4
Jasper		Randall	20.2
Jeff Davis		Reagan	14.9
Jefferson		Real	
Jim Hogg		Red River	18.4
Jim Wells		Reeves	24.2
Johnson	18.0	Refugio	
Jones	17.4	Roberts	17.9
Karnes	17.8	Robertson	
Kaufman	18.3	Rockwall	20.2
Kendall	16.2	Runnels	15.3
Kenedy		Rusk	
Kent	14.5	Sabine	
Kerr	14.7	San Augustine	
Kimble	14.7	San Jacinto	
King	16.2	San Patricio	
Kinney		San Saba	15.1
Kleberg		Schleicher	14.2
Knox	19.5	Scurry	13.7
Lamar	22.8	Shackelford	18.0
Lamb	30.0	Shelby	
Lampasas	15.7	Sherman	24.1
La Salle		Smith	
Lavaca	18.6	Somervell	15.1
Lee		Starr	
Leon	15.9	Stephens	16.0
Liberty		Sterling	14.4
Limestone	17.1	Stonewall	16.0
Lipscomb	17.8	Sutton	
Live Oak	16.7	Swisher	31.6
Llano	15.2	Tarrant	19.5
Loving		Taylor	16.7
Lubbock	24.2	Terrell	
Lynn	19.3	Terry	20.4
McCulloch	15.4	Throckmorton	18.8
McLennan	17.7	Titus	
McMullen		Tom Green	15.2
Madison	15.9	Travis	16.8
Marion		Trinity	
Martin	16.2	Tyler	
Mason	15.3	Upshur	
Matagorda		Upton	
Maverick	15.1	Uvalde	14.7
Medina	19.2	Val Verde	
Menard	15.5	Van Zandt	17.8
Midland	15.9	Victoria	14.2
Milam	17.0	Walker	14.4
Mills	14.4	Waller	18.6
Mitchell	14.9	Ward	14.9
Montague	17.5	Washington	16.4
Montgomery		Webb	
Moore	29.8	Wharton	18.2
Morris		Wheeler	16.2
Motley	17.2	Wichita	19.6
Nacogdoches		Wilbarger	20.0
Navarro	18.3	Willacy	
Newton		Williamson	16.4
Nolan	15.8	Wilson	18.7
Nueces		Winkler	
Ochiltree	19.0	Wise	17.9
Oldham	18.0	Wood	
Orange		Yoakum	22.7
Palo Pinto	16.7	Young	18.6
Panola		Zapata	
Parker	16.9	Zavala	16.9
Parmer	42.2	State check	
Pecos	23.1	yield	22.2

UTAH

Beaver	47.9	Kane	26.0
Box Elder	30.1	Millard	24.9
Cache	33.2	Morgan	37.3
Carbon	42.8	Piute	48.1
Daggett	37.5	Rich	21.7
Davis	54.1	Salt Lake	33.4
Duchesne	42.6	San Juan	18.2
Emery	37.3	Sanpete	32.0
Garfield	32.0	Sevier	57.9
Grand	31.2	Summit	39.1
Iron	35.0	Tooele	16.9
Juab	25.9	Uintah	31.6

UTAH—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Utah	38.6	Weber	50.0
Wasatch	54.1	State check	
Washington	26.0	yield	30.0
Wayne	47.0		

VERMONT

Addison	31.6	Orange	
Bennington		Orleans	31.6
Caledonia		Rutland	31.6
Chittenden	31.6	Washington	31.6
Essex		Windham	31.6
Franklin	31.6	Windsor	
Grand Isle	31.6	State check	
Lamoille		yield	31.6

VIRGINIA

Accomack	30.4	Louisa	29.6
Albemarle	30.3	Lunenburg	28.3
Alleghany	25.9	Madison	28.9
Amelia	29.8	Mathews	28.5
Amherst	26.5	Mecklenburg	25.9
Appomattox	26.7	Middlesex	29.0
Augusta	30.6	Montgomery	28.9
Bath	26.3	Nansemond	27.8
Bedford	28.3	Nelson	27.5
Bland	27.1	New Kent	28.1
Botetourt	29.9	Newport	
Brunswick	26.1	News	24.9
Buchanan	21.8	Northampton	30.4
Buckingham	27.7	Northumberland	
Campbell	26.3	land	31.4
Caroline	28.2	Nottoway	28.5
Carroll	27.5	Orange	30.3
Charles City	31.4	Page	28.3
Charlotte	27.4	Patrick	27.2
Chesapeake	32.8	Pittsylvania	26.4
Chesterfield	26.9	Powhatan	29.0
Clarke	29.7	Prince	
Craig	28.5	Edward	28.7
Culpeper	30.5	Prince	
Cumberland	28.3	George	28.9
Dickenson	22.3	Prince	
Dinwiddie	27.5	William	27.5
Essex	30.0	Pulaski	27.1
Fairfax	30.2	Rappahan-	
Fauquier	29.8	nock	28.9
Floyd	29.3	Richmond	31.2
Fluvanna	28.5	Roanoke	30.0
Franklin	27.3	Rockbridge	29.6
Frederick	27.9	Rockingham	30.4
Giles	25.5	Russell	25.5
Gloucester	27.2	Scott	25.1
Goochland	26.7	Shenandoah	29.6
Grayson	25.8	Smyth	25.3
Greene	25.5	Southampton	27.5
Greensville	27.1	Spotsylvania	27.9
Halifax	26.5	Stafford	29.6
Hampton	24.9	Surry	26.9
Hanover	28.5	Sussex	26.8
Henrico	29.6	Tazewell	24.9
Henry	26.7	Virginia	
Highland	28.2	Beach	32.0
Isle of Wight	27.9	Warren	29.2
James City	32.0	Washington	27.1
King and		Westmoreland	31.5
Queen	29.0	Wise	22.3
King George	30.0	Wythe	29.0
King William	30.0	York	27.3
Lancaster	28.9	State check	
Lee	28.9	yield	28.4
Loudoun	30.0		

WASHINGTON

Adams	32.7	Grant	48.1
Asotin	35.7	Grays Harbor	33.4
Benton	28.3	Island	61.6
Chelan	23.1	Jefferson	55.4
Clallam	54.5	King	37.7
Clark	42.0	Kitsap	
Columbia	52.2	Kittitas	57.4
Cowlitz	46.6	Klickitat	33.7
Douglas	25.7	Lewis	43.7
Ferry	36.9	Lincoln	36.9
Franklin	40.2	Mason	
Garfield	49.7	Okanogan	22.7



## RULES AND REGULATIONS

## WASHINGTON—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Pacific	-----	Thurston	42.7
Pend Oreille	28.8	Wahkiakum	-----
Pierce	33.2	Walla Walla	45.4
San Juan	45.7	Whatcom	37.0
Skagit	61.0	Whitman	47.9
Skamania	-----	Yakima	48.5
Snohomish	42.0	State check	-----
Spokane	46.3	yield	40.0
Stevens	40.4		

## WEST VIRGINIA

Barbour	26.1	Mingo	22.6
Berkeley	31.4	Monongalia	25.5
Boone	21.8	Monroe	29.4
Braxton	24.1	Morgan	20.4
Brooke	27.9	Nicholas	25.5
Cabell	25.9	Ohio	27.8
Calhoun	24.3	Pendleton	26.9
Clay	24.3	Pleasants	25.3
Doddridge	24.1	Pocahontas	29.4
Fayette	23.5	Preston	29.5
Gilmer	24.7	Putnam	21.1
Grant	28.5	Raleigh	20.8
Greenbrier	26.4	Randolph	30.1
Hampshire	28.0	Ritchie	24.8
Hancock	24.2	Roane	20.5
Hardy	29.5	Summers	27.9
Harrison	24.9	Taylor	25.6
Jackson	21.3	Tucker	23.0
Jefferson	28.6	Tyler	25.2
Kanawha	23.2	Upshur	23.7
Lewis	23.5	Wayne	22.6
Lincoln	23.4	Webster	22.4
Logan	-----	Wetzel	25.3
McDowell	-----	Wirt	23.3
Marion	24.7	Wood	25.9
Marshall	24.0	Wyoming	22.2
Mason	25.5	State check	-----
Mercer	24.0	yield	27.8
Mineral	28.7		

## WISCONSIN

Adams	21.7	Marquette	24.7
Ashland	21.3	Marquette	22.0
Barron	24.3	Menominee	27.8
Bayfield	23.2	Milwaukee	35.2
Brown	32.2	Monroe	25.4
Buffalo	27.9	Oconto	25.9
Burnett	21.6	Oneida	23.2
Calumet	35.7	Outagamie	32.2
Chippewa	23.4	Ozaukee	36.3
Clark	24.6	Pepin	27.7
Columbia	34.8	Pierce	26.1
Crawford	35.5	Polk	24.1
Dane	37.3	Portage	22.7
Dodge	36.9	Price	22.2
Door	29.2	Racine	38.9
Douglas	21.2	Richland	31.7
Dunn	25.1	Rock	36.8
Eau Claire	25.3	Rusk	23.1
Fond du Lac	22.0	St. Croix	28.3
Forest	22.2	Sauk	30.9
Grant	34.8	Sawyer	21.5
Green	35.9	Shawano	27.6
Green Lake	25.6	Sheboygan	36.8
Iowa	34.0	Taylor	22.7
Iron	21.1	Trempealeau	26.7
Jackson	23.6	Vernon	38.1
Jefferson	38.1	Vilas	21.8
Juneau	24.2	Walworth	38.8
Kenosha	39.3	Washburn	22.0
Kewaunee	36.7	Washington	38.7
La Crosse	26.0	Waukesha	36.2
Lafayette	33.2	Waupaca	24.3
Langlade	25.9	Waushara	23.3
Lincoln	25.2	Winnebago	34.4
Manitowoc	35.8	Wood	23.8
Marathon	25.9	State check	-----
		yield	34.8

## WYOMING

Albany	17.0	Converse	19.0
Big Horn	39.6	Crook	22.9
Campbell	22.8	Fremont	40.6
Carbon	17.4	Goshen	21.5

## WYOMING—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Hot Springs	39.1	Sublette	-----
Johnson	20.8	Sweetwater	24.3
Laramie	23.0	Teton	36.5
Lincoln	22.1	Uinta	27.7
Natrona	26.9	Washakie	39.5
Niobrara	20.0	Weston	21.5
Park	42.1	State check	-----
Platte	22.9	yield	22.7
Sheridan	25.3		

*Effective date.* Upon date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 2, 1966.

H. D. GODFREY,  
Administrator, Agricultural Sta-  
bilization and Conservation  
Service.

[F.R. Doc. 66-12118; Filed, Nov. 8, 1966;  
8:45 a.m.]

### Chapter VIII—Agricultural Stabiliza- tion and Conservation Service (Sugar), Department of Agriculture

#### SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALY RECOVERABLE

[833.13]

### PART 833—MAINLAND CANE SUGAR AREA

#### Sugar Commercially Recoverable From Sugarcane; 1966 Crop

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following regulation is hereby issued:

#### § 833.13 Sugar commercially recover- able from sugarcane in the Mainland Cane Sugar Area.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Trash" means green or dried leaves, sugarcane tops, dirt and all other extraneous material.

(2) "Gross weight" of sugarcane means the total weight (short tons) of sugarcane, including trash, as delivered by a producer for processing for sugar production.

(3) "Net weight" of sugarcane means:

(i) In Florida, the gross weight of sugarcane delivered by a producer to a processor's mill minus a deduction equal to the average percentage weight of trash delivered with all sugarcane ground during the 1966-crop season at such mill.

(ii) In Louisiana, the weight obtained by deducting the weight of trash from the gross weight of sugarcane as delivered by a producer.

(b) *Recoverable sugar.* For the 1966 crop of sugarcane, the amount of sugar, in hundredweight, raw value, commercially recoverable from sugarcane grown on a farm in the Mainland Cane Sugar Area and marketed (or processed by the producer) for the extraction of sugar or liquid sugar, shall be obtained by multiplying the net weight of the sugarcane in tons by the rate of recoverability specified for the average percentage of

sucrose in the normal juice of such sugarcane, as follows:

(1) For farms in Louisiana.

Percentage of sucrose in normal juice <sup>1</sup>	Rate of recoverable sugar (hundredweight) per net ton of sugarcane
5.0	0.398
6.0	.528
7.0	.715
8.0	.916
9.0	1.094
10.0	1.281
11.0	1.465
12.0	1.643
13.0	1.822
14.0	1.999
15.0	2.171
16.0	2.342
17.0	2.512
18.0	2.680

<sup>1</sup> Rates for the intervening tenths of 1 percent shall be calculated by interpolation and less than 5.0 percent or more than 18.0 percent shall be computed in proportion to the immediately preceding interval.

(2) For farms in Florida.

Percentage of sucrose in normal juice <sup>1</sup>	Rate of recoverable sugar (hundredweight) per net ton of sugarcane
3.0	0.077
4.0	.186
5.0	.342
6.0	.582
7.0	.804
8.0	1.003
9.0	1.185
10.0	1.363
11.0	1.540
12.0	1.712
13.0	1.884
14.0	2.059
15.0	2.232
16.0	2.404
17.0	2.571
18.0	2.734

<sup>1</sup> Rates for the intervening tenths of 1 percent shall be calculated by interpolation and for more than 18 percent shall be computed in proportion to the immediately preceding interval.

*Statement of bases and considerations.* Determinations of amounts of sugar commercially recoverable from sugarbeets and sugarcane are required under section 302(a) of the Act to establish the amounts of sugar upon which payments are to be made pursuant to the Act.

The rates of sugar commercially recoverable at the various normal juice sucrose levels, as specified in this regulation, were calculated from data reported to the Department by the processors of sugarcane for sugar in each of the States of Florida and Louisiana. The calculation for the various normal juice sucrose levels made use of data representing averages in each State for the crop years 1961, 1962, 1963, 1964, and 1965, of each of the factors of normal juice extraction (the quantity of normal juice extraction per ton of sugarcane), boiling house efficiency (the ratio of the amount of sugar produced to the amount that could theoretically be produced), the polarization of the sugar produced, and net sugarcane as a percent of gross sugarcane. The calculation also used the purity or retention factor which correlates purity of normal juice with



sugar recovery based on the well-established Winter-Carp formula. That formula is expressed mathematically as follows: Purity or Retention Factor  $= (1.4 - 40/P)$  in which P is purity of normal juice. For the purpose of this regulation, the computed purity at each of the 9 to 18 percent normal juice sucrose levels for the crop years 1961, 1962, 1963, 1964, and 1965 was used.

The rates for the 3 to 7 percent normal juice sucrose levels in Florida and the 5 to 9 percent normal juice sucrose levels in Louisiana were calculated as above, except that data at each level was not available for all years of the base period.

In calculating sugar commercially recoverable, the data are used in the fol-

lowing manner: The product of normal juice extraction and boiling house efficiency is divided by the product of the polarization of sugar produced and net sugarcane as a percent of gross sugarcane. The result so obtained is multiplied by 2,000 to obtain a factor which when multiplied by normal juice sucrose and the purity or retention factor for that normal juice sucrose gives pounds of sugar per ton of net sugarcane. By use of the applicable raw value conversion factor, in accordance with section 101(h) of the Sugar Act, pounds of sugar per ton of net sugarcane are converted into sugar, commercially recoverable, raw value. Expressed mathematically the formula reads:

$$\text{C.R.S., R.V.} = \frac{\text{N.J.E.} \times \text{B.H.E.} \times 2,000 \times \text{N.J.S.} \times \text{P.R.} \times \text{R.V.C.F.}}{(\text{Pol. of sugar}) \times (\text{net sugarcane, percent gross sugarcane})}$$

Except for appropriate changes in the moving 5 year averages, the aforesaid calculation is the same as that used for the preceding crop.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, sec. 302, 303, 304, 61 Stat. 930, as amended, 931; 7 U.S.C. 1132, 1133, 1134)

Effective date: Date of publication.

Signed at Washington, D.C., on November 3, 1966.

CHARLES M. COX,  
Acting Deputy Administrator,  
State and County Operations.

[F.R. Doc. 66-12181; Filed, Nov. 8, 1966;  
8:50 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Docket No. 7714; Amdt. 39-305]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Aero Commander (Meyers) Model 200 Series Airplanes

There has been a failure of the elevator trim control system on an Aero Commander Model 200D airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive checking of the elevator trim control system until modification on Aero Commander (Meyers) Model 200 Series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AERO COMMANDER (MEYERS). Applies to Model 200 Series airplanes.

Compliance required as indicated.

To prevent takeoff with excessive elevator trim set, accomplish the following:

(a) Before each flight after the effective date of this AD until the elevator trim system has been modified in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region, check operation of elevator trim control for freedom of movement, and check cockpit indicator for accuracy by setting the elevator trim to neutral position as indicated on cockpit indicator, and visually checking elevator trim surface for zero deflection.

(b) If trim control is not free and unbinding, or if elevator trim surface is deflected when cockpit indicator indicates neutral trim, repair before further flight in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

(c) Before further flight after the effective date of this AD, until the elevator trim system has been modified in accordance with paragraph (a), attach the following placard to the instrument panel in full view of the pilot: "Before each flight ensure that elevator trim control is free and unbinding and that elevator trim surface is not deflected when cockpit indicator indicates neutral trim."

(d) The checks required by this AD may be performed by the pilot.

This amendment becomes effective November 19, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C. on November 1, 1966.

C. W. WALKER,  
Director, Flight Standards Service.

[F.R. Doc. 66-12125; Filed, Nov. 8, 1966;  
8:45 a.m.]

[Docket No. 7713; Amdt. 39-304]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Vickers Viscount Model 744, 745D, 810 Series Airplanes

There has been fouling between the trailing edge of the elevator hinge beam shroud and the elevator skin lap joint on a Vickers Viscount Model 800 Series airplane that resulted in an aborted takeoff due to lack of response to back pressure on the control column. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require visual inspection of the

elevator hinge beam shrouds for proper clearance and repair as necessary on Vickers Viscount Model 744, 745D, and 810 Series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Model 744, 745D, and 810 Series airplanes.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent fouling between the trailing edge of the elevator hinge beam shroud and the elevator skin lap joint, accomplish the following:

(a) Visually inspect top and bottom shrouds on elevator hinge beam assemblies to ensure that clearance between trailing edge of shroud and the forward edge of elevator skin lap joints or rivet heads is not less than 0.20 inch throughout full range of elevator movement.

(b) If clearance is less than 0.20 inch, cut back trailing edge of hinge beam shroud to provide clearance of at least 0.20 inch but less than 0.25 inch throughout full range of elevator movement.

(British Aircraft Corp. (B.A.C.), Ltd., Preliminary Technical Leaflet (PTL) No. 263, Issue 1 (700 Series) and No. 126, Issue 1 (800/810 Series), pertain to this subject.)

This amendment becomes effective November 19, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C. on November 1, 1966.

C. W. WALKER,  
Director, Flight Standards Service.

[F.R. Doc. 66-12126; Filed, Nov. 8, 1966;  
8:45 a.m.]

[Docket No. 7712; Amdt. 39-303]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Boeing Model 707-300, 707-400 Series Airplanes

There have been cracks in the elevator nose structure in the outboard balance bay caused by turbulence-induced alternating stresses resulting from sustained actuation of the inboard speed brakes on Boeing Model 707-300 Series airplanes that could result in separation of the balance panel and jamming of the elevator. Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive is being issued to require repetitive inspection of the elevators for cracks until modification and repair or replacement as necessary on Boeing Model 707-300, 707-300B, 707-300C, and 707-400 Series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure



hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**BOEING.** Applies to Model 707-300, -300B, -300C, and -400 Series airplanes.

Compliance required as indicated.

To detect cracks of the elevator nose structure in the outboard balance bay, accomplish the following:

(a) Within the next 800 hours' time in service after the effective date of this AD, unless accomplished within the last 800 hours' time in service, and thereafter at intervals not to exceed 1,600 hours' time in service from the last inspection until modified in accordance with paragraph (h), inspect elevators of Model 707-300 and -400 Series airplanes with 20,000 or more hours' time in service on the effective date of this AD in accordance with paragraph (f).

(b) Within the next 200 hours' time in service after the effective date of this AD, unless accomplished within the last 200 hours' time in service, and thereafter at intervals not to exceed 400 hours' time in service from the last inspection until modified in accordance with paragraph (h), inspect elevators of Model 707-300C Series airplanes with 2,000 or more hours' time in service on the effective date of this AD in accordance with paragraph (f).

(c) Before the accumulation of 20,800 hours' time in service and thereafter at intervals not to exceed 1,600 hours' time in service from the last inspection until modified in accordance with paragraph (h), inspect elevators of Model 707-300 and -400 Series airplanes with less than 20,000 hours' time in service on the effective date of this AD in accordance with paragraph (f).

(d) Before the accumulation of 12,800 hours' time in service and thereafter at intervals not to exceed 1,600 hours' time in service from the last inspection until modified in accordance with paragraph (h), inspect elevators of Model 707-300B Series airplanes with less than 12,000 hours' time in service on the effective date of this AD in accordance with paragraph (f).

(e) Before the accumulation of 2,200 hours' time in service and thereafter at intervals not to exceed 400 hours' time in service from the last inspection until modified in accordance with paragraph (h), inspect elevators of Model 707-300C Series airplanes with less than 2,000 hours' time in service on the effective date of this AD in accordance with paragraph (f).

(f) Visually inspect for cracks in the leading edge of the elevators in bays No. 4 and No. 5 in accordance with paragraph 3, Part I, Boeing Service Bulletin No. 2386(R-1), or later FAA-approved revision, except that the initial inspection of Bay No. 4 need not be accomplished until the next repetitive inspection of Bay No. 5 is required, if Bay No. 5 has been inspected in accordance with this paragraph.

(g) If cracks are found during the inspections specified in paragraph (f), before further flight, repair or replace cracked parts in accordance with the FAA-approved Structural Repair Manual or repair the elevator in accordance with paragraph 3, Part II, Boeing Service Bulletin No. 2386(R-1), or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(h) After the elevators have been modified in accordance with paragraph 3, Part II, Boeing Service Bulletin No. 2386 (R-1) or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, the repetitive inspections required by this AD may be discontinued.

(i) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the increase for that operator.

This amendment becomes effective November 9, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)\*

Issued in Washington, D.C., on November 2, 1966.

C. W. WALKER,

Director, Flight Standards Service.

[F.R. Doc. 66-12127; Filed, Nov. 8, 1966; 8:45 a.m.]

[Docket No. 7715; Amdt. 39-306]

## PART 39—AIRWORTHINESS DIRECTIVES

### Pilatus Model PC-6 Series Airplanes

There has been a failure of the rudder pedal control support on a Pilatus Porter Model PC-6A airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive inspection of the rudder pedal support for cracks on Pilatus Model PC-6 Series airplanes and repair or replacement as necessary until modification.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**PILATUS.** Applies to Model PC-6 Series airplanes.

Compliance required as indicated.

To prevent failure of the rudder pedal support, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 50 hours' time in service, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, until modified in accordance with subparagraph (b) (3), visually inspect the guide tube welding seams of rudder pedal support, P/N 6232.196 for cracks, using a lamp and mirror.

(b) If a crack is found during an inspection required by paragraph (a), before further flight, accomplish one of the following or an FAA-approved equivalent—

(1) Repair the part in an FAA-approved manner;

(2) Replace the part with an unmodified part of the same part number; or,

(3) Replace the part with one modified or one repaired and reinforced in accordance with Swiss Office Federal de l'Air-approved Pilatus Service Bulletin No. 65.

This amendment becomes effective November 19, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 1, 1966.

C. W. WALKER,

Director, Flight Standards Service.

[F.R. Doc. 66-12128; Filed, Nov. 8, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-58]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Transition Area

The Federal Aviation Agency is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Babylon, N.Y., 700-foot floor transition area.

The Republic Airport, Farmingdale, N.Y., ADF instrument approach procedure was modified, effective August 20, 1966, reflecting an alteration on the ADF final approach course predicated on the Babylon radio beacon from the 347° MB to 350° MB inbound to the RBN.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective 0001 e.s.t. December 8, 1966, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Babylon, N.Y., transition area the numbers, "155°", and insert in lieu thereof the numbers, "158°".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 20, 1966.

WAYNE HENDERSHOT,

Deputy Director, Eastern Region.

[F.R. Doc. 66-12129; Filed, Nov. 8, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-72]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Control Zone

On September 2, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11615) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Sioux Falls, S. Dak., control zone area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.



In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

In § 71.171 (31 F.R. 2065) the Sioux Falls, S. Dak., control zone is amended to read:

SIoux FALLS, S. DAK.

Within a 5.5-mile radius of Sioux Falls/ Joe Foss Field (latitude 43°34'44" N., longitude 96°44'27" W.); and within 2 miles each side of the Sioux Falls ILS localizer SW course extending from the 5.5-mile radius zone to the outer marker.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on October 25, 1966.

EDWARD C. MARSH,  
Director, Central Region.

[F.R. Doc. 66-12130; Filed, Nov. 8, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-43]

## PART 75—ESTABLISHMENT OF JET ROUTES

### Realignment of Jet Routes

On September 16, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 12104) stating that the Federal Aviation Agency was considering the realignment of Jet Route No. 20 and Jet Route No. 41 in the vicinity of Tallahassee, Fla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Air Transport Association of America concurred with the proposal. No other comments were received.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

Section 75.100 (31 F.R. 2346) is amended as follows:

1. In Jet Route No. 20, "Jackson, Miss.; Crestview, Fla.; INT of the Crestview 091° and the Tallahassee, Fla., 288° radials; Tallahassee;" is deleted and "Jackson, Miss.; Meridian, Miss.; INT of the Meridian 089° and the Montgomery, Ala., 282° radials; Montgomery; Tallahassee, Fla.;" is substituted therefor.

2. In Jet Route No. 41, "Tallahassee, Fla.; INT of the Tallahassee 288° and the Montgomery, Ala., 144° radials; Montgomery;" is deleted and "Tallahassee, Fla.; Montgomery, Ala.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 4, 1966.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 66-12191; Filed, Nov. 8, 1966; 8:51 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

#### PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

##### Lifetime Guarantees for Aluminum Siding

###### § 15.100 Lifetime guarantees for aluminum siding.

(a) A seller of aluminum siding requested the Commission to render an advisory opinion concerning the legality of its proposed use of a "Lifetime Guarantee" for aluminum siding.

(b) The proposed guarantee would represent that the siding will not rust, peel, blister, flake, chip, or split under conditions of normal weathering for the lifetime of the original owner. If, after inspection, the seller determines that a claim is valid under the guarantee the seller will within 3 years after installation furnish all materials and labor necessary to repair or replace, at the seller's option, all siding at no cost to the owner. For the next 7 years, the seller will furnish all materials and labor at a cost to the owner of 8 percent of the then current price for each year or part thereof after the third year. For the next 10 years, the seller will furnish all materials and labor at a cost to the owner of an additional 3 percent of the then current price for each year or part thereof after the 10th year. Thereafter, the seller will furnish only the material necessary to repair or replace, at the seller's option, at a cost to the seller of 10 percent of the then current price. The owner must assume all other costs, including 90 percent of the cost of materials and 100 percent of the cost of labor.

(c) In addition, the seller furnished the results of extensive laboratory and field testing of house siding since 1948 under every type of environment which would lead to the conclusion that no aluminum siding, no matter what its finish, will last for a lifetime. In fact, the evidence submitted, if accepted as true, would establish that the maximum life expectancy of such siding under normal conditions would come closer to 20 years and would be considerably less under more extreme circumstances. This is based upon experience indicating that even if it does not rust, peel, blister, flake, chip or split, the finish will weather to such an extent as to require repainting within that time.

(d) The Commission made it plain that it has not conducted its own investigation in order to verify the accuracy of this evidence and that the comments set forth in its opinion were based upon the facts as presented and upon the assumption that those facts were correct. On this basis, the Commission advised that it would not be legal for the seller to employ a guarantee to represent that the siding will last for a lifetime or for any

other period beyond what can reasonably be expected.

(e) The opinion pointed out that both the trade practice rules for the Residential Aluminum Siding Industry and the Commission's Guides Against Deceptive Advertising of Guarantees contain the principle that a guarantee shall not be used which exaggerates the life expectancy of a product. In such a case, the guarantee itself constitutes a misrepresentation of fact even though all required disclosures of material terms and conditions might be made in all advertising of the guarantee. This simply recognizes the principle that a guarantee can be used as a representation of an existing fact as well as a guarantee. Viewed in this light, use of this guarantee would constitute an affirmative representation that the siding will last for the lifetime of the owner when the evidence furnished would indicate this is not true. The gravamen of the offense would be the affirmative misrepresentation of the life expectancy of the product and this could not be corrected by a mere disclosure that what is represented to be a fact is not actually true.

(f) Of equal importance in the Commission's view was the fact that the seller here proposed to couple two basically inconsistent provisions in the same guarantee. One was the use of the lifetime representation and the other was the prorated feature. The Commission stated its opinion to be that it is conceptually impossible to combine the two in the same guarantee when the proration period virtually terminates at the end of 20 years. A guarantee cannot be for a lifetime if it terminates after 20 years. Undoubtedly, many owners will live far beyond that period of time and so the guarantee cannot help but confuse even though a careful reading of its terms might show that it states all relevant facts and even though all advertisements make the required disclosures.

(g) Literally speaking, some benefit may be claimed for the remainder of the owner's life after the expiration of the 20-year period, for the seller will still assume 10 percent of the cost of materials. But this would appear to be more a matter of form than substance. The owner would be given a mere pittance in order to furnish some color of justification for the claim that the guarantee is for a lifetime. The situation is that the owner must pay more than 90 percent of all costs in order to receive the benefit of the remaining 10 percent of the cost of materials, which does not leave him with anything of substantial value to justify the representation of lifetime warranty. In the Commission's view, the purchaser must be afforded something of substantial value for his lifetime in order to support the representation and the Commission did not feel that less than 10 percent of all costs was of substantial value.

(h) Finally, the Commission noted that the proposed guarantee excludes damages resulting from normal weathering of surfaces. In view of the fact that this appears to be the most prevalent cause for repainting aluminum siding,



the Commission also advised that this is a material term or condition which not only should be set forth in the guarantee, for whatever period of time it runs, but also should be clearly and conspicuously set forth in all advertising which mentions the guarantee.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: November 8, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12089; Filed, Nov. 8, 1966;  
8:45 a.m.]

## PART 115—RUBBER TIRE INDUSTRY

### Rescission of Trade Practice Rules

On October 26, 1966, the Commission rescinded the trade practice rules for the Rubber Tire Industry appearing in Part 115 of this title.

Approved: October 26, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12090; Filed, Nov. 8, 1966;  
8:45 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, De- partment of the Treasury

[T.D. 66-249]

## PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

### Master's Certificate on Preliminary Entry of Vessel

Section 4.8 of the Customs Regulations relating to preliminary entry provides for the execution by the master of customs Form 3255, Master's Certificate on Preliminary Entry of Vessel From Foreign Port. A stamp incorporating the language of customs Form 3255 has been approved for local use by boarding officers for a number of years in lieu of customs Form 3255. No difficulty has been encountered because of the use of a stamp rather than the customs form. An employee has suggested that the stamp be adopted on a servicewide basis and that customs Form 3255 be abolished.

Since the adoption of the stamp on a servicewide basis will eliminate the printing of customs Form 3255, release additional file space, and at the same time insure that the record of preliminary entry will not become separated from the inward foreign manifest, the Bureau has decided to adopt the suggestion and abolish customs Form 3255.

Accordingly, § 4.8 of the Customs Regulations is amended to read as follows:

#### § 4.8 Preliminary entry.

If it is desired that any vessel having on board inward foreign cargo, passen-

gers, or baggage shall discharge or take on cargo, passengers, or baggage before the vessel has been entered, preliminary entry shall be made by compliance with § 4.30 and execution by the master on the reverse side of the inward foreign manifest of a certificate (stamped thereon by the boarding officer) certifying that the manifest contains a just, true, and full account of all cargo, and other items, including passengers and their baggage, required by law to be manifested.<sup>1b</sup>

(Secs. 448, 486, 46 Stat. 714, 725, as amended; 19 U.S.C. 1448, 1486)

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 46 U.S.C. 2)

[SEAL] LAWRENCE FLEISHMAN,  
Acting Commissioner of Customs.

Approved: November 2, 1966.

TRUE DAVIS,  
Assistant Secretary of the Treasury.

[F.R. Doc. 66-12163; Filed, Nov. 8, 1966;  
8:48 a.m.]

## Title 29—LABOR

### Chapter I—National Labor Relations Board

## PART 102—RULES AND REGULATIONS, SERIES 8

### Subpart P—Ex Parte Communications Correction

In F.R. Doc. 66-11737 appearing in the issue for Friday, October 28, 1966, at page 13850 an error in a subpart designation occurred. A correction appeared in the issue for Saturday, November 5, 1966, at page 14313 but inadvertently the wrong subpart was designated. The correction should read as follows: Preceding the table of contents the "Subpart F" designation should read "Subpart P" and in its entirety should read as set forth above.

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[FCC 66-951]

## PART 1—PRACTICE AND PROCEDURE

## PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

### Service of Pre-Designation Amend- ments to Applications

*Order.* At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of November 1966:

At the present time, the rules and regulations do not require that amendments to applications filed prior to designation for hearing be served upon persons who have filed petitions to deny an applica-

tion or to designate it for hearing. We have considered the desirability of such a requirement and, although public notice of the filing of major amendments is now given by the Commission, we have concluded that it would be a better practice and would expedite application proceedings to require that all amendments be served by the applicant upon such persons.

Authority for these amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. The amendments are procedural in nature, and the notice and effective date provisions of section 4 of the Administrative Procedure Act are therefore inapplicable. The revised rules will apply to all amendments filed on or after November 10, 1966.

In view of the foregoing: *It is ordered*, Effective November 10, 1966, that the rules of practice and procedure are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 4, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

A. Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 1.522(a) is revised to read as follows:

§ 1.522 Amendment of applications.

(a) Subject to the provisions of §§ 1.525 and 1.580, any application may be amended as a matter of right prior to the adoption date of an order designating such application for hearing, merely by filing the appropriate number of copies of the amendments in question duly executed in accordance with § 1.513. If a petition to deny (or to designate for hearing) has been filed, the amendment shall be served on the petitioner. See § 1.571(j) for the effect of certain amendments to standard broadcast applications.

2. Section 1.744(a) is revised to read as follows:

§ 1.744 Amendments.

(a) Any application not designated for hearing may be amended at any time by the filing of signed amendments in the same manner, and with the same number of copies, as was the initial application. If a petition to deny (or to designate for hearing) has been filed, the amendment shall be served on the petitioner.

3. Section 1.918(b) is revised to read as follows:

§ 1.918 Amendment of applications.

(b) Any application may be amended as a matter of right prior to the designation of such application for hearing

<sup>1</sup> Commissioner Wadsworth absent.



merely by filing the appropriate number of copies of the amendments in question duly executed. If a petition to deny (or to designate for hearing) has been filed, the amendment shall be served on the petitioner.

\* \* \* \* \*

B. Part 21 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 21.23(a) is revised to read as follows:

§ 21.23 Amendments of applications.

(a) Any application may be amended as a matter of right prior to the designation of such application for hearing by filing the appropriate number of copies of the amendments. If a petition to deny (or to designate for hearing) has been filed, the amendment shall be served on the petitioner. See § 21.33 for the effect of certain amendments.

\* \* \* \* \*

[F.R. Doc. 66-12167; Filed, Nov. 8, 1966; 8:49 a.m.]

[FCC 66-950]

**PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS**

**Definition of Term "Hertz"**

*Order.* At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of November 1966;

1. The matter of adopting the word "Hertz," synonymous with "cycle(s) per second," was discussed at the Administrative Radio Conference, Geneva (1959), with the resultant English and Spanish editions of the international Radio Regulations, Geneva (1959), retaining cycle(s) per second in preference to Hertz, and the French edition switching to Hertz.

2. There has been a general trend toward the use of the term Hertz in radio frequency matters by Federal agencies under the Director of Telecommunications Management and by most English speaking countries.

3. The term "Hertz," along with the other units of the International System of Units (SI) was given official status by the 11th General Conference on Weights and Measures held in Paris, France, in 1960. The American delegation to this conference was headed by the National Bureau of Standards. In February 1964, the Bureau officially adopted the system and since then has employed it exclusively in all of its publications. NASA subsequently assumed a similar position for some of its field centers later in 1964. The Institute of Electrical and Electronic Engineers adopted the system in January 1965, and in its Recommended Practices for Units in Published Scientific and Technical Work specifies Hertz in preference to cycle(s) per second and is using the term exclusively in its publications.

4. It should be noted that paragraph 112 of the English version of the international Radio Regulations, Geneva

(1959), shows a secondary substitution of (kHz) for kc/s, (MHz) for Mc/s and (GHz) for Gc/s.

5. For the above reasons, the Commission's definitions under Subpart A of Part 2 of the rules should be amended by adding the following in proper alphabetical order:

§ 2.1 Definitions.

\* \* \* \* \*

*Hertz.* A unit of frequency equivalent to one cycle per second. The terms Hertz (Hz) and cycle(s) per second (c/s) are synonymous and may be used interchangeably.

\* \* \* \* \*

6. The rule adopted herein simply recognizes an additional definition which has come into general usage. Its adoption has no effect upon the use of the radio spectrum. Thus, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act are not applicable. Authority for the amendment ordered herein is contained in sections 4(i), 303(r), and 308(b) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered,* That effective November 10, 1966, Part 2 of the Commission's rules is amended to include the new definition contained in paragraph 5, above.

(Secs. 4, 303, 308, 48 Stat., as amended, 1066, 1082, 1084; 47 U.S.C. 154, 303, 308)

Released: November 4, 1966.

FEDERAL COMMUNICATIONS COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
*Secretary.*

[F.R. Doc. 66-12168; Filed, Nov. 8, 1966; 8:49 a.m.]

[Docket No. 16662; FCC 66-964]

**PART 73—RADIO BROADCAST SERVICES**

**Table of Assignments, FM Broadcast Stations**

*First report and order.* In the matter of amendment of § 73.202, *Table of assignments, FM broadcast stations* (Leitchfield, Ky., Rolla and Columbia, Mo., Bakersfield, Calif., Sandusky, Mich., Enterprise and Troy, Ala., Ladysmith, Wis., and Ironwood, Mich., Sturgeon Bay, Wis., Morris, Minn., Jerseyville, Ill., Augusta, Ga., Brewton and Andalusia, Ala., Wickenburg, Ariz., Potsdam, N.Y., and New Albany, Ohio); Docket No. 16662; RM-957, RM-940, RM-941, RM-878, RM-944, RM-948, RM-949, RM-956, RM-958, RM-959.

1. The Commission has before it for consideration its notice of proposed rule making, released May 27, 1966 (FCC 66-479) and published in the *FEDERAL REGISTER* on June 2, 1966 (31 F.R. 7838) proposing a number of changes in the FM table of assignments.

2. A number of formal and informal statements were filed in response to the

proposals set out in the notice. All duly filed documents were considered in making the following determinations. All of the proposals made in this proceeding are disposed of herein with the exception of New Albany, Ohio. Except as noted, the proposals were unopposed.

3. *RM-957. Leitchfield, Ky.* In response to the petition of Rough River Broadcasting Co., Inc., licensee of WMTL (AM), our notice proposed the assignment of a first FM channel, 285A, to Leitchfield.

4. Fifteen thousand eight hundred and thirty-four persons reside in Grayson County.<sup>1</sup> Its county seat and the largest community, Leitchfield, has a population of 2,982. This community has one station, WMTL, a daytime-only operation, and no FM assignments. The county has no full-time station. The petitioner states that FM facilities could be used for nighttime athletic contests, civic events, storm warnings, notice of road conditions, school closing at night as well as during the early morning hours.

5. In light of the above, as well as the fact that the assignment of Channel 285A to Leitchfield in no way disturbs any other FM assignment, we are of the view that it is in the public interest to assign this channel to Leitchfield.

6. *RM-940. Rolla, Mo.* On March 24, 1966, the Commission received a petition from The Show-Me Broadcasting Co., licensee of Station KTTR. In light of this petition, our notice proposed to consider the assignment of Channel 287 to Rolla and the substitution of Channel 252A for Channel 288A at Columbia, Mo., required by the proposal.

7. Rolla, located in Phelps County, has a population of 11,132, while the county's population is 25,396 KCLU-FM (licensed to Rolla Broadcasters) occupies the community's only FM assignment, Channel 232A. A daytime-only AM service and a Class IV unlimited-time service are also located in Rolla. The former, KCLU, is licensed to Rolla Broadcasters while the latter, KTTR, is operated by petitioner. It is petitioner's position that Rolla and the surrounding area need additional full time service which it proposes to bring to the community on Channel 287.

8. In view of the fact that the proposal would mix a Class A and C assignment in the same community and that it would assign a Class C channel to a community which is neither very large nor a metropolitan area, we invited comments on these aspects of the proposal. With respect to the former, Show-Me submits that this is necessary in this case to effect a fair and equitable distribution of available facilities, that such flexibility in allocations is needed and has in fact been used in a number of similar situations in several States, and that it would serve the public interest. It points out that Rolla is the center of a large rural area and is far from any population center, with the nearest large cities at dis-

<sup>1</sup> Commissioner Wadsworth absent.

<sup>1</sup> All population figures herein are those of the 1960 U.S. Census.



tances of over 50 miles (Jefferson City, St. Louis, Columbia, and Springfield). It estimates that a Class C station at Rolla, with an assumed power of 50 kilowatts and an antenna height of 500 feet above average terrain, would provide a first FM signal of 1 mv/m field strength to an area of 2,268 square miles and a second FM signal of the same strength to an area of 1,101 square miles.<sup>2</sup> Show-Me further contends that the proposed station would also serve an AM "white area" with respect to nighttime hours. Finally, petitioner shows that the use of Channel 287 at Rolla will not preclude its use or that of any of the adjacent six channels in any area which contains communities of over 2,300 population that do not already have at least one FM assignment. Nor would it preclude a second assignment in any community as large or larger than Rolla, which, as stated, is the largest town in its area.

9. In view of the large "white area" which can be served by the proposed assignment of a Class C channel to Rolla, the rural nature of the area, and the large distance of Rolla from large population centers, we are of the view that this case warrants departure from our general policies of assigning Class A channels to small cities and Class B or C channels to large cities, and of not mixing of such assignments in the same city. On the basis of all the comments and data submitted in this case, we believe that the assignment of Channel 287 to Rolla by the substitution of Channel 252A for 288A in Columbia would serve the public interest.

10. *RM-878. Sandusky, Mich.* With the purpose of providing Sandusky with a first FM service, Sanilac Broadcasting Co. proposed a series of FM reassignments as set forth in our notice. We denied petitioner's proposals on the grounds set out in our notice and proposed to consider the assignment of Channel 249A or Channel 276A to the community.

11. Sandusky, the county seat of Sanilac County (population 32,314) has a population of 2,066. Petitioner has recently been granted a construction permit for a daytime-only AM station in the community. It is petitioner's view that Sandusky and the farming region surrounding it requires local radio service. It emphasizes the community's need by pointing out: "In any county devoted so completely to agricultural activities, there is a particular need for local radio service, to supply market reports and weather reports, and to provide a means of mass communication in times of emergency, such as fires, storms and power failures. The need is especially acute in Sanilac County, because of its relative isolation. There is no radio station of any kind situated anywhere in the County. The nearest community

with a station is Bad Axe, situated nearly 30 miles from Sandusky, and it has only a Class IV AM outlet—no FM station at all."

12. In a counterproposal, Lapeer Broadcasting Co., an AM licensee at Lapeer, Mich., urged that Channel 276A be assigned there as a first channel.<sup>3</sup> Lapeer has a population of 6,160 and is the county seat and largest community in Lapeer County, which has a population of 41,926. There are two AM stations operating in the community, WTHM, daytime-only and licensed to petitioner, and WMPC, a Class IV station licensed for specified hours to a church and operated on a noncommercial religious basis. Petitioner urges that Lapeer needs and can support an FM station in view of the fact that it is the population, educational, agricultural, and business center for the county, that there is no adequate nighttime radio service or outlet for many local news, sports, and other events, and that such an outlet would assure the population of the county up to 24 hours of weather, emergency, school and other types of news and warnings. Letters from governmental, civic, educational, business and other groups are attached to the comments of Lapeer Broadcasting as evidence of interest and support for the proposed FM station. Finally, petitioner shows that there is an area in which a site may be located to conform to all the separation requirements and from which the required signal can be placed over all of Lapeer.

13. We are of the view that both Sandusky and Lapeer merit the assignment of a first Class A channel and that this would serve the public interest. The Canadian authorities have concurred in the assignment of Channel 249A to Sandusky and to the assignment of Channel 276A to Lapeer at a site approximately 5 miles northeast of the city, provided that the Commission would have no objection to the use of Channel 276A in Leamington, Ontario, with a 5-mile tolerance in the direction of related U.S. stations.

14. *RM-944. Enterprise and Troy, Ala.* In response to the petition of Wiregrass Broadcasting Co., licensee of AM Station WIRB, Enterprise, the notice herein proposed to shift Class C Channel 245 from Troy to Enterprise, leaving Troy with one Class C assignment (Channel 289) and giving Enterprise one Class C along with the existing Class A assignment (228A). None of the channels mentioned is occupied or applied for. Enterprise has AM Station WIRB (daytime-only) and Troy has a fulltime regional AM station. In 1960 Census population Enterprise is slightly the

larger of the two communities (11,410 compared to 10,324), and the petition asserted that it had a much larger rate of growth between 1950 and 1960 and is now about 13,000 with a new junior college and an expanding nearby military installation. The populations of these two communities' counties are, respectively, 30,583 and 25,987; both communities are the largest communities in their counties although Enterprise is not a county seat. Aside from the petition mentioned, no comments or other pleadings were filed herein. We invited comments on the desirability of mixing C and A channels in Enterprise which would result from the proposal.

15. Despite the failure of petitioner to file comments supporting its proposal, in our view it should be adopted. The mandate of section 307(b) of the Act, calling for a fair and equitable distribution of facilities, indicates that Enterprise, the larger community, should have a Class C channel rather than being confined to a limited-coverage Class A assignment while Troy has two wide-coverage channels. While Enterprise is not the county seat of its county as Troy is, it is its largest community. We are not persuaded that Enterprise has a need for two channels, and therefore we are withdrawing the assignment of Channel 228A there, which will avoid the mixture of classes of channels. The channel will be available for assignment in the area if there is demand therefor and it appears that the public interest would be served.

16. *RM-948. Ladysmith, Wis., and Ironwood, Mich.* Ladysmith, with a population of 3,584, is the county seat and largest community in Rusk County (population 14,794). Its Class IV AM station, WLDY, and Class A FM channel, 288A, are the only broadcast facilities in the county. The area is located at a considerable distance from larger population centers, the closest sizable city being about 50 miles distant (Eau Claire) and the nearest metropolitan area about 103 miles away (Duluth-Superior). Flambeau Broadcasting Co., the licensee of WLDY, seeks the assignment of Class C Channel 225, which can be done if one of two Class C assignments at Ironwood, Mich., is changed (295 substituted for 226). Petitioner wishes to serve villages some 25 to 27 miles away, from which it draws some support but which it assertedly cannot provide with a really satisfactory AM signal and could not serve well with a limited Class A FM station.

17. While Ladysmith is a small community, it appears to be the center of a rather isolated area, and therefore the assignment of a Class C channel there is warranted. In supporting comments WECL, Inc., an Eau Claire AM licensee, suggested that Channel 288A be deleted at Ladysmith so as to make it available for use as a first assignment at Chippewa Falls (this is also proposed in a petition recently filed by another party, following our denial of a proposal to put a channel in that city by deleting an Eau Claire assignment). Therefore, and since there is no reason to believe that there is need or demand in Ladysmith for two chan-

<sup>2</sup> This showing was made in terms of existing services. The "white area" would be cut down somewhat by activation of a Class C assignment at Lebanon, 52 miles away, but substantial "white area" would still remain. There are no other Class C assignments within 75 miles of Rolla.

<sup>3</sup> On Apr. 4, 1966, Lapeer Broadcasting filed a petition, RM-943, requesting the assignment of Channel 244A to Lapeer. Since this proposal would not conform to the separation requirements of the rules, a request for a waiver of these rules was also included. Grant of the subject request would make RM-943 moot and Lapeer has stated that, in the event its request for Channel 276A is granted, it will seek dismissal of that petition.



nels, we are deleting Channel 288A there, and assigning Channel 225 (along with the concomitant change at Ironwood).

18. *RM-956. Morris, Minn.* We invited comments on the possible substitution of Channel 298 for Channel 232A at Morris, as requested by petitioner Clifford L. Hedberg, licensee of Station KMRS-AM, with the stated intention of applying for its use. One supporting comment was filed.

19. The facts of this case are generally similar to those in Ladysmith, just discussed. Morris, population 4,199, is the county seat and largest community of Stevens County (population 11,262). It is rather far removed from large centers of population, the nearest being St. Cloud (80 miles away) and Minneapolis (103 miles distant). Its importance to its area is indicated by the presence there of a branch of the University of Minnesota and a USDA research station. Petitioner seeks to serve this fairly sparsely populated area with a wide-coverage facility, reaching listeners who cannot be served adequately by his Class IV AM station. The substitution of a Class C for a Class A channel appears warranted and is made.

20. *RM-958. Jerseyville, Ill.* An assignment of FM Channel 281 to Jerseyville was proposed in our Notice as a result of the petition of Tri-County Broadcasting Co., Inc., licensee of Station WJBM-AM, filed on May 5, 1966.

21. Jerseyville, the county seat of Jersey County, population 17,023, has 7,420 inhabitants. At the present time, its only broadcast facility is WJBM-AM, a Class III daytime-only directional operation. Petitioner claims that a Class B assignment is appropriate because in a three-county area (Jersey, Calhoun and Greene) this is the only station and there are no FM assignments; Jerseyville is the largest city in these counties. It is also asserted that no Class A channel can be assigned there consistent with separation requirements, and that the only way it can improve service to this area is by the requested assignment, which would bring service to the three rural counties with a population of over 40,000.

22. While Jerseyville itself is fairly close to large centers (Alton, Ill., about 12 miles away, and St. Louis about 25 miles distant), it appears that the area as a whole is well removed from large population centers. Under these circumstances—and especially since it does not appear that a Class A channel can be found—a Class C assignment appears appropriate, and the proposal is adopted.

23. *RM-959. Augusta, Ga.* In response to the petition of Broadcasting Associates of America, Inc., licensee of Station WGUS(AM), North Augusta, S.C., our notice proposed to consider the deletion of Channel 275 (one of Augusta's three FM assignments—each Class C), and its replacement with Channels 272A and 276A.

24. At the present time, Augusta, Ga., has five AM services (four fulltime). Two of its three FM assignments, Channels 282 and 289, are occupied. It is

petitioner's contention that Augusta, a city containing 70,626 inhabitants, located in Richmond County with its population of 135,601, requires the potential for two additional services—on Channels 272A and 276A—rather than a service on its unoccupied Channel 275. In addition, petitioner alleges that it is not feasible to bring Augusta service on Channel 275, in that our regulations on channel separations would require the transmitter of a station operating on Channel 275 to be located over 20 miles from the center of Augusta because of existing cochannel stations in Hickory, N.C., and Columbus, Ga.<sup>4</sup>

25. As we have often stated, we have tried to avoid mixing Class B/C and Class A channels in the same community, to avoid possible technical disparity and competitive imbalance between stations. However, in this case such mixture appears warranted, since there are quite substantial problems involved in possible use of Channel 275, and without it three or more channels can be assigned to Augusta only by using Class A channels such as those proposed. The increase in the number of channels assigned should also be in the public interest, especially in an area such as this in which FM frequencies are scarce. Accordingly, the proposal is adopted, and Channels 272A and 276A are substituted at Augusta for Channel 275.

26. *RM-941. Bakersfield, Calif.* In this rule making proceeding, our Notice proposed the addition of Channel 300 as a fourth FM channel at Bakersfield in response to the petition of Thunderbird Broadcasting Co., licensee of AM Station KUZZ, Bakersfield (daytime only). This party filed supporting comments and reply comments; KGEE, Inc. (KGEE and KGEE-FM, Bakersfield) filed oppositions to the petition and the notice proposal.

27. The contentions of the parties center on two related questions, the need of Bakersfield for an additional FM service, and the market's ability to support one. KUZZ asserts that there is a need, stating that it wishes to extend its programming (chiefly country-western music) into nighttime hours and that distance and terrain factors present reception of some outside FM stations. KGEE asserts that the market is already overcrowded and has a plethora of broadcast service, with 8 AM stations (6 fulltime), 3 FM stations and 3 TV stations, three other AM stations in Kern County outside of Bakersfield (all 20 miles or more away) and numerous TV and four FM signals imported from Los Angeles by CATV, so that a scarce FM channel should not be wasted in this surfeited market. In support of its "overpopulation" contention

it notes that, according to FCC financial data, the Bakersfield market (standard metropolitan statistical area) has shown an overall loss (expenses greater than revenues) for the last 10 years for radio and the last 5 years for television (radio loss in 1964, \$63,675). The 1960 population of Bakersfield, its urbanized area and its standard metropolitan statistical area (Kern County) were respectively 56,848, 141,673, and 291,984. KUZZ also quotes recent local estimates of 1965 population: Bakersfield, 67,300; Kern County, 333,300. KUZZ also sets forth data showing Bakersfield's and Kern County's economic, social, and cultural importance and growth, e.g., 1964 county retail sales of \$470,102,000 time bank deposits of \$157,760,000 and farm income of \$311,755,440, up respectively 60 percent, 121 percent, and 39 percent from 1954, and in Bakersfield a 20,000 capacity stadium, 7,250-seat auditorium, 80-piece symphony orchestra, art gallery, community theater and a junior college with nearly 8,000 students. We note that of the three existing FM stations, one (KERN-FM) completely duplicates the companion unlimited-time AM station, KGEE-FM is programed separately from the AM station, and the third is independent.

28. In our judgment, the assignment of a fourth FM channel in Bakersfield is warranted and in the public interest. Despite the number of other services available, we believe the city's size and importance, shown by the above material, make a fourth FM assignment appropriate, and it is within the general criteria used in making up the FM table of assignments (two to four channels in cities of 50,000 to 100,000 population).<sup>5</sup> It appears that the channel will be put to prompt use. If KUZZ, the petitioner, is the ultimate grantee on the channel, a third local and separate FM service during evening hours will be available. Other parties may of course seek the channel, and the best use of it can then be determined on a comparative basis.

29. As to the economic argument concerning the ability of the market to support an additional station, economic injury from an additional station in a community is of course relevant only insofar as it affects the public interest. To impose a limit on the number of channel assignments for this reason is to impose a restriction on the forces of free competition and diversity of broadcast voices. In our judgment, the facts here do not warrant such a course of action. It is true, as KGEE points out, that our financial data reports for recent

<sup>4</sup>Originally the required distance from town was said to be 18 miles. In petitioner's supplemental comments, which are accepted, it is shown that the minimum distance is about 24 miles; and that, in view of the proximity of the Savannah AEC installation, the distance might well have to be 28.5 miles. With maximum ERP of 100 kw a station so located would have to have an antenna height of over 700 feet to put the required principal city signal over Augusta.

<sup>5</sup>While the city itself, with a population of some 56,000, is near the lower limit of the two-to-four channel bracket, its immediate area (Bakersfield urbanized area) is unusually large for a central city of this size, over 141,000. Little significance is to be attached to the presence of additional FM and TV signals from Los Angeles brought in by CATV. These signals of course do not represent a local service, since they originate in a city over 100 miles away, and since, moreover, they are not available to rural areas which the CATV does not serve, or to those unwilling to pay for the service.



years show Bakersfield as an overall "loss" market. But we also point out that the "expense" totals used in reaching that overall figure include certain items which do not represent an actual cash outgo, i.e., depreciation and payments to the principals of the station licensees. In terms of actual cash flow, the stations licensed to Bakersfield showed an overall cash flow "plus" in 1965. Moreover, as KUZZ points out, KGEE itself in its last renewal application showed a net profit (revenues over expenses) of \$9,202, before Federal income taxes, for the first 6 months of 1965.<sup>6</sup> Under these circumstances, it is inappropriate to take the restrictive course of action which withholding the assignment would represent. Channel 300 is assigned to Bakersfield.

30. *RM-949. Sturgeon Bay, Wis.* In response to the petition of Federalist, Ltd., a prospective applicant, the notice proposed to assign Class C Channel 231 to Sturgeon Bay, Wis., population 7,353, the county seat and largest community in Door County, population 20,685. This city and county have one AM station, WDOR (daytime-only) and one FM channel assignment, Channel 240A, on which Door County Broadcasting Co., Inc. (WDOR, the AM licensee), holds a construction permit for WDOR-FM (issued in November 1965). Federalist's petition sought either Channel 230 or 231, both assignable at Sturgeon Bay consistent with mileage separations, but preferably the latter because of "interference" conditions created by other stations on the respective channels; the notice proposed Channel 231, pointing out that Channel 230 would be at near-minimum spacings to the Channel 227 assignment at Escanaba, Mich., creating possible site-location problems. The notice pointed out that Sturgeon Bay is not a very large community and may not warrant the assignment of a second FM channel, but stated that favorable consideration would be given to the request if it could be shown that the assignment would not preclude the assignment of Channel 231 or adjacent channels in other communities where there may be a future need for such an assignment.

31. The only commenting parties were Federalist and WDOR, respectively supporting and opposing the proposal. Federalist asserts that there is a need for an independent FM service in Sturgeon Bay and Door County, that, while a Class A assignment could be made at Sturgeon Bay a Class C channel would have much wider coverage, which is to be desired; and that if the assignment is made it will apply for its use with maxi-

mum permitted ERP and substantial antenna height, using a site south of Sturgeon Bay. WDOR in opposition states that no need has been shown for an additional service, and that—considering the preclusive effect this proposal would have on needed assignments elsewhere (discussed below)—a second Sturgeon Bay assignment, particularly of a wide-coverage channel, amounts to a waste of scarce FM channels and would contravene section 307(b) of the Communications Act. It is urged that such an assignment would be inconsistent with past Commission FM allocation policies, including assignment of Class C channels to large centers rather than smaller communities (citing our decision in Fairhope, Alabama, 2 R.R. 2d 1630, 1639 (1964)), assignment of multiple channels only to larger places, and against mixing Class A and Class B/C channels in the same market, to avoid potential technical inequality. It is asserted that Sturgeon Bay—some 40 miles from the metropolitan area of Green Bay (population 125,082) and only 22 miles from Marinette-Menominee, combined population about 25,000—is not the type of smaller community in which we have made an exception to our general policy with respect to Class B/C assignments. Economic arguments are also urged: it is asserted that a second AM station failed to survive in Sturgeon Bay in the past; that Door County, a fruit-growing and summer resort area of a seasonal character, has limited advertising potential; that, after earlier difficulties, WDOR(AM) has become modestly profitable and is thus able to afford improvement of its facilities via FM at a substantial investment (\$15,000), but that economic difficulties may be expected in the early stages of the FM operation, and it is not in the public interest to doom the new FM station by forcing it to compete with a wide-coverage Class C operation, which "can well have a disastrous adverse effect on WDOR-FM, and perhaps even on WDOR, in this small and limited market."

32. Petitioner's showing as to the preclusive effects of the Channel 231 Sturgeon Bay assignment on this and related channels is as follows: (1) There would be no effect on channels other than 230, 231, and 232; (2) as far as Channels 230 and 231 are concerned, since much of the area involved lies in Lake Michigan, there are only fairly small areas in upper and lower Michigan, and of course most of Door County outside of Sturgeon Bay, where one or both could be used in the absence of the proposed assignment. As to cities larger than Sturgeon Bay, Channel 230 could be used as a fourth FM assignment at Traverse City (population 18,434, the three FM channels in use or applied for), or Channel 231 could be used as a third at Escanaba (population 15,391, neither of the two channels occupied). While the showing did not include a study of towns smaller than Sturgeon Bay, it appears that the only ones with populations of more than 1,500 are some other towns in Door County, Gladstone, Mich. (population 5,267, some 8 miles from

Escanaba), and Frankfort, Mich. (population 1,690, some 25 miles from Traverse City); (3) the preclusive effect on Channel 232A would be much greater, since absent the Channel 231 Sturgeon Bay assignment it could be used in a large area in Wisconsin and upper Michigan extending up to 105 miles from that city, including places larger than Sturgeon Bay and with only one channel presently assigned (e.g., Appleton, Neenah-Menasha) and smaller places with no assignments (e.g., Manistique, Mich.; and Kawaunee, and Algoma, Wis.) which have no FM assignments. More than one such assignment in the area might be possible, depending on the location.

33. If Channel 230 were used at Sturgeon Bay instead of Channel 231, the obstructing effect on other assignments would be somewhat less, since Channel 232A could be used at distances 65 miles and more, instead of 105 miles and more, from that city. Thus it could be assigned at places such as Neenah-Menasha or possibly (depending on transmitter location) Appleton, and also places such as Gladstone and Manistique, Mich. Its impact on other channels would be about the same as that of 231 (Channel 227, assigned to Escanaba, cannot be used elsewhere in the area anyhow).

34. It is also to be noted that this area—particularly that portion of Door County to the north of Sturgeon Bay—is an unusually isolated one, lying as it does on the peninsula separating Green Bay from Lake Michigan. While Sturgeon Bay itself is about 40 miles from the large city of Green Bay, the northern part of Door County lies about 75 miles from that city. While it is only some 14 miles by air and water from this area to Marinette-Menominee it is over 100 miles by land. Moreover, northern Door County appears to have little FM service, with no 1 mv/m or stronger signals presently received. Neither the Green Bay Class C station nor WDOR-FM when it commences operation provides a signal of as much as 200 uv/m into the northern end of the peninsula. Other than the Green Bay stations and WDOR, the closest existing Class C FM stations are at Traverse City, Mich., some 75 miles away across Lake Michigan. If activated, channels at Marinette-Menominee and Escanaba would provide a better signal, but these are unapplied for and in any event these cities are far removed from the Sturgeon Bay area as far as land travel is concerned. In our view, there is considerable to be said for a wide-coverage assignment in this area.

35. It is also to be noted that there are few wide-coverage assignments in this whole region. In the entire northeast

<sup>6</sup> 1965 figures for the 11 stations licensed to Bakersfield (6 AM only, 2 AM-FM, 1 FM-only): Revenues, \$1,200,533; expenses (including depreciation and payments to principals), \$1,239,887; net loss (expenses over revenues), \$39,354; depreciation, \$75,266; payments to principals, \$116,332; net cash flow gain, \$153,244. KGEE or other parties will, of course, have an opportunity to raise the "Carroll issue" in connection with any application which may be filed for the new assignment.

<sup>7</sup> WDOR's showing listed Madison and Marinette-Menominee as places where the proposed assignment would preclude other assignments on Channel 231, but this was shown to be incorrect, since the channel cannot be used there anyhow. Petitioner's showing was incomplete in that it dealt only with towns larger than Sturgeon Bay, all of which have FM assignments, ignoring smaller places with no assignments but possible future needs.



quarter of Wisconsin—north of Lake Winnebago, and east of Stevens Point and Wausau—there are only five Class C assignments, at Appleton, Green Bay, Marinette, Rhinelander, and Shawano. Three of these are in use. Channel 230 was formerly assigned to Green Bay; but it could not be used except at a considerable distance out of the city, no demand developed for its use on this basis, and it was recently deleted to make possible a Class A assignment on Channel 228A in another community. Under these circumstances, it appears to be a desirable consideration to provide another wide-coverage assignment in the general area.

36. Upon consideration of all the relevant facts and arguments, in our view a Class C channel should be assigned at Sturgeon Bay, and it should be Channel 230 instead of Channel 231. While Sturgeon Bay is not a large community, it is the center of an area at least part of which is exceptionally isolated from large population centers and receives relatively little FM service. Both the cause of providing service to this under-served area (some of which could not be adequately served with a Class A assignment) and the interests of allocation efficiency are served by making a Class C assignment in the area, and there appear to be no communities where either Channel 230 or 231 can be used more appropriately than Sturgeon Bay. Moreover, it serves the cause of allocation efficiency to take advantage of a wide-coverage assignment formerly located in an area having relatively few of them (northeastern Wisconsin) but not put to use where formerly assigned because of separation problems. Under these circumstances—and also because it will prevent a monopoly of local broadcast services in the community and county—the assignment of the channel to Sturgeon Bay is desirable and in the public interest, and in no sense a “waste” of the channel. It is true that the assignment precludes use of Channel 232A in a number of places, including some having no local broadcast outlets (e.g., Kewaunee); but any allocation judgment represents a balance between providing wide coverage on the one hand and one or more local outlets on the other, and here the balance must be in favor of making efficient use of the wide-coverage channel to provide service to an under-served area. It appears that other channels are available for assignment in the area if needed (e.g., Channel 224A may be assigned to Kewaunee).

37. We recognize that the assignment is contrary to our general policy of mixing Class B/C and Class A assignments in the same community; but in our view this is outweighed by the service benefits gained. We have given consideration to assigning a Class A channel instead—e.g., Channel 232A—but this would have no less of a preclusive effect on other assignments than does 230 (and it appears to be in this respect about as satisfactory as any Class A channel would be) and would not have the service benefits mentioned. The new Class C assignment will of course be open to all

applicants, WDOR-FM and petitioner as well as others who may be interested.

38. We also note WDOR's economic arguments. But, as in the case of Bakersfield discussed above, the facts here do not warrant our adopting a restrictive course of action on the basis of such considerations, taking into account WDOR's profitability and the fact that such objections can be raised later in connection with an application for the new channel.

39. As mentioned, we have chosen Channel 230 instead of 231 as proposed. This is because it has a substantially less restrictive effect on use of Channel 232A, permitting its use, for example, for two local assignments at Neenah-Menasha and Manistique, which would not be possible if 231 were assigned. Used in Sturgeon Bay itself it would be at just about minimum spacings to Escanaba, and, while petitioner proposes to use it some distance to the south, it cannot be assumed that Federalist will necessarily become the grantee. If parties interested in the new assignment, or in use of Channel 227 at Escanaba, believe there may be problems in this regard, they may seek reconsideration and we will consider assigning Channel 231 instead. We do not contemplate allowing any short separation between stations at the two cities. Also, since Channel 230 was not proposed in the notice it has not been referred to Canadian authorities for their concurrence, and such concurrence will be necessary before any authorization for the channel can be issued. However, in view of the lack of any apparent impact on Canadian assignments, it is not anticipated that there will be any problems in this connection.

40. *Changes on Commission's own motion.* On our own motion, we proposed to eliminate several short-spaced assignments by making the following changes:

City	Channel No.	
	Present	Proposed
Andalusia, Ala.	251, 293	251
Brewton, Ala.	296A	292A
Wickenburg, Ariz.	261A	288A
Potsdam, N.Y.	256	257A
New Albany, Ohio	280A	-----

With the exception of New Albany, Ohio, none of the above proposals were opposed. With respect to New Albany, a number of pleadings involving counterproposals have been filed. These will be considered in a subsequent report and order. Since the remaining proposals require deletion of short-spaced assignments and in some cases are delaying action on applications, we find them to be in the public interest and are adopting them.

41. Authority for the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

42. In accordance with the determinations made above: *It is ordered*, That effective December 12, 1966, § 73.202 of the Commission's rules, the Table of FM Assignments, is amended to read, with re-

spect to the communities listed below, as follows:

City	Channel No.
Alabama:	
Andalusia	251
Brewton	292A
Enterprise	245
Troy	289
Arizona:	
Wickenburg	288A
California:	
Bakersfield	231, 243, 268, 300
Georgia:	
Augusta	272A, 276A, 282, 289
Illinois:	
Jerseyville	281
Kentucky:	
Leitchfield	285A
Michigan:	
Ironwood	259, 295
Lapeer	276A
Sandusky	249A
Minnesota:	
Morris	298
Missouri:	
Columbia	244A, 252A
Rolla	232A, 287
New York:	
Potsdam	257A
Wisconsin:	
Ladysmith	225
Sturgeon Bay	230, 240A

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: November 2, 1966.

Released: November 4, 1966.

FEDERAL COMMUNICATIONS

COMMISSION,<sup>8</sup>

[SEAL] BEN F. WAPLE,

Secretary.

[F.R. Doc. 66-12169; Filed, Nov. 8, 1966; 8:49 a.m.]

[Docket No. 16882; FCC 66-965]

## PART 73—RADIO BROADCAST SERVICES

### UHF Television Broadcast Channel, Staunton, Va.

*Report and order.* In the matter of amendment of the table of assignments in § 73.606(b) of the Commission rules and regulations to assign a UHF television broadcast channel to Staunton, Va., and reserve it for educational use; Docket No. 16882, RM-898.

1. On September 22, 1966, the Commission issued a notice of proposed rule making in the above entitled matter, proposing to assign Channel 51 to Staunton, Va., and reserve it for educational use. The proceeding was initiated on the basis of a joint petition by the Advisory Council on Educational Television of the Commonwealth of Virginia and the Shenandoah Valley Educational Television Corp. Interested parties were invited to comment on the proposal on or before October 5, 1966, and could reply to such comments on or before October 17, 1966.

2. Comments were received from the petitioners and from the National Association of Educational Broadcasters

<sup>8</sup> Commissioner Cox dissenting to the assignment at Rolla, Mo.; Commissioner Wadsworth absent.



(NAEB). Both comments supported the proposed assignment. There was no opposition to the proposal. Staunton is in the so-called "radio quiet zone" established for the protection of radio astronomy observations at the National Radio Astronomy Observatory near Green Bank, W. Va., and the Naval Radio Research Observatory near Sugar Grove, W. Va. The quiet zone is described in § 73.623 of the Commission rules. Negotiations with representatives of the observatories conducted prior to the issuance of the notice of proposed rule making brought about mutually acceptable criteria concerning the location and use of Channel 51. The petitioners commented that while the proposal does not provide the maximum educational television broadcast service in the Shenandoah Valley area which would be possible were it not for the proximity of the Sugar Grove and Green Bank facilities, the Commission should nonetheless make the assignment as proposed. NAEB in its supporting comments also called attention to the need for additional facilities in the radio quiet zone and expressed gratification that some accommodation had been reached which permits educational broadcasting without jeopardizing the significant public interests at stake in the work of the radio astronomy observatories.

3. In the light of the foregoing and pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective December 12, 1966, the table of assignments in § 73.606(b) of the Commission's rules is amended, by inserting the following entry at the appropriate place in the table:

City	Channel
Staunton, Va.-----	*51

NOTE: The appropriate offset will be designated in a subsequent order.

4. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: November 2, 1966.

Released: November 4, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12170; Filed, Nov. 8, 1966;  
8:49 a.m.]

[Docket No. 14229; FCC 66-968]

## PART 73—RADIO BROADCAST SERVICES

### Expanded Use of UHF Television Channels; Rosenberg, Tex.

Memorandum opinion and order.

In the matter of fostering expanded use of UHF television channels, Docket

No. 14229; petition for partial reconsideration re assignment to Rosenberg, Tex.

1. On February 9, 1966, the Commission adopted the fifth report and memorandum opinion and order in the above-entitled matter (FCC 66-137) revising the table of assignments for UHF television broadcast channels. As a part of that proceeding, a petition (RM-857) filed by D. H. Overmyer Broadcasting Co. (Overmyer), permittee of KJDO-TV, Channel 58, Rosenberg, Tex., requesting the substitution of Channel 14 for Channel 58 at Rosenberg, Tex., was denied. On March 11, 1966, Overmyer filed a petition for partial reconsideration of the fifth report insofar as it denied its original petition, noting the Commission's statement that:

Petitioner may review its requests in light of the new plan and renew them with a showing, as described in paragraph 63, that a requested lower assignment would not result in loss of efficiency.

The petition was accompanied by an engineering statement showing that Channel 14 could be assigned to Rosenberg by deleting it from Houston, Tex., and replacing Channel 14 with Channel 45 in Houston. The statement claimed that the assignment of Channel 14 to Rosenberg can develop no greater impact on other existing or potential assignments than exists with Channel 14 at Houston, pointing out that Overmyer proposes to use Channel 14 near the site of the Houston "tall tower" assignments. Some general assumptions were made but no detailed showing as to specific mileages and channel availabilities was given.

2. Since Channel 14 is reserved for educational use in Houston action on the petition was deferred until the impact of the proposed shift of channels on the orderly development of educational TV broadcasting could be evaluated. On August 1, 1966, Overmyer filed a supplement to the petition for partial reconsideration in which the Commission was informed that it would be in the public interest to simplify the original proposal by substituting Channel 45 for Channel 58 in Rosenberg and that the petitioner, as permittee of KJDO-TV, Channel 58, Rosenberg, is willing to accept Channel 45 in lieu of Channel 58 or Channel 14. The assignment of Channel 45 to Rosenberg would not require any other changes in the table of assignments. Furthermore, Channel 45 at the site authorized for KJDO-TV would be somewhat more efficient in terms of impact on available additional assignments than would the assignment of Channel 58.

3. Therefore, upon reconsideration of the assignment made to Rosenberg, Tex., in the fifth report and memorandum opinion and order in Docket No. 14229, it is our conclusion that Channel 45 should be substituted for Channel 58. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b): *It is ordered*, That, effective December 12, 1966, the table of assignments in § 73.606(b) of the Commission rules is amended insofar as the city named below is concerned, to read as follows:

City	Channels
Rosenberg, Tex.-----	45

NOTE: The appropriate offset will be designated in a further Order.

4. *It is further ordered*, That the construction permit of D. H. Overmyer Broadcasting Co. for KJDO-TV at Rosenberg, Tex., is modified, effective December 12, 1966, to specify Channel 45 instead of Channel 58, subject to the following conditions:

(a) That the permittee shall advise the Commission in writing by November 15, 1966, of its acceptance of the modification of its authorization; and

(b) That the permittee shall submit to the Commission by December 12, 1966, all necessary information for the preparation of a modified authorization to construct and operate on the newly specified channel with transmitting facilities meeting all requirements of the Commission rules for operation on that channel.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: November 2, 1966.

Released: November 4, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12171; Filed, Nov. 8, 1966;  
8:49 a.m.]

[Docket No. 16387; FCC 66-954]

## PART 91—INDUSTRIAL RADIO SERVICES

### Cooperative Use of Radio Stations in Mobile Radio Service

*Report and order.* In the matter of amendment of Part 91 of the Commission's rules governing the Industrial Radio Services, to enable licensees to install mobile units in the vehicles of persons who provide certain services to the licensee under contract; Docket No. 16387.

1. On December 27, 1965, the Commission released a notice of proposed rule making in the above-entitled matter. The notice was published in the FEDERAL REGISTER on December 30, 1965 (30 F.R. 16271). Comments thereon were requested by February 7, 1966, and reply comments by March 1, 1966. Timely comments were filed by Forest Industries Radio Communications; Halliburton Co.; Reclamation District No. 2035, Woodland, Calif.; Houston Contracting Co.; National Association of Manufacturers Communications Committee (NAM); National Committee for Utilities Radio (NCUR); Special Industrial Radio Service Association, Inc. (SIRSA); and Central Committee on Communication Facilities of the American Petroleum Institute (API). No reply comments were filed.

2. In its notice, the Commission proposed to amend § 91.6 of its rules, which provides for the shared use of radio stations in the mobile service, to permit a

<sup>1</sup> Commissioner Wadsworth absent.

<sup>1</sup> Dissenting statement of Commissioner Loevinger filed as part of original document; Commissioner Wadsworth absent.



licensee to install mobile units licensed to him in the vehicles of persons furnishing the licensee, under contract, a facility or service directly related to the activities in connection with which his radio facilities are authorized. It was also proposed to require the licensee to maintain exclusive control over the radio units installed in these vehicles and that he enter into a written agreement with the owner of the vehicle specifying that the licensee shall have exclusive control and the sole responsibility for the proper operation of these units.

3. All comments favored our proposal. However, API and the Halliburton Co. would broaden the rule to permit the installation of mobile units in the vehicles of persons for whom the licensee performs some service or furnishes equipment to the licensee under contract. This suggestion will be rejected. The purpose of the proposed amendment of the rules was to satisfy a requirement of licensees to control and dispatch vehicles operated by subcontractors and other persons in situations where a licensee needs to do so in the same manner as his own vehicles and where these vehicles are used exclusively to conduct the business activity of the licensee. Thus, a contractor building a bridge would be able to install units in the vehicles and equipment of subcontractors and others furnishing such vehicles and equipment so that the contractor may dispatch and control them. The Halliburton Co. and API suggested the reverse of this proposition. Thus, for example, a licensee furnishing the bridge contractor tractors and other specialized equipment under contract would be permitted, under the Halliburton and API proposal, to install radio units in the vehicles of the contractor. This could lead to situations where the radio equipment would be used for purposes which are not related to the basis upon which the licensee's eligibility was established and in which the vehicles would not be subject to the control of the licensee. Thus, broadening the rules as suggested is not considered to be justified.<sup>1</sup>

4. SIRSA suggested that the Commission review the control agreements before the units are installed in the vehicles of others, but that the licensee be permitted to put his arrangement into

effect ten days after filing the control agreement with the Commission, unless the Commission rejects it within that time. Section 91.6 does not now require submission of control agreements for review. It requires that they should be kept with the station records and should be made available for inspection on request. The amendments considered herein would not change that procedure. The suggestion of SIRSA has merit and will be given consideration with respect to all arrangements for the shared use of radio facilities in the mobile service.<sup>2</sup> However, it is beyond the scope of this proceeding and there is no urgent need to impose this requirement at this time with respect to the limited shared use of radio facilities authorized herein.

5. Accordingly, we find that the public interest would be served by adopting the amendment of the rules as proposed. Authority for the amendments ordered herein, is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

6. Therefore, it is ordered, That, effective December 12, 1966, § 91.6 of the Commission's rules is amended as set forth below and that this proceeding is hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: November 2, 1966.

Released: November 4, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION<sup>3</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

Section 91.6 of the Commission's rules is amended by adding a new paragraph (d) to read:

§ 91.6 Cooperative use of radio stations in the mobile radio service.

\* \* \* \*

(d) A licensee may install mobile units licensed to him in the vehicles of persons furnishing to the licensee, under contract, and for the duration of the contract only, a facility or service directly related to the activities that constituted eligibility for the station licensee in the service in which he is authorized. The licensee shall maintain exclusive control over the operation of the units. In order to maintain such control, each person in whose vehicles the mobile units of the licensee are to be installed shall enter into a written agreement with the

licensee verifying that the licensee has the sole right to control the mobile radio units, that the vehicle operators shall operate the radio units subject to the orders and instructions of the base station operator and that the licensee shall at all times have such access to and control of the mobile equipment as will enable him to carry out his responsibilities under his license. A copy of the agreement with vehicle owners required hereby shall be kept with the station records.

[F.R. Doc. 66-12172; Filed, Nov. 8, 1966; 8:49 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 32—HUNTING

##### Agassiz National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

#### MINNESOTA

##### AGASSIZ NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Agassiz National Wildlife Refuge, Minn., is permitted from sunrise to sunset November 12 through November 16, 1966, inclusive, only on the area designated by signs as open to hunting. This open area comprises 58,660 acres, is delineated on a map available at the refuge headquarters at Middle River, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 16, 1966.

CLAUDE R. ALEXANDER,  
Refuge Manager, Agassiz National Wildlife Refuge, Middle River, Minn.

OCTOBER 31, 1966.

[F.R. Doc. 66-12153; Filed, Nov. 8, 1966; 8:48 a.m.]

<sup>1</sup> NCUR suggested that the new rule should permit the licensee to install mobile units in the vehicles of his employees. This is not necessary. Existing rules do not prohibit the installation of a mobile radio unit in a vehicle belonging to an employee of the licensee if the unit is used solely to transmit the communications of the licensee and if he maintains control over its use.

<sup>2</sup> A procedure for prior review of all arrangements for sharing fixed radio stations was adopted in Docket 16218. See § 91.9(g).

<sup>3</sup> Commissioner Wadsworth absent.



# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[ 7 CFR Part 993 ]

### DRIED PRUNES PRODUCED IN CALIFORNIA

#### Reports of Holdings, Receipts, Uses, and Shipments

Notice is hereby given of a proposal to revise certain provisions of the Subpart—Administrative Rules and Regulations (7 CFR Part 993; 31 F.R. 2777, 5751, 13751). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal would change the reporting requirements currently in § 993.172 by (1) deleting paragraph (c) thereof requiring handlers to submit monthly reports of sales, and (2) changing the information currently required by paragraph (d) thereof to be shown on handlers' monthly reports of shipments to include, among other things, domestic shipments by use, export shipments by country of destination, and shipments by type of pack (carton, visipak, and other) in domestic outlets and export markets. Deletion of the sales report requirement would become effective after the time for filing sales reports for the period August 1, 1966, through December 31, 1966, has expired. The first revised shipment report would be submitted in January 1967, and would cover shipments during the current crop year through December 31, 1966. Subsequent shipment reports would be submitted monthly. The purpose of the proposed action is to provide the committee with more accurate and meaningful industry statistics than are currently being obtained.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the seventh day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

Revise the section heading of § 993.172 and the provisions of paragraph (d) thereof to read, respectively, as follows:

#### § 993.172 Reports of holdings, receipts, uses, and shipments.

(d) *Shipments by handlers.* Beginning in 1967 and prior to the 10th calendar day of each month, each handler shall file with the committee a signed report on Form PAC 12.1, "Report of Shipments" reporting shipments of prunes during the crop year through the last day of the month immediately preceding. Such report shall contain at least the following information:

(1) The date, the name and address of the handler, and the period covered by the report;

(2) The poundages of prunes shipped or otherwise disposed of, other than shipments to or for the account of other handlers, as follows: (i) Domestic outlets (including Federal Government agencies) segregated by uses; (ii) export markets, segregated by countries; (iii) by type of pack (carton, visipak, and other) segregated by domestic outlets and export markets, and (iv) as pitted prunes (pitted weight) segregated by domestic outlets and export markets;

(3) The total poundage shipped to or for the account of other handlers, including interhandler transfers; and

(4) The total poundage of prunes not covered by, or excluded from, the definition of the term "prunes" (§ 993.5) shipped.

Dated: November 4, 1966.

PAUL A. NICHOLSON,  
Deputy Director,  
Fruit and Vegetable Division.

[F.R. Doc. 66-12187; Filed, Nov. 8, 1966;  
8:50 a.m.]

### [ 7 CFR Parts 1001-1004, 1006, 1012, 1013, 1015, 1016 ]

[Docket No. AO 293-A15, etc.]

### MILK IN WASHINGTON, D.C., AND CERTAIN OTHER MARKETING AREAS

#### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Parts	Marketing area	Docket Nos.
1001	Massachusetts-Rhode Island	AO 14-A40.
1002	New York-New Jersey	AO 71-A49.
1003	Washington, D.C.	AO 293-A15.
1004	Delaware Valley	AO 100-A32.
1006	Upper Florida	AO 356-A1.
1012	Tampa Bay	AO 347-A5.
1013	Southeastern Florida	AO 286-A12.
1015	Connecticut	AO 305-A14.
1016	Upper Chesapeake Bay	AO 312-A11.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Interdepartmental Auditorium, Department of Labor, 12th and Constitution Avenue NW., Washington, D.C., beginning at 9 a.m., e.s.t., on November 17, 1966, to consider proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Washington, D.C., Massachusetts-Rhode Island, New York-New Jersey, Delaware Valley, Upper Florida, Tampa Bay, Southeastern Florida, Connecticut, and Upper Chesapeake Bay marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions.

With respect to the Upper Florida marketing area this hearing will consider the possible amendment of the order annexed to the final decision on a proposed Upper Florida order which was issued October 7, 1966, if that order should become effective.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of Class I prices to be established for the months of December 1966 through June 1967 under each of the aforesaid orders. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amendatory action that may be required with respect to any of the aforesaid orders.

This notice is issued in response to a request by cooperative associations of producers supplying milk to most of the areas in which the handling of milk is regulated by Federal milk orders. These associations maintain that emergency action is necessary to prevent anticipated price reductions which may result in milk shortages.

The aforesaid proposals have not received the approval of the Secretary of Agriculture.

Signed at Washington, D.C., on November 4, 1966.

CLARENCE H. GIRARD,  
Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 66-12186; Filed, Nov. 8, 1966;  
8:50 a.m.]



[ 7 CFR Parts 1005, 1008, 1009, 1011, 1033-1036, 1040, 1041, 1043, 1046-1049, 1090, 1098, 1101 ]

[Docket No. AO 179-A27, etc.]

## MILK IN NORTHEASTERN OHIO AND CERTAIN OTHER MARKETING AREAS

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Parts	Marketing area	Docket Nos.
1005	Tri-State.....	AO 177-A28.
1008	Wheeling.....	AO 268-A11.
1009	Clarksburg.....	AO 268-A11.
1011	Appalachian.....	AO 251-A8.
1033	Cincinnati.....	AO 166-A33.
1034	Dayton-Springfield.....	AO 175-A24.
1035	Columbus.....	AO 176-A21.
1036	Northeastern Ohio.....	AO 179-A27.
1040	Southern Michigan.....	AO 225-A17.
1041	Northwestern Ohio.....	AO 72-A30.
1043	Upstate Michigan.....	AO 247-A10.
1046	Louisville-Lexington-Evansville.....	AO 123-A31.
1047	Fort Wayne.....	AO 33-A34.
1048	Youngstown-Warren.....	AO 325-A7.
1049	Indianapolis.....	AO 319-A8.
1090	Chattanooga.....	AO 266-A7.
1098	Nashville.....	AO 184-A24.
1101	Knoxville.....	AO 195-A12-R01.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Statler Hilton Hotel, Euclid and East 12th Streets, Cleveland, Ohio, 9 a.m., local time, November 14, 1966, to consider proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Northeastern Ohio, Tri-State, Wheeling, Clarksburg, Appalachian, Cincinnati, Dayton-Springfield, Columbus, Southern Michigan, Northwestern Ohio, Upstate Michigan, Louisville-Lexington-Evansville, Fort Wayne, Youngstown-Warren, Indianapolis, Chattanooga, Nashville, and Knoxville marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions. With respect to the order regulating the handling of milk in the Knoxville, Tenn., marketing area this hearing represents a reopening for the limited purposes stated herein of a public hearing held under Docket No. AO 195-A12.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of Class I prices to be established for the months of December 1966 through June 1967 under each of the aforesaid orders. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amendatory action that may be required with respect to any of the aforesaid orders.

This notice is issued in response to a request by cooperative associations of producers supplying milk to most of the areas in which the handling of milk is regulated by Federal milk orders. These associations maintain that emergency action is necessary to prevent anticipated price reductions which may result in milk shortages.

The aforesaid proposals have not received the approval of the Secretary of Agriculture.

Signed at Washington, D.C., on November 4, 1966.

CLARENCE H. GIRARD,  
Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 66-12185; Filed, Nov. 8, 1966; 8:50 a.m.]

## [ 7 CFR Part 1012 ]

[Docket Nos. AO 347-A1, AO 347-A4]

## MILK IN TAMPA BAY MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Tampa, Fla., on March 7, 1966, and September 13, 1966, pursuant to notices thereof issued on February 18, 1966 (31 F.R. 3125), and August 23, 1966 (31 F.R. 11397).

Upon the basis of the evidence introduced at such hearings and the records thereof, the Deputy Administrator, Regulatory Programs, on September 12, 1966 (31 F.R. 12102; F.R. Doc. 66-10134), and October 17, 1966 (31 F.R. 13605; F.R. Doc. 66-11488), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decisions containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decisions (31 F.R. 12102; F.R. Doc. 66-10134 and 31 F.R. 13605; F.R. Doc. 66-11488) are consolidated in this final decision, are hereby approved and adopted and are set forth in full herein.

The material issues on the records of the hearings relate to:

1. Producer-handler definition,
2. Classification of milk shake mix, and
3. Designating a cooperative as a handler of farm tank milk.

**Findings and conclusions.** The following findings and conclusions are based on the evidence presented at the hearings and the records thereof:

1. **Producer-handler definition.** A producer-handler should be allowed to dispose of Class II products received from any source without losing his producer-handler status. No other change

in the producer-handler definition should be made.

The order now provides that a producer-handler cannot dispose of any Class II products except those produced in his own plant or received from pool plants. The disposition of other Class II products would cause him to lose his producer-handler status.

The operator of a nonpool manufacturing plant proposed the recommended change in the producer-handler definition. The plant manufactures sour cream, a Class II product; and yogurt, cottage cheese and "dips", all Class III products. Before the Tampa Bay order became effective, the presently designated producer-handlers in the area purchased these products, particularly sour cream, from the operator of the nonpool plant. With the advent of the order, these persons ceased purchasing his products because they did not want to lose their producer-handler status by selling a Class II product purchased from a nonpool source.

Handlers and producer groups in the market opposed such a change in the order. They argued that with this change producer-handlers could enhance their competitive position relative to other handlers and producers in the market. They urged that, instead, more stringent restrictions are necessary. It was suggested that a producer-handler be allowed to sell only those Class II products made in his own plant.

The source of any Class II products sold by a producer-handler should not be a factor affecting his status under the order. Reliance on sources other than his own production or pool plants for Class II products would not provide a producer-handler with any significant competitive advantage over regulated handlers with respect to the sale of such products.

The Tampa Bay order Class II price was established at a level which would make producer milk competitive with concentrated milk products from uninspected sources. Such products are often used in making Class II products. Whether regulated handlers use producer milk or concentrated milk products to make Class II products, their product cost would be comparable to the product cost of Class II items processed by nonpool plants. In this circumstance, producer-handlers obtaining Class II products from nonpool plants for resale would not have a price advantage over regulated handlers on such items.

Under the present order, a producer-handler's status is not contingent on the source of Class III products which he may distribute. Since both Class II and Class III products may be made from non-Grade A milk, there is no economic reason to treat a producer-handler differently with respect to the source of Class II products which he sells.

Handlers asked for other changes in the producer-handler definition. They proposed that a producer-handler with Class I sales of over 200,000 pounds per month be fully regulated and that a person who loses his producer-handler status and becomes a fully regulated



handler in 1 month may not qualify as a producer-handler in the following 11 months.

In January 1966, five handlers with own farm production qualified as producer-handlers under the order. Their gross Class I sales that month were 5.9 percent of the gross Class I sales of all handlers under the Tampa Bay order. Of the five producer-handlers, two had monthly Class I sales of over 200,000 pounds.

There is no indication that these larger producer-handlers have a cost advantage over regulated handlers on Class I milk or are a disruptive factor in the market. Moreover, it was not established that their exemption from the pooling and pricing provisions affect adversely the competitive position in the market of regulated handlers or producers.

In proposing that a producer-handler who fails to qualify as such in 1 month lose his producer-handler status for the next 11 months, handlers maintained that this would prevent him from exploiting the pool by becoming regulated when it is to his advantage, while retaining his exempt status at other times. Such a provision, however, could result in hardship in some instances. For example, an inadvertent failure to meet all requirements for producer-handler status in 1 month could cause a person to lose his designation as a producer-handler for an entire year. The regulatory effect of such action might too often tend to be disproportionate to the relative significance of the requirement that was not met. Since a producer-handler must rely on his own production, he must establish adequate production facilities to assure a sufficient milk supply for his Class I operation. Because of this, it is unlikely that a producer-handler will shift back and forth between his exempt status and that of a regulated handler for the purpose of exploiting the pool.

For the above-stated reasons, the proposal to limit producer-handler status to operations of not more than 200,000 pounds of milk monthly and the proposal that would deny producer-handler status during the succeeding 11 months to a producer-handler who failed to qualify as such in 1 month are denied.

**2. Classification of milk shake mix.** The order should specify that skim milk and butterfat used to produce milk shake mix be classified as Class III.

Including milk shake mix in Class III was proposed by a regulated handler who recently began producing and distributing this product. Because the order does not now specify another classification for milk shake mix, it is currently classified as Class I.

Milk shake mix is a product more nearly comparable to ice cream mix, a Class III product, than to flavored milk or any other Class I product. The ingredients used in its manufacture are butterfat, nonfat dry milk, sugar, flavoring, and stabilizer. The total solids in the end product are in excess of 25 percent. There is no requirement that milk shake mix be made from Grade A milk. It is free from any regulation by local

health authorities other than as a food product.

Milk shake mix is generally considered in the same category as frozen dessert and ice cream mixes. As such, it is classified in the same class as such products in a number of other Federal orders. Milk shake mix is sold in Florida in competition with soft frozen desserts, which are readily available in retail food stores. Ice cream manufacturers, who are not subject to order regulation and who handle no Grade A fluid milk products, may and do market milk shake mix in the marketing area. There was no opposition to classifying milk shake mix as Class III in the Tampa Bay order.

**3. Designating a cooperative as the handler of farm tank milk.** A cooperative association should be a handler for milk delivered from the farm to a pool plant in a tank truck owned and operated by or under contract to such association.

Currently, the operator of the plant receiving milk from producers must account for such milk and pay the producers. Once milk from a producer has been commingled with milk from other producers in a tank truck, there is no further opportunity to measure, sample or reject the milk of any individual producer whose milk is included in the load. A similar situation prevails when the milk of an individual producer is delivered in a tank truck to two or more plants. The operator of a pool plant to which bulk tank milk is delivered has an opportunity only to determine the weight and butterfat test of the total load.

If a tank truck picking up milk at the farm is owned and operated by or under contract to a cooperative association and the association determines the weight and butterfat content of each producer's milk, a handler has no control and generally takes no part in determining the weights and butterfat tests of milk at the farm. In some instances, the handler may not even know from which farms the milk is shipped.

Making a cooperative a handler on its producers' bulk tank milk as herein provided will afford a practicable basis of accounting for such milk. In addition, it will provide flexibility to a cooperative's operations in allocating its members' bulk tank milk among handlers and facilitate the diversion of such milk to nonpool plants by the cooperative when it is not needed at regulated plants.

The milk delivered by the cooperative as a bulk tank handler should be considered as a receipt of producer milk by the operator of the pool plant at which it was physically received. The pool plant operator's obligation for such milk to the producer-settlement fund, to the administration fund and to the cooperative would be the same as for producer milk received directly from the farm of an individual producer.

The full 2 percent shrinkage allowance on farm tank milk should be permitted the pool plant operator only if he is purchasing it on the basis of farm weights and has so notified the market administrator. Otherwise, the maximum shrinkage in Class III allowed the

handler on such milk would be 1.5 percent, and the cooperative would be responsible for any difference between the gross weight of producer milk received in the tank truck at the farms and that delivered to pool plants. This procedure is followed in a number of other Federal orders.

Division of the 2 percent shrinkage allowance between the original receiver and the plant at which it is used is now provided in the order on interplant shipments. It has worked satisfactorily in that regard and is equally appropriate when a pool plant operator is receiving farm tank milk on a basis other than farm weights. In that instance, the cooperative in its capacity as a handler should be allowed 0.5 percent shrinkage and the pool plant operator, 1.5 percent.

In those instances in which a pool plant operator is not purchasing farm tank milk (from a cooperative as a handler) on the basis of farm weights, any difference between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant should be considered a receipt of producer milk by the cooperative at the location of the pool plant.

The cooperative would report such differences, which may reasonably be expected to be within 0.5 percent of the quantity of producer milk determined on the basis of farm weights during the month, to the market administrator for inclusion in the monthly pool computation. Up to 0.5 percent of the total producer farm tank milk involved would be reported and pooled as Class III; any such difference in excess of the maximum allowable Class III shrinkage of 0.5 percent would be Class I.

The cooperative should be responsible for settling with the producer-settlement fund for the total quantity of shrinkage it reported. If the quantities of bulk tank milk physically received at a pool plant from a cooperative during the month are the same as or greater than farm weights, the cooperative should have no settlement to make with the producer-settlement fund on such milk. In those instances wherein the quantities of milk physically received at pool plants are greater than the farm weights, the pool plant operator's obligation to the cooperative and the producer-settlement fund should be on the basis of the weights ascertained at his plant.

**Rulings on proposed findings and conclusions.** Briefs and proposed findings and conclusions were filed on behalf of certain interested parties with respect to both hearings. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.



**General findings.** The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesale milk, and be in the public interest; and

(c) The tentative marketing agreement and the order as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

**Rulings on exceptions.** In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

**Marketing agreement and order.** Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Tampa Bay Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Tampa Bay Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

**It is hereby ordered,** That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

**Determination of representative period.** The month of August 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby pro-

posed to be amended, regulating the handling of milk in the Tampa Bay marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on November 3, 1966.

GEORGE L. MEHREN,  
Assistant Secretary.

*Order<sup>1</sup> Amending the Order Regulating the Handling of Milk in the Tampa Bay Marketing Area*

**§ 1012.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tampa Bay marketing area. Upon the basis of the evidence introduced at such hearings and the records thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

**Order relative to handling.** It is therefore ordered, that on and after the

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

effective date hereof, the handling of milk in the Tampa Bay marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decisions issued by the Deputy Administrator, Regulatory Programs, on September 12 and October 17, 1966, and published in the FEDERAL REGISTER on September 16, 1966 (31 F.R. 12102; F.R. Doc. 66-10134), and October 21, 1966 (31 F.R. 13605; F.R. Doc. 66-11488), respectively, shall be and are the terms and provisions of this order and are set forth in full herein:

1. Section 1012.7 is revised to read as follows:

**§ 1012.7 Fluid milk product.**

"Fluid milk product" means milk (including frozen and concentrated milk), flavored milk, or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers or milk shake mix.

2. Section 1012.13 is revised to read as follows:

**§ 1012.13 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a non-pool plant for the account of such cooperative association;

(d) A cooperative association with respect to milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; and

(f) A producer-handler.

3. Section 1012.14 is revised to read as follows:

**§ 1012.14 Producer-handler.**

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant from which the Class I disposition (except that represented by nonfat solids used in the fortification of fluid milk products) is entirely from his own farm production;

(b) Receives no fluid milk products from sources other than his own farm production; and

(c) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and



other resources necessary to produce all fluid milk products handled and the operation of the processing and packaging business are his personal enterprise and risk.

4. Section 1012.16(a) is revised to read as follows:

**§ 1012.16 Producer milk.**

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1012.13(d): *Provided*, That if the milk received at a pool plant from a handler pursuant to § 1012.13(d) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler pursuant to § 1012.13(d) at the location of the pool plant; or

5. Section 1012.30 is revised to read as follows:

**§ 1012.30 Reports of receipts and utilization.**

On or before the 7th day after the end of each month, each handler, except a handler pursuant to § 1012.13 (e) or (f), shall report to the market administrator for such month with respect to each plant at which milk is received, reporting in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Producer milk (including such handler's own production) or, in the case of handlers pursuant to § 1012.13 (b), milk received from dairy farmers;

(2) Fluid milk products and Class II products received from pool plants of other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1012.16; and

(5) Inventories of fluid milk products and Class II products at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

6. In § 1012.31, the introductory text of paragraph (a) is revised to read as follows:

**§ 1012.31 Producer payroll reports.**

(a) Each handler pursuant to § 1012.13 (a), (c), and (d) shall report to the market administrator in detail and on forms prescribed by the market ad-

ministrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

7. In § 1012.32, a new paragraph (c) is added to read as follows:

**§ 1012.32 Other reports.**

(c) Each handler pursuant to § 1012.13(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

8. Section 1012.41(c) (5) is revised to read as follows:

**§ 1012.41 Classes of utilization.**

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1012.16) but not in excess of:

(i) Two percent of producer milk (except that received from a handler pursuant to § 1012.13(d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1012.13(d): *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler;

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

9. The introductory text of § 1012.60 is revised to read as follows:

**§ 1012.60 Computation of the net pool obligation of each handler.**

The net pool obligation of each handler pursuant to § 1012.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

[F.R. Doc. 66-12159; Filed, Nov. 8, 1966; 8:48 a.m.]

[7 CFR Parts 1031, 1032, 1038, 1039, 1044, 1045, 1050, 1051, 1062-1064, 1067, 1070, 1071, 1073, 1078, 1079, 1094, 1096, 1097, 1099, 1102, 1103, 1108]

[Docket No. AO 10-A36, etc.]

**MILK IN ST. LOUIS AND CERTAIN OTHER MARKETING AREAS**

**Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders**

7 CFR Parts	Marketing area	Docket Nos.
1031	Northwestern Indiana	AO 170-A22.
1032	Suburban St. Louis	AO 313-A12.
1038	Rock River Valley	AO 194-A15.
1039	Milwaukee	AO 212-A20.
1044	Michigan Upper Peninsula	AO 299-A11.
1045	Northeastern Wisconsin	AO 334-A10.
1050	Central Illinois	AO 355-A1.
1051	Madison	AO 329-A6.
1062	St. Louis	AO 10-A36.
1063	Quad Cities-Dubuque	AO 105-A25.
1064	Greater Kansas City	AO 23-A30.
1067	Ozarks	AO 222-A21-RO1.
1070	Cedar Rapids-Iowa City	AO 229-A16.
1071	Neosho Valley	AO 227-A19.
1073	Wichita	AO 173-A19.
1078	North Central Iowa	AO 272-A11.
1079	Des Moines	AO 295-A13.
1094	New Orleans	AO 103-A24.
1096	Northern Louisiana	AO 257-A14.
1097	Memphis	AO 219-A19.
1099	Paducah	AO 183-A17.
1102	Fort Smith	AO 237-A15-RO1.
1103	Mississippi	AO 346-A4.
1108	Central Arkansas	AO 243-A16.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Albert Pick Motel, 4625 North Lindbergh Boulevard, Bridgeton (St. Louis), Mo., 9 a.m., local time, November 15, 1966, to consider proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the St. Louis, Northwestern Indiana, Suburban St. Louis, Rock River Valley, Milwaukee, Michigan Upper Peninsula, Northeastern Wisconsin, Madison, Quad Cities-Dubuque, Greater Kansas City, Ozarks, Cedar Rapids-Iowa City, Neosho Valley, Wichita, North Central Iowa, Des Moines, New Orleans, Northern Louisiana, Memphis, Paducah, Fort Smith, Miss., Central Arkansas, and Central Illinois marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions.

This hearing represents a reopening for the limited purposes stated herein of the public hearings previously held under Docket Nos. AO 222-A21 and AO 237-A15 with respect to the orders regulating the handling of milk in the Ozarks and Fort Smith marketing areas. With respect to the Central Illinois marketing area this hearing will consider the possible amendment of the order annexed to the final decision on a proposed Central Illinois order which was issued October 27, 1966, if that order should become effective. Also, with respect to the



marketing area defined in Part 1032 which is now designated Suburban St. Louis the hearing will consider the possible amendment of the order annexed to the final decision issued October 27, 1966, on a proposed amended order under the same part which was redesignated the Southern Illinois marketing area if that amended order becomes effective.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of Class I prices to be established for the months of December 1966 through June 1967 under each of the aforesaid orders. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amandatory action that may be required with respect to any of the aforesaid orders.

This notice is issued in response to a request by cooperative associations of producers supplying milk to most of the areas in which the handling of milk is regulated by Federal milk orders. These associations maintain that emergency action is necessary to prevent anticipated price reductions which may result in milk shortages.

The aforesaid proposals have not received the approval of the Secretary of Agriculture.

Signed at Washington, D.C., on November 4, 1966.

CLARENCE H. GIRARD,  
Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 66-12184; Filed, Nov. 8, 1966;  
8:50 a.m.]

[ 7 CFR Parts 1060, 1065, 1066, 1068,  
1069, 1075, 1076, 1104, 1106,  
1120, 1125-1134, 1136-1138 ]

[Docket No. AO 326-A10, etc.]

## MILK IN EASTERN COLORADO AND CERTAIN OTHER MARKETING AREAS

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Parts	Marketing area	Docket Nos.
1060	Minnesota-North Dakota..	AO 360-R01.
1065	Nebraska-Western Iowa.....	AO 86-A20.
1066	Sioux City, Iowa.....	AO 122-A14.
1068	Minneapolis-St. Paul, Minn.....	AO 178-A19.
1069	Duluth-Superior.....	AO 153-A13.
1075	Black Hills, S. Dak.....	AO 248-A7.
1076	Eastern South Dakota.....	AO 260-A9.
1104	Red River Valley.....	AO 298-A9.
1106	Oklahoma Metropolitan.....	AO 210-A22.
1120	Lubbock-Plainview.....	AO 328-A6.
1125	Puget Sound.....	AO 226-A15.
1126	North Texas.....	AO 231-A29.
1127	San Antonio.....	AO 232-A16.
1128	Central West Texas.....	AO 238-A18.
1129	Austin-Waco.....	AO 256-A12.
1130	Corpus Christi.....	AO 259-A15.
1131	Central Arizona.....	AO 271-A11.
1132	Texas Panhandle.....	AO 262-A13.
1133	Inland Empire.....	AO 275-A15.
1134	Western Colorado.....	AO 301-A6.
1136	Great Basin.....	AO 309-A9.
1137	Eastern Colorado.....	AO 326-A10.
1138	Rio Grande Valley.....	AO 335-A8.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Heart O'Denver Motel, 1150 East Colfax Street, Denver, Colo., beginning at 9 a.m., local time, on November 16, 1966, to consider proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Eastern Colorado, Minnesota-North Dakota, Nebraska-Western Iowa, Sioux City, Iowa, Minneapolis-St. Paul, Minn., Duluth-Superior, Black Hills, S. Dak., Eastern South Dakota, Red River Valley, Oklahoma Metropolitan, Lubbock-Plainview, Puget Sound, North Texas, San Antonio, Central West Texas, Austin-Waco, Corpus Christi, Central Arizona, Texas Panhandle, Inland Empire, Western Colorado, Great Basin, and Rio Grande Valley marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions. With respect to the order regulating the handling of milk in the Minnesota-North Dakota marketing area this hearing represents a reopening for the limited purposes stated herein of a public hearing previously held under docket No. AO 360.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of Class I prices to be established for the months of December 1966 through June 1967 under each of the aforesaid orders. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amandatory action that may be required with respect to any of the aforesaid orders.

This notice is issued in response to a request by cooperative associations of producers supplying milk to most of the areas in which the handling of milk is regulated by Federal milk orders. These associations maintain that emergency action is necessary to prevent anticipated price reductions which may result in milk shortages.

The aforesaid proposals have not received the approval of the Secretary of Agriculture.

Signed at Washington, D.C., on November 4, 1966.

CLARENCE H. GIRARD,  
Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 66-12183; Filed, Nov. 8, 1966;  
8:50 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 39 ]

[Docket No. 7711]

### AIRWORTHINESS DIRECTIVES

#### Boeing Model 727 Series Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive requiring the installation of a placard reflecting the stowage provisions for the flotation means used in Boeing Model 727 Series airplanes. Section 4b.646 of the Civil Air Regulations requires the stowage provisions for such safety equipment to be conspicuously marked.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before December 8, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING. Applies to Model 727 Series airplanes that do not have a life preserver installed for each passenger.

Compliance required within the next 1,500 hours' time in service after the effective date of this AD, unless already accomplished.

To conspicuously mark floatable cushion stowage provisions, install, using life vest placard standards, the following placard, or an FAA-approved equivalent, in an FAA-approved manner within the view of each seated passenger:

"Use seat bottom cushion for flotation."

Issued in Washington, D.C., on October 28, 1966.

EDWARD C. HODSON,  
Acting Director,  
Flight Standards Service.

[F.R. Doc. 66-12131; Filed, Nov. 8, 1966;  
8:45 a.m.]

[ 14 CFR Part 71 ]

[Airspace Docket No. 66-EA-61]

### TRANSITION AREA

#### Proposed Designation

The Federal Aviation Agency is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as



to designate a part time 700-foot floor transition area over Randall Airport, Middletown, N.Y.

A new VOR instrument approach procedure to Randall Airport, Middletown, N.Y., will be authorized in the near future. To provide airspace protection for this procedure, a 700-foot floor transition area designation will be required.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Agency officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a review of the airspace requirements for the terminal area of Middletown, N.Y., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor part time transition area for Middletown, N.Y., described as follows:

#### MIDDLETOWN, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°25'55" N., 74°23'30" W.), of Randall Airport and within 2 miles each side of the Huguenot, N.Y., VOR 082° radial extending from the 5-mile radius area to the VOR excluding the portions that coincide with the Newburgh, N.Y., and Wurtsboro, N.Y., transition areas. This transition area shall be in effect from sunrise to sunset daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 19, 1966.

WAYNE HENDERSHOT,  
Deputy Director, Eastern Region.

[F.R. Doc. 66-12132; Filed, Nov. 8, 1966; 8:45 a.m.]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 66-EA-59]

#### TRANSITION AREA

##### Proposed Designation

The Federal Aviation Agency is considering amending § 71.181 of Part 71 of

the Federal Aviation Regulations so as to designate a part-time 700-foot floor transition area over Wurtsboro-Mamakating Airport, Wurtsboro, N.Y.

A new VOR/DME instrument approach procedure to Wurtsboro-Mamakating Airport, Wurtsboro, N.Y., will be authorized in the near future and airspace protection via a 700-foot floor transition area designation will be required.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Agency officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a review of the airspace requirements for the terminal area of Wurtsboro, N.Y., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor part time transition area for Wurtsboro, N.Y., described as follows:

#### WURTSBORO, NEW YORK

Within a 5 mile radius of the center (41°35'50" N., 74°27'35" W.), of Wurtsboro-Mamakating Airport; and within 2 miles each side of the Huguenot, N.Y., VOR 028° radial extending from the 5-mile radius area to the VOR excluding that portion that coincides with the Newburgh, N.Y., transition area. This transition area shall be in effect from sunrise to sunset daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 19, 1966.

WAYNE HENDERSHOT,  
Deputy Director, Eastern Region.

[F.R. Doc. 66-12133; Filed, Nov. 8, 1966; 8:46 a.m.]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 66-SO-84]

#### CONTROL ZONE

##### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Smyrna, Tenn., control zone.

The Smyrna control zone, § 71.171 (31 F.R. 2065), is described as "within a 5-mile radius of Sewart Air Force Base (latitude 36°00'27" N., longitude 86°31'21" W.)." The airspace so designated would be altered by adding "and within 2 miles each side of the Sewart TACAN 128° radial, extending from the 5-mile radius zone to 7 miles SE of the TACAN."

The proposed amendment would provide additional controlled airspace that is required for the protection of aircraft executing published instrument approach procedures to Sewart AFB during descent below 1,000 feet above the surface.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on October 28, 1966.

JAMES G. ROGERS,  
Director, Southern Region.

[F.R. Doc. 66-12134; Filed, Nov. 8, 1966; 8:46 a.m.]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 66-WE-40]

#### FEDERAL AIRWAY AND TRANSITION AREA

##### Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would realign V-122 and alter the Klamath Falls, Oreg., transition area.



The Federal Aviation Agency is considering the realignment of V-122 from Medford, Oreg., to Klamath Falls, Oreg., via the intersection of Medford 117° T (098° M) and Klamath Falls 282° T (263° M) radials. This action would reduce the airway mileage between Medford and Klamath Falls and provide a lower minimum en route altitude for a major portion of the route.

The outer perimeter of the Klamath Falls transition area is designated, in part with a 7,500 feet MSL floor between the Klamath Falls 245° and 290° True radials and an 11,000 feet MSL floor between the Klamath Falls 290° and 320° True radials. The 290° radial that separates the two floors falls within the proposed airway. To provide continuity in the airway floor, it is proposed to move the boundary between the two segments of the transition area 5° clockwise to 295° True. This would floor the segment of the airway within this portion of the transition area at 7,500 feet MSL.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 1, 1966.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 66-12135; Filed, Nov. 8, 1966;  
8:46 a.m.]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 66-CE-82]

### TRANSITION AREA

#### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace at Griffith, Ind.

The Federal Aviation Agency, having completed a comprehensive review of the

terminal airspace structural requirements in the Griffith, Ind., terminal area, proposes the following airspace action:

Designate the Griffith, Ind., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Griffith, Ind., Airport (latitude 41°31'10" N., longitude 87°23'55" W.), and within 2 miles each side of the Chicago Heights, Ill., VORTAC 089° radial extending from the 5-mile radius area to the VORTAC, excluding the airspace within the Chicago, Ill., transition area.

A public use instrument approach procedure is being developed to serve the Griffith, Ind., Airport. This procedure will become effective concurrently with the designation of the transition area.

The portion of the proposed instrument approach procedure which is conducted above 1,500 feet above the surface will be contained in the Chicago, Ill., 1,200-foot floor transition area. The portion of the procedure which is conducted below 1,500 feet above the surface will be partially contained in the Chicago 700-foot floor transition area. The proposed 700-foot floor transition area is required to encompass the remaining procedure.

The proposed 700-foot floor transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface. It will also provide protection for departing aircraft during climb from 700 to 1,200 feet above the surface.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floor of the transition area.

A new approach procedure is to be established, therefore no procedural changes will be effected in conjunction with the action proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the

office of the Regional Counsel, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 21, 1966.

EDWARD C. MARSH,  
Director, Central Region.

[F.R. Doc. 66-12136; Filed, Nov. 8, 1966;  
8:46 a.m.]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 66-SO-74]

### TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Columbus, Ga., transition area.

The Columbus, Ga., transition area is described in § 71.181 (31 F.R. 2149).

An Instrument Landing System to serve the Lawson AAF is under construction. An ILS approach procedure is proposed for the Lawson AAF that will require small portions of additional controlled airspace by altering the Columbus, Ga., transition area as hereinafter set forth.

1. In the 700-foot transition area, " \* \* within 2 miles each side of the Lawson AAF VOR 209° radial, extending from the Lawson 9-mile radius area to 8 miles SW of the Lawson RBN \* \* \* " would be deleted and " \* \* within 2 miles each side of the Lawson AAF VOR 209° radial, extending from the Lawson 9-mile radius area to 8 miles SW of the Lawson RBN; within 8 miles W and 5 miles E of the Lawson ILS localizer SE course, extending from the 9-mile radius area to 10 miles SE of the LOM \* \* \* " would be substituted therefor.

2. In the 1,200-foot transition area, " \* \* excluding the portions within R-3002 " would be deleted and " \* \* and that airspace SE bounded on the NE by a line extending from latitude 32°15'00" N., longitude 84°45'00" W. to the intersection of the 26-mile radius arc centered at Lawson AAF and longitude 84°39'00" W., on the SE by the 26-mile radius arc and on the W by longitude 84°45'00" W.; excluding the portions within R-3002A " would be substituted therefor.

The additional controlled airspace would provide protection for aircraft holding and executing the instrument approach procedure during descent from 1,500 to 1,000 feet above the surface.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time,



but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on October 28, 1966.

JAMES G. ROGERS,  
Director, Southern Region.

[F.R. Doc. 66-12137; Filed, Nov. 8, 1966;  
8:46 a.m.]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 66-AL-9]

### TRANSITION AREA, CONTROL ZONE, AND CONTROL AREA EXTENSION

#### Proposed Designation, Alteration, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulation which would alter the Kodiak, Alaska terminal airspace structure as follows:

1. The Kodiak, Alaska control zone would be amended to comprise that airspace within a 5-mile radius of Navy Station Kodiak Airport (latitude 57°44'50" N., longitude 152°29'40" W.): within 2 miles each side of the Kodiak, Alaska, TACAN 094° True radial, extending from the 5-mile radius zone to 7 miles east of the TACAN; and within 2 miles south and 2.5 miles north of the Kodiak, Alaska, RR east and west courses, extending from the 5-mile radius zone to 8 miles east of the RR.

2. The Kodiak, Alaska, control area extension would be revoked.

3. A transition area at Kodiak, Alaska, would be designated as that airspace extending upward from 700 feet above the surface within 3 miles north and 2 miles south of the Kodiak, Alaska TACAN 094° True radial, extending from 7 miles east of the TACAN to 12 miles east of the TACAN; that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of Navy Station Kodiak Airport (latitude 57°44'50" N., longitude 152°29'40" W.), extending clockwise from the 085° True bearing to the 040° True bearing from the airport; and within a 35-mile radius of Navy Station Kodiak Airport, extending clockwise from the 040° True bearing to the 085° True bearing from the airport; and that airspace extending upward from 14,500 feet MSL within 16 miles south and 25 miles north of the Kodiak TACAN 094° True radial, extending from 8 miles east of the TACAN to 58 miles east of the

TACAN, excluding the King Salmon, Alaska, transition area.

4. The King Salmon, Alaska transition area would be amended to delete reference to the Kodiak, Alaska and Anchorage, Alaska control area extensions.

The Agency will soon commission a new VOR at Kodiak. A VOR instrument approach procedure will be established which will require a change in the control zone description. The alteration of the control zone will protect aircraft conducting prescribed instrument approach and departure procedures using both the existing NAVAIDS and the new Kodiak VOR. The proposed transition area would provide protected airspace for aircraft executing portions of the prescribed instrument approach procedures, missed approaches, departures, and holding procedures conducted beyond the limits of the Kodiak control zone. Designation of the transition area will allow revocation of the Kodiak control area extension thereby releasing this airspace for other aeronautical uses.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designated to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on October 31, 1966.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 66-12138; Filed, Nov. 8, 1966;  
8:46 a.m.]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 66-AL-13]

### TRANSITION AREA AND CONTROL ZONE

#### Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the vicinity of King Salmon, Alaska, as follows:

1. The King Salmon control zone would be redescribed as that airspace within a 5-mile radius of the King Salmon Airport (latitude 58°40'40" N., longitude 156°38'55" N.); within 2 miles each side of the King Salmon VORTAC 312° and 132° True radials, extending from the 5-mile radius zone to 9.5 miles NW of the VORTAC.

2. The King Salmon transition area would be redescribed as that airspace extending upward from 700 feet above the surface within 2 miles each side of the King Salmon VORTAC 132° and 312° True radials, extending from 15 miles SE of the VORTAC to 11 miles NW of the VORTAC; within a 9-mile radius of the King Salmon Airport (latitude 58°40'40" N.; longitude 156°38'55" W.) extending from the 226° True bearing from the airport clockwise to the 055° True bearing from the airport; and that airspace extending upward from 1,200 feet above the surface within a 24-mile radius of the King Salmon VORTAC; within 7 miles S and 9 miles N of the



068° True radial, extending from the King Salmon VORTAC to 34 miles E; within a 37-mile radius of the King Salmon VORTAC, extending from the 105° True radial clockwise to the SW boundary of Airway Blue 27; within 7 miles E and 10 miles W of the King Salmon VORTAC 186° True radial, extending from the VORTAC to 28 miles S of the VORTAC; and within a 34-mile radius of the King Salmon LFR, extending from 5 miles S of the 281° True bearing from the LFR clockwise to 5 miles NE of the 312° True bearing from the LFR.

The proposed amended control zone and transition area would provide adequate controlled airspace for aircraft executing prescribed instrument approach, departure and holding procedures for the King Salmon Airport. The present portion of the transition area extending upward from 14,500 feet MSL would be deleted.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket num-

ber and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on October 31, 1966.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 66-12139; Filed, Nov. 8, 1966;  
8:46 a.m.]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 66-SO-52]

#### TRANSITION AREA

##### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area in the vicinity of Sanibel, Fla., as follows:

That airspace extending upward from 2,000 feet above the surface, bounded on the S by Control 1230, on the E and NE by V-225 and the arc of a 20-mile radius circle centered on the Fort Myers, Fla., VORTAC, on the N by latitude 26°30'00" N., on the W by W-168 and a line extending from latitude 26°10'00" N., longitude 82°17'00" W., to the INT of the N boundary of Control 1230 and longitude 82°15'00" W.

There are several air activities, civil and military, that would be partially outside controlled airspace in the vicinity of Fort Myers, Fla., with the revoking of Control 1228 as proposed in Airspace Docket No. 65-WA-35. The transition area, as proposed, will retain these procedures within controlled airspace.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside the domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to

promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on October 31, 1966.

T. McCORMACK,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[F.R. Doc. 66-12140; Filed, Nov. 8, 1966;  
8:46 a.m.]



**[ 14 CFR Part 71 ]**

[Airspace Docket No. 66-SO-39]

**FEDERAL AIRWAY****Proposed Alteration**

V-39 is designated in part from Myrtle Beach, S.C., 1,200 feet AGL INT Myrtle Beach 031° and Fayetteville, N.C., 163° True radials; 2,500 feet MSL Fayetteville, excluding the airspace at and above 5,000 feet MSL from 57 miles, southeast of Fayetteville to Fayetteville.

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate this segment of V-39 from Myrtle Beach direct to Fayetteville excluding the airspace below 2,700 feet MSL and the airspace at and above 5,000 feet MSL. This action would reduce the route mileage between Myrtle Beach and Fayetteville. Raising the floor of the airway and extending the floor and the 5,000-foot MSL ceiling would provide continuity in the airway description. The 2,700-foot MSL floor would improve aeronautical charting legibility as this floor would coincide in part with the 2,700-foot MSL floor on a segment of the Goldsboro, N.C., transition area. The established minimum en route and maximum authorized altitudes would not be affected.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 4, 1966.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Division Chief.

[F.R. Doc. 66-12193; Filed, Nov. 8, 1966;  
8:51 a.m.]

**[ 14 CFR Part 73 ]**

[Airspace Docket No. 65-WA-49]

**RESTRICTED AREAS****Proposed Alteration**

The Federal Aviation Agency is considering amendments to Part 73 of the

Federal Aviation Regulations that would alter Restricted Areas R-2903A Jacksonville East, Fla., R-2903B Stevens Lake, Fla., R-2903C Putnam, Fla., R-2903D Jacksonville West, Fla., and R-2903E Jacksonville North, Fla.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Navy has stated in a request to modify restricted areas R-2903B and R-2903C that due to the use of new and faster aircraft, advanced weapons systems and modified ordnance delivery techniques, these two areas should be altered to provide the airspace required to contain the hazardous activity. Changes in use of these target areas also require alteration of protected airspace. The activities to be contained within the modified restricted areas include loft bombing, low-level bombing, strafing, dive bombing, glide bombing, and rocket delivery.

The proposed alteration of restricted areas R-2903B and R-2903C make it necessary to effect some changes in R-2903A, R-2903D, and R-2903E since these areas about R-2903B and R-2903C. R-2903A, D and E will be revoked when the single terminal traffic facility for Jacksonville Imeson Airport, Jacksonville NAS and Cecil NAS is completed and the facility activated. This planned revocation accounts for the proposal to renumber R-2903B and R-2903C to R-2904AB&C, and R-2905, respectively.

Highways, small communities and scattered housing can be found within the modified restricted areas R-2904AB&C and R-2905, but removed from all impact areas. In view of this situation, the rule modifying these restricted areas would expressly withhold any exemption of the user from the requirements of section 91.79 of the Federal Aviation Regulations so that the Navy would be required to observe the minimum safe altitudes specified in that section over any congested area, person, vessel, vehicle or structure not owned, operated or leased by the Navy, while operating within these restricted areas.

All five restricted areas proposed for modification herein are joint-use re-

stricted areas, available to the public when not activated by the user.

The proposed changes to R-2903A, R-2903B, R-2903C, R-2903D, and R-2903E are as follows:

**R-2903A JACKSONVILLE EAST, FLA.**

Boundaries: Beginning at latitude 30°15'30" N., longitude 81°43'25" W., clockwise along an arc of a circle 2½ nautical miles in radius centered at latitude 30°14'00" N., longitude 81°41'00" W., to latitude 30°11'25" N., longitude 81°41'00" W., to latitude 29°52'00" N., longitude 81°41'00" W., counterclockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°47'00" N., longitude 81°41'00" W., to latitude 29°49'00" N., longitude 81°46'20" W., to latitude 29°52'30" N., longitude 81°53'30" W., counterclockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°53'04" N., longitude 81°59'09" W., to latitude 29°55'30" N., longitude 81°54'10" W., to latitude 29°56'45" N., longitude 81°53'15" W., to latitude 29°59'50" N., longitude 81°57'40" W., to latitude 29°58'10" W., longitude 81°59'10" W., counterclockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°53'04" N., longitude 81°59'09" W., to latitude 29°57'30" N., longitude 82°02'00" W., to latitude 30°15'30" N., longitude 82°02'00" W., to the point of beginning. Designated altitude: Surface to FL 230.

**R-2903B STEVENS LAKE, FLA.**

Identification: R-2904A, Stevens Lake, Fla. Boundaries: Within a 5 nautical mile radius of latitude 29°53'04" N., longitude 81°59'09" W., excluding the airspace bounded by latitude 29°53'45" N., longitude 82°04'50" W., latitude 29°52'35" N., longitude 82°02'00" W.; latitude 29°50'27" N., longitude 82°00'00" W.; latitude 29°48'30" N., longitude 81°57'00" W.

Designated altitude: Surface to FL 230.

Time of designation: Continuous.

Controlling agency: FAA, Jacksonville ARTC Center.

Using agency: Commander Fleet Air, Jacksonville NAS, Jacksonville, Fla.

Identification: R-2904B, Stevens Lake East, Fla.

Boundaries: Beginning at latitude 29°52'30" N., longitude 81°53'30" W., to latitude 29°49'00" N., longitude 81°46'20" W., to latitude 29°44'50" N., longitude 81°49'05" W., to latitude 29°48'50" N., longitude 81°56'55" W., counterclockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°53'04" N., longitude 81°59'09" W., to point of beginning.

Designated altitudes: Surface to 7,000 feet MSL in the area beginning at latitude 29°52'30" N., longitude 81°53'30" W., to latitude 29°51'10" N., longitude 81°51'00" W., to latitude 29°44'50" N., longitude 81°49'05" W., to latitude 29°48'50" N., longitude 81°56'55" W., counterclockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°53'04" N., longitude 81°59'09" W., to point of beginning. Surface to 5,000 feet MSL in the area beginning at latitude 29°51'10" N., longitude 81°51'00" W., to latitude 29°49'00" N., longitude 81°46'20" W., to latitude 29°44'50" N., longitude 81°49'05" W., to latitude 29°47'00" N., longitude 81°53'55" W., to latitude 29°51'10" N., longitude 81°51'00" W.

Time of designation: Continuous.

Controlling agency: FAA, Jacksonville ARTC Center.

Using agency: Commander Fleet Air, Jacksonville NAS, Jacksonville, Fla.

Identification: R-2904C, Stevens Lake North, Fla.

Boundaries: Beginning at latitude 29°59'50" N., longitude 81°57'40" W., to latitude 29°56'45" N., longitude 81°53'15" W., to latitude 29°55'30" N., longitude 81°54'10" W.,



counterclockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°53'04" N., longitude 81°59'09" W., to latitude 29°58'10" N., longitude 81°59'10" W., to point of beginning.

Designated altitudes: Surface to 7,000 feet MSL.

Time of designation: Continuous.

Controlling agency: FAA, Jacksonville ARTC Center.

Using agency: Commander Fleet Air, Jacksonville NAS, Jacksonville, Fla.

**R-2903C PUTNAM, FLA.**

Identification: R-2905, Putnam, Fla.

Boundaries: The area within a 5 nautical mile radius of latitude 29°47'00" N., longitude 81°41'00" W.

**R-2903D JACKSONVILLE WEST, FLA.**

Identification: R-2903B, Jacksonville West, Fla.

Boundaries: Beginning at latitude 30°21'32" N., longitude 82°02'00" W., to latitude 29°57'30" N., longitude 82°02'00" W., counterclockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°53'04" N., longitude 81°59'09" W., to latitude 29°53'50" N., longitude 82°05'00" W., to latitude 30°00'00" N., longitude 82°19'30" W., to latitude 30°03'00" N., longitude 82°20'00" W., to latitude 30°22'00" N., longitude 82°20'00" W., to the point of beginning.

**R-2903E JACKSONVILLE NORTH, FLA.**

Identification: R-2903C, Jacksonville North, Fla.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 2, 1966.

**T. McCORMACK,**  
*Acting Chief, Airspace and  
Air Traffic Rules Division.*

[F.R. Doc. 66-12141; Filed, Nov. 8, 1966;  
8:47 a.m.]

**[ 14 CFR Part 135 ]**

[Docket No. 7115; Ref. Notice 66-2]

**FILING OF FLIGHT PLANS**

**Withdrawal of Notice of Proposed  
Rule Making**

The Federal Aviation Agency has had under consideration a proposal to amend Part 135 of the Federal Aviation Regulations (Air Taxi Operators and Commercial Operators of Small Aircraft) to require the pilot in command of an aircraft operated under that part to file a flight plan containing the information specified in § 91.83. This proposal was issued as notice 66-2, and published in the FEDERAL REGISTER on January 19, 1966 (31 F.R. 717).

As stated in notice 66-2, the purpose of the proposal was to provide a means of taking earlier advantage of any available search and rescue facilities in the event of an emergency in flight, especially in flights over sparsely populated or mountainous areas. The comments received in response to notice 66-2 varied from unqualified endorsement to unqualified objection to the proposal. However, a substantial majority of the comments opposed the proposal, and several comments that supported the proposal expressed reservations. Generally, those

who conduct search and rescue operations supported the proposal, while those who would be subject to the proposed requirement vigorously opposed it and presented reasons for their opposition.

In opposing the proposal, the comments argued that it would not accomplish its stated purpose, or would accomplish its purpose only to a limited extent but at an unreasonably high cost to Part 135 operators. Furthermore, the comments stated that, while the proposal responded to one highly publicized incident, it appeared to ignore the good overall accident record of Part 135 operators. The comments also pointed out that adequate communications facilities were limited or lacking in those areas where rapid location was most needed, and that the proposal would otherwise place a heavy burden on the communications systems involved. Several comments stressed the fact that many operators now file VFR flight plans voluntarily, and that compulsory filing might compromise certain confidential operations, such as those involving the location and development of mineral resources in remote areas. Finally, some comments supporting the proposal urged changes, such as expanding the areas in which flight plans would not be required.

The Agency has reviewed all of the comments received in response to notice 66-2. In the light of the lack of a reasonable assurance that the proposal will accomplish its stated purpose and the possibility that the necessary communications facilities may not be wholly adequate on a nationwide basis, the Agency has determined that notice 66-2 should be withdrawn.

Withdrawal of a notice of proposed rule making constitutes only such action, and does not preclude the Agency from issuing another notice in the future or commit the Agency to any course of action in the future.

In consideration of the foregoing, notice 66-2 published in the FEDERAL REGISTER on January 19, 1966 (31 F.R. 717), is hereby withdrawn.

This withdrawal is issued under the authority of sections 307, 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354 and 1421).

Issued in Washington, D.C., on November 2, 1966.

**C. W. WALKER,**  
*Director, Flight Standards Service.*

[F.R. Doc. 66-12142; Filed, Nov. 8, 1966;  
8:47 a.m.]

**FEDERAL COMMUNICATIONS  
COMMISSION**

**[ 47 CFR Part 73 ]**

[Docket No. 16662; FCC 66-963]

**TABLE OF ASSIGNMENTS, FM  
BROADCAST STATIONS**

**Notice of Proposed Rule Making**

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Leitchfield, Ky., Rolla and Columbia, Mo., Bakersfield,

Calif., Sandusky, Mich., Enterprise and Troy, Ala., Ladysmith, Wis., and Ironwood, Mich., Sturgeon Bay, Wis., Morris, Minn., Jerseyville, Ill., Augusta, Ga., Brewton and Andalusia, Ala., Wickenburg, Ariz., Potsdam, N.Y., New Albany, Ohio, and Circleville, Ohio); Docket No. 16662, RM-957, RM-940, RM-941, RM-878, RM-944, RM-948, RM-949, RM-956, RM-958, RM-959.

1. In a notice of proposed rule making issued on May 27, 1966, FCC 66-479, the Commission invited comments on a number of proposed changes in the FM Table of Assignments, including the deletion of Channel 280A from New Albany, Ohio, on its own motion. In an order extending time for filing reply comments issued on September 6, 1966, the Commission accepted for filing a late Supplemental Comment by the Christian Voice of Central Ohio (Christian Voice) and extended the time for filing reply comments with respect to this portion of the proceeding only, until September 21, 1966, upon request of Nelson R. Embrey II, and Honor L. Greenawalt, licensees of Station WNRE(FM), Circleville, Ohio (WNRE). Christian Voice, on October 6, 1966, filed an untimely reply to opposition to supplemental comments and a petition for leave to file reply to opposition to supplemental comments of WNRE. In the interests of orderly procedure and in view of the action taken herein below, these pleadings of Christian Voice are not accepted and the relief requested is denied.

2. A brief summary of the background of this matter will be helpful. On December 3, 1964, Christian Voice, desirous of providing a specialized religious FM radio service to the Columbus, Ohio, area, filed a petition requesting rule making, RM-694, looking toward the assignment of Channel 285A to Columbus (it had previously been assigned to this city but was subsequently assigned to Circleville) and the substitution of Channel 296A for 285A at Circleville, Ohio. This proposal was opposed by WNRE since it had a construction permit for Channel 285A in Circleville. On March 3, 1965, Christian Voice amended its petition to request the assignment of Channel 280A to the community of New Albany, Ohio, about 12 miles northeast of Columbus. Based upon the showing made by petitioner, including one of technical feasibility, the Commission invited comments on the proposal and in a Report and Order in Docket No. 16006, issued on October 22, 1965, FCC 65-950, finalized the assignment of Channel 280A at New Albany. Subsequently, upon the filing of an application for the use of this assignment by Christian Voice, it was discovered that an error was made in the showing of feasibility and that the assignment could not conform to the spacing requirements. As a result, the Commission in this proceeding and on its own motion, proposed to delete Channel 280A from New Albany without any replacement.

3. The error referred to above lay in the assumption that Station WPAY-FM on Channel 281 in Portsmouth, Ohio, was located in Zone I, whereas actually its transmitter is located across the Ohio



River in Zone II, and it is a Class C station. See § 73.211(c) of the rules. Thus, while the separation between New Albany and WPAY-FM is only 94.4 miles, the required separation between a Class A station and a Class C adjacent channel station is 105 miles. Christian Voice urges the Commission to retain Channel 280A in New Albany and consider WPAY to be a Class B station since the assignment is to Portsmouth, which is located in Zone I.<sup>1</sup> In the supplemental comments Christian Voice advances two alternative proposals. One is to retain Channel 280A at New Albany but require that an application for its use utilize a directional antenna which would provide WPAY with "equivalent protection" of the standard spacing to make up for the 11-mile shortage. It urges that this would not encroach upon the Commission's carefully considered allocation concepts and that in any event a waiver of the minimum mileage rule would serve the public interest in this case. Christian Voice points out that the principal of "equivalent protection" has been used several times in television and submits an engineering showing to prove the technical feasibility of such an operation.

4. The second alternative proposal advanced by Christian Voice is the same as previously proposed by it in RM-694, the assignment of Channel 285A to Columbus by the substitution of Channel 296A for 285A at Circleville. Christian Voice submits that this proposal is technically feasible, that similar changes have been made in the past where it was considered that the public interest would benefit, citing two such cases (Docket Nos. 15543 and 15542), and that it is willing to reimburse WNRE "the legitimate and prudent out-of-pocket expenses incurred by it, whether they be engineering costs or otherwise, necessary for it to effectuate any channel change, should Voice ultimately become the permittee on Channel 285A in Columbus."

5. WNRE submits that it has no objection to the establishment of a religious station in or near Columbus but not at the expense and to the detriment of WNRE. It opposes the second alternative of Christian Voice, which would modify the license of WNRE to specify operation on Channel 296A instead of Channel 285A, on which it is presently operating.<sup>2</sup> This opposition is based

upon the following reasons: First, WNRE claims that the listener confusion which would result from the change would result in a loss of revenue and could jeopardize its operation. This confusion, it claims, would be increased by the operation of another station in Columbus on its previous assignment. Second, it argues that insufficient public interest considerations have been advanced to support the proposal. WNRE states that Columbus already has eight FM stations, including two educational stations and that WEEC(FM) in Springfield also serves Columbus with religious programs.

6. We have carefully considered the comments and data submitted by Christian Voice and WNRE with respect to the matter of retaining Channel 280A at New Albany and the assignment of Channel 285A to Columbus by the substitution of Channel 296A for 285A at Circleville. With respect to the retention of Channel 280A at New Albany with or without the suppression of power in the direction of WPAY-FM, we are of the view that we cannot adopt this proposal. We have on several occasions stated our reasons for not deviating from the minimum mileage requirements of the rules. See, for example, the memorandum opinion and order adopted May 5, 1965, RM-674, FCC 65-387. We do not believe that there are sufficient public interest considerations in this case to warrant a departure from our basic policy of not permitting violations of the adopted separations, or the use of the principal of equivalent protection to justify such violation, especially where there is available another method to provide the requested and needed assignment. As to the need for the proposed assignment, we disagree with WNRE and have previously found that there is a need for the requested Class A assignment in the Columbus area.

7. As to the proposal to assign Channel 285A to Columbus, in lieu of Channel 280A to New Albany, we are of the view that sufficient merit has been shown to flow from this proposal as to warrant further rule making. In addition to removing a short spaced assignment the proposal has the advantage of adding a new channel in the city of Columbus itself, the area originally intended to be served by the New Albany assignment. Accordingly, we are inviting comments from all interested parties on this proposal in order that they may state their views and submit any relevant data. Since WNRE operates on Channel 285A and the proposal would substitute Channel 296A therefor, appropriate action will be taken with respect to its authorization, in the event the proposal is adopted.

8. Authority for the adoption of the amendments proposed herein are contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

9. In view of the foregoing, comments are invited on the following changes in the FM Table of Assignments:

City	Channel No.	
	Delete	Add
Circleville, Ohio.....	285A	296A
Columbus, Ohio.....		285A

10. Pursuant to applicable procedures set out in section 1.415 of the Commission's rules, interested parties may file comments on or before December 5, 1966, and reply comments on or before December 20, 1966. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

11. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: November 2, 1966.

Released: November 4, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>3</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12173; Filed, Nov. 8, 1966;  
8:49 a.m.]

#### [ 47 CFR Part 73 ]

[Docket No. 16968; FCC 66-969]

### TELEVISION BROADCAST STATIONS

#### Table of Assignments; St. James, Minn.

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations (St. James, Minn.); Docket No. 16968, RM-997.

1. On July 1, 1966, Hubbard Broadcasting, Inc., licensee of Station KSTP-TV, Channel 5, St. Paul, Minn., filed a petition requesting a commercial UHF channel assignment to St. James, Minn.

2. St. James, county seat of Watonwan County, is located approximately 100 miles southwest of Minneapolis-St. Paul and according to the 1960 U.S. census, has a population of 4,174 persons.

3. Petitioner states that if a UHF channel assignment is made to St. James, it will immediately file an application for construction permit to operate on the assigned channel as a satellite of its licensed Station, KSTP-TV, which is an NBC affiliate.

4. St. James is in an area where UHF channel availabilities are considered plentiful. The Commission has selected Channel 38 as the most efficient channel, and its assignment will not have an adverse effect on future assignments in the impact area.

5. Pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Com-

<sup>1</sup> Several other contentions are made concerning the needs of the area for religious and educational broadcast service and the plans of Christian Voice to provide the types of programs considered needed.

<sup>2</sup> Procedurally WNRE contends that the Commission's grant of Christian Voice's petition for leave to file supplemental comments was premature and in violation of the rules in view of the notice that WNRE wished to oppose the petition. We do not find this contention to have merit. Our rules do not prohibit the Commission from accepting a supplemental pleading without waiting for oppositions. In fact § 1.45(e) specifically permits this. Further, the rights of WNRE will not be jeopardized since adequate opportunity will be given for it to file any comments or data it may wish to submit, just as it already has done in its opposition considered herein.

<sup>3</sup> Commissioners Bartley and Cox dissenting, Commissioner Wadsworth absent, and Commissioner Johnson concurring.



mission's rules insofar as the listed community is concerned, to read as follows:

<i>City</i>	<i>Channel</i>
<i>St. James, Minn.</i>	<i>No.</i>
-----	38

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before December 12, 1966, and reply comments on or before December 22, 1966. All submissions by parties to this proceeding or by persons acting in behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: November 2, 1966.

Released: November 4, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12174; Filed, Nov. 8, 1966;  
8:49 a.m.]

#### [ 47 CFR Part 73 ]

[Docket No. 16967; FCC 66-967]

### UHF TELEVISION BROADCAST CHANNEL

#### Table of Assignments; New Orleans, La.

In the matter of amendment of the table of assignments in § 73.606(b) of the Commission rules and regulations to add a commercial UHF television broadcast channel at New Orleans, La., Docket No. 16967, RM-1008.

1. On July 25, 1966, Rault Petroleum Corp. of New Orleans, La., filed a petition for rule making requesting that a UHF television broadcast channel be assigned to New Orleans for use by a commercial television broadcast station. The petitioner stated that if a channel is provided, it will promptly apply for authority to construct and operate a new UHF television station in New Orleans.

2. New Orleans is currently assigned 4 VHF channels (4, 6, 8, and 12) one of which (Channel 8) is reserved for educational broadcasting. Stations are in operation on all of these channels. UHF Channels 20, 26 and 32 are also assigned with Channel 32 reserved for educational broadcasting. Supreme Broadcasting Co., Inc. (WJMR-TV), holds a construction permit for Channel 20 and Channel 26, Inc. (WWOM-TV), holds a construction permit for Channel 26. There are no pending applications for educational Channel 32.

3. We have examined the assignment possibilities in the New Orleans area by means of the electronic computer and find that a number of additional assignments could be made. The study shows that Channel 38 is the most efficient

choice in terms of impact on remaining available assignments. There is an adequate number of available assignments remaining in the area to meet foreseeable future needs.

4. New Orleans is ranked 43d among television markets based on net weekly circulation. In the revised UHF plan adopted in the fifth report and memorandum opinion and order in Docket No. 14229 (FCC 66-137, released February 11, 1966), 39 of the top 75 markets were given six or more commercial assignments. Ten of these 39 markets have less net weekly circulation than New Orleans. Under the circumstances, a sixth commercial assignment for New Orleans appears reasonable.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission rules by adding Channel 38 to New Orleans, La.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before December 12, 1966, and reply comments on or before December 22, 1966. All submissions by parties to this proceeding, or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: November 2, 1966.

Released: November 4, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12175; Filed, Nov. 8, 1966;  
8:49 a.m.]

### FEDERAL HOME LOAN BANK BOARD

#### [ 12 CFR Part 526 ]

[20,261]

### FEDERAL HOME LOAN BANK SYSTEM

#### Proposed Limitations on Rate of Return

NOVEMBER 3, 1966.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) it is hereby proposed that § 526.4 of the regulations for the Federal Home Loan Bank System (12 CFR 526.4) be amended by the addition of a new paragraph, paragraph (d) to read as follows:

§ 526.4 Maximum rate of return payable on certificate accounts.

\* \* \* \* \*

(d) *Amount Limitation.* A member institution may not advertise or pay a

rate of return, higher than the maximum rate prescribed for regular accounts, on certificate accounts issued at a time when the total of certificate accounts receiving a rate of return (including any deferred return or bonus) higher than the maximum rate prescribed for regular accounts exceeds 50 percent of total withdrawable accounts.

(Sec. 4, 80 Stat. 823; 12 U.S.C. 1425b)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552, not later than November 29, 1966, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,  
Secretary.

[F.R. Doc. 66-12189; Filed, Nov. 8, 1966;  
8:51 a.m.]

#### [ 12 CFR Part 569 ]

[FSLIC-2,809]

### FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

#### Proposed Limitations on Rate of Return

NOVEMBER 3, 1966.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1) it is hereby proposed that § 569.4 of the rules and regulations for Insurance of Accounts (12 CFR 569.4) be amended by the addition of a new paragraph, paragraph (d), to read as follows:

§ 569.4 Maximum rate of return payable on certificate accounts.

\* \* \* \* \*

(d) *Amount Limitation.* A member institution may not advertise or pay a rate of return, higher than the maximum rate prescribed for regular accounts, on certificate accounts issued at a time when the total of certificate accounts receiving a rate of return (including any deferred return or bonus) higher than the maximum rate prescribed for regular accounts exceeds 50 percent of total withdrawable accounts.

(Sec. 4, 80 Stat. 823; 12 U.S.C. 1425b)

<sup>1</sup> Commissioner Wadsworth absent.



Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552, not later than November 29, 1966, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL]

HARRY W. CAULSEN,  
Secretary.

[F.R. Doc. 66-12190; Filed, Nov. 8, 1966;  
8:51 a.m.]

## FEDERAL TRADE COMMISSION

[16 CFR Part 412]

### CERTAIN DISCRIMINATORY PRACTICES IN MEN'S AND BOYS' TAILORED CLOTHING INDUSTRY

#### Notice of Proposed Rule Making

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the Clayton Act, as amended, 15 U.S.C. 12, et seq., and the provisions of Part 1, Subpart F of the Commission's procedures and rules of practice, 16 CFR 1.61, et seq., has initiated a proceeding for the promulgation of a Trade Regulation Rule regarding the granting or furnishing of advertising payments or promotional allowances, services, or facilities by sellers of men's, youths', and boys' suits, coats, overcoats, topcoats, jackets, dress trousers, and uniforms, to buyers engaged in the resale of such products.

In connection with the investigation of the apparel industry for violations of the Clayton Act, as amended, Special Reports, authorized under subsections (a) and (b) of section 6, of the Federal Trade Commission Act, were filed with the Commission. An examination of those Special Reports, submitted by leading members of the Men's and Boys' Tailored Clothing Industry, disclosed that violations have been common in instances where sellers, in granting promotional allowances and services, failed to supply their customers with written plans or deviated from previously circulated plans. Approximately 5 percent of the industry were afforded the opportunity to file consent agreements pursuant to the Commission's Consent Order Procedure, 16 CFR 2.1, et seq. Knowledgeable sources have indicated that violations of sections 2 (d) and/or (e) of the Clayton Act, as

amended, which are set forth in an appendix to this notice, continue in the industry, particularly in instances where advertising payments or promotional allowances, services, or facilities are granted or furnished pursuant to individually negotiated, oral arrangements.

Based upon the foregoing and upon consideration of a petition for an industrywide enforcement program, the Commission has initiated this proceeding having reason to believe that: (1) Sellers, including manufacturers and other marketers, engaged in the sale of the above-enumerated products in commerce, as "commerce" is defined in section 1 of the Clayton Act, have engaged in the practice of granting or furnishing discriminatory advertising payments or promotional allowances, services, or facilities to customers competing in the resale of such products; (2) such practices constitute violations of sections 2 (d) and/or (e) of the Clayton Act, as amended by the Robinson-Patman Act; and (3) that such violations exist where the seller has not supplied his customers with promotional plans in writing, or has deviated from a previously circulated plan with respect to some, but not all, competing customers.

Sec.

412.0 Definitions.

412.1 The rule.

AUTHORITY: The provisions of this Part 412 issued under 38 Stat. 717, as amended; 15 U.S.C. 41-58; 38 Stat. 730, as amended; 15 U.S.C. 12-27.

#### § 412.0 Definitions.

For the purpose of this proposed rule the following definitions apply:

(a) *Products*. Men's, youths', and boys' suits, coats, overcoats, topcoats, jackets, dress trousers, and uniforms.

(b) *Seller*. Any person, firm, corporation, or organization engaged in the sale of products for resale with or without further processing.

(c) *Customer or purchaser*. Persons, firms, corporations, or organizations engaged in the purchase of products for resale.

(d) *Customers competing in the resale and competing customers*. Mean those customers who actively compete with each other in the distribution of a seller's products.

#### § 412.1 The rule.

Accordingly, the Commission proposes the following Trade Regulation Rule: The granting or furnishing, in whole or in part, of any advertising payment or promotional allowance, service or facility, by any seller of men's, youths', and boys' suits, coats, overcoats, topcoats, jackets, dress trousers, and uniforms to a customer engaged in the resale of such products, within the purview of sections 2 (d) and (e) of the Clayton Act, as amended, will be presumed to be unlawful unless such payment or allowance, service, or facility has been made available on proportionally equal terms to all the seller's customers competing in the resale of products sold in competition with each other pursuant to and in accordance with all the terms and condi-

tions of a written plan supplied to all such competing customers.

All interested or affected parties are hereby notified that they may file written data, views, or arguments concerning the proposed rule with the Chief, Division of Trade Regulation Rules, Bureau of Industry Guidance, Federal Trade Commission, Sixth Street at Pennsylvania Avenue NW., Washington, D.C. 20580, not later than January 11, 1967. To the extent practicable, persons submitting written presentation exceeding two pages should file 12 copies thereof.

All interested parties are also hereby given notice of opportunity to orally present data, views, or arguments with respect to the proposed rule at a hearing to be held at 10 a.m., e.s.t., on Wednesday, January 18, 1967, in Room 532 of the Federal Trade Commission Building, Washington, D.C. 20580.

On or after January 18, 1967, the data, views, or arguments presented orally or in writing relating to the proposed rule will be available for examination by interested parties at the office of the Federal Trade Commission, Washington, D.C. 20580, and will be fully considered by the Commission in taking such action as may be warranted.

All persons, firms, corporations, or others engaged in the sale or distribution of men's, youths', and boys' suits, coats, overcoats, topcoats, jackets, dress trousers, and uniforms for resale in commerce, as "commerce" is defined in the Clayton Act, would be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue, provided that the respondent shall have been given a fair hearing on the legality and propriety of applying the rule to the particular case.

Trade Regulation Rules express the experience and judgment of the Commission based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice concerning the substantive requirements of the statutes which it administers.

Information received during preliminary consideration of this matter indicates that the practices which would be prohibited by the proposed rule are widespread in the industry.

This proceeding is designed to inform all industry members of their obligations under the law and to attain equitable treatment of them in its enforcement.

All interested or affected parties are urged to express their approval or disapproval of the proposed rule, or to recommend revisions thereof and give a full statement of their views in connection herewith.

Set forth below are sections 2 (d) and (e) of the Clayton Act, as amended:

(d) That it shall be unlawful for any person engaged in commerce to pay or contract for the payment of anything of value to or for the benefit of a customer of such



person in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such person, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(e) That it shall be unlawful for any person to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

Issued: November 8, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12091; Filed, Nov. 8, 1966;  
8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

[ 49 CFR Part 170 ]

[MC-C-1; Sub-No. 2; 96 M.C.C. 691]

### ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE

#### Proposed Redefinition of Limits

NOVEMBER 4, 1966.

Petitioners: Baldor Electric Co., Keil Engineering Products, Inc., Kepro Circuit Systems, Inc., John V. Thiemann, Inc., L. E. Sauer Machine Co., Bohn & Dawson, Inc., Western Textile Products Co.; petitioners' representative: G. M. Rebman, 1030 Boatmen's Bank Building, St. Louis, Mo. 63102.

By petition filed October 17, 1966, petitioner request the Commission to reopen the above proceeding for the purpose of redefining the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone, which were most recently redefined on December 30, 1964, in St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, 96 M.C.C. 691 at pages 696-697 (49 CFR 170.3). The western limits of such zone are defined in part by the western bound-

ary of Kirkwood, Mo. Petitioners seek redefinition so as to include the following area immediately west of Kirkwood and known as Tree Court Industrial Park: "The area bounded on the east by Kirkwood, Mo., city limits, on the south by Marshall Road, on the west by Treecourt Avenue, and on the north by Big Bend Road."

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone, may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Commission on or before December 12, 1966.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12199; Filed, Nov. 8, 1966;  
8:52 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[Antidumping—ATS 643.3-b]

## DISC BRAKE PADS FROM CANADA

### Antidumping Proceeding Notice

NOVEMBER 3, 1966.

The FEDERAL REGISTER notice dated September 9, 1966, is hereby corrected as follows: Wherever the manufacturer is stated to be "Certified Automotive Products, Rexdale, Ontario, Canada" it should be amended to read "Atom-Otive Products, Rexdale, Ontario, Canada."

[SEAL] EDWIN F. RAINS,  
Acting Commissioner of Customs.

[F.R. Doc. 66-12164; Filed, Nov. 8, 1966;  
8:48 a.m.]

### Office of the Secretary

[Treasury Dept. Order 167-79]

## COMMANDANT, U.S. COAST GUARD

### Delegation of Authority

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, and pursuant to the authority delegated to me by Treasury Department Order No. 190 (Revision 4), there are transferred to the Commandant, U.S. Coast Guard the functions of the Secretary of the Treasury contained in 42 U.S.C. 1594(c) and 1594b relating to the financing, maintenance and operation of housing for military personnel of the Coast Guard.

Dated: November 3, 1966.

[SEAL] TRUE DAVIS,  
Assistant Secretary of the Treasury.

[F.R. Doc. 66-12165; Filed, Nov. 8, 1966;  
8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### IDAHO

## Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 2, 1966.

The Department of Agriculture has filed an application, Serial No. I-199 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as recreation areas, his-

torical areas and an administrative site in the Clearwater National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

#### BOISE MERIDIAN

#### CLEARWATER NATIONAL FOREST

#### Orogrande Campground

T. 37 N., R. 7 E.,  
Sec. 3, lots 1, 2, 3, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  and  
N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Totaling 156.59 acres.

#### Tom Beal Park

T. 36 N., R. 14 E., unsurveyed, which probably will be when surveyed:  
Sec. 20, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 29, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ .  
Totaling 140 acres.

#### Spring Mountain Campsite

T. 37 N., R. 12 E., unsurveyed, which probably will be when surveyed:  
Sec. 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Totaling 10 acres.

#### Indian Post Office Site

T. 37 N., R. 12 E., unsurveyed, which probably will be when surveyed:  
Sec. 17, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
Totaling 20 acres.

#### Lonesome Cove Campsite

T. 37 N., R. 12 E., unsurveyed, which probably will be when surveyed:  
Sec. 18, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Totaling 10 acres.

#### Sinque Hole Campsite

T. 37 N., R. 10 E., unsurveyed, which probably will be when surveyed:  
Sec. 36, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Totaling 10 acres.

#### Indian Grave Site

T. 36 N., R. 10 E., unsurveyed, which probably will be when surveyed:  
Sec. 1, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
Totaling 10 acres.

#### Smoking Place Historical Site

T. 36 N., R. 10 E., unsurveyed, which probably will be when surveyed:  
Sec. 1, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Totaling 37.50 acres.

#### Bald Mountain Campsite

T. 36 N., R. 10 E., unsurveyed, which probably will be when surveyed:  
Sec. 20, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  and S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Totaling 20 acres.

#### Bald Mountain Historical Site

T. 36 N., R. 10 E., unsurveyed, which probably will be when surveyed:  
Sec. 19, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
Totaling 10 acres.

#### Dry Campsite

T. 36 N., R. 9 E., unsurveyed, which probably will be when surveyed:  
Sec. 25, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Totaling 10 acres.

#### Sherman Peak Historical Site

T. 36 N., R. 9 E., unsurveyed, which probably will be when surveyed:  
Sec. 34, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  and E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
Totaling 15 acres.

#### Cache Mountain Site

T. 35 N., R. 8 E., unsurveyed, which probably will be when surveyed:  
Sec. 12, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
Totaling 10 acres.

#### Hungry Campsite

T. 35 N., R. 8 E., unsurveyed, which probably will be when surveyed:  
Sec. 14, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
Totaling 20 acres.

#### Retreat Campsite

T. 35 N., R. 8 E., unsurveyed, which probably will be when surveyed:  
Sec. 15, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
Totaling 10 acres.



*Soup Campsite*

T. 35 N., R. 8 E., unsurveyed, which probably will be when surveyed;  
Sec. 8, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Totalling 5 acres.

*Elbow Bend Campsite*

T. 35 N., R. 7 E.,  
Sec. 13, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Totalling 10 acres.

*Horse Steak Meadow Campsite*

T. 35 N., R. 7 E.,  
Sec. 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
Totalling 10 acres.

*Wendover Ridge Campsite*

T. 37 N., R. 13 E., unsurveyed, which probably will be when surveyed;  
Sec. 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
Totalling 10 acres.

*Lola Pass Information Site*

T. 38 N., R. 15 E.,  
Sec. 16, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Totalling 20 acres.

The areas described aggregate 544 acres, more or less, in Clearwater and Idaho Counties, Idaho.

ORVAL G. HADLEY,  
Manager, Land Office.

[F.R. Doc. 66-12154; Filed, Nov. 8, 1966;  
8:48 a.m.]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary

ACTING REGIONAL DIRECTOR OF  
ADMINISTRATION, REGION VI  
SAN FRANCISCO)

#### Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Regional Director of Administration, Region VI, during the absence of the Regional Director of Administration, with all the powers, functions, and duties re delegated or assigned to the Regional Director of Administration, Region VI, provided that no officer is authorized to serve as Acting Regional Director of Administration unless all officers whose titles precede his in this designation are unable to act by reason of absence:

1. Chief, Budget and Management Branch.

2. Chief, Accounting Branch.

3. Training and Personnel Officer.

This designation supersedes the designation effective February 10, 1965 (30 F.R. 3401, Mar. 13, 1965).

(Delegation effective May 4, 1962, 27 F.R. 4319; Department Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 19th day of September 1966.

ROBERT B. PITTS,  
Regional Administrator, Region VI.

[F.R. Doc. 66-12166; Filed, Nov. 8, 1966;  
8:49 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-26]

### JONES MEDICAL INSTRUMENT CO.

#### Notice of Filing of Petition for Rule Making

Please take notice that the Jones Medical Instrument Co., 315-323 South Honore Street, Chicago, Ill., by letter dated October 20, 1966, has filed with the Commission a petition for rule making to amend the Commission's regulation "General Licenses for Certain Quantities of Byproduct Material and Byproduct Material Contained in Certain Items," 10 CFR Part 31.

The amendments proposed by the petitioner would amend Part 31 so as to issue a general license authorizing possession and use of iodine 125 for clinical and laboratory testing of thyroid function not involving administration to human beings. The petitioner requests that the general license authorize possession and use of prepackaged units not to exceed ten microcuries of iodine 125, with a total possession limit at any one time of one hundred microcuries of iodine 125.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 2d day of November 1966.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary.

[F.R. Doc. 66-12123; Filed, Nov. 8, 1966;  
8:45 a.m.]

[Docket No. PRM-30-27]

### PYROTRONICS, INC.

#### Notice of Filing of Petition for Rule Making

Please take notice that Pyrotronics, Inc., 2343 Morris Avenue, Union, N.J., by letter dated October 21, 1966, has filed with the Commission a petition for rule making to amend the Commission's regulation, "General Licenses for Certain Quantities of Byproduct Material and Byproduct Material Contained in Certain Items," 10 CFR Part 31.

The amendments proposed by the petitioner would amend Part 31 so as to issue a general license for fire and smoke detectors utilizing not more than 130 microcuries of americium 241 for producing an ionized atmosphere within the detector bodies. The general license proposed by the petitioner would require testing of the device, for possible leakage of americium 241, prior to installation of the device, but not thereafter. The proposed general license also would permit transfer of the installed devices to other general licensees.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 2d day of November 1966.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary.

[F.R. Doc. 66-12124; Filed, Nov. 8, 1966  
8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 17782]

### DEUTSCHE LUFTHANSA AKTIENGES- SELLSCHAFT (LUFTHANSA GERMAN AIRLINES) PERMIT AMENDMENT

#### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on Tuesday, November 22, 1966, at 10 a.m. (eastern standard time) in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For further information, interested persons are referred to the prehearing conference report and other material contained in the docket of this proceeding on file with the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 4, 1966.

[SEAL]

BARRON FREDRICKS,  
Hearing Examiner.

[F.R. Doc. 66-12160; Filed, Nov. 8, 1966;  
8:48 a.m.]

[Docket No. 17909; Order No. E-24361]

### ESTABLISHMENT OF SERVICE RATES FOR MAIL

#### Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of November 1966.

The President has signed into law P.L. 89-725 which establishes a new class of mail which is required to be moved by air.

The new class of mail consists of first-class letter mail (including postal cards and post cards), sound recorded communications having the character of personal correspondence, and parcels of any class of mail not exceeding 5 pounds in weight and 60 inches in length and girth combined, mailed at or addressed to an Armed Forces Post Office. This class of mail is to be airlifted on a space-available basis between Armed Forces Post Offices established under 39 U.S.C. 705 (d) and located outside of the 48 contiguous States of the United States, and between any such Armed Forces Post Office and the point of embarkation or debarkation within the 50 States of the United States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, the Virgin Islands, and the Canal Zone. In addition, certain second-class



publications mailed at or addressed to an Armed Forces Post Office in an overseas area designated as a combat area by the President under 39 U.S.C. 4169, and parcels over 5 pounds but less than 70 pounds and not exceeding 100 inches in length and girth mailed at or addressed to overseas Armed Services Post Offices where adequate surface transportation is not available are included in the new class and are to be similarly airlifted. Under the legislation the Board is required to fix and determine under section 406 of the Federal Aviation Act of 1958 the rate of compensation to be paid the air carriers for the carriage of this new class of mail.

It is expected that the airlifting of P.L. 89-725 mail will begin immediately. The Board is, therefore, today instituting an investigation for the purpose of fixing and determining the fair and reasonable rate of compensation to be paid by the Postmaster General for the carriage of mail subject to P.L. 89-725 on and after the date of this order. In some geographical areas existing mail rates are applicable to this class of mail, while in other areas there are no applicable rates. Existing service mail rates are therefore reopened to the extent necessary to establish a rate for this class of mail.

Pursuant to the Federal Aviation Act of 1958 and particularly sections 204 and 406 thereof, and P.L. 89-725,

*It is ordered, That:*

1. An investigation is hereby instituted to fix and determine the fair and reasonable rates of compensation to be paid air carriers for the transportation of mail under P.L. 89-725 on and after the date of this order;

2. All air carriers holding certificates of public convenience and necessity authorizing the transportation of mail shall be made parties to this proceeding.

3. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12161; Filed, Nov. 8, 1966;  
8:48 a.m.]

[Docket No. 17708]

## NOVO INDUSTRIAL CORP.

### Notice of Proposed Approval of Control Relationships

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested parties are hereby afforded a period of fifteen days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., November 4, 1966.

[SEAL] J. W. ROSENTHAL,  
Director,  
Bureau of Operating Rights.

By application filed September 13, 1966, Novo Industrial Corp. (Novo) requests approval, without hearing, pursuant to section

408(b) of the Federal Aviation Act of 1958, as amended (the Act), for the purchase of all the assets and business of Air Dispatch, Inc. (ADI), a domestic air freight forwarder, while it (Novo) also controls Fleet Transfer Corp. (Fleet), an interstate common carrier by truck.<sup>1</sup> Fleet operates under a certificate of public convenience and necessity issued by the Interstate Commerce Commission (MC 41136) authorizing the transportation of trucks, buses and other automotive vehicles from designated points (e.g., Pontiac, Mich., Elmira, N.Y., and Nashville, Tenn.), over irregular routes to unspecified places in various states in the United States.

ADI operates air freight forwarder and other related services within the United States pursuant to an authorization issued by the Board under Part 296 of the Economic Regulations.<sup>2</sup>

The acquisition of ADI by Novo will be accomplished by exchanging 25,000 shares of Novo common stock and 30,000 shares of new class B preferred stock of Novo for the total issued and outstanding stock of ADI, amounting to 4,725½ shares.<sup>3</sup> Upon consummation of this transaction Novo will immediately transfer all of the assets, good will and liabilities of ADI to a wholly owned subsidiary, Air Dispatch Operating Co., Inc. (ADO), which will continue with the same key personnel and in the same manner as ADI presently operates.<sup>4</sup>

The application states that interlocking relationships within the scope of section 409 of the Act will exist as a result of the holding by three officers and directors of Novo of positions with ADO and Fleet, but that such relationships fall within the exemption from section 409 provided by Part 287 of the Economic Regulations.<sup>5</sup>

In support of the application, Novo states that the operations of ADO will be a continuation and expansion of the air freight forwarding business conducted by ADI; that as a result of the reorganization, ADI's successor, ADO, will be in a sounder financial condition and thus better able to develop its air freight business;<sup>6</sup> that operations of

<sup>1</sup> Novo is a diversified manufacturing and services corporation with divisions and subsidiaries in the United States and Canada. Manufactured products include electrical appliances, automotive parts, structural steel, air filtering equipment and truck bodies and trailers. Services include the preparation and delivery of buses and trucks and the storage, inspection and shipment of film and video tapes.

<sup>2</sup> In Docket 7773, Order E-10571, Aug. 29, 1956, the Board approved the control of ADI by 14 motor carriers or persons controlling such carriers and by Bonded Film Storage, Inc., now a subsidiary of Novo. None of these persons owned more than 10 percent of ADI's stock.

<sup>3</sup> The new Class B stock is convertible into common at a per share price of \$20 to December 1, 1970; \$25 thereafter to Dec. 1, 1973, and \$30 thereafter to Dec. 1, 1976. Novo's common stock was quoted on the American Exchange as of Sept. 21, 1966, at \$18 per share. At those prices the value of the Novo stock would be \$1,050,000. (25,000 x 18 plus 30,000 x 20).

<sup>4</sup> By application filed concurrently, ADO requests issuance of an air freight forwarder authorization pursuant to Part 296 of the Economic Regulations. The operating authorization of ADI will be surrendered for cancellation on approval of this request.

<sup>5</sup> These officers are Walter E. Bronston, Chairman of the Board of Directors, Richard E. Garley, Vice President, Secretary and General Counsel, and James W. Armour, Jr., Vice President.

<sup>6</sup> Although ADI operated profitably in 1965-66, its June 30, 1966, statement shows a negative stockholder equity of \$371,478.

ADO will not be integrated with the operations of any other subsidiary or affiliate of Novo, and that the transaction will have no adverse effect on the public or the air carrier since the result should be an improved air freight forwarding operation. With specific reference to its common control of the air freight forwarder and the interstate motor carrier, Novo submits that Fleet operates a specialized service involving the transfer of fully assembled trucks and buses from manufacturer to dealer, requiring the use of specially designed tractor-trailer equipment; that such heavy equipment is not now or in the foreseeable future susceptible to air transportation; that the two carriers operate in completely different marketing areas, and that approval of the relationships will not result in creating a monopoly, restrain competition or adversely affect any other air carrier. With the exception of Fleet, Novo does not control and is not directly or indirectly affiliated with any other air carrier, common carrier or person engaged in a phase of aeronautics.

No comments on the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than one day following such publication, both in accordance with the requirements of section 408 (b) of the Act.

Upon consideration of the foregoing, it is concluded that ADI is an air carrier, that Fleet is a common carrier, both within the meaning of section 408 of the Act, and that the common control of both companies by Novo is subject to that section. However, it has been further concluded that these relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing, and it is found that the public interest does not require a hearing. In this instance, it appears that the ICC certificate issued to Fleet limits its commodity authorization to truck and bus assemblies which are not, because of their size, weight, special handling requirements and other factors, susceptible now or in the foreseeable future, to air transportation.

Thus there is no apparent conflict of interest between the air and surface operations of the companies.<sup>7</sup>

However, should the certificate of Fleet be amended to include commodities more readily transportable by air, new issues would be raised which could only be resolved upon the filing of a further application for approval by the Board. In this posture it appears that approval of the control relationships would not be inconsistent with the public interest, provided that such approval is made effective only so long as the operations of motor vehicles by Fleet is limited to the commodities described in ICC Certificate of Public Convenience and Necessity No. MC 41136 in effect on the date of the application filed herein.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing.<sup>8</sup>

<sup>7</sup> Cf. Telstar Air Freight, Inc., Order E-22479, July 27, 1965.

<sup>8</sup> To the extent that such approval involves interlocking relationships within the scope of section 409 of the Act, such relationships appear to fall within the exemption from section 409 provided by Part 287 of the Board's Economic Regulations.



Accordingly, it is ordered:

1. That the acquisition of control of ADI by Novo while it also controls Fleet be and it hereby is approved;
2. That the transfer of all the assets and business of ADI to ADO be and it hereby is approved;
3. That the resulting common control by Novo of ADO and Fleet be and it hereby is approved;
4. That such approval shall be effective only so long as the commodities transported by Fleet are confined to those described in ICC Certificate of Public Convenience and Necessity No. MC 41136 in effect on September 13, 1966, and;
5. That to the extent not granted herein, the application in Docket 17708 be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations (14 CFR 385.50) may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By J. W. Rosenthal,  
Director, Bureau of  
Operating Rights.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12162; Filed, Nov. 8, 1966;  
8:48 a.m.]

## CHARTER FLIGHTS BY SUPPLEMENTAL AIR CARRIERS

### Notice Concerning Board Policy With Respect to Future Authorization by Exemption

NOVEMBER 4, 1966.

It has been the Board's practice to grant to any supplemental air carrier an individual exemption for a specific passenger charter in foreign air transportation in areas where no supplemental carrier holds certificated charter authority. The principal showing required is that the charter be in accordance with the Board's charter concept. At the present time, the principal traffic under this procedure is to Canada, Mexico, Bermuda, the Bahamas, and the Caribbean area.

By Orders E-24237 and 24242, served September 30, 1966, certificates were issued to 11 supplemental carriers authorizing them to engage in passenger charters in foreign and overseas air transportation, as delineated in each certificate. This authority is to become effective November 26, 1966. On that date, a major premise for the grant of individual exemptions—i.e., the absence of certificated supplemental service—will no longer exist. Our intended procedure in this changeover period will be delineated herein, taking note, however, of three supplemental carriers which have applications for certification still pending:

1. For flights commencing prior to November 26, the Board's existing practice will continue.

2. For flights occurring on or after November 26, a carrier certificated to a particular foreign area will need no specific exemption for charters to that area and none will be issued.

3. For flights occurring within 60 days after November 26, the Board will entertain exemption applications from a carrier denied authority to the particular foreign area in question by the aforementioned orders, provided the charter contract was executed prior to the date of service of the orders—i.e., September 30, 1966.

4. Applications for individual exemptions for flights occurring on and after November 26 will continue to be entertained from the three supplemental carriers whose applications for certificates in the "Supplemental Air Service Proceeding" are still pending, until final decisions on their applications are issued. However, exemptions will be granted only on a first refusal basis in favor of those supplemental carriers that have certificated authority in the particular area in which the flight is to be operated.

5. Transatlantic charter flights will not be authorized by individual exemptions after November 26.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12222; Filed, Nov. 8, 1966;  
8:52 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16706-16708; FCC 66-944]

### ATLANTIC BROADCASTING CO. (WUST) AND BETHESDA-CHEVY CHASE BROADCASTERS, INC.

#### Memorandum Opinion and Order Enlarging Issues Conditionally

In re applications of Atlantic Broadcasting Co. (WUST), Bethesda, Md., Docket No. 16706, File No. BP-14357; for construction permit; Atlantic Broadcasting Co. (WUST), Bethesda, Md., Docket No. 16707, File No. BR-1513; for renewal of license; Bethesda-Chevy Chase Broadcasters, Inc., Bethesda, Md., Docket No. 16708, File No. BP-16319; for construction permit.

1. This proceeding involves the mutually exclusive applications of: (a) Atlantic Broadcasting Co. (hereinafter WUST) for renewal of its license for standard broadcast Station WUST, Bethesda, Md., and for a construction permit to increase the power of WUST on 1120 kilocycles from 250 watts to 5,000 watts, with 1,000 watts during critical hours, daytime only, in Bethesda, Md.; and (b) Bethesda-Chevy Chase Broadcasters, Inc. (hereinafter B-CC), for a construction permit for a new standard broadcast station to operate on 1120 kilocycles, 250 watts power, daytime only, in Bethesda, Md. These applications were designated for hearing by our order

(FCC 66-526, released June 16, 1966) on issues to determine: (a) Areas and populations to be served; (b) whether B-CC is financially qualified; (c) whether WUST's proposal will provide a realistic local transmission facility for Bethesda or for another larger community and, if the latter, whether WUST will meet all of the technical provisions of the rules for that larger community; and (d) which of the proposals would better serve the public interest.

2. In our designation order, we also considered the application of § 73.25(a)(5)(ii) of the rules to WUST's proposal to increase power. That section, which provides for the operation of daytime only stations on 1120 kilocycles within the continental United States with the facilities authorized as of October 30, 1961, was adopted as part of the Clear Channel proceeding, 31 FCC 565, 21 RR 1801 (1961), to protect clear channel stations from additional interference. However, WUST's proposal to increase power was filed prior to the conclusion of the Clear Channel proceeding, and we waived § 73.25(a)(5)(ii) of the rules to permit consideration of WUST's proposal in this proceeding. At the same time, we refused to waive that rule with respect to an additional WUST application to change the location of that station from Bethesda to Washington, D.C., and to increase the power of WUST to 1,000 watts, daytime only, which proposal had been filed after the conclusion of the Clear Channel proceeding, FCC 66-525, released June 15, 1966.

3. WUST has now filed a petition for reconsideration of the designation order, requesting grant of its application to increase the power of its station in Bethesda to 5,000 watts. WUST asserts that this application could be granted except for the specification of Issue (c), above, which is based upon our "Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities," 2 FCC 2d 190, 6 RR 2d 1901 (1965). WUST states that its request for grant of this application is based on the fact that the questions raised by Issue (c) are moot in light of the undisputed facts: (a) that WUST has been operated to serve the Negro population of Washington, D.C., and its environs, for more than 15 years, (b) that WUST provides a local transmission facility for that Negro population rather than for Bethesda, and (c) that the application shows on its face that it would not meet all of the technical provisions of the rules for Washington, D.C. Since there are no questions of fact to be resolved in the hearing with respect to this application, WUST asserts that we should waive the 307(b) policy statement or the technical requirements of our rules for a station assigned to Washington so that its application to increase power may be granted.

4. Both the Chief, Broadcast Bureau, and B-CC oppose WUST's petition, urging that no reason has been shown for waiver of the 307(b) policy statement or of our regulations and that there is no basis for grant of WUST's application to



increase power without a hearing.<sup>1</sup> In reply to those oppositions to its petition, WUST notes that our designation Order states that WUST is operated to serve the Washington Negro population and that it is fully qualified to receive a grant of its renewal application. WUST argues that, if it is fully qualified to serve the Washington Negro population with 250 watts notwithstanding the 307(b) policy statement, no hearing is necessary to prove that it is qualified to serve that same population with 5,000 watts. WUST concludes that there are no issues of fact to be tried and that grant of its application to increase power would serve the public interest.

5. Although WUST has made certain assertions concerning its present programming policies, we are not persuaded that those assertions, alone, are sufficient to establish that the public interest, convenience, and necessity would be served by permitting WUST to increase its power to 5,000 watts in Bethesda. Under the circumstances of this proceeding, we are convinced that it would be inappropriate for us to grant WUST's application to increase its power without a hearing. Accordingly, WUST's petition for reconsideration and grant will be denied. Notwithstanding this conclusion, WUST's petition has led us to reconsider the circumstances underlying this proceeding. As noted above, we waived § 73.25(a)(5)(ii) of the rules so that WUST's application to increase power could be considered, and possibly granted, in this proceeding, because it had been filed before the conclusion of the Clear Channel proceeding and because it was in compliance with our rules when it was filed. Although WUST's proposal to operate in Washington with 1,000 watts was filed after the conclusion of the Clear Channel proceeding, WUST requested, by its letter dated June 17, 1965, that its Washington proposal be accepted as an amendment of its pending proposal to increase power in Bethesda. After further consideration, we are now persuaded that WUST should be permitted to prosecute its proposal for Washington, if it desires to do so.

<sup>1</sup> On July 28, 1966, B-CC also filed a motion to dismiss WUST's applications for an increase in power and for renewal of its license, which is opposed by both the Chief, Broadcast Bureau, and WUST. This motion should have been directed to the presiding examiner in this proceeding. See Fidelity Radio, Inc., 1 FCC 2d 661, 6 RR 2d 140 (1965). However, because B-CC's motion is related to other pleadings pending before the Commission, we shall consider it. B-CC's motion is founded upon WUST's tender on July 21, 1966, of an application for a construction permit for a new standard broadcast station in Washington, D.C., which proposal is mutually exclusive with the application for renewal of the license of Station WOL, Washington. At the time B-CC's motion was filed, WUST's application had not been accepted for filing and it has since been returned to WUST by our order (FCC 66-894, released Oct. 7, 1966). Under these circumstances, B-CC's motion was premature when it was filed and, since the application in question has been returned, B-CC's motion may be dismissed as moot.

6. Because of our general policy favoring waiver of § 73.25(a)(5)(ii) for applications filed in compliance with our rules and prior to the conclusion of the Clear Channel proceeding, we have indicated that WUST could operate with 5,000 watts without prejudicing future consideration of the use of clear channel frequencies. WUST contends, without dispute, that all of the service contours of its 1,000 watt proposal in Washington would be within the similar contours of its 5,000 watt proposal for Bethesda and that the 1,000 watt proposal would meet all of the technical requirements for a station assigned to Washington. Thus, from an engineering point of view, the 1,000 watt proposal would certainly not create any more interference than the 5,000 watt proposal. Contrarily, there would be less impact upon the future use of the clear channel frequency from the 1,000 watt proposal than from the 5,000 watt proposal. Since we have concluded that the impact of WUST's 5,000 watt proposal would be tolerable, and since the fundamental purpose of § 73.25(a)(5)(ii) is to protect the clear channel frequencies from further degradation, we have concluded that consideration of WUST's 1,000 watt proposal would not subvert our policy with respect to the protection of the clear channel frequencies.<sup>2</sup>

7. Although WUST's 1,000 watt proposal for Washington may be considered without impairment of our Clear Channel policies, such a proposal to change station location is a major change, generally requiring the assignment of a new file number pursuant to § 1.571(j)(1) of the rules. However, as noted above, WUST's 1,000 watt proposal would create less interference and have less impact upon the frequency than would its 5,000 watt proposal, and WUST's programming is presently, and for a number of years has been, designed to serve the needs of Washington's Negro population. Since WUST's Washington proposal would not create any new interference problems, would not require any change in WUST's programming policies and would permit WUST to seek a license in conformity with its stated intention to serve as a local transmission service for the Washington Negro population, we are persuaded that good cause has been shown for waiver of § 1.571(j)(1). Cf. Central Du Page County Broadcasting Co., 2 FCC 2d 423, 7 RR 2d 136 (1966); City of New York Municipal Broadcasting System (WNYC), 1 FCC 2d 1370, 6 RR 2d 455 (1965); and Hubbard Broadcasting, Inc., FCC 64-513, released June 8, 1964, 2 RR 2d 569 (1964).

<sup>2</sup> We wish to emphasize, however, that, in the absence of the special circumstances of this proceeding where WUST had filed an application in compliance with our rules prior to the conclusion of the Clear Channel proceeding, we shall continue to adhere to our basic policy that proposals for new daytime only stations or increases in the facilities of daytime stations on clear channel frequencies will not be considered. See KXA, Inc., FCC 65-440, released May 21, 1965, 5 RR 2d 338; reconsideration denied, FCC 66-840, released Sept. 28, 1966.

8. For the reasons set forth in paragraphs 6 and 7, supra, we shall accord WUST an opportunity to retender its 1,000 watt proposal for Washington as an amendment to its present application to increase power, or, in the alternative, to continue the prosecution of its 5,000 watt proposal for Bethesda. However, if WUST submits such an amendment, in order not to prejudice the rights of any interested party, we shall require WUST to comply with the local notice provisions of section 1.580 of the rules, and we shall permit new applications, conforming to WUST's proposed operation, to be filed for a period of 30 days. In the event that WUST elects to prosecute its 1,000 watt proposal for Washington rather than its present 5,000 watt proposal for Bethesda, we hereby apprise it that any properly filed application for the same facilities will be consolidated and given comparative consideration in this hearing with WUST's Washington proposal.<sup>3</sup> Under the circumstances of this proceeding, we are also persuaded that good cause has been shown for a waiver of § 1.522(b) of the rules, if WUST tenders its Washington proposal, and we shall direct the presiding examiner to accept such an amendment by WUST, conforming with our procedures and regulations and consistent with this memorandum opinion and order.

9. We note that the issues specified in this proceeding do not provide for a 307(b) comparison of the applicants. Without precluding the parties from seeking such further issues as they may deem appropriate, we are convinced that it would be essential, in the event that WUST amends its application, to determine in the light of section 307(b) whether WUST's proposal for Washington or WUST's renewal application and B-CC's application for a construction permit in Bethesda would better provide a fair, efficient, and equitable distribution of radio service. While we have waived § 73.25(a)(5)(ii) of the rules, WUST must still establish during the course of this hearing whether an improvement of its existing facilities would serve the public interest. Finally, we shall also add a contingent comparative issue to be resolved if 307(b) considerations are found not to be determinative in this proceeding.

10. Accordingly, it is ordered, This 2d day of November 1966:

(1) That the motion to dismiss applications, filed July 28, 1966, by Bethesda-Chevy Chase Broadcasters, Inc., is dismissed as moot;

(2) That the petition for reconsideration and grant filed July 26, 1966, by Atlantic Broadcasting Co. (WUST), is denied;

<sup>3</sup> If WUST amends its application to specify 1,000 watt operation in Washington and if thereafter any additional applications are properly filed for a station in Washington, a further order of the Commission will be required to consolidate such new applications with those now in hearing status. The hearing issues, as modified by the subject memorandum opinion and order, would be further modified by such subsequent order.



(3) That Atlantic Broadcasting Co. (WUST) is granted 30 days from the release date of this memorandum opinion and order to retender its 1,000 watt proposal for Washington, D.C., as an amendment to its present application (BP-14357) to increase power to 5,000 watts in Bethesda, Md.;

(4) That, if such an amendment is tendered, which conforms with our procedures and regulations and which is consistent with this memorandum opinion and order, §§ 1.522(b), 1.571(j)(1), and 73.25(a)(5)(ii) of the rules are hereby waived, and the presiding examiner is directed to accept it as an amendment of Atlantic Broadcasting Co.'s presently pending application (BP-14357) to increase the power of Station WUST to 5,000 watts in Bethesda, Md.;

(5) That, if such an amendment is tendered and accepted, the following issues are to be substituted in lieu of Issues (4), (5), and (6) in the designation order:

(4) To determine whether, in the light of section 307(b) of the Communications Act, the application of Atlantic Broadcasting Co. (WUST) for Washington, D.C., or one of the applications (i.e., the application for new construction permit of Bethesda-Chevy Chase Broadcasters, Inc., and the application for renewal of license of Atlantic Broadcasting Co. (WUST)) for Bethesda, Md., would better provide a fair, efficient, and equitable distribution of radio service.

(5) To determine, in the event that it is concluded that a choice between the applications should not be based solely upon considerations relating to section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

(6) That, if such an amendment is tendered and accepted, a period of 30 days, following public notice of such acceptance, is allowed for the filing of new applications for construction permits for new daytime only standard broadcast stations to operate on 1120 kilocycles with 1,000 watts of power in Washington, D.C.

Released: November 4, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>3</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12176; Filed, Nov. 8, 1966;  
8:50 a.m.]

[Docket Nos. 16826, 16827; FCC 66M-1491]

**BRANCH ASSOCIATES, INC., AND  
ASCENSION PARISH BROADCAST-  
ING CO.**

**Order Regarding Procedural Dates**

In re applications of Branch Associates, Inc., Houma, La., Docket No. 16826, File No. BP-16701; R. E. Hook,

<sup>3</sup> Commissioner Bartley concurring in part and dissenting in part, filed as part of the original document, in which Commissioner Cox joins; Commissioner Wadsworth absent and Commissioner Johnson not participating.

trading as Ascension Parish Broadcasting Co., Donaldsonville, La., Docket No. 16827, File No. BP-17035; for construction permits.

The Hearing Examiner having for consideration the informal request of Ascension Parish Broadcasting Co. for a continuance of the procedural dates herein, all other parties having consented to a grant of the requested relief;

*It is ordered*, This 2d day of November 1966, that the presently established procedural dates are continued as follows:

Exchange of exhibits, November 7, 1966.

Notification of witnesses, November 10, 1966.

Hearing, November 17, 1966, at 10 a.m.

Released: November 3, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12177; Filed, Nov. 8, 1966;  
8:50 a.m.]

[Docket No. 16792; FCC 66M-1490]

**CITY OF CAMDEN AND L & P  
BROADCASTING CORP.**

**Order Regarding Procedural Dates**

In re application of City of Camden (Assignor) and L & P Broadcasting Corp. (Assignee), Docket No. 16792, File No. BAL-5702; for assignment of license of Station WCAM, Camden, N.J.

*It is ordered*, This 1st day of November 1966, pursuant to the agreements reached at the prehearing conference held this date:

(1) That the direct affirmative cases of the parties, if any, shall be presented in the form of written sworn exhibits.

(2) That all exhibits to be offered into evidence in the affirmative presentations shall be exchanged among the parties and copies thereof supplied the hearing examiner on November 30, 1966.

(3) That notification of witnesses to be called for cross-examination shall be given on or before December 8, 1966.

(4) That hearing herein is scheduled to commence on December 13, 1966, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: November 2, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12178; Filed, Nov. 8, 1966;  
8:50 a.m.]

[Docket Nos. 16669, 16670; FCC 66M-1489]

**OLMSTEAD COUNTY BROADCASTING  
CO. AND NORTH CENTRAL VIDEO,  
INC.**

**Order Postponing Further Prehearing  
Conference**

In re applications of Olmstead County Broadcasting Co., Rochester, Minn.,

Docket No. 16669, File No. BPH-5145; North Central Video, Inc., Rochester, Minn., Docket No. 16670, File No. BPH-5192; for construction permits.

It appearing, that the applicants desire postponement until November 10, 1966, of the further prehearing conference heretofore scheduled for November 4, 1966, because additional time is required for preparation of an amendment by one of the applicants proposing utilization of the newly assigned FM channel in Rochester, Minn.

It appearing, that counsel for all parties have informally agreed to the brief postponement and that the Examiner made provision for this contingency at the prehearing conference held on October 18, 1966;

Accordingly, it is ordered, on the Hearing Examiner's own motion, this 2d day of November 1966, that the further prehearing conference heretofore scheduled for November 4, 1966, is postponed to November 10, 1966, at 9 a.m., in the offices of the Commission, Washington, D.C.

Released: November 2, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12179; Filed, Nov. 8, 1966  
8:50 a.m.]

[Docket No. 16043; FCC 66M-1492]

**SPORTS NETWORK, INC., AND AMER-  
ICAN TELEPHONE & TELEGRAPH CO.**

**Order Continuing Hearing**

Sports Network, Inc., New York, N.Y., Complainant versus American Telephone & Telegraph Co., New York, N.Y., Defendant, Docket No. 16043.

By letter to the Hearing Examiner dated and received October 24, 1966, counsel for Sports Network asks that the hearing be rescheduled from December 5 "to a date early in January 1967" because of conflict with another case which had previously been scheduled by another Hearing Examiner for December 5. Copies of the letter were sent to other counsel.

Treating the letter as the properly served motion which should, in the circumstances, have been filed, and as no oppositions have been received, the request will be granted.

*Accordingly, it is ordered*, This 3d day of November 1966, that hearing is rescheduled from December 5 to January 3, 1967. The other scheduled procedural dates remain in force.

Released: November 4, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12180; Filed, Nov. 8, 1966;  
8:50 a.m.]



## FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder  
License 1037]

### MANACO INTERNATIONAL FORWARDERS

Notice is hereby given that Melvyn Paul Cohen doing business as Manaco International Forwarders, 9 Clinton Street, Newark, N.J. 07102, has complied with the Commission's order to show cause dated October 18, 1966, and published in the FEDERAL REGISTER (31 F.R. 13682), by filing an effective surety bond with the Commission.

JOHN F. GILSON,  
Deputy Director,

Bureau of Domestic Regulation.

[F.R. Doc. 66-12188; Filed, Nov. 8, 1966;  
8:51 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. RP67-4, etc.]

### AMERICAN GAS COMPANY OF WISCONSIN, INC., ET AL.

#### Notice of Settlement and Rate Filing

NOVEMBER 1, 1966.

American Gas Company of Wisconsin, Inc., Docket No. RP67-4; Great Plains Natural Gas Co., Docket No. RP67-6; Midwest Natural Gas, Inc., Docket No. RP67-7.

Take notice that on October 26, 1966, Northern Natural Gas Co. (Northern) tendered a settlement, compromise, and agreement executed by the above parties in Docket Nos. RP67-4, RP67-6, and RP67-7. The tender provides that the first year contract demands of American, Great Plains, and Midwest shall become operative as of January 27, 1967, rather than October 27, 1966, as provided by Opinion No. 491, issued on May 25, 1966, in Docket No. CP65-196. It is also provided that all gas delivered to the aforementioned customers shall be billed at 25.21 cents per Mcf until the aforementioned contract demands become effective on January 27, 1967. The settlement agreement is filed as a limited term special rate schedule to be included in Northern's FPC Gas Tariff.

Comments with respect to the foregoing may be filed with the Commission on or before November 18, 1966.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12143; Filed, Nov. 8, 1966;  
8:47 a.m.]

[Docket No. CP65-402, etc.]

### CITY OF HAMILTON, OHIO, ET AL.

#### Notice Fixing Oral Argument

OCTOBER 31, 1966.

City of Hamilton, Ohio, Docket No. CP65-402; Texas Gas Transmission Corp., Docket No. CP66-13; The Ohio Fuel Gas Co., Docket No. CP66-207.

The Commission has before it the Presiding Examiner's decision of August 8, 1966; the briefs on exceptions, the replies to exceptions and the request for oral argument filed by the various parties in these proceedings.

Take notice that an oral argument in the above-captioned proceedings will be heard by the Commission en banc commencing at 10 a.m., e.s.t., December 5, 1966, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

All parties desiring to participate in such oral argument shall notify the Secretary of the Commission in writing on or before November 16, 1966, of the amount of time desired for presentation of their respective arguments.

By direction of the Commission.

GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 66-12144; Filed, Nov. 8, 1966;  
8:47 a.m.]

[Docket No. CP65-102, etc.]

### COLUMBIA GULF TRANSMISSION CO., ET AL.

#### Notice Fixing Oral Argument

OCTOBER 31, 1966.

Columbia Gulf Transmission Co., Docket No. CP65-102; Atlantic Seaboard Corp., Docket No. CP65-122; Transcontinental Gas Pipe Line Corp., Docket No. CP65-181 (Phase I); Transcontinental Gas Pipe Line Corp., United Natural Gas Co., and North Penn Gas Co., Docket No. CP65-182; United Fuel Gas Co., Docket No. CP65-198.

The Commission has before it the Presiding Examiner's decision of June 13, 1966, in Columbia Gulf Transmission Co., et al., Docket No. CP65-102, et al., and his decision of September 28, 1966, in Docket Nos. CP65-122 and CP65-181 (both of which dockets are consolidated in the Docket No. CP65-102, et al. proceeding).

Take notice that an oral argument in the above proceedings will be heard by the Commission en banc commencing at 10 a.m., December 2, 1966, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

All parties desiring to participate in such oral argument shall notify the Secretary of the Commission in writing on or before November 14, 1966, of the amount of time desired for presentation of their respective arguments.

By direction of the Commission.

GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 66-12145; Filed, Nov. 8, 1966;  
8:47 a.m.]

[Docket No. CP67-108]

### CONSOLIDATED GAS SUPPLY CORP.

#### Notice of Application

NOVEMBER 1, 1966.

Take notice that on October 21, 1966, Consolidated Gas Supply Corp. (Appli-

cant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP67-108 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the sale to Texas Gas Transmission Corp. (Texas Gas) of its interest in the natural gas to be produced from Block 40 Field, Ship Shoal Area, Terrebonne Parish, La., pursuant to the terms of a contract dated August 15, 1966, between Applicant and Warren American Oil Co. as "seller" and Texas Gas as "buyer." The application states that the proposed sale will be made at a price of 21.25 cents per Mcf measured at 15.025 psia, including taxes. Initial deliveries are estimated to approximate 90,300 Mcf per month; Applicant's share is 50 percent of the total deliveries.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 28, 1966.

Take further notice that, pursuant to the authority conferred in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12146; Filed, Nov. 8, 1966;  
8:47 a.m.]

[Docket No. RI63-63, etc.]

### H. M. GILLESPIE, ET AL.

#### Order Accepting Notices of Change in Rate, and Terminating Proceedings

OCTOBER 31, 1966.

H. M. Gillespie, et al., Docket No. RI63-63, RI67-95; H. M. Gillespie, Docket No. RI64-159, RI67-94; Edwin L. Cox, Docket No. RI67-96; Salmon Corp., Docket No. RI64-308.

The above-named parties have filed notices of change in rate for a sale of natural gas to Cities Service Gas Co.



(Cities) in the Kansas Hugoton Field.<sup>1</sup> The sale is made pursuant to the terms and conditions of Pan American Petroleum Corp.'s FPC Gas Rate Schedule No. 84 because each of the parties have executed contracts adopting such terms and conditions.

On April 13, 1966, we issued an order in Pan American Petroleum Corp., Docket Nos. G-9279, et al., approving a companywide settlement proposal filed by Pan American, which, inter alia, included a settlement rate of 12.5 cents per Mcf of natural gas at 14.65 p.s.i.a. for the sale by Pan American under its FPC Gas Rate Schedule No. 84. Pan American also proposed to amend its contract with Cities to eliminate the price redetermination provision therefrom for 25 years and to provide for a definite price escalation of 1 cent per Mcf every 5 years commencing June 23, 1971.

Each of the parties here seeks the same settlement terms as we approved for Pan American's sale to Cities. Each has filed for a 12.5 cents rate and has tendered an executed amendatory agreement which conforms its contract to the provisions of the Pan American settlement.

H. M. Gillespie previously filed for increased rates of 14.5 cents per Mcf of natural gas which were suspended by orders of the Commission in Docket Nos. RI63-63 and RI64-159. Gillespie did not file a motion in accordance with section 4 of the Natural Gas Act to place the suspended increased rates in effect. Salmon also filed for an increased rate of 14.5 cents per Mcf, which was suspended in Docket No. RI64-308, but has never been made effective. Consequently, acceptance of the subject filings makes termination of those proceedings proper.

For the reasons set forth in an order issued October 31, 1966, in Northern Pump Co. (Operator), et al., Docket Nos. RI63-9, et al., we think it appropriate to accept the notices of change filed herein. Our action should not be construed as constituting approval of any future rate increases, if any, that may be filed under the subject rate schedules in accordance with any reservation contained therein of the right to file increases under the subject rate schedules, and is without prejudice to any findings or orders of the Commission in any future rate proceedings, including area rate proceedings, or similar proceedings, involving each of the parties' rates and rate schedules.

The Commission orders:

(A) The notices of change in rate and contract amendments filed by the above-named parties to 12.5 cents per Mcf of natural gas at 14.65 p.s.i.a. for the subject sale to Cities are accepted and made effective as of the date of issuance of this order.

<sup>1</sup> H. M. Gillespie, FPC Gas Rate Schedule No. 9, Supplement Nos. 2 and 3. H. M. Gillespie, et al., FPC Gas Rate Schedule No. 2, Supplement Nos. 4 and 5. Edwin L. Cox, FPC Gas Rate Schedule No. 2, Supplement Nos. 3 and 4. Salmon Corp., FPC Gas Rate Schedule No. 1, Supplement Nos. 7 and 8. The filings by Gillespie and Cox were suspended by order issued Oct. 14, 1966, in Docket Nos. RI67-94, RI67-95, and RI67-96 pending action herein.

(B) The proceedings in Docket Nos. RI63-63, RI64-159, and RI64-308 are severed from the area rate proceeding, Docket No. AR64-1, and terminated, and the proceedings in Docket Nos. RI67-94, RI67-95, and RI67-96 are terminated.

By the Commission.<sup>2</sup>

[SEAL]

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12147; Filed, Nov. 8, 1966;  
8:47 a.m.]

[Docket No. CP67-111]

## LONE STAR GAS CO.

### Notice of Application

OCTOBER 31, 1966.

Take notice that on October 25, 1966, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP67-111 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and operation of certain gas gathering facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate various lateral pipelines and related facilities as additions to and extensions of existing jurisdictional facilities to enable Applicant to take into its system natural gas from new reserves discovered in the proximity of its existing pipeline system.

The total cost of such construction will not exceed \$1 million and the cost of no one project will exceed \$250,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 28, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

<sup>2</sup> Commissioner Ross dissenting for the reasons set forth in his statement accompanying the order in Docket Nos. RI63-9, et al., Northern Pump Co. (Operator), et al., issued Oct. 31, 1966.

unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12148; Filed, Nov. 8, 1966;  
8:47 a.m.]

[Docket No. RI63-9, etc.]

## NORTHERN PUMP CO., ET AL.

### Order Conditionally Accepting Offers of Settlement, Accepting Notices of Change in Rate, Requiring Refunds, Severing and Terminating Proceedings

OCTOBER 31, 1966.

On July 18, 1966, W. E. Bakke Oil Co. (Operator), et al. (Bakke), filed an offer of settlement in Docket No. RI64-574 pursuant to § 1.18(e) of the Commission's rules of practice and procedure, and on August 9, 1966, each of the other Respondents to these proceedings filed identical offers of settlement of a sale of natural gas made by them to Cities Service Gas Co. (Cities) in the Kansas Hugoton Field under each of their FPC Gas Rate Schedules.

Respondents<sup>1</sup> in some cases here are assignees under farmout agreements with Pan American Petroleum Corp. (Pan Am), which specifically provide that the assignments are subject to the provisions of the Pan Am-Cities contract (Pan Am's FPC Gas Rate Schedule No. 84). In the other cases Respondents have interests covered by separate contracts adopting the terms and conditions of the Pan Am-Cities contract. All of the Respondents and Pan Am thus were selling gas to Cities under the same contract prior to the Pan Am settlement.

On April 13, 1966, we issued an order approving a rate settlement proposal filed by Pan Am which, inter alia, included a proposed increased rate reduction from the then presently effective rate, being collected subject to refund, of 14.5 cents per Mcf of natural gas at 14.65 psia to 12.5 cents per Mcf for sales by Pan Am under its FPC Gas Rate Schedule No. 84. Additionally, Pan Am proposed to renegotiate its contract with Cities eliminating the price redetermination clause therefrom for 25 years and providing instead for a definite price escalation of 1 cent per Mcf every 5 years commencing June 23, 1971. Each of the Respondents herein propose the same terms for its interest in the subject sale, and each has filed an executed contract amendment containing the same pricing provisions contained in the Pan Am-Cities renegotiation.

Since the farmouts and additional dedications of Respondents cover only shallow depths, they do not propose to dedicate deeper horizons as Pan Am did

<sup>1</sup> Respondents are Northern Pump Co. (Operator) et al., Docket No. RI63-9; John B. Hawley, Jr., Docket No. RI63-10; John B. Hawley, Jr., trustee, Docket No. RI63-11; Northern Pump Co., Docket No. RI63-12; G. S. and Norma D. Davidson, Docket No. RI63-13; and W. E. Bakke Oil Co. (Operator) et al., Docket No. RI64-574.



in its settlement. Pan Am's company-wide moratorium also would not be applicable, but the contract amendments proposed by Respondent would, in effect, constitute a moratorium for the subject sales.

Each of the Respondents proposes to refund all monies collected subject to refund above the settlement rates. The amount of monies to be refunded is approximately \$161,000, plus applicable interest.

The Respondents, other than Bakke, propose that the settlement rate of 12.5 cents per Mcf be made effective as of June 23, 1966, and that the refunds be computed accordingly. However, we find no good cause to grant their request, and shall condition our approval of the settlement proposals to require refunds to be computed to the date of issuance of this order.

We do not generally permit a producer to settle only one of its rate proceedings.<sup>2</sup> However, as indicated above, all of the Respondents here sell gas to Cities under the same terms and conditions. All of them are small producers.<sup>3</sup> For the three Respondents which have only one rate schedule on file, their offers also constitute a companywide settlement. It is also clear that at least for the future Respondents could obtain the advantages of the Pan American settlement by having their interests covered under Pan Am's rate schedule. In view of these special circumstances, we think it appropriate to accord Respondents the same settlement terms approved for Pan Am's sale to Cities.

We believe that the settlement proposals are in the public interest and shall approve the same. However, we desire to make it clear that acceptance of Respondents' offers of settlement shall not be construed as approval of any future increased rate that may be filed by Respondents under the subject rate schedules and is without prejudice to any findings or order of the Commission in any future proceeding involving Respondents' rates and rate schedules. Additionally, for all of the reasons set forth in Humble Oil & Refining Co., Docket Nos. G-9287, et al., 32 FPC 49, we shall require Respondents to deposit the refund monies in a special escrow account or to commingle the retained refunds with each of its general assets pending future action of the Commission.

The Commission finds:

The proposed settlement of the above-designated proceedings, on the basis described herein, as more fully set forth in the offers of settlement, filed with the Commission by Respondents on July 18 and August 9, 1966, are consistent with the public interest, and approval thereof as made effective and hereinafter ordered is appropriate to carry out the provisions of the Natural Gas Act.

The Commission orders:

(A) The offers of settlement, filed with the Commission by Respondents on July 18 and August 9, 1966, are approved in accordance with the provisions of this order.

(B) The notices of change in rate, reducing the presently effective rate, being collected subject to refund, from 14.5 cents to 12.5 cents per Mcf of natural gas at 14.65 p.s.i.a. as designated in the Appendix are accepted for filing and made effective as of the date of issuance of this order.

(C) Respondents shall compute the difference between the rates collected subject to refund and the settlement rate of 12.5 cents per Mcf of natural gas at 14.65 p.s.i.a. with applicable interest to the date of this order, and shall within 45 days from the date of issuance of this order submit a report to the Commission, with a copy to Cities, setting out the amount of refunds (showing separately the principal and applicable interest) the bases used for such determination, the period covered, and ten days thereafter each shall submit to the Commission a copy of a letter from Cities agreeing to the correctness of such amounts.

(D) Respondents shall retain the amounts shown in the report required under paragraph (C) above, subject to further action of the Commission directing the disposition of those amounts.

(E) Each Respondent may deposit the retained refunds in a special escrow account, and shall tender for filing within 60 days of the date of issuance of this order an executed Escrow Agreement, conditioned as set out below, accompanied by a certificate showing service of a copy thereof upon Cities.

Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, each escrow agreement shall be deemed to be satisfactory and to have been accepted for filing. The escrow agreement shall be entered into between each Respondent and any bank or trust company used as a depository of funds of the U.S. Government and the agreement shall be conditioned as follows:

(1) Each Respondent, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in the special escrow account, subject to such agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final action of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof, or in any form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or

trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be paid out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the bank or trust company for the quarterly period.

(F) If any Respondent elects to commingle the retained refunds with its general assets and use them for business purposes, it shall notify the Secretary of the Commission of its intention so to do within 60 days of the issuance of this order, and shall pay interest on such monies at the rate of 6 percent per annum from the date of issuance of this order to the date on which they are paid over to the person or persons ultimately determined to be entitled thereto by final action of the Commission.

(G) Upon notification by the Secretary of the Commission that a Respondent has complied with the terms and conditions of this order, the proceedings in its proceedings involved herein shall terminate and shall be severed from the area rate proceeding, Docket No. AR64-1, all without further order of the Commission.

(H) The acceptance by the Commission of Respondents' offers of settlement, is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against each Respondent and is without prejudice to claims or contentions which may be made by each Respondent, the Commission staff, or any affected party hereto, in any proceedings.

By the Commission.<sup>4</sup>

[SEAL]

GORDON M. GRANT,  
Acting Secretary.

#### APPENDIX

	Rate schedule	Supp. No.
Northern Pump Co. (Operator), et al.-----	5	13
Northern Pump Co.-----	38	8
John B. Hawley, Jr.-----	1	10
John B. Hawley, Jr., Trustee.-----	1	5
G. S. and Norma G. Davidson.-----	1	7
W. E. Bakke Oil Co (Operator), et al.-----	1	7

[F.R. Doc. 66-12149; Filed, Nov. 8, 1966;  
8:47 a.m.]

<sup>4</sup>Dissenting statement of Commissioner Ross filed as part of original document.

<sup>2</sup> Skelly Oil Co., Docket No. RI60-253, order issued Apr. 4, 1966, and Union Oil Company of California, Docket Nos. G-3711 and RI60-450, order issued Apr. 8, 1966.

<sup>3</sup> There are some large producers which sell gas subject to the Pan Am contract, but they have not filed an offer of settlement here.



[Docket No. CP67-110]

**TOWN OF NAPOLEON, IND., AND  
TEXAS EASTERN TRANSMISSION  
CORP.****Notice of Application**

OCTOBER 31, 1966.

Take notice that on October 25, 1966, the town of Napoleon, Ind. (Applicant), filed in Docket No. CP67-110 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corp. (Respondent) to sell natural gas to Applicant for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks delivery of natural gas by Respondent at an interconnection on Respondent's transmission system in Ripley County, Ind., with a lateral transmission line to be constructed, per order issued September 26, 1966, in FPC Docket No. CP67-15, by the town of Osgood, Ind., and the sale of such gas to Applicant by Respondent at the town gate of Applicant. Applicant will then distribute the gas within its boundaries and environs.

The estimated third year peak-day and annual requirements of Applicant are 138.5 Mcf and 12,466 Mcf respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1966.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12150; Filed, Nov. 8, 1966;  
8:47 a.m.]

[Docket No. CP67-109]

**TRANSCONTINENTAL GAS PIPE LINE  
CORP.****Notice of Application**

NOVEMBER 1, 1966.

Take notice that on October 25, 1966, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP67-109 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain rate service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests that the Commission issue an order permitting and approving the abandonment of service under Applicant's Rate Schedule PS-1 as contained in Applicant's FPC Gas Tariff, Original Volume No. 1. The application states that the above-mentioned rate schedule is no longer being used and that such service is not now available.

No facilities were constructed in order to render service under Rate Schedule

PS-1, and none are to be abandoned as a result of the authorization sought.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 28, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-12151; Filed, Nov. 8, 1966;  
8:47 a.m.]

[Docket No. RI67-125]

**WOODS OIL & GAS CO., ET AL.****Order Providing for Hearing on and  
Suspension of Proposed Change in  
Rate**

OCTOBER 31, 1966.

On September 26, 1966,<sup>1</sup> Woods Oil & Gas Co. (Operator), et al. (Woods),<sup>2</sup> tendered for filing a proposed change in their presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 19, 1966.

Purchaser and producing area: Plaquemines Oil & Gas Co., Inc. (Potash Field, Plaquemines Parish, La.) (Southern Louisiana).

Rate schedule designation: Supplement No. 2 to Woods' FPC Gas Rate Schedule No. 1.

Effective date: November 1, 1966.<sup>3</sup>

Amount of annual increase: \$18,000.

Effective rate: 15.5 cents per Mcf.<sup>4</sup>

Proposed rate: 16.5 cents per Mcf.<sup>4</sup>

Pressure base: 15.025 p.s.i.a.

Woods' proposed increased rate and charge exceeds the area price level for

<sup>1</sup> Filings completed Oct. 7, 1966.

<sup>2</sup> Address is 1528 International Trade Mart Building, New Orleans, La. Attention: J. L. Keefe, vice president.

<sup>3</sup> The effective date is the contractually provided effective date.

<sup>4</sup> Includes 1.5 cents tax reimbursement.

<sup>5</sup> Periodic rate increase.

increased rates in Southern Louisiana as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 2 to Woods' FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Woods' FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, Supplement No. 2 to Woods' FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until April 1, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1966.

By the Commission.

[SEAL] GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12152; Filed, Nov. 8, 1966;  
8:47 a.m.]

**SECURITIES AND EXCHANGE  
COMMISSION**

[811-1026]

**MARINE CAPITAL CORP.****Notice of Application for Order De-  
claring Company Has Ceased To Be  
an Investment Company**

NOVEMBER 3, 1966.

Notice is hereby given that Marine Capital Corp. ("Applicant"), 2030 Marine Plaza, Milwaukee, Wis. 53202, a Wisconsin corporation licensed as a small business investment company under the



Small Business Investment Act of 1958 and a management closed end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein.

Applicant represents that on July 15, 1966, its shareholders adopted a plan of complete liquidation and dissolution. Applicant represents that, in accordance with the plan of liquidation, some of its portfolio securities, plus a cash liquidating distribution, were distributed pro rata to its shareholders during August 1966. Applicant states that its remaining assets were subsequently liquidated and the proceeds thereof deposited with the Marine National Exchange Bank of Milwaukee ("Bank") as escrowee for the benefit of the Applicant's shareholders. Applicant represents that, after paying the Applicant's operating expenses and remaining liabilities, the Bank will distribute the balance of the cash to the Applicant's shareholders on or about November 10, 1966, and that the cash which has been deposited with the Bank is not available to the Applicant except for the payment of expenses and liabilities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 21, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Deputy Administrator for Investments, Small Busi-

ness Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 66-12156; Filed, Nov. 8, 1966; 8:48 a.m.]

**INTERSTATE COMMERCE  
COMMISSION**  
**FOURTH SECTION APPLICATION FOR  
RELIEF**

NOVEMBER 4, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

**LONG-AND-SHORT HAUL**

FSA No. 40775—*Lumber from and to points in Virginia.* Filed by Southwestern Freight Bureau, agent (No. B-8912), for interested rail carriers. Rates on lumber and related articles, in carloads, between points in Virginia, on the one hand, and points in southwestern territory, on the other.

Grounds for relief—Carrier competition.

Tariff—Supplement 18 to Southwestern Freight Bureau, agent, tariff ICC 4638.

FSA No. 40776—*Chlorine to points in Tennessee and Virginia.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2869), for interested rail carriers. Rates on chlorine, in tank carloads, from specified points in Michigan, New York, and Ohio, also Reaybold, Del., Edgewood, Md., and Natrium, W. Va., to specified points in Virginia and Tennessee.

Grounds for relief—Market competition.

Tariffs—Supplements 1 and 158 to Traffic Executive Association-Eastern Railroads, agent, tariffs ICC C-611 and C-334, respectively.

FSA No. 40777—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 585), for interested rail carriers. Rates on fiberboard, pulpboard, or strawboard boxes, fatty acids, animal or vegetable and inedible tallow and soap grease, in carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 59 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 40779—*Phosphatic fertilizer solution to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2476), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank car-

loads, from Don, Idaho, and Garfield, Utah, to points in western trunkline territory.

Grounds for relief—Market competition.

Tariff—Supplement 170 to Western Trunk Line Committee, agent, tariff ICC A-4411.

**AGGREGATE-OF-INTERMEDIATES**

FSA No. 40778—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 586), for interested rail carriers. Rates on fiberboard, pulpboard, or strawboard boxes, spent sulphuric acid and fatty acids, animal or vegetable and inedible tallow and soap grease, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 59 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12194; Filed, Nov. 8, 1966; 8:51 a.m.]

[Notice 420]

**MOTOR CARRIER ALTERNATE ROUTE  
DEVIATION NOTICES**

NOVEMBER 4, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

**MOTOR CARRIERS OF PROPERTY**

No. MC 1074 (Deviation No. 3). ALLEGHENY FREIGHT LINES, INCORPORATED, Post Office Box 601, Winchester, Va. 22601, filed October 25, 1966. Carrier's representative: C. F. Germelman (same address as applicant). Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between Winchester, Va., and Hagerstown, Md., over



Interstate Highway 81, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Winchester, Va., and Hagerstown, Md., over U.S. Highway 11.

No. MC 52709 (Deviation No. 21), RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216, filed October 25, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *classes A and B explosives*, over deviation routes as follows: (1) From junction U.S. Highway 50 and Utah Highway 24 over U.S. Highway 50 to Price, Utah, thence over Utah Highway 10 to Salina, Utah, thence over U.S. Highway 89 to Sevier, Utah, thence over Utah Highway 13 to Cove Fort, Utah, thence over U.S. Highway 91 to junction Utah Highway 20, and (2) from junction U.S. Highway 50 and Utah Highway 24 over U.S. Highway 50 via Price, Utah, to Spanish Fork, Utah, thence over U.S. Highway 91 via Cove Fort, Utah, to junction Utah Highway 20, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Grand Junction, Colo., over U.S. Highway 50 to junction Utah Highway 24, thence over Utah Highway 24 to junction unnumbered highway, thence over unnumbered highway to junction Utah Highway 62, thence over Utah Highway 62 to junction Utah Highway 22, thence over Utah Highway 22 to junction U.S. Highway 89, thence over U.S. Highway 89 to junction Utah Highway 20, thence over Utah Highway 20 to junction U.S. Highway 91, thence over U.S. Highway 91 to Las Vegas, Nev., and return over the same route.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 337) (Cancels Deviation No. 303), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed October 25, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 25 and Interstate Highway 75 at or near Covington, Ky., over Interstate Highway 75 to junction U.S. Highway 25 near Berea, Ky., with the following access routes; (a) from junction Interstate Highway 75 and Kentucky Highway 338 over Kentucky Highway 338 to Richwood, Ky., (b) from junction Interstate Highway 75 and Kentucky Highways 14-16 over Kentucky Highways 14-16 to Walton, Ky., (c) from junction Interstate Highway 75 and Kentucky Highway 491 over Kentucky Highway 491 to Crittenden, Ky., (d) from junction Interstate Highway 75 and Kentucky Highway 22 over Kentucky Highway 22 to Dry Ridge, Ky., (e) from junction Interstate Highway 75 and Kentucky Highway 36 over Kentucky Highway 36 to Williamstown, Ky., (f) from junction Interstate Highway 75 and

Kentucky Highway 1032 over Kentucky Highway 1032 to Corinth, Ky., (g) from junction Interstate Highway 75 and U.S. Highway 62 over U.S. Highway 62 to Georgetown, Ky., (h) from junction Interstate Highway 75 and Kentucky Highway 922 over Kentucky Highway 922 to Lexington, Ky., (i) from junction Interstate Highway 75 and Kentucky Highway 169 over Kentucky Highway 169 to Richmond, Ky., and (j) from junction Interstate Highway 75 and Kentucky Highway 595 over Kentucky Highway 595 to Berea, Ky., and (2) from junction U.S. Highway 25 and Interstate Highway 75, approximately 2 miles south of Williamsburg, Ky., over Interstate Highway 75 to junction U.S. Highway 25-W, approximately 1 mile south of Jellico, Tenn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Cincinnati, Ohio, over U.S. Highway 25 to Lexington, Ky. (also from Cincinnati across the Ohio River to Covington, Ky., thence over Kentucky Highway 17 to junction U.S. Highway 27, thence over U.S. Highway 27 to Lexington), and thence over U.S. Highway 27 to Chattanooga, Tenn., and (2) from Lexington, Ky., over U.S. Highway 25 via Livingston, Oakley, and East Bernstadt, Ky., to Corbin, Ky., thence over U.S. Highway 25-W to Knoxville, Tenn., and return over the same routes.

No. MC 1515 (Deviation No. 338) (Cancels Deviation Nos. 43 and 218), GREYHOUND LINES, INC. (Central Division), 210 East Ninth Street, Fort Worth, Tex. 76102, filed October 28, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Omaha, Nebr., over Interstate Highway 80 to junction U.S. Highway 83, thence over U.S. Highway 83 to North Platte, Nebr., and over available access roads between authorized points and Interstate Highway 80, and (2) from junction U.S. Highway 6 and Interstate Highway 280, near Omaha, Nebr., over Interstate Highway 280 to junction Interstate Highway 80, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Omaha, Nebr., over U.S. Highway 275 via Valley, Nebr., to Fremont, Nebr., thence over U.S. Highway 30 via Cheyenne, Wyo., to junction relocated U.S. Highway 30 near Medicine Bow, Wyo., (2) from Omaha, Nebr., over U.S. Highway 6 to junction County Highway 52, thence over County Highway 52 to junction Nebraska Highway 37, thence over Nebraska Highway 37 to junction Nebraska Highway 31, thence over Nebraska Highway 31 to junction U.S. Highway 6, thence over U.S. Highway 6 to Lincoln, Nebr., and (3) from junction U.S. Highway 275 and Alternate U.S. Highway 30, about 19 miles west of Omaha, Nebr., over Alternate

U.S. Highway 30 to junction U.S. Highway 30, about 9 miles northeast of Center City, Nebr., and return over the same routes.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12195; Filed, Nov. 8, 1966; 8:51 a.m.]

[Notice 986]

### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 4, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the *FEDERAL REGISTER* issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

#### APPLICATIONS ASSIGNED FOR ORAL HEARING

##### MOTOR CARRIERS OF PROPERTY

No. MC 43251 (Sub-No. 12) (republication), filed January 3, 1966, published *FEDERAL REGISTER* issue of January 27, 1966, and republished, this issue. Applicant: H. MAYNARD GOULD CO., a corporation, Union Street, East Walpole, Mass. Applicant's representative: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass. 02184. By application filed January 3, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of building materials, paper, paper products, and materials and supplies used in the installation thereof (except commodities in bulk, in tank vehicles) and flower pots, from Walpole and Norwood, Mass., and Phillipsdale, R.I., to points in New York, except New York, N.Y., and points in Nassau and Suffolk Counties, N.Y. A supplemental order of the Commission, Operating Rights Board No. 1, dated October 13, 1966, and served October 27, 1966, as amended, finds that by application filed July 11, 1966, in No. MC 34689 (Sub-No. 8), applicant seeks to convert its contract-carrier authority to corresponding common-carrier authority. Inasmuch as applicant may not be granted contract-carrier authority in this proceeding because of said dual operations and inasmuch as applicant is seeking to convert its contract-carrier authority to common-carrier authority, applicant will here be granted common-carrier authority to perform the involved operations, subject to the condition, however, that



the certificate sought in No. MC 34689 (Sub-No. 8) first be issued.

That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *building materials, paper, paper products, and materials and supplies* used in installation thereof (except commodities in bulk), and (2) *flower pots*, from Walpole and Norwood, Mass., and Philipsdale, R.I., to points in New York (except New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate certificate should be issued, subject to the two conditions described above respecting the conversion of applicant's present contract-carrier authority and prior publication in the FEDERAL REGISTER. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and that any proper party in interest may file an appropriate protest or other pleading on or before the 30th day following the date of said publication.

No. MC 103490 (Sub-No. 36) (Republication of petition for modification), filed April 21, 1966, published FEDERAL REGISTER issue of May 4, 1966, and republished, this issue. Applicant: PROVAN TRANSPORT CORP., Newburg, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. On October 22, 1964, a certificate was issued to the above-named carrier, in No. MC 103490 (Sub-No. 36) authorizing, in pertinent part, the transportation, over irregular routes, of stone, in bulk, in dump vehicles, from and to specified points and areas in New York, Connecticut, Massachusetts, and New Jersey, which operating rights originally were embraced in certificate No. MC 103490 (Sub-No. 50), issued March 19, 1962, in the name of Provan Petroleum Transport Co., Inc. By petition filed April 21, 1966, petitioner seeks modification of that portion of its certificate in MC 103490 (Sub-No. 36), authorizing the transportation of, stone, in bulk, in dump vehicles, from points in Rockland, Dutchess, and Ulster Counties, N.Y., to points in Connecticut, Massachusetts, and New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.). By the instant petition, petitioner seeks elimination of "in dump vehicles," as it relates to the transportation of stone, and requests the Commission issue a corrected certificate to transport stone, in bulk, from and to points presently authorized.

An Order of the Commission, Operating Rights Board No. 1, dated September 29, 1966, and served October 27, 1966,

finds that certificate No. MC-103490 (Sub-No. 36), dated October 22, 1964, be, and it is hereby, modified, by deleting from the segment thereof authorizing the transportation of stone the service restrictions "in bulk, in dump vehicles," subject, however, to prior publication in the FEDERAL REGISTER of a notice of the modification actually affected by this order; and that an amended certificate, setting forth such modification, should be issued to petitioner upon receipt of its written request for the coincidental cancellation of the portion of certificate No. MC-103490 (Sub-No. 36), dated October 22, 1964, so modified. Because it is possible that other parties, who have relied upon the notice of the petition as published, may have an interest in and would be prejudiced by the lack of proper notice of the modification described in this order, a notice of the modification actually authorized herein will be published in the FEDERAL REGISTER, and effectuation of said modification in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 126749 (Sub-No. 4) (Republication), filed December 16, 1965, published FEDERAL REGISTER issue of February 10, 1966, and republished, this issue. Applicant: K. P. MOVING & STORAGE CO., INC., 1475 South Acoma Street, Denver, Colo. By application filed December 16, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities, between Ward, Colo., on the one hand, and, on the other, points in that part of Colorado beginning at a point on U.S. Highway 40 at Granby, Colo., thence east to Colorado Highway 93, thence north on Colorado Highway 93 to Colorado Highway 7, thence east on Colorado Highway 7 to U.S. Highway 285, thence north on U.S. Highway 285 to U.S. Highway 34, thence west on U.S. Highway 34 to junction U.S. Highway 40 at Granby, Colo. A supplemental order of the Commission, Operating Rights Board No. 1, dated October 11, 1966, and served November 1, 1966, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *household goods*, as defined by the Commission, between points in that part of Colorado bounded by a line beginning at Ward, Colo., and extending over Colorado Highway 160 to junction Colorado Highway 160 and Colorado Highway 119, thence over Colorado Highway 119 to junction Colorado Highway 119 and U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 6 and Colorado Highway 93, thence over Colorado Highway 93 to Boulder, Colo., thence over Colorado Highway 7 to junction Colorado Highway 7 and Left Hand Canyon Road approximately 8 miles north of Boulder, thence back to the beginning over Left Hand Canyon Road to Ward; that applicant is fit, willing, and

able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 127936 (Republication), filed January 3, 1966, published FEDERAL REGISTER issue of April 21, 1966, and republished, this issue. Applicant: CHARLES ZICHTERMAN, SR., doing business as PRODUCE CARRIER, 743 Forest Hill Avenue SE., Grand Rapids, Mich. By application filed January 3, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *apple cider*, from points in Michigan, to points in Florida, South Carolina, Georgia, Alabama, Mississippi, and North Carolina, and fruits and vegetables, on return. A report of the Commission, Operating Rights Review Board No. 1, decided October 18, 1966, and served October 28, 1966, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *apple cider and apples* (other than frozen), in mixed loads, from points in the Lower Peninsula of Michigan to points in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because of the fact that the authority granted in some respects is broader than that sought, the scope of the authority actually granted herein should be published in the FEDERAL REGISTER and the issuance of a certificate withheld for 30 days, during which period any proper party in interest, which may have relied upon the notice of the application as originally published and would be prejudiced by lack of proper notice of the authority actually granted herein, may file an appropriate pleading.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 1733 (Sub-No. 8) filed October 14, 1966. Applicant: LAKE SHORE MOTOR TRANSIT LINES, INC., 230 North State Street, St. Joseph, Mich. Applicant's representative: William D. Parsley, 117 West Allegan Street, Lan-



sing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall paper and general commodities*, (1) between points in Lake, Cook, Du Page, and Will Counties, Ill., and that portion of Kankakee County, Ill., on and north of Illinois Highway 17, that portion of Kendall and Kane Counties, Ill., on and east of Illinois Highway 47, and that portion of McHenry County, Ill., on and east of Illinois Highway 47 and on and south of Illinois Highway 120, and (2) between points in the area described in (1) above, on the one hand, and, on the other, points in Illinois, restricted to shipments for shippers located in the area described in (1) above. NOTE: Applicant states it proposes to tack this authority with all of its presently held authority to permit operation over its regular routes into southwestern Michigan and northwestern Indiana (including off-route points). The joinder would take place in the Chicago, Ill., commercial zone. This application is directly related to MC-F 9557. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lansing, Mich.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-9569. Authority sought for purchase by BAYLOR TRUCKING, INC., Rural Route 1, Milan, Ind., of a portion of the operating rights of SUBLER TRANSFER, INC., Versailles, Ohio 45380, and for acquisition by CHESTER BAYLOR and RUTH BAYLOR, both also of Milan, Ind., of control of such rights through the purchase. (The authority being sought was acquired pursuant to MC-F-9257 (Subler Transfer, Inc.—Purchase—Chrispens Truck Lines, Inc.), granted April 25, 1966, by the Commission, Finance Board No. 1, and consummated June 2, 1966.) Applicants' attorney and representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204, and Robert P. Layman, Versailles, Ohio 45380. Operating rights sought to be transferred: *Paper and paper products*, as a *common carrier*, over regular routes, from Hamilton, Ohio, to Providence, R.I., and points in New Jersey and New York (except Buffalo and Rochester, N.Y.); and *skids for paper*, from the destination points specified immediately above to Hamilton, Ohio. Vendee is authorized to operate as a *common carrier* in Kentucky, Ohio, Indiana, Illinois, Michigan, West Virginia, Arkansas, Colorado, Connecticut, Iowa, Kansas, Maryland, Missouri, Minnesota, New Jersey, New York, Pennsylvania, Tennessee, Texas, Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9570. Authority sought for control by RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES, 24-50 Wright Avenue, Auburn, N.Y. 13021, of WALLACE TRANSPORT CO. LIMITED, 198 Welland Street, Port Colborne, Ontario, Canada, and for acquisition by JOHN BISGROVE, 264 East Genesee Street, Auburn, N.Y., of control of WALLACE TRANSPORT CO. LIMITED, through the acquisition by RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES. Applicants' attorney: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Operating rights sought to be controlled: *General commodities* (except liquid chemicals and coal tar products, in bulk, in tank vehicles), as a *common carrier*, over irregular routes, between Buffalo, N.Y., and the United States-Canada boundary line, through the ports of entry at Buffalo, Niagara Falls, and Lewiston, N.Y.; *household goods*, as defined by the Commission, between the United States-Canada boundary line, on the one hand, and, on the other, points in Ohio, Pennsylvania, and New York, through ports of entry at Buffalo, Niagara Falls, and Lewiston, N.Y.; *nickel and nickel products*, from the United States-Canada boundary line, to Cleveland, Ohio, Erie, Pa., Syracuse, Lockport, Niagara Falls, and Dunkirk, N.Y., through ports of entry at Buffalo, Niagara Falls, and Lewiston, N.Y.; *sheet steel*, from Cleveland, Ohio, to the United States-Canada boundary line, through ports of entry at Buffalo, Niagara Falls, and Lewiston, N.Y.; *iron and steel articles* the transportation of which because of size or weight requires the use of special equipment, from Lackawanna, N.Y., and the town of Hamburg, N.Y., to the United States-Canada boundary line, at Buffalo, Niagara Falls, and Lewiston, N.Y. Restriction: The operations authorized immediately above are restricted to a transportation service to be performed in foreign commerce only; Restriction: The authority granted herein to the extent it authorizes the transportation of classes A and B explosives shall be limited, in point of time, to a period expiring 5 years after March 30, 1966. RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES, is authorized to operate as a *common carrier* in New York, Pennsylvania, Connecticut, New Jersey, Massachusetts, Vermont, and Rhode Island. Application has not been filed for temporary authority under section 210a(b). NOTE: If a hearing is deemed necessary, Applicants request that it be held at Washington, D.C.

No. MC-F-9571. Authority sought for purchase by EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C., of the operating rights of PAGE PERKINSON (PATTIE H. PERKINSON, ADMINISTRATRIX), Wise, N.C., and for acquisition by W. S. BUGG, and C. M. BULLOCK, both also of Warrenton, N.C., of control of such rights through the purchase. Applicants' attorney: Edward G.

Villalon, 1735 K Street NW., Washington, D.C. 20006. Operating rights sought to be transferred: *Livestock and poultry feed*, and *fertilizers*, other than liquid, as a *common carrier*, over irregular routes, from Norfolk and Hopewell, Va., to points in Vance and Warren Counties, N.C. Vendee is authorized to operate as a *common carrier* in North Carolina, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, South Carolina, Minnesota, Georgia, Alabama, Florida, Mississippi, Kentucky, West Virginia, Ohio, Michigan, Indiana, Illinois, Wisconsin, and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9572. Authority sought for purchase by TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich., of the operating rights of FOWSER FAST FREIGHT, INC., North Lenola Road, Moorestown, N.J., and for acquisition by ROBERT B. GOTTFREDSON (ROBERT L. GOTTFREDSON, EXECUTOR), 1724 Ford Building, Detroit 26, Mich., and CHARLOTTE B. GOTTFREDSON, 1700 North Waterman Avenue, Detroit 9, Mich., of control of such rights through the purchase. Applicants' attorneys: A. Alvis Layne, 948 Pennsylvania Building, Washington, D.C. 20004, and V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. 19109. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Philadelphia, Pa., and Cedarville and Port Elizabeth, N.J., serving all intermediate points, and off-route points in Pennsylvania and New Jersey within 25 miles of Philadelphia, and those within 10 miles of the above-specified routes; *glass products*, over irregular routes, from Vineland, N.J., to Philadelphia, Pa., New York, N.Y., and Baltimore, Md.; *damaged, rejected or returned glass products*, from the above destination territory to Millville and Vineland, N.J.; *articles used in or useful to the manufacture of glass*, from Baltimore, Md., New York, N.Y., and Philadelphia, Pa., to Millville, N.J.; *spaghetti products*, from Vineland, N.J., to Philadelphia, Pa., Baltimore, Md., and New York, N.Y.; *articles used in or useful to the manufacture of spaghetti products*, from New York, N.Y., Philadelphia, Pa., and Baltimore, Md., to Vineland, N.J.; *empty glass containers*, in cartons, boxes, and crates, from Salem, N.J., to Baltimore and Relay, Md., points in Delaware, Connecticut, New York, Pennsylvania, Virginia, and the District of Columbia; *empty cartons, boxes, and crates*, from Baltimore and Relay, Md., certain specified points in Connecticut, New York (with exception) and Pennsylvania, to Salem, N.J.

*Empty boxes, broken glass, and rejected jars*, from Philadelphia, Pa., to Salem, N.J.; *lumber*, from Philadelphia, Pa., to Quinton, N.J.; *flat paper sheets*, corrugated and plain, from Baltimore, Md., and Philadelphia, Pa., to Salem,



N.J.; empty glass containers, battery jars, carboys, and insulators, from Salem, N.J., and points in Maryland, except Baltimore and Relay, Md.; returned or rejected shipments and empty cartons, from the above-specified Maryland destination points to Salem, N.J.; soda fountains and soda fountain supplies, including fruits, extracts, flavorings, and syrups, between Vineland, N.J., on the one hand, and, on the other, Philadelphia, Pa., Baltimore, Md., and New York, N.Y.; machinery used for or useful to soda fountains, between Vineland, N.J., and Baltimore, Md.; glassware and closures for glass containers, from Millville, N.J., to points in Massachusetts and Rhode Island; and damaged, defective, and returned shipments of the above-described commodities, and wooden boxes and fiberboard cartons, from points in Massachusetts and Rhode Island to Millville, N.J. Vendee is authorized to operate as a common carrier in New York, Illinois, Indiana, Iowa, Michigan, Ohio, Pennsylvania, Nebraska, Oklahoma, Texas, Kansas, Minnesota, Missouri, Wisconsin, Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, Rhode Island, Vermont, West Virginia, Massachusetts, Arkansas, Tennessee, Kentucky, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9573. Authority sought for purchase by IDEAL TRUCK LINES, INC., 912 North State, Norton, Kans., of a portion of the operating rights of DALE I. BURT, doing business as CLAY CENTER FREIGHT SERVICE, 1419 Sherman, Clay Center, Kans., and for acquisition by R. E. BLICKENSTAFF, C. D. BLICKENSTAFF and FRED L. GILHOUSEN, all of Norton, Kans., on control of such rights through the purchase. Applicants' attorney: John E. Jandera, 641 Harrison, Topeka, Kans. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a common carrier, over regular routes, between Clay Center, Kans., and Kansas City, Mo., serving the off-route point of North Kansas City, Mo., and the intermediate point of Kansas City, Kans.; *livestock*, over irregular routes, from Clay Center, Kans., and points within 25 miles of Clay Center to St. Joseph, Mo., between Clay Center, Kans., and points within 25 miles of Clay Center, on the one hand, and, on the other, Kansas City, Kans., and Kansas City and North Kansas City, Mo., between Barnes, Kans., and points within 15 miles of Barnes, on the one hand, and, on the other, Kansas City, Kans., and Kansas City and St. Joseph, Mo.; *grain, hides, and containers for petroleum products*, from Barnes, Kans., and points within 15 miles of Barnes, to Kansas City, Kans., and Kansas City and St. Joseph, Mo.; and *feed, agricultural implements and parts, twine, petroleum products in containers, hardware, fencing, and building and fencing material*, from Kansas City, Mo., and Kansas City, Kans., to Barnes, Kans., and points within 15 miles of Barnes. Vendee is authorized to operate as a common carrier in Missouri,

Kansas, Nebraska, and Colorado. Application has been filed for temporary authority under section 210a(b).

#### MOTOR CARRIER OF PASSENGERS

No. MC-F-9574. Authority sought for control by EVERGREEN TRAILS, INC., 1936 Westlake Avenue, Seattle, Wash. 98101, of BREMERTON-TACOMA STAGES, INC., 1936 Westlake Avenue, Seattle, Wash. 98101, and for acquisition by ELWOOD ARNESON, 1936 Westlake Avenue, Seattle, Wash. 98101, MYRL P. HOOVER, 23641 Camino Hermosa, Los Altos, Calif. 94022, MAURICE H. HOOVER and WILLIAM NISKANEN, both of 1068 Bond Street, Bend, Oreg. 97701, of control of BREMERTON-TACOMA STAGES, INC., through the acquisition by EVERGREEN TRAILS, INC. Applicants' attorney: Donald A. Schafer, 12321 Southeast Evergreen Highway, Vancouver, Wash. 98664. Operating rights sought to be controlled: Passengers and their baggage, and express, mail and newspapers, in the same vehicle with passengers, as a common carrier over regular routes, between Pleasant Valley Junction, Wash., and Bremerton, Wash., between Pleasant Valley Junction, Wash., and Tacoma, Wash., serving all intermediate points; passengers and their baggage, and express, and newspapers, in the same vehicle with passengers, between Bremerton, Wash., and Seattle, Wash., serving no intermediate points. EVERGREEN TRAILS, INC., is authorized to operate as a common carrier in the State of Washington. Application has not been filed for temporary authority under section 210a(b). NOTE: A motion to dismiss for lack of jurisdiction has been filed simultaneously.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12196; Filed, Nov. 8, 1966;  
8:51 a.m.]

#### NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 4, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 15842, filed October 25, 1966. Applicant: KING MOTOR COMPANY, INC., 506 East Commerce Street, Greenville, Ala. Applicant's representative: Robert S. Richard, Post Office Box 2069, Montgomery, Ala. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those of unusual value, goods as defined by the Interstate Commerce Commission, commodities in bulk in tank vehicles and those requiring special equipment), over regular routes, between Greenville, Ala., and Montgomery, Ala. From Greenville, Ala., over Alabama Highway 10 to Camden, Ala., thence over Alabama Highway 28 to its junction with Alabama Highway 21, thence over Alabama Highway 21 to its junction with U.S. Highway 80, thence over U.S. Highway 80 to Montgomery, Ala., and return over the same route, serving all intermediate points and the off-route points of Forest Home, Allenton, and Letohatchee, Ala. Both intrastate and interstate authority is sought.

HEARING: Not set. Contact the Alabama Public Service Commission for this information.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Alabama Public Service Commission, Montgomery, Ala. 36102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12197; Filed, Nov. 8, 1966;  
8:51 a.m.]

[Notice 282]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 4, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.



## MOTOR CARRIERS OF PROPERTY

No. MC 87720 (Sub-No. 55 TA), filed November 1, 1966. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Star Route A, Post Office Box 391, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles, containers and plastic tubes*, for the account of Tennenpak Department, Tenneco Chemicals, Inc., from Flemington, N.J., to points in Ohio, Illinois, Indiana, Michigan, and Wisconsin, for 180 days. Supporting shipper: Tennenpak Department, Tenneco Chemicals, Inc., Post Office Box 81, Flemington, N.J. 08822. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 128007 (Sub-No. 6 TA), filed November 1, 1966. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil well sealing mixture*, in bulk and in bags, from Gravette, Ark., to points in Oklahoma, Louisiana, Texas, Kansas, New Mexico, Colorado, Wyoming, and Mississippi; *materials and supplies used in the manufacture of oil well sealing mixture*, from points in Oklahoma, Louisiana, Texas, Kansas, New Mexico, Colorado, Wyoming, and Mississippi, to Gravette, Ark., for 180 days. Supporting shipper: Gravette Shelling Co., Inc., Gravette, Ark. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 128638 (Sub-No. 1 TA), filed November 1, 1966. Applicant: CENTRAL GRAIN HAULERS, INC., Route 1, Van Meter Road, Winchester, Ky. 40391. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed, flour and cornmeal*, in bags or containers, from Lexington, Ky., to points in Ohio, Indiana, Illinois, Tennessee, Virginia, West Virginia, and Missouri; and (2) *materials in bags, used in the processing and manufacturing of flour and cornmeal*, from points in Ohio, Indiana, Illinois, Tennessee, Virginia, West Virginia, and Missouri, to Lexington, Ky., for 180 days. Supporting shipper: Buhler Mills, Inc., 133 South Broadway, Lexington, Ky. 40507. Send protests to: R. W. Schneider, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 207 Exchange Building, 147 North Upper Street, Lexington, Ky. 40507.

No. MC 128673 TA, filed November 1, 1966. Applicant: CRAIGSVILLE DISTRIBUTING COMPANY, INC., Post Of-

fice Box No. 567, Chelyan (Kanawha County) W. Va. 25041. Applicant's representative: Homer W. Hanna, Jr., 1201 Kanawha Valley Building, Charleston, W. Va. 25301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mine roof bolts and accessories*, (1) from Lebanon and Ambridge, Pa., Marietta and Mingo Junction, Ohio, to Richwood, Henry, Bayard, Kingwood, Tioga, and Werth, W. Va., (2) from Marietta and Mingo Junction, Ohio, and Huntington, W. Va., to Tire Hill, Pa., for 180 days. Supporting shippers: Maust Coal & Coke Co.; Alpine Coal Co.; Cherry River Coal & Coke Co.; Summersville Coal Co.; Birch Coal Co.; North Branch Coal Co.; Gauley Coal & Coke Co.; Chapel Coal Co. and Bird Coal Co., all of Post Office Box No. 191, Richwood, W. Va. 26261. Attention: Mr. H. Frank Harris, Purchasing Agent. Send protests to: H. R. White, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 3202 Federal Office Building, Charleston, W. Va. 25301.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12198; Filed, Nov. 8, 1966;  
8:51 a.m.]

[Notice 988]

### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

NOVEMBER 7, 1966.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-9576. Authority sought for purchase by NIELSEN FREIGHT LINES, 1272 Gossage Avenue, Petaluma, Calif. 94952, of the operating rights and property of CALLISON TRUCK LINES, INC., 1100 West Del Norte Street, Post Office Box C, Eureka, Calif. 95501, and for acquisition by JAMES P. NIELSEN, also of Petaluma, Calif., of control of such rights and property through the purchase. Applicants' attorneys: Frank Loughran, 100 Bush Street, San Francisco, Calif. 94104, and Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-105762, Sub 8, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of California. Vendee is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12243; Filed, Nov. 8, 1966;  
8:52 a.m.]

## Title 2—THE CONGRESS

### ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under Title 2—The Congress. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 89th Congress, Second Session.

#### Approved November 5, 1966

H.R. 2266-----Public Law 89-757

An Act to provide for the settlement of claims resulting from an explosion at a U.S. ordnance plant in Bowie County, Tex., on July 8, 1963.

H.R. 12360-----Public Law 89-758

An Act to permit the sale of grain storage facilities to public nonprofit agencies and organizations.

H.R. 15024-----Public Law 89-759

An Act to authorize the Administrator of General Services to select an available Government-owned site in the District of Columbia and to improve and lease such site for a temporary heliport.

S. 84-----Public Law 89-706

An Act to provide for reimbursement to the State of Wyoming for improvements made on certain lands in Sweetwater County, Wyoming, if and when such lands revert to the United States.

S. 360-----Public Law 89-761

An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes.

S. 476-----Public Law 89-763

An Act to amend the Act approved March 18, 1950, providing for the construction of airports in or in close proximity to national parks, national monuments, and national recreation areas, and for other purposes.

S. 1349-----Public Law 89-764

An Act to amend the inland, Great Lakes, and western rivers rules concerning sailing vessels and vessels under sixty-five feet in length.

S. 1496-----Public Law 89-762

An Act to repeal section 3342 of title 5, United States Code, relating to the prohibition of employee details from the field service to the departmental service, and for other purposes.

S. 1556-----Public Law 89-765

An Act to authorize the Board of Governors of the Federal Reserve System to delegate certain of its functions, and for other purposes.

S. 1760-----Public Law 89-766

Greek Loan of 1929 Settlement Act.

S. 3148-----Public Law 89-767

An Act to provide for the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the city of El Paso, Texas.

S.J. Res. 133-----Public Law 89-768

Joint Resolution designating February, 1967 as American History Month.



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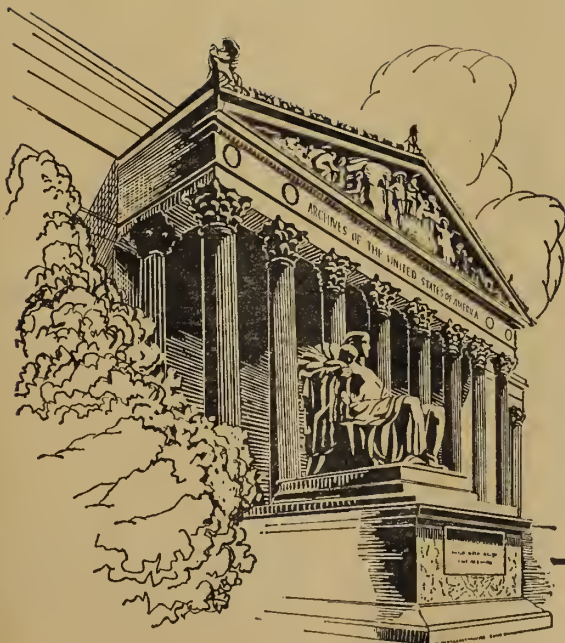
PART II

Department of Agriculture

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Consumer and Marketing  
Service

Cotton Research  
and  
Promotion Orders





## Title 7—AGRICULTURE

### Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

#### PART 1205—COTTON RESEARCH AND PROMOTION ORDERS

##### Subpart—Procedure for the Conduct of Referenda in Connection With Cotton Research and Promotion Orders

On October 19, 1966, a notice of proposed rule making was published in the *FEDERAL REGISTER* (31 F.R. 13478) regarding proposed regulations to govern the procedure for the conduct of referenda in connection with cotton research and promotion orders under the Cotton Research and Promotion Act (80 Stat. 279). After consideration of all such relevant matter as was presented by interested persons, the regulations as so proposed are hereby adopted, subject to the following changes:

1. Subdivision (iii) of subparagraph (d) of § 1205.202(a) is changed by inserting after the words "prior to the" the words "beginning of the".

2. In the first sentence of paragraph (d) of § 1205.204, after the words "placing it in" the words "the return postage-and-fees paid indicia envelope furnished by the county committee" are changed to read "an envelope".

3. Paragraph (a) of § 1205.205 is changed.

**Effective date.** This subpart shall become effective on the date of its publication in the *FEDERAL REGISTER*.

Dated: November 3, 1966.

GEORGE L. MEHREN,  
Assistant Secretary.

##### Subpart—Procedure for the Conduct of Referenda in Connection With Cotton Research and Promotion Orders

###### Sec.

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**Authority:** The provisions of this subpart issued under sec. 15, Cotton Research and Promotion Act (sec. 15, 80 Stat. 285).

#### § 1205.200 General.

Referenda for the purpose of ascertaining whether the issuance by the Secretary of Agriculture of a cotton research and promotion order, or the termination or suspension of such an order, is approved or favored by producers shall, unless supplemented or modified by the

Secretary, be conducted in accordance with this subpart.

#### § 1205.201 Definitions.

(a) "Act" means the Cotton Research and Promotion Act (80 Stat. 279).

(b) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead and "Department" means the U.S. Department of Agriculture.

(c) "Consumer and Marketing Service" means the Consumer and Marketing Service of the Department.

(d) "Agricultural Stabilization and Conservation Service", also referred to as ASCS, means the Agricultural Stabilization and Conservation Service of the Department.

(e) "Administrator" means the Administrator of the Consumer and Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(f) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service.

(g) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(h) "County committee" means the persons elected within a county as the county committee, pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(i) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service county office, or the person acting in such capacity.

(j) "State executive director" means the person employed by the State committee to execute the policies of the State committee and to be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service State Office, or the person acting in such capacity.

(k) "Order" means the order (including an amendatory order) with respect to which the Secretary has directed that a referendum be conducted.

(l) "Representative period" means the period designated by the Secretary pursuant to section 8 of the act.

(m) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(n) "Upland cotton" means any cotton other than extra long staple cotton.

(o) "Engaged in the production." The term "engaged in the production" shall

include planting an upland cotton crop even though the crop is not harvested if such failure to harvest is not caused by the neglect of the farmer. In addition,

(1) Except for a landlord of a standing rent, cash rent, or fixed rent tenant, each person sharing in an upland cotton crop, or proceeds thereof, on a farm as an owner, cash tenant, landlord of a share tenant, share tenant or sharecropper shall be considered engaged in the production of such crop.

(2) Each person who was either the owner or operator of a farm for which an acreage allotment for a crop of upland cotton was established pursuant to the Agricultural Adjustment Act of 1938, as amended, but on which such crop was not produced shall be deemed to be engaged in the production of such crop in the year in which such crop, if produced, would have been harvested if any acreage of such crop was deemed devoted to the crop for history purposes under applicable provisions of such law and he would have shared in such crop if it had been produced.

(p) "Producer" means any person engaged in the production of upland cotton.

#### § 1205.202 Agencies through which a referendum shall be conducted.

(a) *Consumer and Marketing Service.* The Administrator shall:

(1) Determine the referendum period.

(2) Give reasonable advance notice of the referendum (i) by utilizing without advertising expense available media of public information (including, but not being limited to, press and radio facilities) serving the upland cotton producing areas, announcing the dates, places, or methods of voting, and other pertinent information, and (ii) by such other means as he may deem advisable.

(3) Provide ballots and related material to be used in the referendum to ASCS. The ballot (i) shall provide for recording essential information for ascertaining whether the person voting is an eligible voter, and (ii) may provide for recording the total amount of upland cotton produced by the producer during the representative period.

(4) Make available to producers through ASCS county committees instructions on voting, an appropriate ballot and, except in the case of a referendum on the termination or suspension of an order, a summary of the terms and conditions of the order. The instructions on voting shall explain the method to be used in determining the amount of upland cotton produced during the representative period and shall specify whether such amount is to be entered on the ballot by the voter, subject to the following terms and conditions:

(i) If a current production year for which harvesting has not been completed is designated as the representative period, the amount of upland cotton produced shall be determined by the office of the county committee on the basis of the acreage planted on the farm and projected lint yield per acre for the farm.

(ii) On farms in which more than one eligible voter is engaged in production,



the vote cast by each voter shall represent only the amount of upland cotton that is his share of the crop, or proceeds thereof.

(iii) If an eligible voter is engaged in production of upland cotton on more than one farm he is entitled to only one vote but any vote cast by such voter shall represent the total amount of upland cotton that is his share of the crop, or proceeds thereof, on all such farms: *Provided*, That only farms for which records are maintained by the ASCS county office designated as the voter's polling place shall be considered unless the voter, prior to the beginning of the referendum, establishes to the satisfaction of such county office his share of the crop, or proceeds thereof, on any additional farm or farms.

(iv) A person who is eligible to vote in the referendum and who did not have any planted acreage of upland cotton during the representative period, regardless of reason for not planting, may vote "yes" or "no" with respect to the order but such person's volume of production will be considered as zero (0).

(b) *Agricultural Stabilization and Conservation Service*. Except for the functions specified in paragraph (a) of this section, the Deputy Administrator shall be in charge of and responsible for conducting each referendum. Each State committee shall be in charge of and responsible for conducting such referendum in its State. Each county committee shall be responsible for the proper holding of such referendum in its county. It shall be the duty of each committee to conduct each referendum in a fair, unbiased and impartial manner in accordance with the regulations in this subpart.

#### § 1205.203 Voting eligibility.

(a) *Special eligibility requirements*. Each person who was engaged in the production of upland cotton during the representative period shall be eligible to vote in a referendum.

(b) *General eligibility requirements*.

(1) A person may qualify as an eligible voter by meeting the eligibility requirements, but no such person shall be entitled to more than one vote regardless of the number of upland cotton farms in which the person is interested or the number of communities, counties, or States in which are located farms in which such person is interested: *Provided, however*, That the individual members of a qualified partnership shall each have one vote, but the partnership as such shall not have a vote and an individual who qualifies as an eligible voter by reason of his separate farming operations will be entitled to one vote even though he is interested in an organization such as (but not limited to) a corporation which is also eligible as a voter and entitled to one vote. A person who, as a guardian, administrator, executor, or trustee engages in the production of upland cotton will be eligible to vote in such fiduciary capacity if, in such capacity, he qualifies as an eligible voter. In such cases the person for whom he is

acting in a fiduciary capacity will not be eligible to vote. An individual may, if otherwise eligible, cast a ballot in his individual capacity although he may also cast a ballot as a guardian, administrator, executor, or trustee. An individual who holds more than one fiduciary position may vote as a fiduciary in each case in which he is otherwise eligible, as for example, if John Doe is administrator of estate X, he may cast a ballot as administrator of estate X, and if he is also administrator of estate Y, he may cast another ballot as administrator of estate Y.

(2) Where a group of several persons, such as husband, wife, and children, are engaged in the production of upland cotton under the same lease or cropping agreement only the person or persons who signed or entered into the lease or cropping agreement shall be eligible to vote. In the event two or more persons are engaged in the production of upland cotton as joint tenants, tenants in common, or owners of community property, each such person shall be entitled to one vote if otherwise qualified. Whether a husband or wife is entitled to vote does not depend upon whether the other spouse is eligible to vote. Eligibility to vote applies to each one individually. A wife is eligible to vote if she shares in the proceeds of the required crop as an owner, cash tenant, landlord of a share tenant, share tenant, or sharecropper. If a husband and wife are tenants or sharecroppers on a farm, jointly responsible under the rental or sharecropping agreement, both are eligible to vote. This is true whether the rental or sharecropping agreement is written, signed by both parties, or oral, provided both husband and wife made the oral agreement. A minor is not disqualified from voting solely because of his minority if otherwise eligible and he is not less than 18 years of age.

(c) *Voting by proxy prohibited*. There shall be no voting by proxy or agent but a duly authorized officer of a corporation, association, or other legal entity, may cast its vote.

#### § 1205.204 Voting.

(a) *Place of voting*. The ASCS county office serving the county in which the producer's farm is located shall be his polling place.

(b) *Register of eligible voters*. The county committee shall establish a register of known eligible voters prior to the referendum.

(c) *Mailing of ballot to eligible voters*. The county committee shall furnish each eligible voter a ballot suitable for mailing back to the office of the county committee. If an eligible voter does not receive a ballot, he may obtain one during the referendum period from the office of the county committee for the county in which he is eligible to vote.

(d) *Returning ballot to office of the county committee*. Each person to whom a ballot is issued by mail or in person may vote in the referendum by completing and signing his ballot, placing it in an envelope, and delivering or mailing it

to the office of the county committee for the county in which he is eligible to vote. In order to be eligible for tabulation by the county committee, voted ballots must be received by the county committee of the county in which the voter is eligible to vote during the period established for holding the referendum. A ballot shall be considered to have been received during the referendum period if (1) in the case of a ballot delivered to the county committee, it was received in the office prior to the close of the work day on the final day of the referendum period, or (2) in the case of a mailed ballot, it was postmarked not later than midnight of the final day of the referendum period and was received in the county office prior to the start of canvassing the ballots.

(e) *Placing of ballots in ballot box*. Notwithstanding the fact that a ballot(s) may be later challenged by the county committee, envelopes containing ballots received at the ASCS county office during the referendum period shall remain unopened and shall be placed immediately in a ballot box provided by the county office manager. Such ballot box shall be arranged so that ballots cannot be read or moved without breaking the seal on the container.

#### § 1205.205 Canvass of ballots.

(a) *Canvassing procedure*. Canvassing of returned ballots shall take place as soon as possible after the opening of the county office on the fifth day following the close of the referendum period. Such canvassing shall be in the presence of at least two members of the county committee and shall be open to the public. The canvassing and ballots shall be handled in such a manner that no member of the public may see how any person voted in the referendum. The county committee shall supervise the opening of the sealed ballot box, the opening of the envelopes containing the ballots and a determination as to (1) the number of eligible voters favoring the order and, where necessary, the amount of upland cotton represented by them, (2) the number of eligible voters disapproving the order and, where necessary, the amount of upland cotton represented by them, (3) the number of ballots cast by voters found to be ineligible to vote in the referendum, and (4) number of spoiled ballots. The ballots determined to be spoiled or cast by ineligible voters shall not be considered as approving or disapproving the order, and the persons who cast such ballots shall not be regarded as participating in the referendum.

(b) *Spoiled ballots*. A ballot shall be considered as a spoiled ballot if (1) it is mutilated or marked in such a way that it is not possible to determine with certainty how the ballot was intended to be counted, or (2) it does not contain the signature of the voter, or his properly witnessed mark.

(c) *Challenge of ballots*. A ballot may be challenged by any member of the county committee. Before a challenged ballot is either counted or declared invalid, a determination shall be made by the county committee as to the



eligibility of the voter to vote in the referendum.

**§ 1205.206 Reporting results of referendum.**

(a) Each county committee shall transmit a written county summary of ballots showing the results of the referendum in its county to its State committee.

(b) Each State committee shall transmit a written summary of the referendum results from the county committees within its State to the Director, Cotton Division, Consumer and Marketing Service, Washington, D.C. 20250, and maintain one copy of the summary in the office of the State committee where it will be available for public inspection for a period of 5 years following the end of the referendum period.

(c) The Director of the Cotton Division shall prepare and submit to the Secretary a report as to the results of the referendum. The Secretary shall then publicly proclaim the results of the referendum.

**§ 1205.207 Challenge of correctness of county summary of ballots.**

The State committee shall make a prompt investigation and decision in case of any dispute or challenge regarding the correctness of the county summary of ballots in any county: *Provided*, That no dispute or challenge shall be investigated unless it is brought to the attention of the State committee within 3 days after receipt by the State committee of the county summary of ballots from such county.

**§ 1205.208 Disposition of ballots and records by county committee.**

The county committee shall seal the voted ballots, challenged ballots found to be ineligible, spoiled ballots, register sheets, and summary sheets for the county in one or more envelopes or packages, plainly marked with the identification of the referendum, the date, and the names of the county and State, and place them under lock and key in a safe place under the custody of the county office manager for a period of 45 calendar days after the referendum period. If no notice to the contrary is received by the

end of such time, and after the ballots and other records have been examined by a representative of the State committee, the voted ballots and challenged ballots shall be destroyed, but the registers and county summary sheets shall be filed for a period of 5 years in the office of the county committee.

**§ 1205.209 Confidential information.**

All ballots cast and the contents thereof shall be treated as confidential.

**§ 1205.210 Additional instructions and forms.**

The Deputy Administrator is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this subpart for the use of State and county committees in conducting a referendum. Such additional instructions may include procedures for county and State committees to report and announce the results of the preliminary count of the votes in the county and the State.

[F.R. Doc. 66-12200; Filed Nov. 8, 1966; 8:52 a.m.]



## DEPARTMENT OF AGRICULTURE

## Consumer and Marketing Service

## [ 7 CFR Part 1205 ]

[ CRPA Docket No. 1 ]

## COTTON RESEARCH AND PROMOTION

Decision and Referendum Order  
With Respect to Proposed Order

Pursuant to the rules of practice and procedure governing proceedings to formulate orders under the Cotton Research and Promotion Act (7 CFR Part 1205, 31 F.R. 10510), public hearing sessions on a proposed cotton research and promotion order were held in Memphis, Tenn., on August 22-24, 1966, in Dallas, Tex., on August 25-26, in Phoenix, Ariz., on August 29-30, and in Atlanta, Ga., on September 1-2, after notice thereof was published in the FEDERAL REGISTER (31 F.R. 10532) on August 5, 1966.

On the basis of the evidence adduced at the hearing and the record thereof, a recommended decision in this proceeding, including a proposed cotton research and promotion order was filed on September 30, 1966, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (31 F.R. 12956) on October 5, 1966. The time for filing exceptions to the recommended decision, with the Hearing Clerk, expired on October 14, 1966.

*Material issues, findings and conclusions, rulings and general findings.* The material issues, findings and conclusions, rulings and the general findings of the recommended decision set forth in the FEDERAL REGISTER (31 F.R. 12956) are hereby approved and adopted as the material issues, findings and conclusions, rulings and the general findings of this decision as if set forth in full herein, except as they are modified by the rulings on the exceptions hereinafter set forth.

*Rulings on exceptions.* Exceptions to the recommended decision were filed, within the prescribed time, by Joseph O. Parker and L. Alton Denslow for the National Cotton Council of America, by the Runnels County Texas Farm Bureau, and by C. H. DeVaney, President, Texas Farm Bureau, on his behalf and on behalf of J. D. Hays, Marvin L. Morrison, and Boswell Stevens. These exceptions have been considered carefully and fully, in connection with the evidence in the record and the proposed findings and conclusions of the recommended decision, in arriving at the findings and conclusions set forth herein. To any extent that the findings and conclusions contained herein are at variance with any of the exceptions pertaining thereto, such exceptions are denied on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

Exception was taken to the last sentence in § 1205.325 of the recommended

order dealing with the taking of action by the Cotton Board by mail, telegraph, or telephone. This sentence in § 1205.325 is revised to include, in accordance with the hearing record, provision for authorizing Board action by mail, telegraph, or telephone on matters of an emergency nature when there is not enough time to call an assembled meeting of the Board. Also, three new sentences reading as follows are added after the third sentence in next to the last paragraph of the findings and conclusions dealing with material issue (3)(b) as set forth in the recommended decision: "Also, provision should be made for the Board to take action upon the concurring votes of its members by mail, telegraph, or telephone on matters of an emergency nature when there is not enough time to call an assembled meeting. The responsibility for initiating a poll by mail, telegraph, or telephone should rest with the Chairman of the Board, or such person or persons designated by the Board. It should be the responsibility of the person conducting any such poll to explain each proposition accurately, fully, and similarly to each member of the Board."

Exception was taken on the basis that the recommended decision is inconsistent with the best interests of cotton producers and would hamper the rebuilding of a viable cotton industry, and that the recommended decision is not supported either by the findings and conclusions or the body of evidence offered in testimony during the process of the hearings. Since the evidence does support the findings and conclusions the exception is denied. However, some of the contentions on which this exception is based and the contents of another exception do indicate a need for clarification on refunds of assessments in the eighth and ninth paragraphs of the findings and conclusions dealing with material issue (3)(d). Accordingly, the last four sentences in the eighth paragraph dealing with material issue (3)(d) are deleted and the following sentence is substituted therefor: "The dollar per bale assessment is mandatory but each producer has the right to decide whether or not he will exercise his refund privilege." Also, the last four sentences in the ninth paragraph dealing with material issue (3)(d) are deleted and the following sentences are substituted therefor: "The Board may also want to consider making such forms available to producers at the ASCS county office, or some other government office, in each cotton-producing county. Such forms should not be available at the offices of handlers collecting the \$1 per bale because the intense competition for business among handlers could easily defeat the purpose of the act and order. This should not preclude the Board from making the forms available to producers at ASCS county offices even though the Board should designate the Commodity Credit Corporation as a handler. Certainly, no regulation issued by the Board should contain any impossible, complex, or even onerous condition. Although the

act requires that any producer desiring a refund shall make the request personally, there is no provision in the act or order that precludes a producer needing help, such as assistance in writing letters to the Board or completing application forms, from obtaining such help. No interest should be allowed on any refund made to a producer, inasmuch as there is no provision therefor in the act and no suggestion of congressional intent to provide for payment of interest."

Annexed hereto and made a part hereof is a document entitled "Cotton Research and Promotion Order" which has been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. This document shall not become effective unless and until the requirements of § 1205.15 of the aforesaid rules of practice and procedure governing proceedings to formulate orders under the Cotton Research and Promotion Act have been met.

*Referendum order.* Pursuant to the applicable provisions of the Cotton Research and Promotion Act (80 Stat. 279), it is hereby directed that a referendum be conducted among the cotton producers who, during calendar year 1966 (which period is hereby determined to be a representative period for the purpose of such referendum) have been engaged in the production of upland cotton in the United States for the 1966 crop to determine whether such producers favor the issuance of the said annexed Cotton Research and Promotion Order.

The procedure applicable to the referendum shall be the procedure for the conduct of referenda in connection with cotton research and promotion orders (7 CFR 1205.200 et seq.) as published in this issue of the FEDERAL REGISTER. The referendum period shall be December 5 through 9, 1966, provided that ballots cast prior to December 5 shall not be invalidated for that reason.

The ASCS county office will send each eligible voter an appropriate ballot, instructions on the voting procedure, and a summary of the terms and conditions of the said annexed Cotton Research and Promotion Order. If any eligible voter does not receive a ballot on or prior to December 5, 1966, he may obtain one during the referendum period from the ASCS county office for the county in which he is eligible to vote.

Single copies of the complete text of the proposed Cotton Research and Promotion Order may be obtained at any ASCS county office in cotton producing counties or from the Cotton Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

*It is hereby ordered,* That all of this decision, referendum order, and annexed Cotton Research and Promotion Order be published in the FEDERAL REGISTER.

Dated: November 3, 1966.

GEORGE L. MEHREN,  
Assistant Secretary.



**Cotton Research and Promotion Order<sup>1</sup>**

Sec.

1205.300 Findings and determinations.

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**AUTHORITY:** The provisions of this subpart issued under sec. 5, Cotton Research and Promotion Act (sec. 5, 80 Stat. 280).

**§ 1205.300 Findings and determinations.**

(a) *Findings on the basis of the hearing record.* Pursuant to the Cotton Research and Promotion Act (80 Stat. 279), and the applicable rules of practice and procedure (7 CFR Part 1205, 31 F.R. 10510), public hearing sessions on a proposed cotton research and promotion order were held in Memphis, Tenn., on August 22-24, 1966, in Dallas, Tex., on

<sup>1</sup> This order shall not become effective unless and until the requirements of § 1205.15 of the rules of practice and procedure governing proceedings to formulate orders under the Cotton Research and Promotion Act have been met.

August 25-26, in Phoenix, Ariz., on August 29-30, and in Atlanta, Ga., on September 1-2. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act; and

(2) All cotton produced and handled in the United States is in the current interstate or foreign commerce, or directly burdens, obstructs, or affects interstate or foreign commerce in cotton and cotton products.

*It is therefore ordered:*

**DEFINITIONS****§ 1205.301 Secretary.**

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

**§ 1205.302 Act.**

"Act" means the Cotton Research and Promotion Act (Public Law 89-502, 89th Congress, approved July 13, 1966, 80 Stat. 279).

**§ 1205.303 Person.**

"Person" means any individual, partnership, corporation, association, or any other entity.

**§ 1205.304 Cotton.**

"Cotton" means all upland cotton harvested in the United States, and except as used in §§ 1205.308, 1205.331, and 1205.332, includes cottonseed of such cotton and the products derived from such cotton and its seed.

**§ 1205.305 Fiscal period.**

"Fiscal period" is the 12-months budgetary period and means the calendar year unless the Cotton Board, with the approval of the Secretary, selects some other 12-months budgetary period.

**§ 1205.306 Cotton Board.**

"Cotton Board" means the administrative body established pursuant to § 1205.318.

**§ 1205.307 Producer.**

"Producer" means any person who shares in a cotton crop actually harvested on a farm, or in the proceeds thereof, as an owner of the farm, cash tenant, landlord of a share tenant, share tenant, or sharecropper.

**§ 1205.308 Handler.**

"Handler" means any person who handles cotton, including the Commodity Credit Corporation.

**§ 1205.309 Handle.**

"Handle" means to harvest, gin, warehouse, compress, purchase, market, transport, or otherwise acquire ownership or control of cotton.

**§ 1205.310 United States.**

"United States" means the 50 States of the United States of America.

**§ 1205.311 Cotton-producing State.**

"Cotton-producing State" means each of the following States and combinations of States:

Alabama-Florida;	New Mexico;
Arizona;	North Carolina-
Arkansas;	Virginia;
California-Nevada;	Oklahoma;
Georgia;	South Carolina;
Louisiana;	Tennessee-Ken-
Mississippi;	tucky
Missouri-Illinois;	Texas.

**§ 1205.312 Marketing.**

"Marketing" includes the sale of cotton or the pledging of cotton to the Commodity Credit Corporation as collateral for a price support loan.

**§ 1205.313 Cotton-producer organization.**

"Cotton-producer organization" means any organization which has been certified by the Secretary pursuant to § 1205.337.

**§ 1205.314 Contracting organization or association.**

"Contracting organization or association" means the organization or association with which the Cotton Board has entered into a contract or agreement pursuant to § 1205.328(c).

**§ 1205.315 Cotton-producing region.**

"Cotton-producing region" means each of the following groups of cotton-producing States:

(a) Southeast Region: Alabama-Florida, Georgia, North Carolina-Virginia, and South Carolina;  
 (b) MidSouth Region: Arkansas, Louisiana, Mississippi, Missouri-Illinois, and Tennessee-Kentucky;  
 (c) Southwest Region: Oklahoma and Texas;  
 (d) Western Region: Arizona, California-Nevada, and New Mexico.

**§ 1205.316 Marketing year.**

"Marketing year" means a consecutive 12-month period ending on July 31.

**§ 1205.317 Part and subpart.**

"Part" means the cotton research and promotion order and all rules, regulations and supplemental orders issued pursuant to the act and the order, and the aforesaid order shall be a "subpart" of such part.

**COTTON BOARD****§ 1205.318 Establishment and membership.**

There is hereby established a Cotton Board composed of representatives of cotton producers, each of whom shall have an alternate, selected by the Secretary from nominations submitted by eligible producer organizations within a cotton-producing State, as certified pursuant to § 1205.337, or, if the Secretary determines that a substantial number of producers are not members of or their interests are not represented by any such eligible producer organizations, from nominations made by producers in the manner authorized by the Secretary



Each cotton-producing State shall be represented by at least one member and by an additional member for each 1 million bales or major fraction (more than one-half) thereof of cotton produced in the State and marketed above 1 million bales during the period specified in the regulations for determining Board membership.

#### § 1205.319 Term of office.

The members of the Board and their alternates shall serve for terms of 3 years, but the initial members and alternates shall be selected to represent the cotton-producing States in each of the cotton-producing regions for terms expiring on December 31, 1968, 1969, or 1970, so that, as nearly as practicable, the terms of one-third of the members and their alternates from cotton-producing States in any such region expire each year. Each member and alternate member shall continue to serve until his successor is selected and has qualified.

#### § 1205.320 Nominations.

All nominations authorized under § 1205.318 shall be made within such period of time and in such manner as the Secretary shall prescribe. The eligible producer organizations within each cotton-producing State, as certified pursuant to § 1205.337, shall caucus for the purpose of jointly nominating two qualified persons for each member and for each alternate member to be selected to represent the cotton producers of such cotton-producing State. If joint agreement is not reached with respect to the nominees for any such position each such organization may nominate two qualified persons for any position on which there was no agreement.

#### § 1205.321 Selection.

From the nominations made pursuant to §§ 1205.318 and 1205.320 the Secretary shall select the members of the Board and an alternate for each such member on the basis of the representation provided for in §§ 1205.318 and 1205.319.

#### § 1205.322 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the Board shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

#### § 1205.323 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the Board to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the Board, a successor for the unexpired term of such member or alternate member of the Board shall be nominated and selected in the manner specified in §§ 1205.318, 1205.320, and 1205.321.

#### § 1205.324 Alternate members.

An alternate member of the Board, during the absence of the member for whom he is the alternate, shall act in the

place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and qualified. In the event both a member of the Board and his alternate are unable to attend a Board meeting, the Board may designate any other alternate member from the same cotton-producing State or region to serve in such member's place and stead at such meeting.

#### § 1205.325 Procedure.

A majority of the members of the Board, or alternates acting for members, shall constitute a quorum and any action of the Board shall require the concurring votes of at least a majority of those present and voting. At assembled meetings all votes shall be cast in person. For routine and noncontroversial matters which do not require deliberation and the exchange of views, and in matters of an emergency nature when there is not enough time to call an assembled meeting of the Board, the Board may also take action upon the concurring votes of a majority of its members by mail, telegraph or telephone, but any such action by telephone shall be confirmed promptly in writing.

#### § 1205.326 Compensation and reimbursement.

The members of the Board, and alternates when acting as members, shall serve without compensation but shall be reimbursed for necessary expenses, as approved by the Board, incurred by them in the performance of their duties under this subpart.

#### § 1205.327 Powers.

The Board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms and provisions;

(b) Subject to the approval of the Secretary, to make rules and regulations to effectuate the terms and provisions of this subpart including the designation of the handler responsible for collecting the producer assessment authorized by § 1205.331, which designation may be of different handlers or classes of handlers to recognize differences in marketing practices in any State or area;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart;

(d) To recommend to the Secretary amendments to this subpart.

#### § 1205.328 Duties.

The Board shall have the following duties:

(a) To select from among its members a chairman and such other officers as may be necessary for the conduct of its business, and to define their duties;

(b) To appoint or employ such persons as it may deem necessary and to determine the compensation and to define the duties of each;

(c) With the approval of the Secretary, to enter into contracts or agreements for the development and submis-

sion to it of research and promotion plans or projects authorized by § 1205.329, and for the carrying out of such plans or projects when approved by the Secretary, and for the payment of the costs thereof with funds collected pursuant to § 1205.331, with an organization or association whose governing body consists of cotton producers selected by the cotton producer organizations certified by the Secretary under § 1205.337, in such manner that the producers of each cotton-producing State will, to the extent practicable, have representation on the governing body of such organization in the proportion that the cotton marketed by the producers of such State bears to the total cotton marketed by the producers of all cotton-producing States, subject to adjustments to reflect lack of participation in the program by reason of refunds under § 1205.332. Any such contract or agreement shall provide that such contracting organization or association shall develop and submit annually to the Cotton Board, for the purpose of review and making recommendations to the Secretary, a program of research, advertising, and sales promotion projects, together with a budget, or budgets, which shall show the estimated cost to be incurred for such projects, and that any such projects shall become effective upon approval by the Secretary. Any such contract or agreement shall also provide that the contracting organization shall keep accurate records of all its transactions, which shall be available to the Secretary and Board on demand, and make an annual report to the Cotton Board of activities carried out and an accounting for funds received and expended, and such other reports as the Secretary may require;

(d) To review and submit to the Secretary any research and promotion plans or projects which have been developed and submitted to it by the contracting organization or association, together with its recommendations with respect to the approval thereof by the Secretary;

(e) To submit to the Secretary for his approval budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of this subpart, including probable costs of advertising and promotion and research and development projects as estimated in the budget or budgets submitted to it by the contracting organization or association, with the Board's recommendations with respect thereto;

(f) To maintain such books and records and prepare and submit such reports from time to time to the Secretary as he may prescribe, and to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it;

(g) To cause its books to be audited by a competent public accountant at least once each fiscal period and at such other times as the Secretary may request, and to submit a copy of each such audit to the Secretary;

(h) To give the Secretary the same notice of meetings of the Board as is given to members in order that his representative may attend such meetings;



- (i) To act as intermediary between the Secretary and any producer or handler;
- (j) To submit to the Secretary such information as he may request.

#### RESEARCH AND PROMOTION

##### § 1205.329 Research and promotion.

The Cotton Board shall in the manner prescribed in § 1205.328(c) establish or provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate plans or projects for the advertising and sales promotion of cotton and its products, which plans or projects shall be directed toward increasing the general demand for cotton or its products in accordance with section 6(a) of the act;

(b) The establishment and carrying on of research and development projects and studies with respect to the production, ginning, processing, distribution, or utilization of cotton and its products in accordance with section 6(b) of the act, to the end that the marketing and utilization of cotton may be encouraged, expanded, improved, or made more efficient.

#### EXPENSES AND ASSESSMENTS

##### § 1205.330 Expenses.

The Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart. The funds to cover such expenses shall be paid from assessments received pursuant to § 1205.331.

##### § 1205.331 Assessments.

Each cotton producer or other person for whom cotton is being handled shall pay to the handler thereof designated by the Cotton Board pursuant to regulations issued by the Board and such handler shall collect from the producer or other person for whom the cotton, including cotton owned by the handler, is being handled, and shall pay to the Cotton Board, at such times and in such manner as prescribed by regulations issued by the Board, an assessment at the rate of \$1 per bale of cotton handled, for such expenses and expenditures, including provision for a reasonable reserve, as the Secretary finds are reasonable and likely to be incurred by the Cotton Board under this subpart, except that no more than one such assessment shall be made on any bale of cotton.

##### § 1205.332 Producer refunds.

Any cotton producer against whose cotton any assessment is made under the authority of the act and collected from him and who is not in favor of supporting the research and promotion program as provided for in this subpart shall have the right to demand and receive from the Cotton Board a refund of such assessment upon submission of proof satisfactory to the Board that the producer paid the assessment for which refund is sought. Any such demand shall be made

personally by such producer in accordance with regulations and on a form and within a time period prescribed by the Board and approved by the Secretary. Such time period shall give the producer at least 90 days from the date of collection to submit the refund form to the Board. Any such refund shall be made within 60 days after demand therefor.

##### § 1205.333 Influencing governmental action.

No funds collected by the Board under this subpart shall in any manner be used for the purpose of influencing governmental policy or action except in recommending to the Secretary amendments to this subpart.

#### REPORTS, BOOKS, AND RECORDS

##### § 1205.334 Reports.

Each handler subject to this subpart may be required to report to the Cotton Board periodically such information as is required by regulations, which information may include but not be limited to, the following:

- (a) Number of bales handled;
- (b) Number of bales on which an assessment was collected;
- (c) Name and address of person from whom he has collected the assessment on each bale handled;
- (d) Date collection was made on each bale handled.

##### § 1205.335 Books and records.

Each handler subject to this subpart shall maintain and make available for inspection by the Cotton Board and the Secretary such books and records as are necessary to carry out the provisions of this subpart and the regulations issued thereunder, including such records as are necessary to verify any reports required. Such records shall be retained for at least 2 years beyond the marketing year of their applicability.

##### § 1205.336 Confidential treatment.

(a) All information obtained from such books, records, or reports shall be kept confidential by all officers and employees of the Department of Agriculture and of the Cotton Board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary of Agriculture, or to which he or any officer of the United States is a party, and involving this subpart. Nothing in this § 1205.336 shall be deemed to prohibit (1) the issuance of general statements based upon the reports of a number of handlers subject to this subpart, which statements do not identify the information furnished by any person, or (2) the publication by direction of the Secretary, of the name of any person violating this subpart, together with a statement of the particular provisions of this subpart violated by such person.

(b) All information with respect to refunds made to individual producers shall be kept confidential by all officers and

employees of the Department of Agriculture and of the Cotton Board.

#### CERTIFICATION OF COTTON PRODUCER ORGANIZATION

##### § 1205.337 Certification of cotton producer organization.

Any cotton producer organization within a cotton-producing State may request the Secretary for certification of eligibility to participate in nominating members and alternate members to represent such State on the Cotton Board. Such eligibility shall be based in addition to other available information upon a factual report submitted by the organization which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including the following:

(a) Geographic territory within the State covered by the organization's active membership;

(b) Nature and size of the organization's active membership in the State, proportion of total of such active membership accounted for by farmers, a map showing the cotton-producing counties in such State in which the organization has members, the volume of cotton produced in each such county, the number of cotton producers in each such county, and the size of the organization's active cotton producer membership in each such county;

(c) The extent to which the cotton producer membership of such organization is represented in setting the organization's policies;

(d) Evidence of stability and permanency of the organization;

(e) Sources from which the organization's operating funds are derived;

(f) Functions of the organization; and

(g) The organization's ability and willingness to further the aims and objectives of the act.

The primary consideration in determining the eligibility of an organization shall be whether its cotton farmer membership consists of a sufficiently large number of the cotton producers who produce a relatively significant volume of cotton to reasonably warrant its participation in the nomination of members for the Cotton Board. Any cotton producer organization found eligible by the Secretary under this § 1205.337 will be certified by the Secretary, and his determination as to eligibility is final.

#### MISCELLANEOUS

##### § 1205.338 Suspension and termination.

(a) The Secretary will, whenever he finds that this subpart or any provision thereof obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or such provision.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 per centum or more of the number of cotton producers voting in the referendum approving this subpart, to determine whether cotton producers favor the termination or suspension of this subpart, and he shall suspend or terminate such subpart



at the end of the marketing year whenever he determines that its suspension or termination is approved or favored by a majority of the producers of cotton voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production of cotton, and who produced more than 50 per centum of the volume of the cotton produced by the cotton producers voting in the referendum.

**§ 1205.339 Proceedings after termination.**

(a) Upon the termination of this subpart the Cotton Board shall recommend not more than five of its members to the Secretary to serve as trustees, for the purpose of liquidating the affairs of the Cotton Board. Such persons, upon designation by the Secretary, shall become trustees of all of the funds and property then in the possession or under control of the Board, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) carry out the obligations of the Cotton Board under any contracts or agreements entered into by it pursuant to § 1205.328(c); (3) from

time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person or persons as the Secretary may direct; and (4) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant to this § 1205.339.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this § 1205.339 shall be subject to the same obligation imposed upon the Cotton Board and upon the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be turned over to the Secretary to be disposed of, to the extent practicable, in the interest of continuing one or more of the cotton research or promotion programs hitherto authorized.

**§ 1205.340 Effect of termination or amendment.**

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obli-

gation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued thereunder, or (b) release or extinguish any violation of this subpart or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person, with respect to any such violation.

**§ 1205.341 Personal liability.**

No member or alternate member of the Cotton Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or alternate, except for acts of dishonesty or wilful misconduct.

**§ 1205.342 Separability.**

If any provision of this subpart is declared invalid or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of this subpart or the applicability thereof to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 66-12201; Filed, Nov. 8, 1966; 8:52 a.m.]







# FEDERAL REGISTER

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**Agencies in this issue—**

Agricultural Research Service  
Agricultural Stabilization and  
Conservation Service  
Agriculture Department  
Commodity Credit Corporation  
Consumer and Marketing Service  
Customs Bureau  
Emergency Planning Office  
Engineers Corps  
Federal Aviation Agency  
Federal Communications Commission  
Federal Power Commission  
Fish and Wildlife Service  
Food and Drug Administration  
Interstate Commerce Commission  
Land Management Bureau  
Securities and Exchange Commission  
Veterans Administration

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Volume 79

# UNITED STATES STATUTES AT LARGE

[89th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1965, reorganization plans, a proposed amendment to the Constitution, and Presidential proclamations. Also in-

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# Rules and Regulations

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-250]

#### PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

##### Requirements on Entry

In order to assist in the administration of the bilateral cotton textiles agreement concluded between the Governments of Hong Kong and the United States on August 26, 1966, under Article 4 of the Long Term Arrangement Regarding International Trade in Cotton Textiles, § 8.8(a) of the Customs Regulations is amended by the addition of the following sentence immediately after the reference to footnote 10: "On each entry covering cotton textiles imported from Hong Kong, the description of merchandise shall include, in addition to the applicable item number of the Tariff Schedules of the United States Annotated, the International Cotton Textile Arrangement Category number appearing on the Comprehensive Certificate of Origin when such a certificate is required (see 31 CFR 500.808.)"

(R.S. 161, as amended, 251, secs. 484, 624, 46 Stat. 722, as amended, 759; 5 U.S.C. 22, 19 U.S.C. 66, 1484, 1624)

This amendment shall be effective on and after November 15, 1966, but shall not apply to merchandise exported from Hong Kong prior to October 1, 1966.

[SEAL] LAWRENCE FLEISHMAN,  
Acting Commissioner of Customs.

Approved: November 3, 1966.

TRUE DAVIS,  
Assistant Secretary  
of the Treasury.

[F.R. Doc. 66-12237; Filed, Nov. 9, 1966;  
8:47 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 27—CANNED FRUITS AND FRUIT JUICES

##### Frozen Concentrate for Artificially Sweetened Lemonade; Confirmation of Effective Date of Order Establishing Definition and Standard of Identity

In the matter of establishing a definition and standard of identity for frozen concentrate for artificially sweetened lemonade:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3003), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of September 14, 1966 (31 F.R. 12019). Accordingly, the definition and standard of identity promulgated by that order will become effective November 13, 1966.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: November 2, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 66-12247; Filed, Nov. 9, 1966;  
8:48 a.m.]

## Title 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

#### PART 301—DOMESTIC QUARANTINE NOTICES

##### Subpart—Black Stem Rust

##### SPECIFICALLY APPROVED SOURCES

##### Correction

In F.R. Doc. 66-11802, appearing at page 13890 of the issue for Saturday, October 29, 1966, the following corrections are made in § 301.38-2b:

1. Under Delaware, the first entry should read as follows:

Beaver Valley Nursery, Inc. (dealer), 5601 Concord Pike, Wilmington.

2. Under Maryland:

a. The entry beginning with "Dubbert's Nursery" should read as follows:

Dubberts Nursery (dealer), 5424 Falls Road, Baltimore.

b. The entry beginning with "Ten Oaks" should read as follows:

Ten Oaks Nursery & Gardens, Inc., Ten Oaks Road, Clarksville.

3. Under New Jersey, the entry beginning with "Sonnybrook Nursery" should read as follows:

Sunnybrook Nursery, Inc., Rural Delivery No. 1, Route 45, Swedesboro.

4. Under Pennsylvania, the entry for Paint Creek Nursery should read as follows:

Paint Creek Nursery, Shippensburg.

5. Under Virginia, the entry for Cox's Nursery should read as follows:

Cox's Nursery, R.F.D. 2, Box 386A, Christiansburg.

### Chapter XIV—Commodity Credit Corporation, Department of Agriculture

#### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

#### PART 1464—TOBACCO

##### Subpart—Tobacco Loan Program

Set forth below is a schedule of advance rates, by grades, for the 1966 crop of Types 21, 22, 23, 31, 35, 36, and 37 tobacco, under the tobacco loan program published July 16, 1966 (31 F.R. 9679).

Sec.  
1464.1766 1966 Crop—Virginia Fire-Cured Tobacco, Type 21.

1464.1767 1966 Crop—Kentucky-Tennessee Fire-Cured Tobacco, Types 22 and 23.

1464.1768 1966 Crop—Burley Tobacco, Type 31.

Sec.  
1464.1769 1966 Crop—Dark Air-Cured Tobacco, Types 35 and 36.

1464.1770 1966 Crop—Virginia Sun-Cured Tobacco, Type 37.

§ 1464.1766 1966 Crop—Virginia Fire-Cured Tobacco, Type 21, Advance Schedule.<sup>1</sup>

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Length 43
A1F-----	62.25	62.25	-----	-----
A2F-----	56.25	57.25	-----	-----
A1D-----	61.25	61.25	-----	-----
A2D-----	56.25	57.25	-----	-----
B1F-----	59.25	59.25	-----	-----
B2F-----	55.25	55.25	49.25	-----
B3F-----	47.25	49.25	45.25	38.25
B4F-----	39.25	43.25	42.25	36.25
B5F-----	35.25	36.25	35.25	32.25
B1D-----	59.25	59.25	-----	-----
B2D-----	55.25	55.25	49.25	-----
B3D-----	47.25	49.25	45.25	38.25
B4D-----	38.25	41.25	39.25	36.25
B5D-----	35.25	36.25	35.25	32.25
B3M-----	38.25	39.25	38.25	36.25
B4M-----	37.25	38.25	37.25	34.25
B5M-----	33.25	34.25	33.25	28.25
B3G-----	38.25	39.25	38.25	36.25
B4G-----	37.25	38.25	37.25	34.25
B5G-----	33.25	34.25	33.25	28.25

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
C1L-----	65.25	65.25	-----
C2L-----	61.25	60.25	53.25
C3L-----	51.25	51.25	47.25
C4L-----	42.25	43.25	42.25
C5L-----	38.25	39.25	38.25
C1F-----	65.25	65.25	-----
C2F-----	61.25	61.25	53.25
C3F-----	51.25	51.25	47.25
C4F-----	42.25	44.25	43.25
C5F-----	38.25	40.25	39.25
C2D-----	37.25	38.25	37.25
C3D-----	33.25	34.25	33.25
C4D-----	31.25	32.25	31.25
C5D-----	27.25	28.25	27.25
C3M-----	39.25	41.25	40.25
C4M-----	36.25	38.25	37.25
C5M-----	33.25	35.25	34.25
C3G-----	33.25	34.25	33.25
C4G-----	30.25	31.25	30.25
C5G-----	27.25	28.25	27.25

See footnote at end of document.



[Dollars per hundred pounds, farm sales weight]

Grade		Grade	
X1L	45.25	X3M	34.25
X2L	43.25	X4M	34.25
X3L	40.25	X4M	32.25
X4L	38.25	X5M	30.25
X5L	34.25	X5M	27.25
X1F	45.25	X3G	34.25
X2F	43.25	X3G	33.25
X3F	41.25	X4G	31.25
X4F	38.25	X4G	29.25
X5F	34.25	X5G	26.25
X1D	41.25	X5G	25.25
X2D	38.25	N1L	23.25
X3D	36.25	N1D	23.25
X4D	33.25	N1C	23.25
X5D	28.25	N2	15.25
X3M	35.25		

**§ 1464.1767 1966 Crop—Kentucky—Tennessee Fire-Cured Tobacco, Types 22 and 23, Advance Schedule.<sup>1</sup>**

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Length 43
A1F	65	65		
A2F	61	61		
A3F	52	52		
A1D	65	65		
A2D	61	61		
A3D	52	52		
B1F	54	55	51	
B2F	51	52	49	
B3F	45	47	45	39
B4F	42	43	41	34
B5F	37	38	36	30
B3VF	43	45	42	
B4VF	41	42	40	32
B5VF	35	36	34	26
B1D	54	55	51	
B2D	51	52	49	
B3D	48	50	48	41
B4D	42	44	42	35
B5D	37	38	35	29
B3M	44	45	42	36
B4M	39	40	37	29
B5M	32	33	29	23
B3G	44	46	41	35
B4G	40	41	38	29
B5G	34	35	31	25
C1L	55	56	53	
C2L	51	52	50	
C3L	49	50	47	41
C4L	46	47	45	39
C5L	42	43	42	35
C1F	55	56	53	
C2F	51	52	50	
C3F	47	48	46	40
C4F	44	45	43	37
C5F	41	42	41	34
C3VF	45	46	44	38
C4VF	41	42	40	35
C5VF	40	41	39	31
C1D	53	53	50	
C2D	44	45	42	
C3D	41	42	39	34
C4D	36	36	34	30
C5D	34	35	33	28
C3M	44	45	42	36
C4M	39	40	38	34
C5M	37	38	35	29
C3G	40	41	38	31
C4G	36	37	32	29
C5G	32	33	30	28

[Dollars per hundred pounds, farm sales weight]

Grade		Grade	
X1L	47	X1F	46
X2L	44	X2F	44
X3L	43	X3F	42
X4L	41	X4F	39
X5L	38	X5F	37

See footnotes at end of document.

[Dollars per hundred pounds, farm sales weight]

Grade		Grade	
X3VF	40	X4M	36
X4VF	38	X5M	31
X5VF	33	X3G	35
X1D	43	X4G	30
X2D	41	X5G	28
X3D	38	N1L	30
X4D	35	N1D	26
X5D	31	N1G	26
X3M	38	N2	20

**§ 1464.1768 1966 Crop—Burley Tobacco, Type 31, Advance Schedule.<sup>1</sup>**

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
B1F	73.25	T5D	34.25
B2F	71.25	T4K	35.25
B3F	69.25	T5K	32.25
B4F	67.25	T4GF	42.25
B5F	63.25	T5GF	37.25
B3VF	63.25	T4GR	34.25
B4VF	59.25	T5GR	31.25
B5VF	53.25	C1L	76.25
B3K	59.25	C2L	75.25
B4K	54.25	C3L	74.25
B5K	44.25	C4L	73.25
B1FR	66.25	C5L	69.25
B2FR	64.25	C1F	76.25
B3FR	61.25	C2F	75.25
B4FR	59.25	C3F	74.25
B5FR	55.25	C4F	73.25
B1R	59.25	C5F	69.25
B2R	57.25	C3V	69.25
B3R	54.25	C4V	66.25
B4R	51.25	C5V	60.25
B5R	48.25	C3K	63.25
B3VR	48.25	C4K	61.25
B4VR	46.25	C5K	55.25
B5VR	42.25	C3R	67.25
B4D	40.25	C4R	65.25
B5D	35.25	C5R	60.25
B3M	60.25	C3M	66.25
B4M	55.25	C4M	63.25
B5M	45.25	C5M	58.25
B3GF	51.25	C4G	50.25
B4GF	49.25	C5G	44.25
B5GF	44.25	X1L	76.25
B3GR	40.25	X2L	75.25
B4GR	37.25	X3L	74.25
B5GR	34.25	X4L	71.25
M3F	60.25	X5L	66.25
M4F	55.25	X1F	76.25
M5F	52.25	X2F	75.25
M3R	47.25	X3F	74.25
M4R	42.25	X4F	71.25
M5R	37.25	X5F	68.25
T3F	62.25	X3R	65.25
T4F	57.25	X4R	61.25
T5F	53.25	X5R	54.25
T4VF	49.25	X4M	61.25
T5VF	45.25	X5M	50.25
T3FR	58.25	X4G	49.25
T4FR	53.25	X5G	42.25
T5FR	48.25	N1L	54.25
T3R	47.25	N1F	46.25
T4R	44.25	N1R	31.25
T5R	39.25	N1G	28.25
T4VR	39.25	N2L	43.25
T5VR	34.25	N2R	25.25
T4D	37.25	N2G	24.25

**§ 1464.1769 1966 Crop—Dark Air-Cured Tobacco, Types 35 and 36, Advance Schedule.<sup>1</sup>**

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	53	53	
A2F	49	49	
A3F	44	45	
A1R	53	53	
A2R	49	49	
A3R	44	45	
B1F	49	50	47
B2F	46	47	46
B3F	44	45	42
B4F	41	42	41
B5F	37	38	37
B1R	49	49	47
B2R	45	46	45
B3R	42	43	42
B4R	40	41	40
B5R	37	38	37
B1D	49	49	47
B2D	45	46	45
B3D	42	43	42
B4D	41	42	41
B5D	36	37	36
B3M	41	42	41
B4M	38	39	38
B5M	33	34	33
B3G	40	41	40
B4G	38	39	38
B5G	33	34	33
C1L	47	48	47
C2L	46	47	46
C3L	45	46	45
C4L	42	43	42
C5L	35	36	34
C1F	47	48	47
C2F	45	46	45
C3F	44	45	44
C4F	41	42	41
C5F	35	36	35
C1R	45	46	45
C2R	43	44	43
C3R	41	42	41
C4R	37	38	37
C5R	31	32	31
C3M	40	41	40
C4M	36	37	36
C5M	31	32	31
C3G	41	42	41
C4G	37	38	37
C5G	30	31	30

[Dollars per hundred pounds, farm sales weight]

Grade		Grade	
T3F	38	X4F	39
T4F	34	X5F	36
T5F	26	X1R	44
T3R	38	X2R	41
T4R	34	X3R	39
T5R	26	X4R	34
T3D	38	X5R	32
T4D	34	X3D	39
T5D	26	X4D	33
T3M	37	X5D	29
T4M	32	X3M	35
T5M	25	X4M	32
T3G	37	X5M	30
T4G	32	X3G	36
T5G	25	X4G	31
X1L	44	X5G	27
X2L	42	N1L	28
X3L	41	N1R	25
X4L	39	N1G	24
X5L	36	N2L	22
X1F	44	N2R	21
X2F	42	N2G	21
X3F	40		



**§ 1464.1770 1966 Crop—Virginia Sun-Cured Tobacco, Type 37, Advance Schedule.<sup>1</sup>**

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	62.25	62.25	60.25
A2F	58.25	58.25	55.25
A3F	55.25	55.25	52.25
A1R	62.25	62.25	60.25
A2R	59.25	59.25	56.25
A3R	56.25	56.25	53.25
B1F	61.25	61.25	54.25
B2F	59.25	59.25	55.25
B3F	50.25	51.25	49.25
B4F	44.25	46.25	44.25
B5F	40.25	41.25	40.25
B1R	61.25	61.25	54.25
B2R	58.25	58.25	55.25
B3R	51.25	53.25	50.25
B4R	44.25	46.25	44.25
B5R	40.25	41.25	40.25
B1D	59.25	59.25	54.25
B2D	58.25	58.25	54.25
B3D	50.25	51.25	48.25
B4D	43.25	44.25	43.25
B5D	39.25	40.25	39.25
R3M	42.25	43.25	42.25
B4M	40.25	42.25	41.25
B5M	36.25	37.25	36.25
B3G	42.25	43.25	42.25
B4G	40.25	41.25	40.25
B5G	36.25	37.25	36.25
C1L	60.25	60.25	53.25
C2L	54.25	54.25	50.25
C3L	51.25	51.25	47.25
C4L	42.25	44.25	42.25
C5L	38.25	39.25	38.25
C1F	60.25	60.25	53.25
C2F	54.25	54.25	50.25
C3F	50.25	50.25	46.25
C4F	41.25	45.25	42.25
C5F	37.25	39.25	38.25
C1R	57.25	57.25	51.25
C2R	51.25	51.25	47.25
C3R	49.25	45.25	43.25
C4R	39.25	40.25	39.25
C5R	35.25	36.25	35.25
C3M	39.25	40.25	39.25
C4M	36.25	38.25	37.25
C5M	33.25	35.25	34.25
C3G	34.25	35.25	34.25
C4G	33.25	34.25	33.25
C5G	28.25	29.25	28.25

[Dollars per hundred pounds, farm sales weight]

Grade		Grade	
T3F	42.25	X4F	38.25
T4F	40.25	X5F	33.25
T5F	34.25	X1R	45.25
T3R	42.25	X2R	42.25
T4R	40.25	X3R	38.25
T5R	34.25	X4R	37.25
T3D	40.25	X5R	30.25
T4D	38.25	X3D	36.25
T5D	32.25	X4D	34.25
T3M	40.25	X5D	28.25
T4M	37.25	X3M	37.25
T5M	31.25	X4M	35.25
T3G	39.25	X5M	32.25
T4G	37.25	X3G	35.25
T5G	31.25	X4G	33.25
X1L	45.25	X5G	29.25
X2L	43.25	N1L	21.25
X3L	40.25	N1R	21.25
X4L	38.25	N1G	21.25
X5L	33.25	N2L	15.25
X1F	45.25	N2R	15.25
X2F	43.25	N2G	15.25
X3F	40.25		

<sup>1</sup> Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "No-G" (no grade), or scrap will not be accepted. Cooperatives for Types 21, 31, and 37 are authorized to deduct 25 cents per hundred pounds to apply against overhead costs. Tobacco of Types 22, 23, 35, and 36 graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable. Tobacco of Types 21, 31, and 37 graded "W" (doubtful keeping order) will not be accepted. Type 35 grades marked with the

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051 as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c)

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on November 3, 1966.

H. D. GODFREY,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 66-12158; Filed, Nov. 9, 1966; 8:45 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Airspace Docket No. 66-SW-47]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Hobart, Okla., transition area which includes reference to the Altus, Okla. (Altus AFB), radio beacon. This controlled airspace is based, in part, on the existing Altus AFB RBN (radio beacon) which is scheduled for decommissioning on November 1, 1966. The Altus AFB radio beacon is collocated with the Altus ILS outer marker, latitude 34°33'53" N., longitude 99°16'24" W. As this airspace is still required to provide protection for aircraft executing prescribed instrument procedures, action is taken herein to re-describe the portion of the Hobart, Okla., transition area which refers to the Altus RBN by substituting the geographical coordinates of the site. Since this amendment imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (31 F.R. 2199 and 11462), the Hobart, Okla., transition area is amended as follows: "Latitude 34°33'53" N., longitude 99°16'24" W." is substituted for "the Altus RBN" or "the RBN" wherever either appears.

special factor "BL" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Types 35 and 36 grades marked with the special factor "BH" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Types 21, 22, and 23 grades of 47 length and Types 35 and 36 grades of 47 length, except grades A1F, A1R, A2F, and A2R, shall have an advance rate 5 percent below the advance rate otherwise applicable for 46 length of each grade. The advance rates for grades A1F, A1R, A2F, and A2R of Types 35 and 36 in 47 length shall be the same as those for such grades in 46 length,

tuted for "the Altus RBN" or "the RBN" wherever either appears.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on October 27, 1966.

A. L. COULTER,  
Acting Director, Southwest Region.

[F.R. Doc. 66-12204; Filed, Nov. 9, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-62]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Alteration of Transition Area

On August 19, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11036) stating that the Federal Aviation Agency proposed to alter controlled airspace in the St. Joseph, Mo., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The two comments received were favorable.

Two coordinates recited in the 4,500-foot floor transition area description in the notice of proposed rule making have been changed slightly in this final Rule. Since these changes are minor in nature and impose no additional burden on anyone, they are being incorporated in the rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

In § 71.181 (31 F.R. 2149), the St. Joseph, Mo., transition area is amended to read:

ST. JOSEPH, MO.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rosecrans Memorial Airport (latitude 39°46'23" N., longitude 94°54'31" W.); and within 5 miles E and 8 miles W of the St. Joseph ILS localizer S course, extending from the 8-mile radius area to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by the intersection of V-77 and V-13 thence S along the W boundary of V-13 to latitude 39°42'20" N., longitude 94°29'00" W., thence W to latitude 39°44'00" N., longitude 94°43'20" W., thence S to latitude 39°30'00" N., longitude 94°49'00" W., thence W along latitude 39°30'00" N., to the SW boundary of V-71, thence NW along the SW boundary of V-71 to the W boundary of V-77, thence NE along the W boundary of V-77 to the NE boundary of V-71, thence NW along the NE boundary of V-71 to the arc of a 20-mile radius circle centered on the Rosecrans Memorial Airport, thence clockwise along the arc of the SE boundary of V-77, thence NE along the SE boundary of V-77 to point of beginning; and that airspace extending upward from 4,500 MSL in the vicinity of St. Joseph bounded by V-13 on the W, V-161 on the E, and V-50 on the S; within an area bounded on the W by V-13, on the N by V-50, on the E by V-161 and a direct line from latitude 39°39'30" N., longitude 94°07'40" W to latitude 39°40'45" N., longitude 94°18'35" W.; within an area bounded on the SW by V-71, on the N by V-50, on the E by a 20-mile arc centered on Rosecrans



Memorial Airport; within an area bounded on the S by V-50, on the N by V-216, on the NE by V-15/205; and within an area bounded on the SW by V-15/205, on the N by V-216, and on the SE by V-77.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on October 20, 1966.

EDWARD C. MARSH,  
Director, Central Region.

[F.R. Doc. 66-12205; Filed, Nov. 9, 1966; 8:45 a.m.]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers,  
Department of the Army

### PART 203—BRIDGE REGULATIONS

Satilla River, Ga.; South Fork of New  
River and Stranahan River, Fla.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (h) (19) governing the operation of the Seaboard Air Line Railroad bridge across Satilla River at Woodbine, Ga., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(h) *Waterway discharging into the Atlantic Ocean south of Charleston.*

(19) Satilla River, Ga.; Seaboard Air Line Railroad bridge at Woodbine. At least 24 hours' advance notice required.

[Regs., Oct. 17, 1966, 1507-32 (Satilla River, Ga.)-ENGW-ON] (sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.446 is hereby amended, changing the caption and adding paragraph (e) to include the Southeast 17th Street bridge across Stranahan River, and § 203.446c is hereby revised, changing the caption and including the bridges at Andrews Avenue across New River and at Southwest 12th Street across South Fork of New River, Fort Lauderdale, Fla., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.446 New River Sound and Stranahan River (Intracoastal Waterway), Fort Lauderdale, Fla.; bridges.

(e) *Southcast 17th Street bridge across Stranahan River (Intracoastal Waterway).* (1) During the period November

15 to May 15, both dates inclusive, except as provided in subparagraphs (2) and (3) of this paragraph, the owner of or agency controlling this bridge will not be required between the hours of 7 a.m. and 7 p.m. to reopen the bridge for waterway traffic for a period of 15 minutes after each closure. The owner of or agency controlling the bridge will display on both sides thereof a time clock acceptable to the District Engineer which will indicate to approaching waterway traffic the number of minutes remaining before the bridge will be available for opening.

(2) Upon receipt of the proper signal the draw shall be opened at any time to allow the passage of a tug with a tow, a vessel owned and operated by the United States or a vessel in distress. The proper signal for such an opening shall be indicated by four blasts of a whistle, horn, or similar device.

(3) The owner of or agency controlling the bridge shall erect and maintain conspicuously on both sides thereof signs acceptable to the District Engineer, setting forth the salient features of the regulations in this paragraph.

§ 203.446c New River and South Fork of New River, Fort Lauderdale, Fla.; bridges.

(a) *Andrews Avenue bridge over New River.* Except as provided in subparagraphs (2) and (3) of paragraph (b) of this section, the owner of or agency controlling this bridge will not be required to open the drawspan for an upbound boat when the nearby Florida East Coast Railroad bridge is in a down position.

(b) *Southwest 12th Street bridge over South Fork of New River.* (1) During the period November 15 to May 15, both dates inclusive, except as provided in subparagraphs (2) and (3) of this paragraph, the owner of or agency controlling this bridge will not be required to open the drawspan for the passage of waterway traffic between the hours of 7 a.m. and 9 a.m. and 4 p.m. and 6 p.m., Monday through Friday, except on the hour and half-hour when the bridge shall be opened to allow any accumulated vessels to pass.

(2) Upon receipt of the proper signal the draw shall be opened at any time to allow the passage of a tug with a tow, a vessel owned and operated by the United States, a vessel in distress, or a cruise boat operating on regular schedule. The proper signal for such an opening shall be indicated by four blasts of a whistle, horn, or similar device.

(3) The owner of or agency controlling the bridge shall erect and maintain conspicuously on both sides thereof signs acceptable to the District Engineer, setting forth the salient features of the regulations in this paragraph and paragraph (a) of this section.

(c) *State Road No. 84 bridge at Mile 4.4 over South Fork of New River.* The owner of or agency controlling this bridge will not be required to keep a draw tender constantly on duty. An advance notice of at least 24 hours will be required to open the drawspan.

[Regs., Oct. 18, 1966, 1507-32 (South Fork of New River, New River and Stranahan River, Fla.)-ENGW-ON] (sec. 5, 28 Stat. 362; 33 U.S.C. 499)

KENNETH G. WICKHAM,  
Major General, U.S. Army,  
The Adjutant General.

[F.R. Doc. 66-12202; Filed, Nov. 9, 1966; 8:45 a.m.]

## Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

### PART 2—DELEGATIONS OF AUTHORITY

Chief Benefits Director et al.

1. In Part 2, a new § 2.67a is added to read as follows:

§ 2.67a Chief Benefits Director delegated authority to establish annual income limitations for the purposes of § 3.251(a) (2) based on service defined in § 3.8 (b), (c), or (d) at a rate in Philippine pesos equivalent to \$0.50 for each dollar.

This delegation of authority is identical to § 3.100(b) of this chapter.

2. Sections 2.68 and 2.68a are revised to read as follows:

§ 2.68 Director, Compensation, Pension and Education Service and personnel of that Service designated by him authorized to take final action in waiver of recovery of payments or overpayments from any person pursuant to provisions of 38 U.S.C. 3102 subject to any limitations imposed by current Veterans Administration regulations and instructions.

This delegation of authority is identical to § 3.100(c) of this chapter.

§ 2.68a Director, Compensation, Pension and Education Service and personnel of that Service designated by him authorized to determine whether claimant or payee has forfeited right to gratuitous benefits pursuant to provisions of 38 U.S.C. 3503 or 3504.

This delegation of authority is identical to § 3.100(d) of this chapter.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,  
Deputy Administrator.

[F.R. Doc. 66-12235; Filed, Nov. 9, 1966; 8:47 a.m.]

### PART 3—ADJUDICATION

Subpart A—Pension, Compensation,  
and Dependency and Indemnity  
Compensation

Subpart B—Burial Benefits

MISCELLANEOUS AMENDMENTS

1. In § 3.8, paragraphs (b) and (c) (1) are amended to read as follows:



§ 3.8 Philippine and Insular Forces.

(b) *Other Philippine Scouts.* Service of persons enlisted under section 14, Public Law 190, 79th Congress (Act of October 6, 1945), is included for compensation and dependency and indemnity compensation. Such benefits are payable at a rate in Philippine pesos equivalent to \$0.50 for each dollar authorized under the law. All enlistments and reenlistments of Philippine Scouts in the Regular Army between October 6, 1945, and June 30, 1947, inclusive were made under the provisions of Public Law 190 as it constituted the sole authority for such enlistments during that period. This paragraph does not apply to officers who were commissioned in connection with the administration of Public Law 190 (38 U.S.C. 107; Public Law 89-641).

(c) *Commonwealth Army of the Philippines.* (1) Service is included, for compensation, dependency and indemnity compensation, and burial allowance, from and after the dates and hours, respectively, when they were called into service of the Armed Forces of the United States by orders issued from time to time by the General Officer, U.S. Army, pursuant to the Military Order of the President of the United States dated July 26, 1941. Service as a guerrilla under the circumstances outlined in paragraph (d) of this section is also included. Service on or after July 1, 1946, is not included. Benefits are payable at a rate in Philippine pesos equivalent to \$0.50 for each dollar authorized under the law (38 U.S.C. 107; Public Law 89-641).

2. In § 3.100, a new paragraph (b) is added and the former paragraphs (b) and (c) are redesignated (c) and (d), so that the added and redesignated material reads as follows:

§ 3.100 Delegations of authority.

(b) Authority is delegated to the Chief Benefits Director to establish annual income limitations for the purposes of § 3.251(a)(2) based on service defined in § 3.8 (b), (c), or (d) at a rate in Philippine pesos equivalent to \$0.50 for each dollar.

(c) Authority is delegated to the Director, Compensation, Pension and Education Service and to personnel of that service designated by him to take final action in the waiver of recovery of payments or overpayments from any person pursuant to the provisions of 38 U.S.C. 3102 subject to any limitations imposed by current Veterans Administration Regulations and instructions. See §§ 3.1900 and 3.1901.

(d) Authority is delegated to the Director, Compensation, Pension and Education Service, and to personnel of that service designated by him to determine whether a claimant or payee has forfeited the right to gratuitous benefits pursuant to the provisions of 38 U.S.C. 3503 or 3504. See § 3.905 (38 U.S.C. 212(a)).

3. In § 3.251, paragraph (a)(2) is amended to read as follows:

§ 3.251 Income of parents; dependency and indemnity compensation.

(a) *Annual income limitation.* \* \* \*

(2) Where the claim is based on service in the Commonwealth Army of the Philippines, or as a guerrilla or as a Philippine Scout under section 14, Public Law 190, 79th Congress, the income limitation will be computed at a rate in Philippine pesos equivalent to \$0.50 for each dollar. See § 3.100(b) (38 U.S.C. 107; Public Law 89-641).

4. In § 3.1600, paragraphs (a) and (b) are amended to read as follows:

§ 3.1600 Payment of burial expenses of deceased veterans.

(a) *Wartime veterans.* When a veteran of any war dies, an amount not to exceed \$250 (where entitlement is based on § 3.8 (c) or (d), at a rate in Philippine pesos equivalent to \$125) is payable on the burial and funeral expenses and transportation of the body to the place of burial, if otherwise entitled within the further provisions of §§ 3.1600 through 3.1611. For this purpose the period of any war is as defined in § 3.2, except that World War I extends only from April 6, 1917, through November 11, 1918, or if the veteran served with the U.S. military forces in Russia, through April 1, 1920 (38 U.S.C. Ch. 23; Public Law 89-641).

(b) *Peacetime veterans.* The statutory burial allowance authorized by paragraph (a) of this section is payable based on service of a veteran rendered during other than a war period:

(1) If he was discharged or retired from active service for a disability incurred or aggravated in line of duty. The official service department records showing that the veteran was discharged or released from service for disability incurred in line of duty will be accepted for this purpose, notwithstanding, that the Veterans Administration has determined, in connection with a claim for monetary benefits, that the disability was not incurred in line of duty; or

(2) If he was at the time of his death in receipt of, or but for receipt of retirement pay would have been entitled to receive disability compensation; or

(3) Where the official service records show discharge for a reason other than disability but also show a service-connected disability for which the veteran was receiving treatment at time of discharge and the Veterans Administration determines that the facts were sufficient to have warranted a discharge for disability incurred in line of duty. If the veteran was not under treatment for such disability at time of discharge, entitlement exists if the Veterans Administration determines that the disability in medical judgment was of such character, duration and degree as to have justified a discharge for disability incurred in line of duty; or

(4) If he dies of a service-connected disability (Public Law 89-360).

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective December 1, 1966.

Approved: November 3, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,  
Deputy Administrator.

[F.R. Doc. 66-12236; Filed, Nov. 9, 1966; 8:47 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 32—HUNTING

##### Sand Lake National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

#### § 32.12 Special regulations; big game; for individual wildlife refuge areas.

##### SOUTH DAKOTA

##### SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Sand Lake National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This open area comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Archery season—December 1 through December 16, 1966.

(2) Firearms season—December 17 through December 25, 1966.

(3) All hunters must exhibit their hunting license, deer tag, and vehicle contents to Federal and State officers upon request.

(4) Hunters will not be allowed to drive on refuge maintained trails but may park their vehicles and hunt on foot.

(5) All deer taken on the refuge not checked by State or Federal officers in the field must be checked at refuge headquarters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 25, 1966.

LYLE J. SCHOONOVER,  
Refuge Manager, Sand Lake  
National Wildlife Refuge.

NOVEMBER 4, 1966.

[F.R. Doc. 66-12215; Filed, Nov. 9, 1966; 8:45 a.m.]



**PART 33—SPORT FISHING****Lacreek National Wildlife Refuge,  
S. Dak.**

The following special regulation is issued and is effective on date of publication in the **FEDERAL REGISTER**.

**§ 33.5 Special regulations; sport fishing;  
for individual wildlife refuge areas.****SOUTH DAKOTA****LACREEK NATIONAL WILDLIFE REFUGE**

Sport fishing on the Lacreek National Wildlife Refuge, Martin, S. Dak., is permitted only on the Little White River

Recreational area, which is designated by signs as open to fishing. This open area, comprising 310 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

The open season for sport fishing on the refuge extends from January 1, through December 31, 1967, inclusive; daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

JOHN W. ELLIS,  
*Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.*

NOVEMBER 2, 1966.

[F.R. Doc. 66-12214; Filed, Nov. 9, 1966;  
8:45 a.m.]



# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and  
Conservation Service

[ 7 CFR Part 814 ]

### SUGAR QUOTA FOR THE MAINLAND CANE SUGAR AREA, 1967

#### Notice of Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922), and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information before me, I do hereby find that the allotment of the 1967 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at Washington, D.C., in Room 2-W, Administration Building, U.S. Department of Agriculture, on November 18, 1966, at 10 a.m., e.s.t.

The preliminary finding made above is based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary finding.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to establish fair, efficient, and equitable allotments of a portion of the quota for the Mainland Cane Sugar Area which will enable persons who process sugar and liquid sugar from sugarcane grown in the continental United States to market such sugar and liquid sugar in an orderly manner during the period January 1, 1967, to the date the Secretary prescribes a method for allotting the entire 1966 quota for the area on the basis of the record of another hearing to be held subsequently.

To avoid disorderly marketing by any allottee who might market early in 1967 a quantity of sugar larger than its allotment of the entire 1967 sugar quota for the area, it is necessary to make allotments effective on January 1, 1967. Part of the evidence necessary to provide an adequate basis for establishing allotments of the entire 1967 quota for the area for the full calendar year cannot be adduced on the date for which the hearing is called. Therefore, the testimony on that date will be limited to data, views, and arguments regarding the identity of the allottees and consideration of the factors cited in section 205(a) of the Act pertinent to establishing allotments of a portion of the quota for the area to be in effect from January 1, 1967, until an order establishing the method

for allotting the entire quota for the area for the calendar year 1967 is made effective.

At the hearing the Government witness will propose that for the period January 1, 1967, to the date an order is made effective based on a subsequent hearing that for the Mainland Cane Sugar Area the allotments for each allottee shall be established at 75 percent of its 1966 allotment which became effective on July 27, 1966 by Sugar Regulation 814.4, Amendment 2 (31 F.R. 10109), except that any allotment established shall not be less than the estimated January 1, 1967, physical inventory of the respective allottee which could not be marketed within its 1966 marketing allotment.

Upon notice hereafter to be given in accordance with applicable rules of practice and procedure, a public hearing for the area will be held early in 1967 for the purpose of receiving evidence to enable the Secretary to establish allotments of the entire 1967 quota for the area for the calendar year 1967 under the provisions of the Sugar Act of 1948, as amended.

I find that due to the limited time remaining in the calendar year and the need to establish prior to January 1, 1967, allotments of the 1966 quota, an emergency exists which requires that less than 10 days published notice be given of the hearing and that the period of time given by this notice of hearing is reasonable under the circumstances.

Signed at Washington, D.C., this 8th day of November 1966.

JOHN A. SCHNITTKER,  
Acting Secretary.

[F.R. Doc. 66-12281; Filed, Nov. 9, 1966;  
8:48 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 71 ]

[Airspace Docket No. 66-WE-61]

### CONTROL ZONE

#### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Lewiston, Idaho, control zone.

The effective time of the Lewiston-Nez Perce County Airport control zone is currently designated from 0330 to 2230 hours, local time, daily. Weather reporting service is provided by West Coast Airlines and subject to seasonal airline schedule changes. Therefore, the FAA proposes to amend the Lewiston, Idaho, control zone as follows:

Within a 5-mile radius of Lewiston Nez Perce County Airport (latitude 46°22'34" N., longitude 117°00'53" W.), and within 2 miles each side of the Lewiston VOR 266° radial,

extending from the 5-mile radius zone to the VOR. This control zone is to be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

The proposed amendment will provide for the use of a NOTAM to publish the effective time of the control zone and will not alter the currently designated airspace.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on November 1, 1966.

LEE E. WARREN,  
Acting Director, Western Region.

[F.R. Doc. 66-12206; Filed, Nov. 9, 1966;  
8:45 a.m.]

[ 14 CFR Part 71 ]

[Airspace Docket No. 66-WE-62]

### CONTROL ZONE

#### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Twin Falls, Idaho, control zone.

The effective time of the Twin Falls Municipal Airport control zone is currently designated from 0400 to 2000 hours, local time, daily. Weather reporting service is provided by West Coast



Airlines and subject to seasonal airline schedule changes. Therefore, the FAA proposes to amend the Twin Falls, Idaho, control zone as follows:

Within a 5-mile radius of Twin Falls Municipal Airport (latitude 42°29'05" N., longitude 114°29'15" W.), and within 2 miles each side of the Twin Falls VOR 086° radial, extending from the 5-mile radius zone to 8 miles E of the VOR. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

The proposed amendment will provide for the use of a NOTAM to publish the effective time of the control zone and will not alter the currently designated airspace.

Interested persons may participate in the proposed rule making by submitting

such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in ac-

cordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on November 1, 1966.

LEE E. WARREN,  
*Acting Director, Western Region.*

[F.R. Doc. 66-12207; Filed, Nov. 9, 1966; 8:45 a.m.]



# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Serial No. N-257]

#### NEVADA

### Notice of Proposed Classification of Public Lands

OCTOBER 25, 1966.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify the public lands within the area described below for retention for multiple-use management. Publication of this notice segregates (a) all the public lands described in this notice from appropriation under the homestead, desert land, and allotment laws (43 U.S.C., Chapter 7, 43 U.S.C., Chapter 9, and 25 U.S.C. 331), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421-27), and (b) the lands described in paragraph 3 of this order from the mining laws.

2. The public lands proposed for classification are located within the Spring Mountain Planning Unit and are shown on maps, designated as N-257, which are on file in the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev., and the Land Office, Bureau of Land Management, Federal Building, 300 Booth Street, Reno, Nev.

The lands involved are described as follows:

#### MOUNT DIABLO MERIDIAN, NEVADA

T. 16 S., R. 50 E.,  
Secs. 24, 25, 36.  
T. 17 S., R. 50 E.,  
Sec. 1;  
Sec. 12, lots 1 to 15, inclusive;  
Secs. 13, 24, 25, 36.  
T. 19 S., R. 50 E.  
T. 16 S., R. 51 E.,  
Secs. 19 to 35, inclusive;  
Sec. 36, W $\frac{1}{2}$ .  
T. 17 S., R. 51 E.,  
Sec. 1, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Secs. 2 to 36, inclusive.  
T. 18 S., R. 51 E.,  
Secs. 1 to 6, inclusive;  
Secs. 8 to 17, inclusive;  
Secs. 20 to 29, inclusive;  
Secs. 32 to 36, inclusive.  
T. 19 S., R. 51 E.  
T. 20 S., R. 51 E.  
T. 16 S., R. 52 E.,  
Secs. 19 to 30, inclusive;  
Sec. 31, E $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$ ;  
Secs. 32 to 36, inclusive.  
T. 17 S., R. 52 E.,  
Secs. 1 to 6, inclusive;  
Sec. 7, lots 1, 2, 3, 4, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 8, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Secs. 9 to 24, inclusive;  
Secs. 26 to 35, inclusive.

T. 18 S., R. 52 E.,  
Secs. 2 to 11, inclusive;  
Secs. 14 to 23, inclusive;  
Secs. 26 to 35, inclusive.  
T. 19 S., R. 52 E.,  
Secs. 3 to 10, inclusive;  
Secs. 15 to 22, inclusive;  
Secs. 27 to 34, inclusive.  
T. 20 S., R. 52 E.,  
Sec. 5;  
Sec. 6, lots 1 to 8, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 7, lot 3;  
Sec. 8.  
T. 16 S., R. 53 E.,  
Secs. 13 to 36, inclusive.  
T. 17 S., R. 53 E.,  
Secs. 1 to 10, inclusive;  
Sec. 11, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 12, N $\frac{1}{2}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Secs. 13 to 18, inclusive;  
Secs. 19 and 20, exclusive of patented mining claims;  
Sec. 21, N $\frac{1}{2}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ,  
exclusive of patented mining claims;  
Secs. 22 to 25, inclusive;  
Sec. 26, N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 27, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Secs. 28, 29, 32, 33;  
Sec. 34, exclusive of patented mining claims;  
Sec. 35;  
Sec. 36, N $\frac{1}{2}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .  
T. 18 S., R. 53 E.,  
Secs. 1, 2;  
Secs. 11 to 14, inclusive;  
Secs. 23, 24.  
T. 16 S., R. 54 E.,  
Sec. 15, W $\frac{1}{2}$ ;  
Secs. 16 to 36, inclusive.  
Tps. 17, 18 S., R. 54 E.  
T. 19 S., R. 54 E.,  
Secs. 1 to 21, inclusive;  
Sec. 22, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Secs. 23 to 36, inclusive.  
T. 20 S., R. 54 E.,  
Secs. 1 to 18, inclusive;  
Secs. 20 to 28, inclusive;  
Sec. 34, E $\frac{1}{2}$ ;  
Secs. 35, 36.  
T. 16 S., R. 55 E.,  
Secs. 19 to 36, inclusive.  
T. 17 S., R. 55 E.,  
Secs. 1 to 24, inclusive;  
Sec. 25, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ ;  
Secs. 26 to 35, inclusive;  
Sec. 36, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ .  
T. 18 S., R. 55 E.,  
Sec. 1, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Secs. 2 to 9, inclusive;  
Sec. 10, W $\frac{1}{2}$ ;  
Sec. 15, W $\frac{1}{2}$ ;  
Secs. 16 to 22, inclusive;  
Secs. 26 to 35, inclusive.  
T. 19 S., R. 55 E.,  
Secs. 3 to 10, inclusive;  
Secs. 15 to 23, inclusive;  
Secs. 25 to 36, inclusive.  
T. 20 S., R. 55 E.  
T. 16 S., R. 55 $\frac{1}{2}$  E.,  
Secs. 23, 24, 25, 26, 35, 36.  
T. 16 S., R. 56 E.,  
Secs. 19 to 23, inclusive;  
Secs. 25 to 36, inclusive.  
T. 17 S., R. 56 E.,  
Secs. 1 to 30, inclusive;  
Sec. 31, lots 1, 2, 3, 4, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Secs. 32 to 36, inclusive.

T. 18 S., R. 56 E.,  
Secs. 1 to 5, inclusive;  
Sec. 6, lots 1, 2, 3, 4, 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Secs. 7 to 11, inclusive;  
Sec. 12, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 13, NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Secs. 15, 16, 17, 23, 24.  
T. 20 S., R. 56 E.,  
Secs. 6 to 10, inclusive;  
Secs. 14 to 26, inclusive;  
Sec. 27, N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
W $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Secs. 28 to 36, inclusive.  
T. 21 S., R. 56 E.  
T. 22 S., R. 56 E.,  
Secs. 1, 2, 3, 10, 11, 12.  
T. 16 S., R. 57 E.,  
Sec. 31.  
T. 17 S., R. 57 E.,  
Secs. 2 to 36, inclusive.  
T. 18 S., R. 57 E.,  
Secs. 1 to 29, inclusive;  
Secs. 32 to 36, inclusive.  
T. 19 S., R. 57 E.,  
Secs. 1 to 4, inclusive;  
Secs. 9 to 16, inclusive;  
Secs. 21 to 27, inclusive;  
Sec. 28, N $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Secs. 34, 35, 36.  
T. 20 S., R. 57 E.,  
Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Secs. 2, 3;  
Secs. 10 to 17, inclusive;  
Secs. 19 to 26, inclusive;  
Sec. 27, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Secs. 29, 30;  
Sec. 31, lots 1, 2, 3, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Secs. 32, 33;  
Sec. 34, NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Secs. 35, 36.  
T. 21 S., R. 57 E.  
T. 22 S., R. 57 E.,  
Secs. 1 to 14, inclusive;  
Sec. 15, N $\frac{1}{2}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Secs. 16 to 27, inclusive;  
Secs. 34, 35, 36.  
T. 23 S., R. 57 E.  
Sec. 1, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$  exclusive of  
patented mining claims;  
Secs. 2, 3.  
Secs. 10, 11;  
Sec. 12, exclusive of patented mining  
claims;  
Secs. 13, 14, 15;  
Secs. 22 to 27, inclusive;  
Secs. 34, 35, 36.  
T. 24 S., R. 57 E.,  
Secs. 1, 2;  
Sec. 3, exclusive of patented mining  
claims;  
Secs. 10 to 15.  
T. 17 S., R. 58 E.,  
Secs. 17 to 20, inclusive;  
Secs. 27 to 34, inclusive.  
T. 18 S., R. 58 E.,  
Secs. 2 to 11, inclusive;  
Secs. 13 to 36, inclusive.  
T. 19 S., R. 58 E.



## SAN BERNARDINO MERIDIAN, NEVADA

- T. 20 S., R. 58 E.,  
Secs. 1 to 5, inclusive;  
Sec. 6, lots 1, 5, 6, 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Secs. 7 to 28, inclusive;  
Sec. 29, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Secs. 30, 31;  
Sec. 32, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Secs. 33 to 36, inclusive.
- T. 21 S., R. 58 E.,  
Sec. 1, lots 2, 3, 4, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Secs. 2 to 15, inclusive;  
Sec. 16, N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ ;  
Secs. 17 to 24, inclusive;  
Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Secs. 26 to 33, inclusive;  
Sec. 34, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 35, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Sec. 36, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ ,  
W $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 22 S., R. 58 E.,  
Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 2, lots 1, 2, 3, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$   
SE $\frac{1}{4}$ ;  
Sec. 3, lots 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Secs. 4 to 11, inclusive;  
Sec. 12, lots 1 to 6, inclusive, NE $\frac{1}{4}$ , SE $\frac{1}{4}$   
SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Secs. 13 to 18, inclusive;  
Sec. 19, lots 1, 2, 3, 4, NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , W $\frac{1}{2}$   
SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , exclusive of patented  
mining claims;  
Sec. 20, N $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$   
SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$   
SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Secs. 21 to 28, inclusive;  
Sec. 29, lots 1 to 10, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$   
NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$   
NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 30;  
Sec. 31, lots 5 to 12, inclusive;  
Secs. 33 to 36, inclusive.
- T. 23 S., R. 58 E.,  
Secs. 1 to 4, inclusive;  
Sec. 5, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 6, lots 3 to 7, inclusive, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Secs. 7 to 36, inclusive.
- T. 24 S., R. 58 E.,  
Secs. 1 to 15, inclusive;  
Secs. 16, 17, exclusive of patented mining  
claims;  
Sec. 18.
- T. 19 S., R. 59 E.,  
Secs. 16, 17, 19 to 22, inclusive;  
Secs. 27 to 35, inclusive.
- T. 20 S., R. 59 E.,  
Secs. 2 to 11, inclusive;  
Sec. 16, N $\frac{1}{2}$ ;  
Sec. 17, N $\frac{1}{2}$ , SW $\frac{1}{4}$ ;  
Sec. 18;  
Sec. 19, N $\frac{1}{2}$ ;  
Sec. 20, NW $\frac{1}{4}$ .
- T. 21 S., R. 59 E.,  
Sec. 6, lot 7, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$   
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 17, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 18, lots 1, 2, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Secs. 19, 20;  
Sec. 30, lots 5, 8, 9, 13, 16, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$   
NW $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 22 S., R. 59 E.,  
Secs. 29 to 32, inclusive.
- T. 23 S., R. 59 E.,  
Secs. 5 to 8, inclusive;  
Secs. 15 to 22, inclusive;  
Secs. 27 to 34, inclusive.
- T. 24 S., R. 59 E.,  
Secs. 3 to 10, inclusive;  
Secs. 15 to 18, inclusive.

- T. 24 N., R. 7 E.  
T. 25 N., R. 7 E.  
T. 26 N., R. 7 E.  
T. 25 N., R. 8 E.

The areas described above aggregate approximately 809,361 acres.

3. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the mining laws:

## MOUNT DIABLO MERIDIAN, NEVADA

- T. 17 S., R. 54 E.,  
Sec. 19, E $\frac{1}{2}$ ;  
Secs. 20, 21;  
Sec. 22, W $\frac{1}{2}$ ;  
Sec. 27, W $\frac{1}{2}$ ;  
Secs. 28, 29;  
Sec. 30, E $\frac{1}{2}$ ;  
Secs. 31, 32, 33;  
Sec. 34, W $\frac{1}{2}$ .
- T. 18 S., R. 54 E.,  
Secs. 8, 9.
- T. 17 S., R. 55 E.,  
Sec. 35;  
Sec. 36, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ .
- T. 18 S., R. 55 E.,  
Sec. 1, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 2;  
Sec. 10, NW $\frac{1}{4}$ ;  
Sec. 15, NW $\frac{1}{4}$ ;  
Sec. 17, SW $\frac{1}{4}$ ;  
Sec. 18;  
Sec. 19, E $\frac{1}{2}$ ;  
Sec. 20;  
Sec. 21, W $\frac{1}{2}$ ;  
Sec. 32, E $\frac{1}{2}$ , NW $\frac{1}{4}$ ;  
Secs. 33, 34, 35.
- T. 19 S., R. 55 E.,  
Sec. 4;  
Sec. 5, E $\frac{1}{2}$ .
- T. 20 S., R. 55 E.,  
Secs. 1, 12, 13.
- T. 17 S., R. 56 E.,  
Sec. 31, lots 1, 2, 3, 4, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ .
- T. 18 S., R. 56 E.,  
Sec. 6, lots 1, 2, 3, 4, 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .
- T. 20 S., R. 56 E.,  
Secs. 6, 7, 8, 10, 15, 18, 22;  
Sec. 31, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 35, S $\frac{1}{2}$ ;  
Sec. 36, S $\frac{1}{2}$ .
- T. 21 S., R. 56 E.,  
Sec. 2, lots 3, 4;  
Sec. 3, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 36, NW $\frac{1}{4}$ .
- T. 18 S., R. 57 E.,  
Secs. 25, 36.
- T. 19 S., R. 57 E.,  
Sec. 1.
- T. 20 S., R. 57 E.,  
Secs. 24, 25;  
Sec. 31, lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 32, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 33, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 36.
- T. 21 S., R. 57 E.,  
Sec. 1;  
Sec. 8, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 9, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Secs. 12, 13;  
Sec. 16, NW $\frac{1}{4}$ ;  
Sec. 17, NE $\frac{1}{4}$ ;  
Secs. 24, 25, 36.
- T. 22 S., R. 57 E.,  
Sec. 16, SE $\frac{1}{4}$ ;  
Sec. 21, NE $\frac{1}{4}$ .
- T. 18 S., R. 58 E.,  
Sec. 29, S $\frac{1}{2}$ ;  
Sec. 32, N $\frac{1}{2}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 33, S $\frac{1}{2}$ .

- T. 19 S., R. 58 E.,  
Sec. 16, NW $\frac{1}{4}$ .
- T. 20 S., R. 58 E.,  
Secs. 8 to 28, inclusive;  
Sec. 29, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Secs. 30, 31;  
Sec. 32, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Secs. 33 to 36, inclusive.
- T. 21 S., R. 58 E.,  
Sec. 1, lots 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Secs. 2 to 15, inclusive;  
Sec. 16, N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ ;  
Secs. 17 to 23, inclusive;  
Sec. 24, W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 25, W $\frac{1}{2}$ ;  
Secs. 26 to 33, inclusive;  
Sec. 34, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 35, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Sec. 36, W $\frac{1}{2}$ .
- T. 22 S., R. 58 E.,  
Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 2, lots 1, 2, 3, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 3, lots 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Secs. 4 to 11, inclusive;  
Sec. 12, lots 1 to 6, inclusive, E $\frac{1}{2}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Secs. 13 to 18, inclusive;  
Sec. 20, NE $\frac{1}{4}$ ;  
Secs. 21 to 28, inclusive;  
Secs. 33 to 36, inclusive.
- T. 23 S., R. 58 E.,  
Secs. 2, 11;  
Sec. 13, S $\frac{1}{2}$ ;  
Sec. 14, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Sec. 24;  
Sec. 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 30, lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 32, SE $\frac{1}{4}$ .
- T. 20 S., R. 59 E.,  
Secs. 7, 18;  
Sec. 19, N $\frac{1}{2}$ .
- T. 21 S., R. 59 E.,  
Sec. 5, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 6, lot 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 7;  
Sec. 8, W $\frac{1}{2}$ ;  
Sec. 18.
- T. 24 S., R. 59 E.,  
Sec. 4, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ .

The area described above aggregates approximately 98,000 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Las Vegas, Nev.

5. A public hearing on the proposed classification will be held on November 28, 1966, at 2 p.m., in the City Hall at Las Vegas, Nev.

DANIEL P. BAKER,  
Manager.

[F.R. Doc. 66-12155; Filed, Nov. 9, 1966;  
8:45 a.m.]

Bureau of Land Management  
[Arizona 035320]

ARIZONA

Order Providing for Opening of Public  
Lands

NOVEMBER 3, 1966.

1. In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as



amended June 26, 1936 (49 Stat. 1976), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN, ARIZONA

- T. 17 N., R. 18 W.,  
Sec. 31, lots 1 to 4, inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$  and E $\frac{1}{2}$ ;  
Sec. 33.  
T. 17 N., R. 19 W.,  
Sec. 35 NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ .

The area described aggregates 1,600.24 acres.

2. The lands are located in the foothills and on the southeastern slopes of the southern end of the Black Mountains. The topography is gentle slopes, rough ridges, and low mountain peaks. Vegetation is of the southern desert shrub type.

3. This notice segregates the described lands from appropriation under the homestead, desert land, and allotment laws (43 U.S.C., Ch. 7, 43 U.S.C., Ch. 9, and 25 U.S.C. 331); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and from State Exchange. These lands will be open to the operation of all the other public land laws. Mineral rights were not conveyed to the United States with the surface. The described lands are subject to the proposed classification of public lands for retention for multiple-use management as contained in 31 F.R. 12065, dated September 15, 1966, and amendment thereto published in 31 F.R. 13092, dated October 8, 1966, Serial A 156.

4. This order shall become effective at 10 a.m. on December 9, 1966.

5. Inquiries concerning these lands shall be addressed to the Bureau of Land Management, Arizona Land Office, 3022 Federal Building, Phoenix, Ariz. 85025.

GLENDON E. COLLINS,  
*Acting State Director.*

[F.R. Doc. 66-12216; Filed, Nov. 9, 1966;  
8:45 a.m.]

[Arizona 329]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

In F.R. Doc. 66-11708, published volume 31, No. 209, appearing at page 13807 of the issue for Thursday, October 27, 1966, the following correction is made in the land description: The entry for Sec. 33 should read "lots 8, 9, 11, 12, 15, and 16" instead of "lots 8, 9, 11, 13, 15, and 16".

GLENDON E. COLLINS,  
*Acting State Director.*

NOVEMBER 4, 1966.

[F.R. Doc. 66-12242; Filed, Nov. 9, 1966;  
8:47 a.m.]

[Serial No. S 70]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 2, 1966.

The Forest Service, U.S. Department of Agriculture, has filed an application,

Serial No. S 70, for the withdrawal of the lands described below, from prospecting, location, entry, and purchase under the mining laws but not the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for rehabilitation of the Lakes Basin Recreation Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

PLUMAS NATIONAL FOREST

Lakes Basin Recreation Area

T. 21 N., R. 11 E.,

Sec. 1;

Sec. 2, N $\frac{1}{2}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ , and all that portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SW $\frac{1}{4}$  lying northeast of the highest contour line of the divide between the Feather and Yuba Rivers; excepting any portion within lots 42 and 46;

Sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$  and all that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ NW $\frac{1}{4}$  lying northeast of the highest contour line of the divide between the Feather and Yuba Rivers; excepting therefrom any portion within lots 41 and 46;

Sec. 12, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ , and all that portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$  lying north of the highest contour line of the divide between the Feather and Yuba Rivers;

Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$  and all that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$  lying northeast of the highest contour line of the divide between the Feather and Yuba Rivers.

T. 21 N., R. 12 E.,

Sec. 4, SW $\frac{1}{4}$ ;

Sec. 5, excepting therefrom all the land withdrawn by Public Land Order 2971 of March 18, 1963, for a roadside zone, being a strip of land 200 feet wide on each side of the center line of the Gold Lake County Road;

Sec. 6;

Sec. 7;

Sec. 8, W $\frac{1}{2}$ W $\frac{1}{2}$  and all that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ W $\frac{1}{2}$  lying west of the highest contour line of the divide between Gray Eagle Creek and Frazier Creek;

Sec. 17, all that portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$  lying west of the highest contour line of the divide between Gray Eagle Creek and Frazier Creek;

Sec. 18, lots 1 and 2, N $\frac{1}{2}$ NE $\frac{1}{4}$  and that portion of lots 3 and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ SW $\frac{1}{4}$  lying east of the highest contour line of the divide between the Feather and Yuba Rivers and north of the highest contour line of the divide between the Gray Eagle Creek and Frazier Creek.

T. 22 N., R. 11 E.,

Sec. 35, lots 9 to 12, inclusive, and SW $\frac{1}{4}$ ;

Sec. 36, lots 5 to 16, inclusive.

T. 22 N., R. 12 E.,

Sec. 31;

Sec. 32.

The areas described aggregate approximately 6,860 acres.

R. J. LITTEN,  
*Chief, Lands Adjudication Section.*

[F.R. Doc. 66-12217; Filed, Nov. 9, 1966;  
8:46 a.m.]

[Serial No. R 234]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 4, 1966.

The Southwest Division, Naval Facilities Engineering Command, U.S. Department of the Navy, has filed an application Serial No. R 234, for the withdrawal of lands from all forms of appropriation under the public land laws, the mining and mineral leasing laws, as well as for disposal of material under the Act of July 21, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, subject to valid existing rights. The applicant desires the land as a portion of the U.S. Naval Ordnance Test Station, China Lake, Calif., as part of their mission of applied research development and testing of ordnance systems.

The lands involved were considered to have been included in the withdrawal by Public Land Order 431 of December 19, 1947 (12 F.R. 3895-8396), as amended January 23, 1948 (13 F.R. 322). The necessity for this withdrawal application was created by a dependent resurvey of a portion of the east boundary of T. 26 S., R. 40 E., MDM., a portion of the south boundary of T. 26 S., R. 41 E., MDM., and a portion of the east boundary of T. 27 S., R. 40 E., MDM., designed to restore the corners in their true original locations according to the best available evidence; and, a survey of the east boundary of section 1, T. 27 S., R. 40 E., and the subdivisional lines of T. 27 S., R. 40 $\frac{1}{2}$  E., MDM., California. The plat of survey was approved December 16, 1965.



For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

#### MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 27 S., R. 40½ E.,  
Sec. 6, lots 1 and 2.

The area described aggregates 63.46 acres.

HALL H. McCLAIN,  
Manager.

[F.R. Doc. 66-12218; Filed, Nov. 9, 1966;  
8:46 a.m.]

[Classification No. C3-1071]

#### CALIFORNIA

#### Order Providing for Opening of Public Lands

NOVEMBER 2, 1966.

1. Pursuant to authority redelegated to me by the Acting Manager, Sacramento Land Office, Bureau of Land Management, approved by the California State Director, Bureau of Land Management, effective November 18, 1965 (30 F.R. 14444), the following described public land is opened to filing of applications for exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, subject to valid existing rights, the provisions of any existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 28, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

#### MOUNT DIABLO MERIDIAN

T. 45 N., R. 2 E.,  
Sec. 9, NW¼ SW¼.

2. The above-described area contains 40 acres of public land situated in the Red Rock Valley of Siskiyou County, approximately 12 miles south of Macdoel, Calif. Inquiries concerning the land should be addressed to the Land Office, Bureau of Land Management, Sacramento, Calif. 95814.

R. J. LITTEN,

Chief, Lands Adjudication Section.

[F.R. Doc. 66-12219; Filed, Nov. 9, 1966;  
8:46 a.m.]

[New Mexico 565]

#### NEW MEXICO

#### Notice of Proposed Classification of Lands

NOVEMBER 2, 1966.

Notice is hereby given of a proposal to classify the lands described below for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g) for lands within the Sandia Division of the Cibola National Forest. This publication is made pursuant to the Act of September 19, 1964 (43 U.S.C. 1412).

The offered lands are privately owned lands which are located in the Cibola National Forest and are in a portion of the forest which is withdrawn for military use. The acquisition of the tracts by the United States will permit development of sorely needed research units in the area. The selected lands are scattered parcels of land which are more suitable for grazing, and their elimination will facilitate the land adjustment program of the Bureau of Land Management. Information concerning the lands, including the record of public discussion, is available for inspection and study in the Roswell District Office, 1902 South Main, Roswell, N. Mex. 88201. For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager in the Roswell District.

The lands affected by this proposal are located in Guadalupe County, N. Mex., and are described as follows:

#### NEW MEXICO PRINCIPAL MERIDIAN

T. 5 N., R. 16 E.,  
Sec. 2, lots 3, 4, S½ NW¼ and SW¼;  
Sec. 12, W½ NW¼.

T. 6 N., R. 16 E.,  
Sec. 8, NW¼;  
Sec. 9, N½ NW¼.

T. 7 N., R. 16 E.,  
Sec. 32, SW¼ NW¼, NW¼ SW¼.

T. 4 N., R. 17 E.,  
Sec. 1, lot 1;  
Sec. 3, lot 1;  
Sec. 11, E½ NE¼, NE¼ SE¼;  
Sec. 12, E½, NW¼, N½ SW¼, N½ S½ SW¼.

T. 5 N., R. 17 E.,  
Sec. 9, E½;  
Sec. 13, SW¼ NE¼, SE¼ NW¼, NE¼ SW¼, and NW¼ SE¼;  
Sec. 21, E½ E½ W½;  
Sec. 23, NE¼;  
Secs. 24 and 26;  
Sec. 27, W½;  
Sec. 28, E½;  
Sec. 33, N½ NE¼;  
Sec. 35, N½.

T. 6 N., R. 17 E.,  
Sec. 25, N½ and NW¼ SW¼;  
Sec. 26, NE¼, E½ W½, N½ SE¼, and SW¼ SE¼;  
Sec. 27;  
Sec. 28, S½ SW¼;  
Sec. 29, W½ and S½ SE¼;  
Sec. 35, NW¼ NE¼ and NE¼ NW¼.

T. 4 N., R. 18 E.,  
Sec. 3, lots 1, 2, 3, and 4;  
Sec. 4, SE¼;  
Sec. 6, lot 4;  
Sec. 9;  
Sec. 12, S½ SW¼ and SW¼ SE¼;  
Sec. 14, NW¼ NE¼ and W½ NW¼.

T. 5 N., R. 18 E.,  
Sec. 17, NW¼ and N½ SW¼;  
Sec. 19, SW¼ NE¼, NE¼ SW¼, and NW¼ SE¼;  
Sec. 20, NE¼ NW¼;  
Sec. 30, SW¼ NE¼ and N½ SE¼.

T. 6 N., R. 18 E.,  
Sec. 8;  
Sec. 15, NE¼ SW¼;  
Sec. 18, E½ SW¼ and SE¼;  
Sec. 19, lots 2, 3, NE¼, E½ NW¼, NE¼ SW¼, and N½ SE¼;  
Sec. 23, S½ S½;  
Sec. 26, N½ and N½ S½.

The areas described aggregate 10,319.64 acres.

W. J. ANDERSON,  
State Director.

[F.R. Doc. 66-12220; Filed, Nov. 9, 1966;  
8:46 a.m.]

[Oregon 013020, etc.]

#### OREGON

#### Order Providing for Opening of Public Lands

NOVEMBER 2, 1966.

1. In exchanges of lands made under provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, the following described lands have been reconveyed to the United States:

#### WILLAMETTE MERIDIAN

Minerals in the following lands were reconveyed to the United States:

OREGON 013020

T. 27 S., R. 32 E.,  
Sec. 28, W½ NE¼, NW¼;  
Sec. 29, S½ NE¼.  
T. 27 S., R. 34 E.,  
Sec. 29, NE¼ NE¼.  
T. 28 S., R. 34 E.,  
Sec. 25, NW¼ NE¼.  
T. 28 S., R. 35 E.,  
Sec. 29, SW¼ SW¼.

OREGON 014311

T. 14 S., R. 14 E.,  
Sec. 31.

OREGON 015024

T. 40 S., R. 9 E.,  
Sec. 22, SE¼ SW¼;  
Sec. 27, NW¼ NW¼ and SW¼ NW¼ excepting therefrom a 1.15-acre tract lying south of the Lower Lake Road.

OREGON 015627

T. 19 S., R. 36 E.,  
Sec. 4, lot 4, SW¼ NW¼;  
Sec. 9, SE¼ NW¼, NE¼ SW¼.

OREGON 015792

T. 23 S., R. 24 E.,  
Sec. 31, lot 4, SE¼ SW¼.



- T. 24 S., R. 24 E.,  
Sec. 6, lots 2, 3, 4, 5, 6, and 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 15, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 22, NE $\frac{1}{4}$ ;  
Sec. 23;  
Sec. 24, SW $\frac{1}{4}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 30 S., R. 30 E.,  
Sec. 32, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 28 S., R. 33 E.,  
Sec. 11, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 28 S., R. 34 E.,  
Sec. 1, lot 4;  
Sec. 2, lot 1.  
T. 27 S., R. 35 E.,  
Sec. 30, lots 3 and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and  
SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 31, lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 28 S., R. 35 E.,  
Sec. 36, SW $\frac{1}{4}$ .

Minerals in the following lands were not reconveyed to the United States:

OREGON 013020

- T. 27 S., R. 33 E.,  
Sec. 36, W $\frac{1}{2}$ .

OREGON 013192

- T. 41 S., R. 14 E.,  
Sec. 16, E $\frac{1}{2}$ .  
T. 40 S., R. 14 $\frac{1}{2}$  E.,  
Sec. 27, E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 34, E $\frac{1}{2}$ NW $\frac{1}{4}$ .  
OREGON 013550  
T. 11 S., R. 41 E.,  
Sec. 22, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 23, W $\frac{1}{2}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 12 S., R. 41 E.,  
Sec. 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 10, W $\frac{1}{2}$ SW $\frac{1}{4}$ .  
OREGON 013597  
T. 41 S., R. 37 E.,  
Sec. 12, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 41 S., R. 38 E.,  
Sec. 8, W $\frac{1}{2}$ W $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
OREGON 013938  
T. 27 S., R. 30 E.,  
Sec. 16, SE $\frac{1}{4}$ .  
T. 28 S., R. 30 E.,  
Sec. 1, E $\frac{1}{2}$ SE $\frac{1}{4}$  excepting portion of  
NE $\frac{1}{4}$ SE $\frac{1}{4}$  conveyed to State of Oregon  
as right-of-way for Frenchglen Highway.  
T. 28 S., R. 31 E.,  
Sec. 6, lots 6 and 7, E $\frac{1}{2}$ SW $\frac{1}{4}$  and  
W $\frac{1}{2}$ SE $\frac{1}{4}$ .  
OREGON 015177  
T. 27 S., R. 34 E.,  
Sec. 33, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
OREGON 015243  
T. 19 S., R. 33 $\frac{1}{2}$  E.,  
Sec. 17, S $\frac{1}{2}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ ;  
Sec. 20, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
OREGON 015305  
T. 20 S., R. 42 E.,  
Sec. 3, S $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ .  
OREGON 015838  
T. 24 S., R. 34 E.,  
Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 16, N $\frac{1}{2}$ N $\frac{1}{2}$ .  
OREGON 015864  
T. 29 S., R. 31 E.,  
Sec. 36, W $\frac{1}{2}$ .

The areas described aggregate 6,871.83 acres.

2. The lands are located for the most part in widely scattered parcels throughout southeastern Oregon. They are gen-

erally arid or semiarid in character, and are not suitable for farming.

3. At 10 a.m. on December 8, 1966, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 8, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands in which minerals were conveyed to the United States will be open to location under the U.S. mining laws at 10 a.m. on December 8, 1966. They have been open to applications and offers under the mineral leasing laws. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,  
Chief, Branch of Lands.

[F.R. Doc. 66-12221; Filed, Nov. 9, 1966;  
8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

#### FARMERS LIVESTOCK MARKET, INC., ET AL.

#### Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore no longer subject to the provisions of the Act.

*Name, location of stockyard, and date of posting*

- Farmers Livestock Market, Inc., Somerset, Ky., Dec. 9, 1959.  
Rives Livestock Auction, Inc., Jackson, Mich., Apr. 9, 1962.  
Mississippi Valley Stock Yards, Inc., St. Louis, Mo., Jan. 30, 1933.  
Orrville Livestock Auction, Orrville, Ohio, May 28, 1959.  
Krumville Livestock Market, Lenhartsville, Pa., Apr. 14, 1960.  
Hardin Livestock Commission Co., Hardin, Tex., Apr. 18, 1959.  
L. O. Eakin Livestock Auction Co., Shamrock, Tex., June 6, 1963.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exception or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented;  
7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 3d day of November 1966.

CHARLES G. CLEVELAND,  
Chief, Registrations, Bonds, and  
Reports Branch, Packers and  
Stockyards Division, Con-  
sumer and Marketing Service.

[F.R. Doc. 66-12246; Filed, Nov. 9, 1966;  
8:47 a.m.]

### Office of the Secretary CONSUMER AND MARKETING SERVICE

#### Delegations of Functions

Section 110 of the Statement of Delegations of Functions appearing at 30 F.R. 6697, as amended by 31 F.R. 10079 and 10644, is hereby further amended as follows:

A new paragraph "p" is added to section 110, to read as follows:

p. Child Nutrition Act of 1966 (P.L. 89-642).

Done at Washington, D.C., this 4th day of November 1966.

ORVILLE L. FREEMAN,  
Secretary of Agriculture.

[F.R. Doc. 66-12230; Filed, Nov. 9, 1966;  
8:47 a.m.]

## DEPARTMENT OF HEALTH, EDU- CATION, AND WELFARE

### Food and Drug Administration

#### ISOPROPYL 4,4'-DICHLORO- BENZILATE

#### Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y. 10702, a temporary tolerance of 5 parts per million is established for residues of the insecticide isopropyl 4,4'-dichlorobenzilate in or on the raw agricultural commodities grapefruit, lemons, limes, and oranges. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the insecticide will be used in accord with the experimental permit issued by the U.S. Department of Agriculture.

This temporary tolerance expires November 2, 1967.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act



(sec. 408(j)), 68 Stat. 516; 21 U.S.C. 346 a(j)), and delegated by him to the Commissioner (21 CFR 2.120; 31 F.R. 3008).

Dated: November 2, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 66-12248; Filed, Nov. 9, 1966;  
8:48 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16969; FCC 66-976]

### BEAVERHEAD BROADCASTING CO.

#### Memorandum Opinion and Order Designating Application for Hear- ing on Stated Issues

In re application of Beaverhead Broadcasting Co., Dillon, Mont.; Docket No. 16969, File No. BP-16651; requests: 1240 kc, 250 w, 1 kw-LS, U, Class IV; for construction permit.

1. The Commission has before it for consideration: The above captioned and described application; a "petition to deny" by Vigilante Broadcasting Co., Inc. ("KDBM"), licensee of standard broadcast station KDBM, Dillon, Mont.; an "opposition" pleading by Beaverhead Broadcasting Co. ("Beaverhead"), the applicant; an amendment by Beaverhead; a "reply" pleading by KDBM; and related affidavits, exhibits, et al.

2. Vigilante Broadcasting bases its claim of standing on the ground that Beaverhead would compete with KDBM for both audience and advertising revenues and, therefore, that a grant would have an adverse economic impact on the operation of KDBM. The Commission finds that the KDBM has standing as a "party in interest" within the meaning of section 309(d) (1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules.<sup>1</sup>

3. KDBM opposes a grant of the Beaverhead application on several grounds. Its first objection is that advertising revenues potentially available to broadcast stations in Dillon are quite limited, and, consequently, that the establishment of a second standard broadcast station there would result in a net degradation of broadcast service to the community and area.<sup>2</sup> With respect to that objection, both KDBM and Beaverhead have submitted a considerable amount of data and comment.<sup>3</sup> Having considered that and other material which they have sub-

mitted, the Commission is persuaded that a Carroll issue is required. Even if we were to accept without question Beaverhead's volume of retail trade figures for the community and area, rather than the figures submitted by KDBM, a substantial question would still remain, in the light of broadcast industry experience, as to whether Dillon and Beaverhead County can support two stations. In view of this, and the station revenue and expense figures submitted by KDBM,<sup>4</sup> it seems likely that the establishment of Beaverhead's proposed station would cause KDBM to lose a substantial portion of its advertising revenue, and that KDBM could not afford to absorb such a loss without, at best a sharp reduction of its normal expenditures for local public service and news programs. On the other hand, Beaverhead's own financial situation, and the inadequacy of its program service proposal, as outlined elsewhere in this memorandum opinion and order, raise a substantial question as to whether the programming supplied by the proposed new station would be sufficient to offset a degradation of KDBM's broadcast service. The burden of proof as to the Carroll issue will be placed on the petitioner.

4. As its next objection to the Beaverhead application, KDBM contends that Beaverhead lacks the requisite financial qualifications of a broadcast licensee. Upon consideration of Beaverhead's financial proposal, as amended, and supporting documents, we are persuaded that a financial qualifications issue is required. Beaverhead estimates that its total initial expenses (construction and first year operating costs) would come to \$48,500.50, and claims that it has \$51,000 in funds available to meet those expenses, said funds to consist of a \$25,000 bank loan and \$26,000 from the sale of stock. All but 0.39 percent of the stock would ultimately be purchased by Gile H. and Ann M. Mitchell (husband and wife). Their joint balance sheet indicates a net worth of some \$80,000, but only \$7,000 in liquid assets. The Mitchells intend to borrow money on their house in order to obtain the additional funds necessary to meet their stock purchase commitments. With respect to their house-loan plans, Beaverhead submits a letter from a local real estate broker estimating that the house in question has a loan value of at least \$25,000.

5. We are unprepared, on the basis of the foregoing, to conclude that the Mitchells will have sufficient liquid assets to meet their commitments. Although they contemplate obtaining a loan on their house to supplement the \$7,222.86 in liquid assets indicated by their last submitted balance sheet, they have not submitted sufficiently substantial evi-

dence (such as, for example, a loan commitment letter from a bank or other lending institution) to demonstrate the availability of such a loan. Furthermore, since their house, which would be "tied up" as security for that loan, constitutes at least 40 percent of the Mitchells' net worth,<sup>5</sup> and since the previously promised bank loan would be secured in part by Mr. Mitchell's personal guarantee, a question exists to the continued dependability of the original \$25,000 bank loan commitment.

6. Finally KDBM contends that Beaverhead has failed to show that it has made any efforts to ascertain the needs and interests of the community and area to be served, and the manner in which its proposed programming attempts to meet such needs and interests. Indeed, KDBM alleges, when its station manager surveyed the various civic organizations in the community in an effort to determine what public service programming would be carried by the proposed station, the principals of all these organizations stated that they had not been contacted by Beaverhead. As for the proposed programming itself, KDBM states that Beaverhead proposes no time for "talks"; and that Beaverhead's program-type percentage analysis indicates that 3.14 percent of the typical broadcast week will be devoted to "educational" programming, and 1.53 to "discussion" programming, but that its typical-week program schedule—upon which the percentage analysis is supposedly based—indicates that "educational" programming would constitute only 1.75 percent of the broadcast week, and that no "discussion" programming is included at all. In reply Beaverhead states that it did conduct, during March and April 1965, a survey of community, business, and civic leaders—but it neither identifies them nor describes their comments regarding programming, other than to say that objections were expressed to an alleged political imbalance in current affairs commentary on KDBM. Beaverhead also states that it is familiar with the needs and interests of the community and area by virtue of the fact that its principals are lifelong residents of Dillon, and participants in community affairs. With respect to this we note that the application describes the Mitchells only as a housewife and a local schoolteacher and bar owner, and does not indicate any broadcast experience or specific community affairs participation. In view of these facts, it is clear that an issue regarding programming is required.

7. Except as indicated by the issues specified below, the applicant is qualified, but, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

<sup>5</sup> Claimed net worth: \$85,529.86. Recommended selling price of Mitchell home: \$35,000 (broker's letter submitted by Beaverhead).

<sup>1</sup> F.C.C. v. Sanders Brothers Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

<sup>2</sup> Carroll Broadcasting Company v. F.C.C. 103 U.S. App. D.C. 346, 256 F. 2d 440, 17 RR 2066 (1958).

<sup>3</sup> Concerning, inter alia, the volume of retail sales and number of businesses in the area, the effect of a new station on the existing station's advertisers and on the program service of the existing station, the program service proposed by the applicant, and the economic prospects of the community and area involved.

<sup>4</sup> KDBM states that during the years 1962-64 its annual revenues ranged from \$42,771 to \$44,044, and its annual expenses ranged from \$39,136 to \$47,385. In 1964, KDBM reports, its expenses totaled \$42,488. These figures do not appear unreasonable. In any event, the objections to them raised by Beaverhead can best be resolved in hearing.



Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, with respect to the applicant's financial proposal—

a. The availability to the applicant of a \$25,000 bank loan from State Bank & Trust Co. of Dillon, Mont.

b. The financial ability of Gile H. and Ann M. Mitchell to meet their commitments to purchase stock of the Beaverhead Broadcasting Co.

c. In the light of evidence adduced pursuant to items 1a and 1b, whether the applicant is financially qualified to construct and operate its proposed station.

2. To determine the efforts made by the applicant to ascertain the needs and interests of the area to be served and the manner in which it proposes to meet such needs and interests.

3. To determine whether there are adequate revenues available to support more than one standard broadcast station in Dillon, Mont., without loss or degradation of standard broadcast service to Dillon and surrounding areas.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That Vigilante Broadcasting Co., Inc., licensee of Station KDBM, Dillon, Mont., is made a party to the proceeding.

It is further ordered, That the "petition to deny" filed by Vigilante Broadcasting Co., Inc., is granted to the extent indicated above, and is denied in all other respects.

It is further ordered, That with respect to issue No. 1, the burden of proceeding with the introduction of evidence and the burden of proof are hereby placed on Vigilante Broadcasting Co., Inc.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition: Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event that they are subsequently authorized to increase power to 1,000 watts.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall

advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: November 2, 1966.

Released: November 7, 1966.

FEDERAL COMMUNICATIONS

COMMISSION,<sup>6</sup>

[SEAL]

BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12249; Filed, Nov. 9, 1966;  
8:48 a.m.]

[Docket Nos. 16965, 16966; FCC 66-958]

## DU PAGE COUNTY BROADCASTING, INC., AND CENTRAL DU PAGE COUNTY BROADCASTING CO.

### Memorandum Opinion and Order Designating Applications for Hearing on Stated Issues

In re applications of Du Page County Broadcasting, Inc., Elmhurst, Ill., Docket No. 16965, File No. BP-16292, requests: 1530 kc, 250 w, DA-Day, Class II; Howard L. Enstrom and Stanley G. Enstrom, doing business as Central Du Page County Broadcasting Co., Wheaton, Ill., Docket No. 16966, File No. BP-16465, requests: 1530 kc, 500 w, DA-Day, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of November 1966;

1. The Commission has before it the above-captioned applications which are mutually exclusive in that simultaneous operation of the stations proposed would result in mutually destructive interference.

2. Examination of the applications indicates that the proposed 5 mv/m contour of each of the proposals penetrates the geographic boundaries of Chicago, Ill. The population (1960 Census) of Chicago (3,550,404) is more than twice that of Elmhurst (36,991) or of Wheaton (24,312).<sup>1</sup> Accordingly, a presumption of intent to serve the larger community arises under the Commission's policy statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901. Both applicants submitted data for the purpose of rebutting the presumption.

3. After examination of the material submitted, the Commission finds that, notwithstanding the proposed 5 mv/m penetration of Chicago, both applicants have demonstrated their intention to furnish broadcast service to their designated station locations, rather than to Chicago. Du Page County Broadcasting, Inc. (Du Page), will penetrate only 10.6 square miles of the city of Chicago with its proposed 5 mv/m contour. Of that area, 6.2 square miles consists of O'Hare Airport, a noncontiguous exten-

sion of the city limits connected to the city proper only by a highway corridor. The remaining 4.4-square mile area covered constitutes only 2.02 percent of the total area of the city of Chicago. The Du Page proposal is for a minimum-power, directional operation with the main thrust of its signal directed away from Chicago. Its station location, Elmhurst, is the largest city in Du Page County, Illinois. Du Page has demonstrated a need for a first local standard broadcast service for Elmhurst and has submitted substantial evidence both of local interest in its proposal and of its intention to serve the designated community. Elmhurst had local retail sales in 1965 in excess of \$92 million, and the applicant has stated that it intends to rely on Elmhurst and Du Page County advertisers for its income. Du Page has disavowed any intention to seek advertising revenues from Chicago sponsors. The second applicant, Central Du Page County Broadcasting Co. (Central) will cover no populated portions of the city of Chicago with a 5.0 mv/m signal, and would bring a first local standard broadcast service to Wheaton, the county seat of Du Page County. Central's only 5.0 mv/m Chicago coverage is over O'Hare Airport. While technically sufficient to bring the section 307(b) policy statement presumption into play, this minimal penetration, together with the fact that Central's proposed radiation is not directed toward Chicago, tends to overcome the presumption of intent to serve the larger city. We also note that both Central and Du Page place a 2 mv/m signal over less than 16 percent of Chicago.

4. Both applicants are qualified to construct, own and operate the facilities proposed. However, because the applications are mutually exclusive, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the fore-

<sup>6</sup> Commissioner Loevinger dissenting to the inclusion of paragraph 6 and issue No. 2; Commissioner Wadsworth absent.

<sup>1</sup> A special 1963 census found Wheaton's population to be 26,263.



going issues, which, if either, of the applications should be granted.

It is further ordered, That, in the event of a grant of either application, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 7, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>  
[SEAL] BEN F. WAPLE,  
Secretary.

[P.R. Doc. 66-12250; Filed, Nov. 9, 1966;  
8:48 a.m.]

[Docket Nos. 16606, 16970; FCC 66-977]

## KANSAS STATE NETWORK, INC., AND TOPEKA TELEVISION, INC.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Kansas State Network, Inc., Topeka, Kans., Docket No. 16606, File No. BPCT-3537; Topeka Television, Inc., Topeka, Kans., Docket No. 16970, File No. BPCT-3662; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 2d day of November 1966;

1. The Commission has before it for consideration the above-captioned applications of Kansas State Network, Inc., and Topeka Television, Inc., each requesting a construction permit for a new television broadcast station to operate on Channel 43, Topeka, Kans. Operation by the applicants as proposed would result in mutually destructive interference and they are, therefore, mutually exclusive.

<sup>2</sup> Commissioner Wadsworth absent.

2. Questions have been raised with respect to the application of Kansas State Network, Inc., in connection with whether a grant of the application would result in a concentration of control of television broadcasting in a manner inconsistent with the public interest, convenience or necessity,<sup>1</sup> the efforts made by the applicant to ascertain the programming tastes, needs, and interests of the area proposed to be served, and whether there is a need for a "satellite" operation.<sup>2</sup> By amendment filed September 22, 1966, the applicant submitted a report of its efforts to ascertain the programming tastes, needs, and interests of its proposed service area and on the basis of that report, we are satisfied that no issue is warranted with respect thereto. In the same amendment, the applicant pointed out that it does not propose a "satellite" operation since 7.6 percent of its broadcast time (9 hours out of approximately 120 hours per week) will be devoted to local live originations. On the basis of this information, we agree that the operation proposed is not one for "primarily a satellite." KAKE-TV and Radio, Inc., FCC 64-412, 2 RR 2d 688; K-Six Television, Inc., FCC 64-1074, 3 RR 2d 858; John S. Thompson et al., FCC 65-429, 5 RR 2d 448; Shenandoah Valley Broadcasting, Inc., FCC 65-513, 5 RR 2d 552.

3. Based on information contained in the application of Topeka Television, Inc., it appears that cash in excess of \$723,000 will be required<sup>3</sup> for the construction and operation of the proposed new station for 1 year. To meet these cash requirements, the applicant relies upon the availability of new capital of \$150,000 from stock subscriptions, loans from each of eight stockholders, totaling \$350,000, and a loan of \$1 million from Chase Manhattan Bank. Of the eight subscribers, however, only Messrs. Chandler and Hurd have shown that they have current and liquid assets (as defined in section III, paragraph 4(d), FCC Form 301) in excess of their liabilities to meet their commitments to the applicant. The remaining six subscribers have not disclosed the extent of current liabilities and although each has a bank loan commitment, we cannot determine whether their current and liquid assets, together with their bank loans, would be sufficient

<sup>1</sup> Section 73.636(a) (2) of the Commission's rules.

<sup>2</sup> The concentration of control question was raised by the Commission in its Order (FCC 66-387, 3 FCC 2d 581) designating the application for hearing in Docket Nos. 16606-16607; the other questions were raised by the then-mutually exclusive applicant (Highwood Service, Inc.), in a petition to enlarge issues (dismissed as moot, FCC 66R-349, 4 FCC 2d 973). Other questions not referred to herein have been satisfactorily resolved.

<sup>3</sup> Consisting of downpayment to Townsend for equipment (\$98,500), curtailments (\$73,875), downpayment to RCA for equipment (\$43,000), curtailments (\$32,500), land (\$26,000), buildings (\$30,000), other items (\$9,000), current liabilities (\$3,532), interest payments on equipment to Townsend and RCA (\$17,193), and costs of operation (\$390,000), totaling \$723,350.

to enable them to meet their obligations commitments to the applicant. With respect to the bank loan, it is clearly not an undertaking by the bank to lend funds.

4. Mr. Paul C. Aiken is 55 percent stockholder of the applicant. He will require \$356,700 to meet current commitments in connection with his interests in Alabama Television, Inc. (applicant (BPCT-3706), in hearing for a new TV station in Birmingham, Ala., Docket No. 16760) and the instant proposal. To meet these commitments, he appears to have net current assets of approximately \$50,000. Mr. Aiken relies upon a letter from Riggs National Bank expressing the bank's willingness to lend him \$275,000 upon undisclosed terms and conditions. Since repayment of that loan and interest would constitute an additional burden upon Mr. Aiken's resources to an undisclosed extent, we cannot determine Mr. Aiken's financial qualifications. Moreover, the amount of the proposed bank loan, added to Mr. Aiken's net current assets, is still insufficient to enable him to meet his current commitments.<sup>4</sup>

5. The tower height and location proposed by Topeka Television, Inc., has not been approved by the Federal Aviation Agency. An issue will be specified to determine whether the tower height and location proposed would constitute a menace to air navigation.

6. Except as indicated by the issues set forth below, we find that the applicants are qualified to construct, own and operate the proposed new television broadcast station. The Commission, however, is unable to make the statutory finding that grant of the applications would serve the public interest, convenience and necessity and is of the opinion that they must be designated for hearing in a consolidated proceeding upon the issues set forth below.

Accordingly, it is ordered, That the above-captioned applications of Kansas State Network, Inc., and Topeka Television, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

1. In connection with the application of Kansas State Network, Inc., to determine:

a. Whether a grant of the application would be consistent with § 73.636(a) (2) of the Commission's rules with respect to whether it would constitute a concentration of control of television broadcasting in a manner inconsistent with the public interest, convenience or necessity.

2. In connection with the application of Topeka Television, Inc., to determine:

a. The current liabilities of Messrs. Paul C. Aiken, Charles R. Bennett, J. A. Dickinson, Louis Pozez, Leslie V. Thompson, and Dr. A. A. Fink, and the extent to which funds in excess thereof will be available to them to meet their commitments to the applicant.

<sup>4</sup> Mr. Aiken and his wife are also subscribers to 7 percent of the stock of Washington Civic Television, Inc., an applicant (BPCT-3835) for a new television broadcast station to operate on Channel 14, Washington, D.C. Their commitments in connection with that application have not been considered in this proceeding, but their total commitments will be considered when that application is processed.



b. Whether a loan will be available to the applicant from Chase Manhattan Bank and, if so, the amount thereof and the terms and conditions upon which such loan would be available.

c. Whether in the light of the evidence adduced pursuant to the foregoing issues, the applicant is financially qualified.

d. Whether there is a reasonable possibility that the tower height and location proposed would constitute a menace to air navigation.

3. To determine which of the proposals would better serve the public interest, convenience and necessity.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

*It is further ordered*, That the Federal Aviation Agency is made a party to this proceeding with respect to the application of Topeka Television, Inc.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 7, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>5</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12251; Filed, Nov. 9, 1966;  
8:48 a.m.]

## FEDERAL POWER COMMISSION

[Docket Nos. RI67-115, etc.]

FALCON SEABOARD DRILLING CO.  
ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund<sup>1</sup>

NOVEMBER 2, 1966.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be

<sup>5</sup> Commissioner Wadsworth absent.

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1966.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.

#### APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-115..	Falcon Seaboard Drilling Co. (Operator), et al., Post Office Box 3348, Houston, Tex. 77001.	211	1	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (South Crowley Field, Acadie Parish, La.) (Southern Louisiana).	\$1,260	10- 6-66	11- 6-66	11- 7-66	7.18.0	8.67.19.0	
RI67-116..	Petroleum, Inc., et al., 300 West Douglas, Wichita, Kans. 67202.	227	6	Panhandle Eastern Pipe Line Co. (Quigley & Palmer Units, Northeast Carthage Field, Texas County, Okla.) (Panhandle Area).	940	10-10-66	11-10-66	11-11-66	11.16.0	10.11.17.0	
RI67-117..	Foster Petroleum Corp., Post Office Box 729, Bartlesville, Okla.	16	1	Oklahoma Natural Gas Gathering Corp. <sup>12</sup> (Ringwood Field, Major County, Okla.) (Oklahoma "Other" Area).	200	10- 3-66	11- 3-66	11- 4-66	11.0	10.12.0	

<sup>2</sup> Contract dated after Sept. 28, 1960, date of issuance of general policy statement No. 61-1.

<sup>3</sup> The stated effective date is the effective date requested by Respondent.

<sup>4</sup> The suspension period is limited to 1 day.

<sup>5</sup> Periodic rate increase.

<sup>6</sup> Pressure base is 15.025 p.s.i.a.

<sup>7</sup> Subject to a downward B.t.u. price adjustment for gas having a heating content of less than 1,000 B.t.u.'s.

<sup>8</sup> Includes 1.5 cents tax reimbursement.

<sup>9</sup> The stated effective date is the first day after expiration of the statutory notice.

<sup>10</sup> Pressure base is 14.65 p.s.i.a.

<sup>11</sup> Subject to an upward and downward B.t.u. adjustment.

<sup>12</sup> Oklahoma Natural Gas classed as a pipeline company in its Certificate (Docket No. CI61-1408), resells the gas to Cities Service Gas Co. at a presently effective rate of 18.5 cents per Mcf subject to refund in Docket No. RP66-19. National Fuels Corp. jointly purchases gas for liquids only.

Petroleum, Inc., et al. (Petroleum), requests that their proposed rate increase be permitted to become effective on November 1, 1966. Foster Petroleum Corp. (Foster) re-

quests an effective date of October 28, 1966, for its rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective

dates for Petroleum and Foster's rate filings and such requests are denied.

The contracts related to the rate filings proposed by Petroleum and Falcon Seaboard Drilling Co. (Operator), et al. (Falcon), were



executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable area rate ceiling for increased rates but below the initial service ceiling for the areas involved. We believe, in this situation, Petroleum and Falcon's rate filings should be suspended for 1 day from the date shown in the "Effective Date" column of the attached Appendix A.

Foster's periodic rate increase from 11 cents to 12 cents per Mcf, at 14.65 psia, is for a sale of gas to Oklahoma Natural Gas Gathering Corp. (ONG) from Ringwood Field, Major County, Okla. ONG gathers the gas and resells it (after extraction of liquids by National Fuels Corp.) to Cities Service Gas Co. at a rate of 18.5 cents per Mcf, which is in effect subject to refund in Docket No. RP66-19. Foster's proposed 12 cents per Mcf rate was contractually due as of January 1, 1966, the same date that ONG's 18.5 cents per Mcf resale rate became contractually due. Foster's proposed rate also exceeds the area increased rate ceiling of 11 cents per Mcf. Since ONG's resale rate is in effect subject to refund, we conclude that Foster's rate should be suspended for 1 day from November 3, 1966, the date of expiration of the statutory notice.

[F.R. Doc 66-12209; Filed, Nov. 9, 1966; 8:45 a.m.]

[Docket Nos. RI67-127, etc.]

### SINCLAIR OIL & GAS CO.

#### Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>

NOVEMBER 1, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regula-

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

tions pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1966.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Acting Secretary.

#### APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-127	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	155	6	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (R.R. District No. 10).	\$587	10 10 66	11 10 66	4-10-67	\$ 15.5	\$ 16.5	
	do.	156	3	Michigan Wisconsin Pipe Line Co. (Nichols Field, Kiowa County, Kans.).	603	10 10 66	11 10 66	4-10-67	\$ 15.0	\$ 17.0	
RI67-128	Anval & Dungan (Operator), et al., Post Office Box 261, Pampa, Tex.	1	2	Natural Gas Pipeline Co. of America (Roberts County, Tex.) (R.R. District No. 10).	1,400	10 13 66	1 1 67	6-1-67	\$ 13.0	\$ 14.0	RI63-24.
RI67-129	Hamilton, Frederick C. and Ferris E., d.b.a. Hamilton Brothers, Ltd., 1517 Denver Club Bldg., Denver, Colo. 80202.	17	4	Colorado Interstate Gas Co. (Moccasin Field, Beaver County, Okla.) (Panhandle Area).	122	10 13 66	12 1-66	5-1-67	\$ 16.245	\$ 17.328	
RI67-130	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020, Attn: Mr. F. C. Sweat.	139	6	Natural Gas Pipeline Co. of America (La Gloria Field, Brooks and Jim Wells Counties, Tex.) (R.R. District No. 4).	100	10 11 66	12-2-66	5-2-67	\$ 10.82317	\$ 15.51069	
RI67-131	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001. Attn: Mr. Fred T. O'Leary.	6	10	do.	9,387	10 17 66	12-2-66	5-2-67	\$ 10.81979	\$ 15.51331	
RI67-132	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001. Attn: R. D. Haworth, Esq.	367	8	El Paso Natural Gas Co. (Hogsback Field, Sublette County, Wyo.).	1,301	10 3 66	12 11 3 66	4 3-67	\$ 15.0	\$ 17.048	
RI67-133	Big Piney Oil & Gas Co., 702 Newhouse Bldg., Salt Lake City, Utah 84111.	1	2	El Paso Natural Gas Co. (Big Piney Gas Field, Sublette County, Wyo.).	13,974	10 3 66	12 11-3 66	4-3-67	\$ 15.0	\$ 16.0	RI62-244.

\* The stated effective date is the effective date proposed by Respondent.

Periodic rate increase.

<sup>1</sup> Pressure base is 14.65 p.s.i.a.

<sup>2</sup> Subject to a downward B.t.u. adjustment.

<sup>3</sup> Initial rate and settlement rate. Settlement order issued July 1, 1963, in Docket No. G-9291, et al. Moratorium on increases expired Sept. 1, 1965.

<sup>4</sup> Two-step periodic rate increase.

<sup>5</sup> Includes base rate of 16.0 cents per Mcf plus upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.

<sup>6</sup> Includes base rate of 15.0 cents per Mcf plus upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.

Mobil Oil Corp. (Mobil) requests that its proposed rate increase be permitted to become effective as of October 21, 1966. Big Piney Oil & Gas Co. (Big Piney) requests an effective date of November 1, 1966, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice

requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Mobil and Big Piney's rate filings and such request are denied.

All of the producers' proposed increased rates and charges exceed the applicable area

price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 66-12210; Filed, Nov. 9, 1966; 8:45 a.m.]



[Docket No. RI67-134]

**WILEY W. SINGLETON DRILLING CO.,  
INC., ET AL.****Order Providing for Hearing on and  
Suspension of Proposed Change in  
Rate, and Allowing Rate Change  
To Become Effective Subject To  
Refund**

NOVEMBER 2, 1966.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act

and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1966.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Acting Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-134...	Wiley W. Singleton Drilling Co., Inc. (Operator), et al., 1104 The Six Hundred Bldg., Corpus Christi, Tex. 78401, Attn: Mr. Wiley W. Singleton.	<sup>1</sup> 1	2	Valley Gas Transmission, Inc. (Lagarto Field, Live Oak County, Tex.) (R.R. District No. 2).	\$4,851	10-17-66	<sup>2</sup> 11-20-66	<sup>3</sup> 11-21-66	<sup>4</sup> 14.0	<sup>5</sup> 15.0	

<sup>1</sup> Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1.

<sup>2</sup> The stated effective date is the effective date requested by Respondent.

<sup>3</sup> The suspension period is limited to 1 day.

<sup>4</sup> Periodic rate increase.

<sup>5</sup> Pressure base is 14.65 p.s.i.a.

<sup>6</sup> Subject to a downward B.T.U. adjustment.

The contract related to the rate filing proposed by Wiley W. Singleton Drilling Co., Inc. (Operator), et al. (Singleton) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, Singleton's rate filing should be suspended for 1 day from November 20, 1966, the proposed effective date.

[F.R. Doc. 66-12212; Filed, Nov. 9, 1966; 8:45 a.m.]

[Docket No. RI67-126]

**SUN OIL CO.****Order Providing for Hearing on and  
Suspension of Proposed Change in  
Rate, and Allowing Rate Change To  
Become Effective Subject To Refund**

NOVEMBER 1, 1966.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order

Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1966.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Acting Secretary.



## APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
R167 126	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103, Attn: Mr. C. E. Webber.	143	5	El Paso Natural Gas Co. (Millican Reef Field, Coke County, Tex.) (R.R. District No. 7-e) (Permian Basin Area).	\$36,000	10-3-66	<sup>1</sup> 11-3-66	<sup>2</sup> 11-4-66	<sup>3</sup> 16.0	<sup>4</sup> 17.44	

<sup>1</sup> The stated effective date is the effective date proposed by Respondent.

<sup>2</sup> The suspension period is limited to 1 day.

<sup>3</sup> "Fractured" rate increase. Contract provides for 18.0 cents rate effective Aug. 1, 1964.

<sup>4</sup> Pressure base is 14.65 p.s.i.a.

<sup>5</sup> Conditioned initial rate granted in temporary certificate.

Sun Oil Co. (Sun), a producer respondent in opinion No. 468, proposes a "fractured" rate increase to 17.44 cents per Mcf, amounting to \$36,000 annually, for a sale to El Paso Natural Gas Co. in the Permian Basin Area of Texas of residue gas allegedly derived from "new" gas well gas. The proposed rate exceeds the area ceiling rate of 15.33 cents per Mcf for the sale of residue gas from casinghead gas as determined in the rate schedule quality statement submitted for the subject sale, which has been accepted by the Commission. However, the applicable area rate is 17.44 cents if the gas is residue gas derived from "new" gas well gas.

Sun contends that it is entitled to the applicable area rate for residue gas derived from "new" gas-well gas rather than for residue gas derived from casinghead gas.<sup>6</sup> Pending a determination by the Commission as to whether Sun's contention is correct, we conclude that Sun's proposed rate increase should be suspended for 1 day from November 3, 1966, the proposed effective date.

Except for the stay of the moratorium in opinion No. 468, Sun's filing would be rejectable if the proposed rate is determined to be in excess of the applicable rate ceiling determined in opinion No. 468. If the moratorium is ultimately upheld upon judicial review and the applicable ceiling for the subject sale is determined to be the ceiling for residue gas derived from casinghead gas, Sun's rate increase will be rejected ab initio.

[F.R. Doc. 66-12213; Filed, Nov. 9, 1966; 8:45 a.m.]

[Project No. 2610]

## LAKE SUPERIOR DISTRICT POWER CO.

### Notice of Application for License for Constructed Project

NOVEMBER 2, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Lake Superior District Power Co. (correspondence to: Martin E. Juhl, president, Lake Superior District Power Co., 101 West Second Street, Ashland, Wis. 54806) for constructed project No. 2610, known as the Saxon Falls plant, located on Montreal River in the region northwest of the city of Ironwood in Gogebic County, Mich., and near the villages of Hurley and Saxon in the township of Saxon in Iron County, Wis.

The existing Saxon Falls plant consists of: (1) A dam 135 feet high and 510 feet long constructed in two sections; (a) A 260-foot earth embankment joined to

(b) a 250-foot reinforced concrete section with a flood gate 13 feet high and 26 feet wide; (2) a 6-foot diameter redwood pipe conduit 1,600 feet long; (3) a 24-foot diameter redwood surge tank, 58 feet high; (4) two 54-inch diameter steel penstocks about 100 feet long; (5) a reinforced concrete powerhouse containing two generating units, each rated at 625 kw; (6) a substation with step-up transformers rated at 2.3-33 kv; (7) a 2.3 kv transmission line about 0.25 mile long from the powerhouse to the substation and a 33-kv line from the substation to a connection with a line from applicant's Superior Falls Hydroelectric Station (project No. 2587) and thence to a connection with applicant's interconnected transmission system; and (8) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 21, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12208; Filed, Nov. 9, 1966; 8:45 a.m.]

## OFFICE OF EMERGENCY PLANNING

### ANTIFRICTION BEARINGS AND PARTS

#### Notice of Termination of Investigation of Imports

Notice is hereby given that the Director of the Office of Emergency Planning has terminated on November 2, 1966, an investigation under section 232 of the Trade Expansion Act of 1962 ordered on October 21, 1964, to determine whether imports of antifriction bearings and parts are threatening to impair the national security.

Notice of the investigation was published in the FEDERAL REGISTER on October 23, 1964 (29 F.R. 14553).

The investigation was requested originally in an application filed by the Antifriction Bearing Manufacturers Association of New York City on behalf of 39

domestic manufacturers of antifriction bearings and parts. On October 25, 1966, the association, through its counsel, requested the Director for permission to withdraw its application, which request was granted on November 2, 1966.

Dated: November 4, 1966.

FARRIS BRYANT,  
Director,

Office of Emergency Planning.

[F.R. Doc. 66-12203; Filed, Nov. 9, 1966; 8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[812-2028]

### BROAD STREET INVESTING CORP.

#### Notice of Filing of Application

NOVEMBER 3, 1966.

Notice is hereby given that Broad Street Investing Corp., 65 Broadway, New York, N.Y. 10006 ("Broad Street"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Atlantic Securities Corp. ("Atlantic"). All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Shares of Broad Street, a Maryland corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. Atlantic, a Delaware corporation, is an investment company with six stockholders. Atlantic is exempt from registration under the Act by reason of the provisions of section 3 (c)(1) thereof. Pursuant to an agreement between Broad Street and Atlantic, substantially all of the cash and securities owned by Atlantic, with a value of approximately \$37,434,848 as of September 30, 1966, will be transferred to Broad Street in exchange for shares of Broad Street's capital stock. It is the present intention of Broad Street, subject to changes in investment conditions and considerations, to hold the major portion

<sup>6</sup> The background of this matter is set forth in the Commission's order issued September 16, 1966, in docket No. C162-1003.



of the securities acquired, and to sell the remainder after the acquisition. The Broad Street shares acquired by Atlantic are to be distributed immediately to its shareholders who intend to take such shares for investment with no present intention of distribution or redemption. The number of shares of Broad Street to be delivered to Atlantic will be determined by dividing the net asset value per share of Broad Street in effect at the closing time into the value (with certain adjustments as set forth below) of Atlantic's assets to be exchanged.

The value of the assets of Atlantic will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of Broad Street's shares. Since the exchange will be tax free for Atlantic and its shareholders, Broad Street's cost basis for tax purposes of the assets acquired from Atlantic will be the same as for Atlantic, rather than the price actually paid by Broad Street for the assets. The unrealized appreciation on the assets acquired from Atlantic to be retained by Broad Street exceeds proportionately the unrealized appreciation on Broad Street's present assets. The unrealized appreciation on the assets acquired from Atlantic to be sold by Broad Street after the acquisition exceeds proportionately Broad Street's present realized but undistributed appreciation. Thus, Broad Street will acquire securities from Atlantic at a tax-cost basis less than the price actually paid therefor, and when any of the acquired assets are sold in the future, capital gains may be realized and Broad Street's present shareholders will be subject to tax liability thereon.

To provide against the possible unfavorable tax consequence of a future sale of the assets acquired from Atlantic, Broad Street proposes to adjust the aggregate market value of the acquired assets by deducting from such value an amount to be determined by the parties which amount is not to exceed \$150,000 and would have been \$73,328 at September 30, 1966. This amount shall represent 10 percent of the excess of net unrealized taxable long-term capital gains on the securities of Atlantic over the portion of net realized and net unrealized long-term capital gains of Broad Street (determined on a pro rata basis giving effect to the acquisition of the assets of Atlantic) allocable to the aggregate shares of Broad Street to be issued to Atlantic, which amount shall be reduced by the sum of the estimated net savings resulting from the acquisition from Atlantic of investment grade securities in significant blocks at fixed market prices and the savings in operating costs to the shareholders of Broad Street anticipated to result over a reasonable period from this transaction. However, the amount of such adjustment shall not be less than 20 percent of the excess of net realized taxable long-term capital gains on the securities of Atlantic to be sold by Broad Street immediately after acquisition over the portion of net realized long-term capital gains of Broad Street (determined on a pro rata basis

giving effect to the acquisition of the assets of Atlantic) allocable to the aggregate shares of Broad Street to be issued to Atlantic. In the opinion of the Board of Directors of Broad Street, allowance for the estimated savings is appropriate only in consideration of the unusual nature of the securities portfolio of Atlantic and of certain other aspects of the transaction. Broad Street is furnished investment research and administrative facilities and services at cost under its arrangement with three other investment companies for the joint ownership and operation of Union Service Corporation. The total operating expenses of Broad Street in 1965, including investment research and administrative services, amount to 0.20 of 1 percent of the average value of assets. It is estimated that operating expenses per share of Broad Street capital stock will be reduced as a result of consummation of the proposed acquisition.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between Broad Street and Atlantic. The application further states that there is no affiliation or relationship of any kind between the officers and directors of Broad Street and the officers, directors and stockholders of Atlantic.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the agreement, however, the shares of Broad Street are to be issued to Atlantic at a price other than the public offering price stated in the prospectus, which lists a sales charge of 1 percent for sales of \$1 million or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than November 22, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an

attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 66-12223; Filed, Nov. 9, 1966;  
8:46 a.m.]

[812-2007]

## HORACE MANN INSURANCE CO. SEPARATE ACCOUNT

### Notice of Application

NOVEMBER 4, 1966.

Notice is hereby given that Horace Mann Insurance Co. Separate Account, Horace Mann Building, Springfield, Ill. ("Applicant"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order exempting Applicant from the provisions of section 22(d). All interested persons are referred to the application filed with the Commission for a full statement of Applicant's representations which are summarized below.

Horace Mann Life Insurance Co. ("Insurance Company") established Applicant principally to offer contracts which qualify as tax-deferred annuities under sections 401 and 403 of the Internal Revenue Code, although the contracts may also be purchased by the general public. A purchaser makes a series of payments under the contract over a period of years at a dollar level selected by such purchaser. The payments, net of deductions for insurance (certain death benefit and mortality guarantees), sales, administrative and other expenses, are invested through Applicant in the shares of Horace Mann Fund, Inc. ("Fund"), a diversified, open-end, management investment company.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at the current offering price described in the prospectus. Applicant requests an exemption from the provisions of section 22(d) to permit its group variable annuity contracts to contain a provision for experience rating credits. Insurance Company will annually determine its experience with respect to sales and administrative costs allocable to and mortality experience under each group contract to determine whether its charges exceeded the actual costs and mortality experience for the prior year. On the basis of such determination, it may pro-



vide to the employer or individual participants an experience credit in the form of Fund shares for his share of the excess, if any, of the amounts deducted for such expenses over such actual costs. Such Fund shares will be credited without sales or administrative charge. No additional charge is made if the charges fail to cover the Insurance Company's costs and mortality experience. Applicant further states that it will be unable to determine whether an experience credit rating reflects solely a reduction in sales charge, since it is not possible to meaningfully determine what portion of its charges are for sales, administrative, insurance and other expenses, as each group contract presents its own peculiar problems and varying costs.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 23, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[P.R. Doc. 66-12224; Filed, Nov. 9, 1966;  
8:46 a.m.]

[811-83]

### LOOMIS-SAYLES SECOND FUND, INC.

#### Notice of Application

NOVEMBER 4, 1966.

Notice is hereby given that Loomis-Sayles Mutual Fund, Inc., 225 Franklin

Street, Boston, Mass. 02110 ("Applicant"), on behalf of Loomis-Sayles Second Fund, Inc. ("Second Fund"), formerly a Massachusetts corporation and a management company open-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Second Fund has ceased to be an investment company. All persons are referred to the application on file with the Commission for a statement of the facts which are summarized below.

Applicant represents that it is a Massachusetts corporation and a management company open-end, diversified, investment company registered under the Act, and that on April 30, 1952, it acquired all the assets and assumed all the liabilities of Second Fund through a merger of Second Fund into Applicant under Massachusetts law. Under the terms of the merger Applicant continued to exist as the surviving corporation and the shareholders of Second Fund became shareholders of Applicant. Applicant represents that since the April 30, 1952, merger, Second Fund, having divested itself of all its assets and having ceased to exist as a corporate entity, has made no public offering of its securities.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 23, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[P.R. Doc. 66-12225; Filed, Nov. 9, 1966;  
8:46 a.m.]

### PINAL COUNTY DEVELOPMENT ASSOCIATION

#### Order Suspending Trading

NOVEMBER 4, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5% percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such bonds be summarily suspended, this order to be effective for the period November 5, 1966, through November 14, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[P.R. Doc. 66-12226; Filed, Nov. 9, 1966;  
8:46 a.m.]

### UNDERWATER STORAGE, INC.

#### Order Suspending Trading

NOVEMBER 4, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 5, 1966, through November 14, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[P.R. Doc. 66-12227; Filed, Nov. 9, 1966;  
8:46 a.m.]

[70-4349]

### UNITED GAS CORP. AND DUVAL CORP.

#### Notice of Supplemental Application- Declaration Regarding Intercom- pany Transactions

NOVEMBER 3, 1966.

Notice is hereby given that United Gas Corp., 1525 Fairfield Avenue, Shreveport, La. 71102 ("United"), a gas utility subsidiary company of Pennzoil Co., a registered holding company, and Duval Corp. ("Duval"), a majority-owned subsidiary company of United, have filed a joint supplemental application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12 of the Act and Rules 43 and 45 promulgated thereunder as applicable



to the transactions herein proposed. All interested persons are referred to the supplemental application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Duval proposes to issue and United proposes to acquire up to \$15 million face amount of Duval's unsecured 6½ percent promissory notes payable on or before October 1, 1968. The proposed notes will increase from \$14 million to \$29 million the maximum aggregate amount of notes to be issued and acquired. The proceeds from the sale of the notes will be used by Duval to finance, in part, the development of its Battle Mountain copper-gold-silver property in Nevada and its potash property in Saskatoon, Canada.

United also proposes to acquire, from time to time during the next 12 months, from United Overseas Production Corp. ("Overseas"), a wholly owned subsidiary company of United, up to 1,500 shares of common stock, no par value, of Overseas at a cash price of \$1,000 per share or an aggregate of up to \$1,500,000. The proposed acquisition will increase from 1,000 shares to 2,500 shares the maximum number of such shares to be acquired. Overseas will use the proceeds from the sale of its stock to continue its gas and oil exploration in Tunisia, Canada, the North Sea and other foreign areas and for other general corporate purposes. Overseas is exempt from the Act by reason of paragraphs (b) and (c) of section 3 thereof.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions and that no special or separate fees and expenses are anticipated in connection with the proposed transactions.

Notice is further given that any interested person may, not later than November 22, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the supplemental application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 66-12228; Filed, Nov. 9, 1966;  
8:47 a.m.]

[File No. 1-4371]

## WESTEC CORP.

### Order Suspending Trading

NOVEMBER 4, 1966.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 7, 1966, through November 16, 1966, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 66-12229; Filed, Nov. 9, 1966;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 987]

### MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 4, 1966.

The following applications are governed by Special Rule 1.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d) (3) of the

<sup>1</sup> Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247 (d) (4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 223 (Sub-No. 3) filed October 24, 1966. Applicant: LESLIE B. SWANSON, doing business as VALLEY TRANSFER, Lyons, Nebr. Applicant's representative: Donald E. Leonard, Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Lyons, Nebr., and Sioux City, Iowa, over U.S. Highway



77 serving all intermediate points and (2) serving points within a 30-mile radius of Lyons, Nebr., as off-route points in connection with applicant's regular route operations. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 921 (Sub-No. 13), filed October 20, 1966. Applicant: DEAN TRUCK LINE, INC., Post Office Drawer 32, Fulton Drive, Corinth, Miss. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Tupelo and Hattiesburg, Miss., from Tupelo, over U.S. Highway 45 to Shannon, Miss., thence over U.S. Highway 45W to Brooksville, Miss., thence over U.S. Highway 45 to Meridian, Miss., thence over U.S. Highway 11 and/or U.S. Interstate Highway 59 to Hattiesburg, and return over the same route, serving all intermediate points on and south of U.S. Highway 80. **NOTE:** At the present time U.S. Interstate Highway 59 is in use between Meridian, Miss., and Laurel, and the segment between Laurel and Hattiesburg is in the process of being completed. It may be 6 months before the Interstate Highway 59 is completed all the way from Meridian to Hattiesburg, with the result that the applicant desires authority between Laurel and Hattiesburg over U.S. Highway 11 and over Interstate Highway 59 if it can be used. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., and Nashville, Tenn.

No. MC 1662 (Sub-No. 2) (Amendment), filed May 19, 1966, published **FEDERAL REGISTER** issue of June 16, 1966, amended October 26, 1966, and republished as amended, this issue. Applicant: FRIENDSHIP TRANSPORT, INC., 4220 West 122d Place, Alsip, Ill. 60658. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials and supplies*, used in the manufacture or processing of iron and steel articles, between Burns Harbor and Portage, Ind., Chicago Heights, Joliet, and Waukegan, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. **NOTE:** The purpose of this republication is to redescribe the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 6078 (Sub-No. 57), filed October 21, 1966. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, Allen-

town, Pa. 18001. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, material and supplies used in the manufacture or processing of iron and steel articles*, between the plantsite of Bethlehem Steel Corp., located at Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wyoming. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 10761 (Sub-No. 184) (Amendment), filed October 5, 1965, published **FEDERAL REGISTER** issue of November 4, 1965, amended August 25, 1966, and republished, as amended, this issue. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except loose bulk commodities, livestock, explosives, except small arms ammunition, currency, bullion, commodities that are contaminating or injurious to other lading, and commodities exceeding ordinary equipment and loading facilities), (1) between Pittsburgh, Pa., and Atlanta and Columbus, Ga., as follows: From Pittsburgh over U.S. Highway 19 through Washington, Pa., to Morgantown, W. Va. (also from Pittsburgh over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 119 to Morgantown), thence over U.S. Highway 19 to Bluefield, W. Va. (also from Pittsburgh over U.S. Highway 22 to Cadiz, Ohio, thence over U.S. Highway 250 (formerly U.S. Highway 36) to junction U.S. Highway 36, thence over U.S. Highway 36 to Newcomerstown, Ohio, thence over U.S. Highway 21 (also over Interstate Highway 77) through Ripley, W. Va., to Charleston, W. Va., thence over U.S. Highway 21 (also over the West Virginia Turnpike) to Bluefield, thence over U.S. Highway 21 and 52 to Wytheville, Va. (also from Athens, Ohio, over U.S. Highway 33 to junction U.S. Highway 21 (also Interstate Highway 77) near Ripley, W. Va.), thence over Interstate Highway 81 to Fort Chriswell, Va., thence over U.S. Highway 52 through Winston-Salem, N.C., to Lexington, N.C., thence over U.S. Highway 29 (also over Interstate Highway 85) to Greenville, S.C., thence over U.S. Highway 123 (also over Interstate Highway 85) to junction U.S. Highway 23, thence over U.S. Highway 23 (also over Interstate Highway 85) to Atlanta, Ga. (also from Greenville over U.S. Highway 29 to Athens, Ga., thence over U.S. Highway 129 to Macon, Ga., thence over U.S. Highway 80 to Columbus, Ga.) (also from Athens, Ga., over U.S. Highway 29 to Atlanta, Ga.), and return over the

same routes, serving the intermediate points of Winston-Salem, Charlotte, and Gastonia, N.C., Greenville, S.C., Atlanta, Macon, Columbus, and Athens, Ga., and the off-route points of Augusta, Savannah, Warner-Robbin, and Warner-Robbins Air Force Base, Ga., Wilmington, Rocky Mount, and Goldsboro, N.C., and Charleston, S.C., and points in Charleston, Berkeley, and Dorchester Counties, S.C., (2) between Cincinnati, Ohio, and Atlanta and Columbus, Ga., as follows:

(a) From Cincinnati over U.S. Highway 52 to junction U.S. Highway 21 at Bluefield, W. Va., thence to Atlanta and Columbus as described in (1) above, and return over the same route, serving the intermediate points of Winston-Salem, Charlotte, and Gastonia, N.C., Greenville, S.C., Macon and Athens, Ga., and the off-route points of Augusta and Savannah, Ga., Wilmington, Rocky Mount, and Goldsboro, N.C., and Charleston, S.C.; (b) from Cincinnati over U.S. Highway 25 (also over Interstate Highway 75) to Lexington, Ky., thence over U.S. Highway 27 to Chattanooga, Tenn., and return over the same route, serving no intermediate points, (3) (a) between Cincinnati, Ohio, and Winston-Salem, N.C.; from Cincinnati over U.S. Highway 25 (also over Interstate Highway 75) to Lexington, Ky. (also from Louisville, Ky., over U.S. Highway 60 (also over Interstate Highway 64) to Lexington), thence over U.S. Highway 421 to Winston-Salem, and return over the same route, serving no intermediate points, (b) between Cincinnati, Ohio, and Greenville, S.C.; from Cincinnati to Lexington, Ky., as described in (a) above, thence over U.S. Highway 25 to Mount Vernon, Ky. (also from junction U.S. Highways 127 and 60 (also Interstate Highway 64) west of Frankfort, Ky., over U.S. Highway 127 to junction U.S. Highway 150, thence over U.S. Highway 150 through Stanford, Ky., to Mount Vernon), thence over U.S. Highway 25 to Corbin, Ky., thence over U.S. Highway 25E to Newport, Tenn., thence over U.S. Highway 25 to Greenville, and return over the same route, serving the intermediate point of Asheville, N.C.

(c) Between Cincinnati, Ohio, and Macon, Ga.; from Cincinnati to Corbin, Ky., as described above, thence over U.S. Highway 25W to Knoxville, Tenn., thence over U.S. Highway 129 to junction U.S. Highway 411 at Maryville, Tenn., thence over U.S. Highway 411 to junction U.S. Highway 41, thence over U.S. Highway 41 through Atlanta, Ga., to Macon and return over the same route, serving the intermediate points of Marietta and Griffin, Ga., and the off-route point of Rome, Ga.; (d) between Cincinnati, Ohio, and Columbus, Ga.; from Cincinnati to Atlanta, Ga., as described above, thence over Georgia Highway 85 to Columbus, and return over the same route, serving the intermediate points of Marietta and Manchester, Ga., and the off-route point of Rome, Ga.; (e) between Cincinnati, Ohio, and Atlanta, Ga.; from Cincinnati to Lexington, Ky., as described above, thence over U.S. Highway 27 to Chattanooga, Tenn., thence over U.S. Highway 41 to Atlanta



and return over the same route, serving the intermediate points of Marietta, Calhoun, and Dalton, Ga., and the off-route point of Rome, Ga.; (f) between Cincinnati, Ohio, and Wytheville, Va.; from Cincinnati to Lexington, Ky., as described above, thence over U.S. Highway 27 to junction Interstate Highway 40 near Harriman, Tenn., thence over Interstate Highway 40 to Knoxville, Tenn., thence over U.S. Highway 11W to Bristol, Tenn., thence over U.S. Highway 11 (also over Interstate Highway 81) to Wytheville and return over the same route, serving no intermediate points, and

(g) Between Cincinnati, Ohio, and Charlotte, N.C.; from Cincinnati to Asheville, N.C., as described above, thence over U.S. Highway 74 to Charlotte, and return over the same route, serving no intermediate points but serving the off-route points of Rome, Augusta, Savannah, Warner Robbins, and Warner Robbins Air Force Base, Ga., and Charleston, S.C., and points in Charleston, Berkeley, and Dorchester Counties, S.C., (4) serving points within 15 miles of Atlanta, Ga., points within 5 miles of Columbus, Ga., points within 5 miles of Macon, Ga., points in North Carolina on and west of U.S. Highway 301 and points in South Carolina on and west of U.S. Highway 301, and La Grange, Ga., as off-route points in connection with all of the above proposed routes. NOTE: Applicant states that it intends to tack the proposed authority with that authority previously granted in certificate No. MC 10761 and subs thereunder, wherein applicant is authorized to serve certain points in the States of Michigan, Illinois, Indiana, Ohio, Pennsylvania, Missouri, Kentucky, Wisconsin, New Jersey, New York, Connecticut, Iowa, Nebraska, Mississippi, Minnesota, Colorado, Massachusetts, Rhode Island, Kansas, Maryland, the District of Columbia, Virginia, West Virginia, Oklahoma, Texas, Arkansas, Maine, New Hampshire, Vermont, Delaware, and Tennessee. The purpose of this republication is to clarify the scope of the authority sought, by eliminating its request for regular route authority between Dallas, Tex., and Atlanta, Ga., and service to points in Alabama; also adding the off-route points of La Grange and Warner-Robbins (including Warner-Robbins Air Force Base, Ga.). Restriction: No service is proposed between points in North Carolina, South Carolina, and Georgia. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Charlotte, N.C., and Pittsburgh, Pa.

No. MC 11220 (Sub-No. 108) (Clarification), filed July 21, 1966, published in FEDERAL REGISTER issue of September 1, 1966, and republished as clarified this issue. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. 38102. Applicant's representative: J. W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Com-

mission, commodities requiring special equipment and those injurious or contaminating to other lading), between Atlanta, Ga., and Birmingham, Ala., over U.S. Highway 78 (also Interstate Highway 20) as an alternate route for operating convenience only, in connection with applicant's regular route operations, serving no intermediate points. NOTE: Applicant states that any authority granted herein is to be restricted against the transportation of any traffic moving between Atlanta and Birmingham and/or points within 15 miles of their respective corporate limits. The purpose of this republication is to add the above restriction. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Montgomery, Ala.

No. MC 14781 (Sub-No. 9), filed October 24, 1966. Applicant: GOTTRY CORP., 999 Beahan Road, Rochester, N.Y. Applicant's representative: Robert V. Giannini, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought (1) to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* the transportation of which because of size or weight requires the use of special equipment, and *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special equipment, between points within a 100-mile radius of Rochester, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) for the elimination of its Rochester, N.Y., gateway to permit transportation of the subject commodities between points in New York and Pennsylvania within a 100-mile radius of Buffalo, N.Y., including Buffalo, as set out in its Sub-No. 5 certificate, and points within the States set out in its base certificate No. MC 14781. NOTE: Applicant states in connection with (2) above it presently holds authority to transport the commodities in question from Rochester, N.Y., to the various States set out in (1) above.

Also under its base certificate it holds authority to transport the commodities in question with some exceptions, as set out in the certificate, from the States in question to points in Monroe County (Rochester is located in Monroe County). In its Sub 5 it holds authority for the subject commodities between points in New York and Pennsylvania within 100 miles of Buffalo, N.Y. Applicant further states that since 1964 it has used Rochester, N.Y., as a gateway for commodities originating within 100 miles of Buffalo, N.Y., under the Sub 5 portion of the certificate for commodities picked up within the 100-mile radius and destined for States within the authority set out in the base certificate, which first move to Rochester, N.Y., and thence to the ultimate destination. For those points east and southeast of Rochester the tacking

operation is neither circuitous nor time consuming. However, for those points southwest and west of Rochester the tacking operation has involved an additional 140 miles which is time consuming. It further states that shippers have requested that it file the subject application to permit more expeditious service into the subject area, and for this reason it seeks removal of the Rochester gateway to permit the delivering of the commodities in question directly from the 100-mile radius to those destination points provided for in Sub 5. Applicant also states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Rochester, or Buffalo, N.Y.

No. MC 18121 (Sub-No. 11), filed October 26, 1966. Applicant: ADVANCE TRANSPORTATION COMPANY, a corporation, 2115 South First Street, Milwaukee, Wis. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Burlington and Union Grove, Wis., as off-route points in connection with applicant's regular route operations. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 18738 (Sub-No. 34) (Amendment) filed August 9, 1966, published FEDERAL REGISTER issue of September 1, 1966, amended October 20, 1966, and republished as amended, this issue. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 136th Street, Riverdale, Ill. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between Portage, Ind., Joliet, Chicago Heights, and Waukegan, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to add the points of Portage, Ind., and Chicago Heights, Ill., to the base territory. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 19193 (Sub-No. 7), filed October 24, 1966. Applicant: FRED B. LAFFERTY AND J. D. LAFFERTY, a partnership, doing business as LAFFERTY TRUCKING COMPANY, 3709 Beale Avenue, Altoona, Pa. 16603. Applicant's



representative: Robert H. Griswold, Post Office Box 432, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business*, between points within the territory bounded by a line beginning at Tionesta, Pa., and extending south through Shippenville, Pa., and Oakland, Md., to Thomas, W. Va., thence in a southeasterly direction to Petersburg, W. Va., thence in a northeasterly direction through Moorefield, W. Va., McConnellsburg and Duncannon, Pa., to Millersburg, Pa., thence in a northwesterly direction to Jersey Shore, Pa., and thence west through Renovo, Emporium, Johnsonburg, and St. Marys, Pa., to Tionesta, including the points named, on the one hand, and, on the other, Hancock, Md., under contract with the Great Atlantic & Pacific Tea Co. **NOTE:** Applicant states that the effect of this application would be to permit transportation between points in the territory already authorized to applicant, on the one hand, and, on the other, Hancock, Md. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Harrisburg or Pittsburgh, Pa.

No. MC 22195 (Sub-No. 127), filed October 27, 1966. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, from Moorhead, Minn., to all points in Minnesota, North Dakota, and South Dakota. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 28478 (Sub-No. 33), filed October 26, 1966. Applicant: GREAT LAKES EXPRESS CO., a corporation, 172 Davenport Street, Saginaw, Mich. 48605. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the village of Rives Junction, Mich., located north of the Jackson, Mich., commercial zone and approximately 1.3 miles west of U.S. Highway 127, as an off-route point in connection with applicant's authorized regular route authority to and from Jackson, Mich. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 35469 (Sub-No. 40), filed October 21, 1966. Applicant: MODERN TRANSFER CO., INC., 1300 Hanover Avenue, Allentown, Pa. 18001. Applicant's representative: Edward G. Bazon, 39 South La Salle Street, Chicago,

Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, material and supplies used in the manufacture or processing of iron and steel articles*, between the plantsite of Bethlehem Steel Corp., located at Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 53965 (Sub-No. 55), filed October 24, 1966. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th Street, Salina, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (other than oilfield and pipeline commodities as defined by the Commission in T. E. Mercer and G. E. Mercer Extension—Oilfield Commodities, 74 M.C.C. 459), from the plant and warehouse sites and storage yards of CF&I Steel Corp., located at or near Pueblo, Colo., to points in Kansas and Oklahoma. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 55236 (Sub-No. 143), filed October 24, 1966. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, material and supplies used in the manufacture or processing of iron and steel articles*, between the plantsite of Bethlehem Steel Corp., Burns Harbor Plant, located in Porter County, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 58152 (Sub-No. 13), filed October 21, 1966. Applicant: OGDEN & MOFFETT COMPANY, a corporation, 3565 24th Street, Port Huron, Mich. Applicant's representative: Eugene C. Ewald, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Goemaere Industries, Inc., on Yates Road in Shelby Township, Macomb County, Mich., as an off-route point in

connection with authorized regular route service. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 61440 (Sub-No. 107), filed October 24, 1966. Applicant: LEE WAY MOTOR FREIGHT, INC., 300 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Oklahoma City and Ponca City, Okla.; from Oklahoma City over U.S. Highway 77 to junction Oklahoma Highway 33, thence over Oklahoma Highway 33 to junction Oklahoma Highway 40, thence over Oklahoma Highway 40 to Ponca City, and return over the same route, serving no intermediate points, and (2) between Guthrie and Ponca City, Okla., over U.S. Highway 77, and return over the same route, as an alternate route, serving no intermediate points and serving to and from Guthrie, for the purpose of joining this alternate route to the authorized route between Oklahoma City and Ponca City, Okla. **NOTE:** Applicant states it presently holds authority over routes in (1) and (2) above. The purpose of this application is the retention of road rights over these routes which results from the application to transfer the authority to serve between Oklahoma City and Stillwater, Okla., to B & B Freight Lines, Inc., in MC-F-9559, published FEDERAL REGISTER issue of October 26, 1966. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 75320 (Sub-No. 132), filed October 27, 1966. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., 2333 East Mill Street Road, Springfield, Mo. 65801. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Building, Jackson, Miss. 39201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, those requiring special equipment and those injurious or contaminating to other lading), (1) between Brookhaven and Prentiss, Miss., over U.S. Highway 84, as an alternate route for operating convenience only, in connection with carrier's regular route operations between the same points, serving no intermediate points; (2) between Brookhaven and Laurel, Miss., over U.S. Highway 84, as an alternate route for operating convenience only, in connection with carrier's regular route operations between the same points, serving no intermediate points; and, (3) between McComb and Hattiesburg, Miss., over U.S. Highway 98, as an alternate route for operating convenience only, in connection with car-



rier's regular route operations between the same points, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 82841 (Sub-No. 26), filed October 25, 1966. Applicant: R. D. TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer spreaders, fertilizer applicators, hoist carriers, metal bins and tanks, agricultural stock tank heaters, agricultural implement parts and wheels*, from Lenox, Iowa, and Beatrice, Nebr., to points in the United States (except Hawaii and Alaska). NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 96925 (Sub-No. 2), filed October 24, 1966. Applicant: JACKSONVILLE TRANSFER AND STORAGE, INC., 2252 Dennis Street, Jacksonville, Fla. 32201. Applicant's representative: J. Edward Allen, 1205 Universal Marion Building, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, those requiring special equipment and household goods as defined by the Commission), (1) between Orlando and Ocala, Fla.; over U.S. Highway 441, serving all intermediate points and the off-route points of Eustis and Altamonte Springs, Fla., (2) between Orlando and Leesburg, Fla.; from Orlando over Florida Highway 50 to junction Florida Highway 33, thence over Florida Highway 33 to junction U.S. Highway 27, thence over U.S. Highway 27 to Leesburg, and return over the same route, serving all intermediate points, (3) between De Land and Eustis, Fla., over Florida Highway 44, serving all intermediate points, (4) between De Land and Altoona, Fla., over Florida Highway 42, serving all intermediate points, (5) between Eustis and Groveland, Fla., over Florida Highway 19, serving all intermediate points, (6) between Ocala and Barberville, Fla., over Florida Highway 40, serving all intermediate points and the off-route points of Moss Bluff, Fort McCoy, Orange Springs, Starke's Landing, and Connor, Fla., (7) between Sanford and Mt. Dora, Fla., over Florida Highway 46, serving all intermediate points, (8) between Astor Park and Clermont, Fla.; from Astor Park, over Florida Highway 445 to junction Florida Highway 19, thence over Florida Highway 19 to junction Florida Highway 561, thence over Florida Highway 561 to Clermont, and return over the same route, serving all intermediate points.

(9) Between Jacksonville and New Smyrna Beach, Fla., over U.S. Highway 1, serving all intermediate points and the off-route point of Ormond Beach, (10) between Jacksonville and Greenland, Fla.; from Jacksonville over Alternate U.S. Highway 1 (via John E. Matthews

Bridge) to junction U.S. Highway 1, thence over U.S. Highway 1 to Greenland, and return over the same route, serving no intermediate points, and as an alternate route for operating convenience only, (11) between Hawthorne and Palatka, Fla., over Florida Highway 20, serving all intermediate points and the off-route point of Edgar, Fla., (12) between St. Augustine and Bunnell, Fla.; from St. Augustine over Florida Highway 207 to Palatka, Fla., thence over Florida Highway 100 to junction Florida Highway 20, thence over Florida Highway 20 to Bunnell, and return over the same route, serving all intermediate points, (13) between De Land and New Smyrna Beach, Fla., over Florida Highway 44, serving all intermediate points, (14) between De Land and Daytona Beach, Fla.; from De Land over U.S. Highway 17 to junction U.S. Highway 92, thence over U.S. Highway 92 to Daytona Beach, and return over the same route, serving all intermediate points, (15) between De Land and Bunnell, Fla.; from De Land over U.S. Highway 17 to junction Florida Highway 11, thence over Florida Highway 11 to Bunnell, and return over the same route, serving all intermediate points, (16) between Bunnell and Flagler Beach, Fla., over Florida Highway 11, serving all intermediate points, and (17) between Jacksonville and Ocala, Fla.; from Jacksonville over Florida Highway 228 to Maxville, Fla., thence over U.S. Highway 301 to Waldo, Fla., thence over Florida Highway 24 to Gainesville, Fla., thence over U.S. Highway 441 to Ocala, and return over the same route, serving all intermediate points, restricted to the transportation of traffic which has had an immediate prior or subsequent movement in pool car, pool truck or water service, in routes (1) thru (17) above. NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 103880 (Sub-No. 376), filed October 26, 1966. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation fuels*, in bulk, in tank vehicles, from the terminal of Phillips Petroleum Co. at or near Clermont, Ind., to points in Ohio and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Detroit, Mich.

No. MC 104895 (Sub-No. 19), filed October 24, 1966. Applicant: WOMELDORF, INC., Post Office Box 232, Lewistown, Pa. Applicant's representative: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, such as are dealt in by chain retail variety stores, and *materials, equipment, and supplies* used in the conduct of such business, from the site of the G. C. Murphy Co. Warehouse at McKeesport,

Pa., to Rochester, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 507), filed October 14, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Petroleum products*, in bulk, from Dubuque, Iowa, to Rockford, Ill. NOTE: Applicant states it can or will tack with its Sub 110, at Rockford, Ill., to provide service to points in certain Wisconsin counties. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 508), filed October 27, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite*, other than crude (expanded), in bulk, from Chicago, Ill., to points in Illinois, Minnesota, Iowa, Missouri, Wisconsin, Michigan, Indiana, Ohio, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107757 (Sub-No. 25) (Amendment), filed May 19, 1966, published FEDERAL REGISTER issue of June 16, 1966, amended November 1, 1966, and republished as amended, this issue. Applicant: M. C. SLATER, INC., Post Office Box 369, Granite City, Ill. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials and supplies*, used in the manufacture or processing of iron and steel articles, between Burns Harbor and Portage, Ind., Chicago Heights, Joliet, and Waukegan, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to broaden the commodity description and add additional states to the radial territory. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108119 (Sub-No. 15), filed October 24, 1966. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 2330 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over



irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, material and supplies* used in the manufacture or processing of iron and steel articles, between the plantsite of Bethlehem Steel Corp., Burns Harbor Plant located in Porter County, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 110988 (Sub-No. 225) (Amendment), filed July 21, 1966, published in *FEDERAL REGISTER* issue of August 18, 1966, amended October 31, 1966, and republished as amended, this issue. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions and ingredients* in bulk, (1) from Thorntown, Ind., to points in Ohio, and (2) from Eaton and Warsaw, Ind., to points in Illinois and Ohio. **NOTE:** The purpose of this republication is to broaden the application so as to add the State of Illinois as a destination State from the origin point of Eaton, Ind. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, Mo., Indianapolis, Ind., or Madison, Wis.

No. MC 111397 (Sub-No. 79), filed October 24, 1966. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: Herbert S. Melton, Jr., Box 1284, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alumina, hydrated or calcined*, in bulk or drums, from points in Louisiana, Mississippi, Texas, and Arkansas, to the plantsite of Southern California Chemical Co., Inc., Ironton, Ohio. **NOTE:** Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 111729 (Sub-No. 174) (Amendment), filed July 17, 1964, published in *FEDERAL REGISTER* issue of August 5, 1964, under No. MC 112750 (Sub-No. 203), and republished as amended, this issue. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Payroll checks, advertising signs, business paper, records and audit and accounting media of all kinds* (except plant removals), (a) between Boston, Mass., on the one hand, and, on the other, New York, N.Y., (b) between

Boston, Mass., and New York, N.Y., on the one hand, and, on the other, Branford, East Hartford, and New Britain, Conn., and Manchester and Nashua, N.H., and (c) between Brockton, Mass., on the one hand, and, on the other, East Hartford, Conn., East Providence and Johnston, R.I., and Bangor, Waterville, Lewiston, and Scarborough, Maine. **NOTE:** The application was originally filed in the name of Armored Carrier Corp., however, pursuant to order dated July 8, 1966, applicant's corporate name was changed to American Courier Corp. The purpose of this republication is to reflect (1) the change in applicant's corporate name; and (2) a change in the authority sought from that of a contract carrier as previously published under MC 112750 Sub 203, to that of a common carrier under MC 111729 Sub 174. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 111729 (Sub-No. 175), filed July 17, 1964, published in the *FEDERAL REGISTER* issue of August 5, 1964, under MC 112750 (Sub-No. 204), and republished as amended, this issue. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Payroll checks, advertising signs, business papers, records and audit and accounting media of all kinds* (excluding plant removals), (a) between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and (b) between Philadelphia, Pa., and New York, N.Y., on the one hand, and, on the other, Hazlet and Parsippany Hills, N.J. **NOTE:** The application was originally filed in the name of Armored Carrier Corp., however, pursuant to order dated July 8, 1966, applicant's corporate name was changed to American Courier Corp. The purpose of this republication is to reflect (1) the change in applicant's corporate name; and (2) a change in the authority sought from that of a contract carrier as previously published under MC 112750 Sub 204, to that of a common carrier under MC 111729 Sub 175. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 176) (Amendment), filed August 13, 1964, published in *FEDERAL REGISTER* issue of September 2, 1964, under MC 112750 (Sub-No. 205), and republished as amended, this issue. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes, and packaging materials, and advertising literature moved therewith* (excluding motion picture film used primarily for commercial theater and television exhibition) (a) between Philadelphia, Pa.,

on the one hand, and, on the other, White Plains, N.Y., and (b) between Washington, D.C., on the one hand, and, on the other, New York, N.Y. **NOTE:** The application was originally filed in the name of Armored Carrier Corp., however, pursuant to order dated July 8, 1966, applicant's corporate name was changed to American Courier Corp. The purpose of this republication is to reflect (1) the change in applicant's corporate name, and (2) a change in the authority sought from that of a contract carrier as previously published under MC 112750 Sub 205, to that of a common carrier under MC 111729 Sub 176. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112304 (Sub-No. 19) (Amendment), filed September 15, 1966, published *FEDERAL REGISTER* issue of October 6, 1966, amended October 26, 1966, and republished as amended, this issue. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone as defined by the Commission, and Portage, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin. **NOTE:** Applicant states it would tack the proposed authority at points in Ohio to enable service to and from points in New York and New Jersey. The purpose of this republication is to add Portage, Ind., as a point in the base territory thereby broadening the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113362 (Sub-No. 128), filed October 24, 1966. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix 1 to the Report in *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from North Aurora, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.



No. MC 113362 (Sub-No. 129), filed October 25, 1966. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, (1) from the plantsite and storage facilities of M & M Candies at Hackensack, N.J., and Port Elizabeth, N.J., to Cincinnati, Ohio, and Detroit, Mich., and (2) from the plantsite and storage facilities of Tootsie Roll Industries, Inc., at or near Hoboken, N.J., to Detroit and Grand Rapids, Mich. NOTE: Applicant indicates it could tack the proposed authority with its present authority and subs. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 143), filed October 26, 1966. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nickel, cobalt and composite mineral powders*, from ports of entry on the international boundary line between the United States and Canada located in Idaho, Minnesota, Montana, and North Dakota, to points in California, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 144), filed October 28, 1966. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and urea*, from the ports of entry on the United States-Canada boundary line located in Idaho, Montana, and North Dakota, to points in Idaho, Montana, North Dakota, Oregon, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or Portland, Oreg.

No. MC 114323 (Sub-No. 4), filed October 24, 1966. Applicant: PAUL MARCKESANO AND SONS CO., INC., 54th Avenue, and Fifth Street, Long Island City, N.Y. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, except in bulk, from the storage site of Penn-Dixie Cement Corp. located at Jersey City, N.J., to points in Connecticut, and points in Rockland, Westchester, Nassau, and Suffolk Counties, N.Y. NOTE: If a hearing is deemed nec-

essary, applicant requests it be held at New York, N.Y.

No. MC 114364 (Sub-No. 127), filed October 24, 1966. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt roofing products, asbestos roofing, and siding products, and related materials* used in the installation of such products, from Denver, Colo., to points in Idaho, Kansas, Nebraska, New Mexico, South Dakota, Utah, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114533 (Sub-No. 150), filed October 26, 1966. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture film and materials and supplies used in connection with commercial and television motion pictures), between St. Louis, Mo., on the one hand, and, on the other, points in Ford, Reno, Sedgwick, Shawnee, Saline, Dickinson, and Johnson Counties, Kans. NOTE: Applicant has pendings in MC 128616 an application for contract carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114725 (Sub-No. 30) 58 (Amendment), filed October 13, 1966, published in FEDERAL REGISTER issue of November 3, 1966, amended October 28, 1966, and republished as amended this issue. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial chemicals and fertilizers* in bulk and in bag, from points in Woodbury County, Iowa, and Dakota County, Nebr., to points in Colorado, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: The purpose of this republication is to change the commodity and territorial description as previously published. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 116073 (Sub-No. 71), filed October 24, 1966. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 601, 1825 Main Avenue, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* in sections when transported on wheeled undercarriages equipped with hitchball connector, in initial movements, in truckaway service, (1) from

Britton, S. Dak., to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California, (2) from Ironwood, Mich., to point in Minnesota, North Dakota, South Dakota, and Montana, (3) between points in Minnesota and North Dakota, on the one hand, and, on the other, points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada (except Alaska and Hawaii), (4) from Red Lake Falls, Minn., to points in Alaska, Arizona, California, Colorado, Iowa, Idaho, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wisconsin, (5) from Watertown, S. Dak., to points in Wisconsin, Iowa, Minnesota, Nebraska, South Dakota, North Dakota, Wyoming, Montana, Idaho, Oregon, Washington, points in Illinois on and north of U.S. Highway 36, points in Missouri on and north of U.S. Highway 36, points in Colorado on and north of Interstate Highway 70, points in Utah and Nevada on and north of U.S. Highway 50, and points in California on and north of U.S. Highway 40.

(6) between points in Montana, on the one hand, and, on the other, points in Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, New Mexico, Colorado, Wyoming, North Dakota, and South Dakota, (7) between points in Oregon on the one hand, and, on the other, points in California and Washington, (8) between points in Flathead County, Mont., on the one hand, and, on the other, points in California, Colorado, Idaho, Nevada, North Dakota, Oregon, Utah, South Dakota, Wyoming, and Washington, (9) from points in Rapides Parish, La., to points in the United States (except those in Alaska and Hawaii), (10) from Winchester, Va., to points in the United States, including Alaska (but excluding Hawaii), (11) from points in Sauk County, Wis., to points in the United States, including Alaska (but excluding Hawaii), (12) from points in Caddo Parish, La., to points in the United States, including Alaska (but excluding Hawaii), (13) from points in Forsythe County, N.C., to points in the United States, including Alaska (but excluding Hawaii), and (14) from points in Carteret County, N.C., to points in the United States including Alaska (but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 116779 (Sub-No. 3) (Amendment), filed October 7, 1966, published FEDERAL REGISTER issue of October 20, 1966, amended October 27, 1966, and republished as amended, this issue. Applicant: PHILIP C. SCHUSTER, doing business as P. C. SCHUSTER CON-



TRACT HAULING, Valley View Lane, Boston, N.Y. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building brick*, from Aurora Township, N.Y., to points in Erie, Crawford, Mercer, Venango, Lawrence, Butler, Beaver, Allegheny, Warren, Forest, Clarion, Armstrong, Westmoreland, Indiana, Jefferson, Elk, McKean, Cameron, Potter, Clinton, Tioga, Lycoming, Bradford, Sullivan, Susquehanna, Wyoming, Wayne, Lackawanna, Clearfield, Center, Blair, Cambria, Somerset, and Bedford Counties, Pa., under contract with Empire Clay Products. NOTE: The purpose of this republication is to change the origin point from East Aurora, N.Y., to Aurora Township, N.Y. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 117574 (Sub-No. 158), filed October 27, 1966. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Motor Route No. 3, Carlisle, Pa. 17013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, material, and supplies used in the manufacture or processing of iron and steel articles*, between the plantsite of Bethlehem Steel Corp. Burns Harbor Plant located in Porter County, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117592 (Sub-No. 3), filed October 25, 1966. Applicant: GERALD L. KRAMER, Rural Delivery 4, Quakertown, Pa. 18951. Applicant's representative: Robert H. Griswold, Post Office Box 432, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated concrete and cast stone products*, from the plantsites of Lintels, Inc., located at Dallastown, York County, and Hilltown Township, Bucks County, Pa., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg or Philadelphia, Pa.

No. MC 117823 (Sub-No. 30), filed October 24, 1966. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 240 West California Avenue, Salt Lake City, Utah 84115. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (1) from points in California to points in Utah, Idaho, and Montana, and (2) from points in Salt Lake, Weber, Utah, and

Cache Counties, Utah, to points in Idaho and Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles and San Francisco, Calif., and Salt Lake City, Utah.

No. MC 118468 (Sub-No. 27), filed October 26, 1966. Applicant: UMT HUN TRUCKING CO., a corporation, Eagle Grove, Iowa. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Third Floor, NSEA Building, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum products and building materials moving therewith*, from the plantsite of the United States Gypsum Co. at Fort Dodge, Iowa, to points in Colorado, Montana, and Wyoming, and (2) *materials, equipment, and supplies used in the manufacture and distribution of building materials, gypsum and gypsum products, and materials and supplies used in the installation and application of such commodities*, from points in Colorado, Montana, and Wyoming to the plantsite of United States Gypsum Co. at Fort Dodge, Iowa, under contract with United States Gypsum Co. NOTE: Applicant holds common carrier authority under MC 124813, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 118535 (Sub-No. 27), filed October 24, 1966. Applicant: JIM TIONA, JR., 803 West Ohio, Butler, Mo. Applicant's representative: Tom B. Kretzinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer ingredients, and urea*, from Atlas, Mo., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Minnesota, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 118922 (Sub-No. 4), filed October 21, 1966. Applicant: W. L. CARTER, doing business as CARTER TRUCKING CO., Post Office Box 126, Locust Grove, Ga. Applicant's representative: William Addams, Room 406, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lawn mowers, coilers, and childrens' miniature cars and parts for each*, from the plantsite of McDonough Power Equipment, Inc., located at McDonough, Ga., to points in Connecticut, Massachusetts, Nebraska, New York, North Dakota, and South Dakota, and *raw materials used in the manufacture of the above commodities*, on return, under contract with McDonough Power Equipment, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 119315 (Sub-No. 8), filed October 24, 1966. Applicant: FREIGHT-

WAY CORPORATION, 131 Matzinger Road, Toledo, Ohio. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass fibers and glass fiber products*, (a) from Vienna, W. Va., to points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Rhode Island, Virginia, West Virginia, District of Columbia, Minnesota, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Maine, New Hampshire, and Vermont, (b) from Toledo, Ohio, to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, Wisconsin, Connecticut, Delaware, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Rhode Island, Virginia, West Virginia, District of Columbia, Minnesota, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Maine, New Hampshire and Vermont, (c) from points in Lucas County and Defiance, Ohio, to points in the Upper Peninsula of Michigan, Minnesota, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Maine, New Hampshire and Vermont, (2) *expanded cellular plastic insulating material*, in mixed loads with glass fibers and glass fiber products, from Defiance, Ohio, to points in Iowa, Upper Peninsula of Michigan, Minnesota, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Maine, New Hampshire, and Vermont, and (3) *returned shipments of all of the foregoing commodities in (1) and (2) above*, from the destinations named above, to Vienna, W. Va., Toledo, points in Lucas County, and Defiance, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119315 (Sub-No. 9), filed October 24, 1966. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Road, Toledo, Ohio. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass fibers and glass fiber products, and insulation or insulating materials (rock, slag or glass)*, from Richmond, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia and (2) *boards, building, wall or insulating, and in connection therewith accessories used in the installation thereof with (1) above*, from Alexandria, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota



Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and returned shipments, on return of (1) and (2) above from the destinations named, to Richmond and Alexandria, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119543 (Sub-No. 5), filed October 24, 1966. Applicant: HENRY N. LANCIANI, Leominster Road, Sterling, Mass. 01453. Applicant's representative: Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, from New Haven, Conn., to Amesbury, Beverly, Boston, Lawrence, Lowell, Lynn, North Andover, and Quincy, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston or Worcester, Mass.

No. MC 119619 (Sub-No. 2), filed October 20, 1966. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, Ill. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, (1) from Lemont, Ill., to Chicago, Ill., and (2) from Lemont and Chicago, Ill., to Washington, D.C., Detroit, Mich., Pittsburgh, Pa., and points in Ohio. NOTE: Applicant states it intends to tack at Chicago, Ill., in (1) above to points in its presently authorized authority in Missouri, Indiana, and Ohio, and at points in Ohio in (2) above to its presently authorized authority in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119934 (Sub-No. 116) (Amendment), filed May 19, 1966, published FEDERAL REGISTER issue of June 16, 1966, amended October 21, 1966, and republished as amended, this issue. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from the rail-motor interchange facilities of New York Central Railroad Co. exclusive of team tracks and public facilities, at or near Indianapolis, Ind., to points in Indiana, Kentucky, Illinois, and Ohio on and west of U.S. Highway 21, restricted to shipments having a prior movement by rail. NOTE: The purpose of this republication is to change the commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123407 (Sub-No. 29) (Amendment), filed August 4, 1966, published in

FEDERAL REGISTER issue of August 25, 1966, amended October 28, 1966, and republished as amended, this issue. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Building, roofing and insulating materials, and related articles; cement and asbestos products; conduit or pipe, cement containing asbestos, and accessories for installation*, from Waukegan, Ill., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Mississippi, Ohio, Pennsylvania, Tennessee, Wisconsin, Minnesota, Iowa, Nebraska, South Dakota, and North Dakota; and (2) *building, roofing and insulating materials*, from Rockdale, Ill., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Mississippi, Ohio, Pennsylvania, Tennessee, Wisconsin, Minnesota, Iowa, Nebraska, South Dakota, and North Dakota. NOTE: The purpose of this republication is to broaden the authority sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124174 (Sub-No. 54) (Amendment), filed July 21, 1966, published in FEDERAL REGISTER issues of September 1, and September 9, 1966, amended October 26, 1966, and republished as amended, this issue. Applicant: MOMSEN TRUCKING CO., a corporation, Highway 71 and 18 North, Spencer, Iowa. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the site of the terminal of Spector Freight System, Inc., on Minnesota Highway 49 in Egan Township, Dakota County, Minn., located approximately one-half mile south of the junction of Minnesota Highways 49 and 55, on the one hand, and, on the other, Esterville, Spencer and Swea City, Iowa, and points within 25 miles of Swea City, Iowa. NOTE: The purpose of this republication is to change authority sought from a regular route to an irregular route, and to change the territorial description, as previously published.

No. MC 124211 (Sub-No. 85) (Amendment), filed January 12, 1966, published in the FEDERAL REGISTER issue of February 3, 1966, amended October 26, 1966, and republished as amended this issue. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln 1, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Pipe, conduit, and tubing* (except oil field commodities as described by the Commission in *Mercer Extension—Oil*

*Field Commodities*, 74 M.C.C. 459, and commodities which, because of size or weight, require the use of special equipment), between points in Livingston County, Ill., on the one hand, and, on the other, Chicago, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission; and, (B) *iron and steel, and iron and steel articles, and equipment, materials, and supplies used in the manufacture, processing, and distribution of iron and steel articles*, (1) between points in Cook, Du Page, Kankakee, Lake, Livingston, Peoria, Putnam, Whiteside, and Will Counties, Ill., on the one hand, and, on the other, points in Indiana, Michigan, Ohio, and Pennsylvania; and, (2) between points in Howard, Lake, and Porter Counties, Ind., and, Cook, Du Page, Kankakee, Lake, Lee, Livingston, Peoria, Putnam, Whiteside, and Will Counties, Ill., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: The purpose of this republication is to add part (B) of the application as stated above. Applicant states it seeks no duplicating authority. Applicant states that it intends to tack the above proposed authority with that authority previously granted in certificate No. MC 124211 Sub 30, wherein it is authorized to serve points in Illinois, Colorado, Kansas, Montana, Nebraska, New Mexico, Oklahoma, Texas, Utah, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125708 (Sub-No. 64), filed October 21, 1966. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fire brick and refractory products*, from points in Audrain, Montgomery, and Callaway Counties, Mo., to points in Illinois, Indiana, Michigan, Ohio, Kentucky, Pennsylvania, New York, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 125708 (Sub-No. 65), filed October 21, 1966. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber, forest products, and items manufactured from lumber and forest products*, between points in Missouri, on and north of U.S. Highway 66, on the one hand, and, on the other points in Arkansas, Kentucky, Tennessee, Indiana, Ohio, Illinois, Wisconsin, and Michigan. NOTE: If a hearing is deemed necessary applicant requests it be held at St. Louis, Mo.



No. MC 126450 (Sub-No. 7), filed October 24, 1966. Applicant: W. C. WINTER, INC., 1073 Ridge Avenue SW., Atlanta, Ga. 30315. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic tile*, to points in Bolivar County, Miss., to Atlanta, Ga., Columbia, S.C., Charlotte, Raleigh, Winston-Salem, and North Wilkesboro, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 127361 (Sub-No. 3), filed October 24, 1966. Applicant: FAIRCHILD GENERAL FREIGHT, INC., 19 West Washington Avenue, Yakima, Wash. 98902. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers and packing forms*, (1) from Portland, Ore., to points in Washington, and (2) from Seattle and Renton, Wash., to Portland, Ore., under contract with Container Corp. of America. NOTE: Applicant is also authorized to conduct operations as a *common carrier* in certificate MC 127361 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore., or Seattle, Wash.

No. MC 128122 (Sub-No. 2), filed October 21, 1966. Applicant: STATE TRANSPORT CO., a corporation, Post Office Box 691, Corvallis, Ore. Applicant's representative: Earl V. White, 2130 Southwest Fifth Avenue, Portland, Ore. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Benton, Linn, Lane, Lincoln, Polk, and Marion Counties, Ore., to Portland, Ore., Vancouver and Longview, Wash., and (2) *bituminous fiber pipe and conduits, fittings, and accessories* therefor moving in connection therewith, from Corvallis, Ore., to Portland, Ore., Vancouver and Longview, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 128264 (Sub-No. 1), filed October 25, 1966. Applicant: 4-A AIR FREIGHT CORPORATION, 5628 North Elston Avenue, Chicago, Ill. 60646. Applicant's representative: Frank J. McLorraine, 77 Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having a prior or subsequent movement by air, between Chicago, and Champaign County, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 128270 (Sub-No. 3) (Amendment), filed October 6, 1966, published FEDERAL REGISTER issue of October 27, 1966, amended October 27, 1966, and republished as amended, this issue. Applicant: REDIEHS INTERSTATE, INC.,

8055 South Howard Avenue, La Grange, Ill. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials, and supplies* used in the manufacture and processing of iron and steel articles, between Burns Harbor and Portage, Ind., Chicago Heights, Joliet, and Waukegan, Ill., Chicago, Ill., and points in its commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming. NOTE: The purpose of this republication is to add the States of Colorado and Wyoming to the radial authority requested. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128305 (Sub-No. 1), filed October 26, 1966. Applicant: STALCUP TRUCKING, INC., 795 Teakwood, Coos Bay, Ore. Applicant's representative: William B. Adams, 624 Pacific Building, Portland, Ore. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and wood residuals*, from points in Coos, Curry, Douglas, and Lane Counties, Ore., to Coos Bay, Ore. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 128447 (Sub-No. 1) (Amendment), filed August 25, 1966, published FEDERAL REGISTER issue of November 3, 1966, amended and republished as amended, this issue. Applicant: REV-ELL MOVING AND STORAGE, INC., 125 North Harrison, Topeka, Kans. 66603. Applicant's representative: Donald L. Deam, 917 Topeka Boulevard, Topeka, Kans. 66612. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, in containers, between Topeka, Kans., and Kansas City, Mo., on the one hand, and, on the other, points in Allen, Anderson, Atchison, Bourbon, Brown, Chase, Coffey, Dickinson, Doniphan, Douglas, Franklin, Geary, Greenwood, Jackson, Jefferson, Johnson, Leavenworth, Linn, Lyon, Miami, Morris, Nemaha, Osage, Riley, Shawnee, Wabunsee, Woodson, and Wyandotte Counties, Kans., and Andrew, Benton, Buchanan, Caldwell, Carroll, Cass, Clay, Clinton, De Kalb, Henry, Jackson, Johnson, Lafayette, Pettis, Platte, Ray, and Saline Counties, Mo. NOTE: The purpose of this republication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Topeka or Kansas City, Kans.

No. MC 128647 (Sub-No. 2), filed October 27, 1966. Applicant: JO-ED TRUCKING CO., INC., 138 Summer

Street, Orange, N.J. 07050. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated cabana swimming pools* knocked-down, uncrated and swimming pools accessories, from the plantsite of Hendon Fabricating Division, Hendon Construction Co., located at Moonachie, N.J., to points in Connecticut, Massachusetts, Maryland, New York, Pennsylvania, Rhode Island, and Washington, D.C., under contract with Hendon Fabricating Division, Hendon Construction Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 128662, filed October 24, 1966. Applicant: VIRGIL I. STICKLEY, doing business as STICKLEY'S GARAGE, Midletown, Va. 22601. Applicant's representative: Easton H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, inoperative, stolen, and repossessed trucks, tractors, trailers* (except mobile homes or house trailers designed to be drawn by passenger automobiles), and *passenger automobiles and replacements, parts or accessories* for such wrecked, disabled, inoperative, stolen or repossessed trucks, tractors, trailers, and passenger automobiles in truckaway service using wrecker equipment, between points in Frederick County, Va., on the one hand, and, on the other, points in Virginia, West Virginia, Ohio, Pennsylvania, Maryland, New York, New Jersey, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128663, filed October 24, 1966. Applicant: METALS TRANSPORT, INC., 475 Jersey Avenue, New Brunswick, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, aluminum, nonferrous metals, and iron, steel and aluminum articles, and materials, supplies, and equipment* (except commodities in bulk), between New Brunswick, N.J., on the one hand, and, on the other, points in West Virginia, Virginia, Ohio, Maryland, Maine, Vermont, New Hampshire, Delaware, Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, and the District of Columbia. NOTE: Applicant states that the proposed service is to be under contract or continuing contracts with Morrison Steel Co. of New Brunswick, N.J. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128664, filed October 24, 1966. Applicant: LEON W. KARDUX, doing business as KARDUX TRANSFER, 51 West Fourth Street, Muscatine, Iowa 52601. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemical*



other than in bulk, from the plantsite and warehouse facility of Monsanto Co., near Muscatine, down (approximately 3½ miles south of the Muscatine City limits), to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 128666, filed October 24, 1966. Applicant: BOMAR, INC., Rural Route 1, Hazelton, Ind. 47540. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry, egg and livestock supplies and equipment, and materials, equipment and supplies used in the manufacture thereof* (except such equipment as requires special equipment, commodities in bulk, and feeds), between points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128667, filed October 21, 1966. Applicant: SAFEWAY TRANSPORT SERVICE, INC., 2103 Wesley Place, High Point, N.C. 27260. Applicant's representative: C. Richard Tate, Jr., 101 West Green Drive, Post Office Box 1654, High Point, N.C. 27261. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vehicles, driveable and disabled*, between points in the United States (except Alaska and Hawaii), under contract with banks and finance institutions. NOTE: If a hearing is deemed necessary, applicant requests it be held at High Point, Greensboro, or Raleigh, N.C.

No. MC 128668, filed October 20, 1966. Applicant: AMADEL, INCORPORATED, 34 Lighthouse Street, New York, N.Y. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobile parts and accessories, and advertising and printed matter relating thereto*, from piers in the port of New York Harbor, as defined by the Commission, to Teaneck, N.J., and (2) *synthetic resins*, in containers, from Parlin, N.J., to piers in the port of New York Harbor, as defined by the Commission. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 123833 (Sub-No. 14), filed October 26, 1966. Applicant: THAMES VALLEY TRANSPORTATION, INC., 385

Central Avenue, Norwich, Conn. Applicant's representative: Michael J. Roberts, 1875 Connecticut Avenue NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Express*, between New London, Groton, Norwich, Waterford, and Old Saybrook, Conn., on the one hand, and, on the other, LaGuardia and Kennedy International Airports, New York, N.Y., and Newark Airport, Newark, N.J. NOTE: Applicant states this application is in conjunction with passenger service authorized in its Subs 3 and 13 between the above destinations. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Norwich or New London, Conn.

No. MC 128617 (Clarification), filed September 28, 1966, published in FEDERAL REGISTER issue of November 3, 1966, and republished as clarified, this issue. Applicant: L. C. EDMONDSON AND E. L. INSCHO, a partnership, doing business as MOGOLLON STAGE LINE, 1032 North Beeline Highway, Payson, Ariz. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, baggage and express*, between Phoenix, Ariz., and Winslow, Ariz., from Phoenix over combined U.S. Highways 60, 70, and 80 through Tempe to Mesa, Ariz., thence over Arizona Highway 87 to Payson, Ariz., and thence over combined Arizona Highways 87 and 65 to Winslow, and return over the same route, serving all intermediate points, with no passengers, baggage, or express to be transported between Phoenix, Tempe, and Mesa. NOTE: The purpose of this republication is to omit the words "in the same vehicle with passengers", from the authority sought as previously published. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 17002 (Sub-No. 40), filed October 24, 1966. Applicant: CASE DRIVEWAY, INC., 6001 U.S. Route 60 East, Huntington, W. Va. 25703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except those commodities which because of their size or weight require the use of special equipment), from Huntington, W. Va., to points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states it intends to tack at Huntington, W. Va., with presently held authority to points in West Virginia, Virginia, and Pennsylvania.

No. MC 50069 (Sub-No. 369), filed October 27, 1966. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Bradford, Rousseville, Reno, and Karns City, Pa., and Falling Rock, W. Va., to points in Alabama, Louisiana, and Mississippi. NOTE: Common control may be involved.

No. MC 114364 (Sub-No. 128), filed October 24, 1966. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Springdale, Ark., to points in California.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 74761 (Sub-No. 11), filed October 18, 1966. Applicant: TAMIAMI TRAIL TOURS, INC., 455 Northeast 10th Avenue, Hialeah, Fla. Applicant's representative: James E. Wharton, 506 First National Bank Building, Orlando, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Over regular routes: *Passengers and their baggage, and express and newspapers*, in the same vehicles with passengers, (a) between Fort Myers, Fla., and Everglades, Fla., from Fort Myers, over Florida Highway 82 to junction Florida Highway 29 near Corkscrew, Fla., thence over Florida Highway 29 to Everglades, and return over the same route, serving all intermediate points; (b) between La Belle, Fla., and junction U.S. Highway 27 and Florida Highway 78, from La Belle, over Florida Highway 29 to junction Florida Highway 78, thence over Florida Highway 78 to junction U.S. Highway 27 and return over the same route, serving all intermediate points; (c) (1) between South Venice, Fla., and Murdoch, Fla. (Port Charlotte), from South Venice over U.S. Highway 41 to junction Florida Highway 775, thence over Florida Highway 775 to junction Florida Highway 776, thence over Florida Highway 776 to junction Florida Highway 771, thence over Florida Highway 771 to Murdoch, and return over the same route, and (2) between Englewood, Fla., and junction Florida Highway 777 and U.S. Highway 41 at Myakka River, over Florida Highway 777, serving all intermediate points in (1) and (2) above.

(d) Between Tampa, Fla., and Palmetto, Fla., from Tampa over U.S. Highway 92 to St. Petersburg, Fla., thence over U.S. Highway 19 to Palmetto, and return over the same route, serving all intermediate points; (e) between Ruskin, Fla., and Wimauma, Fla., over Florida Highway 674, serving all intermediate points; (f) between Naylor, Ga., and junction Georgia Highway 37 and U.S. Highway 84, from Naylor over Georgia Highway 135 to Lakeland, Ga., thence over Georgia Highway 37 to junction U.S. Highway 84 and return over the same route, serving all intermediate points; (g) between McRae, Ga., and Fitzgerald, Ga., over U.S. Highway 319, serving all intermediate points; (h) between Valdosta, Ga., and New Rock Hill, Ga., from



Valdosta over Georgia Highway 94 to junction Georgia Highway 33 near New Rock Hill, and return over the same route, serving all intermediate points; (i) between Miami, Fla., and Twenty Mile Bend, Fla., from Miami over U.S. Highway 1 to Fort Lauderdale, Fla., thence over Florida Highway 84 to Twenty Mile Bend, and return over the same route, serving all intermediate points; and (j) between Palmetto, Fla., and Sarasota, Fla., over U.S. Highway 201, serving all intermediate points. (2) Over irregular routes: Applicant has also requested authority to engage in charter operations incidental to the above requested authority. (3) Applicant requests authority pursuant to § 212 Interstate Commerce Act, 49 U.S.C. § 312 to *revoke* or have revoked the following regular route certificated authority:

(a) Between Quincy, Fla., and Bristol, Fla., from Quincy over U.S. Highway 90 to junction Florida Highway 12, thence over Florida Highway 12 via Greensboro, Fla., to Bristol, and return over the same route, serving all intermediate points; (b) between Moultrie, Ga., and Bainbridge, Ga., from Moultrie, over Georgia Highway 37 to junction Georgia Highway 93, thence over Georgia Highway 93 to Sale City, Ga., thence return over Georgia Highway 93 to junction Georgia Highway 37, thence over Georgia Highway 37 to Camilla, Ga., thence over Georgia Highway 97 to Bainbridge, and return over the same route, serving all intermediate points excepting any which may be located on Georgia Highway 93 between its junction with Georgia Highway 37 and Sale City, Ga.; (c) between Dothan, Ala., and Ebro, Fla., from Dothan, over U.S. Highway 231 to Murphy's Junction, Ala., thence over Alabama Highway 109 to the Alabama-Florida State line, thence over Florida Highway 77 to Graceville, Fla., thence over Florida Highway 2 to junction Florida Highway 79, thence over Florida Highway 79 via Esto, Fla., to the Florida-Alabama State line thence return over Florida Highway 79 to Ebro, and return over the same route, serving all intermediate points; (d) between Americus, Ga., and Cuthbert, Ga., from Americus over Georgia Highway 49 to junction Georgia Highway 45 (formerly Georgia Highway 49), thence over Georgia Highway 45 to junction Georgia Highway 55, thence over Georgia Highway 55 to Dawson, Ga., thence over U.S. Highway 82 (formerly Georgia Highway 50) to junction Georgia Highway 41, thence over Georgia Highway 41 to Shellman, Ga., thence return over Georgia Highway 41 to junction U.S. Highway 82 (formerly Georgia Highway 50), thence over U.S. Highway 82 to Cuthbert, serving all intermediate points including Shellman, Ga.

(e) Between junction U.S. Highway 27 and Georgia Highway 37 and Dothan, Ala., from junction U.S. Highway 27 and Georgia Highway 37 over Georgia Highway 37 to Fort Gaines, Ga., thence across the Chattahoochee River to junction

Alabama Highway 10 to Abbeville, Ala. (Also from Fort Gaines, Ga., across the Chattahoochee River to junction unnumbered highway, thence over unnumbered highway to Abbeville, Ala.) Thence over Alabama Highway 27 to junction Alabama Highway 173 (formerly unnumbered highway), thence over Alabama Highway 173 via Capp's Junction and Newville, Ala., to Headland, Ala., thence over U.S. Highway 431 (formerly U.S. Highway 241) to Dothan, and return over the same route, serving all intermediate points; (f) between Albany, Ga., and Colquitt, Ga., over Georgia Highway 91, serving all intermediate points; (g) between Donalsonville, Ga., and Blountstown, Fla., from Donalsonville, over Georgia Highway 91 to the Georgia-Florida State line, thence over Florida Highway 2 to junction Florida Highway 165 (formerly Florida Highway 2), thence over Florida Highway 165 to junction Florida Highway 71, thence over Florida Highway 71 via Marianna, Fla., to Blountstown, and return over the same route, serving all intermediate points; (h) between Wewahatchka, Fla., and Port St. Joe, Fla., over Florida Highway 71, serving all intermediate points; (i) between Quincy, Fla., and Attapulgus, Ga., from Quincy, over Florida Highway 65 to the Florida-Georgia State line, thence over an unnumbered highway to Attapulgus, and return over the same route, serving all intermediate points.

(j) Between Marianna, Fla., and Chipola Park, Fla., over Florida Highway 73, serving all intermediate points; (k) between junction U.S. Highway 319 and U.S. Highway 98 (formerly unnumbered highway) and St. Marks, Fla., from junction U.S. Highways 319 and 98 (formerly unnumbered highway) over U.S. Highway 98 to junction Florida Highway 363 (formerly unnumbered highway) thence over Florida Highway 363 to St. Marks, and return over the same route, serving all intermediate points, (1) between Eufaula, Ala., and Cuthbert, Ga., from Eufaula over unnumbered highway to the Alabama-Georgia State line, thence over U.S. Highway 82 (formerly Georgia Highway 50) to junction unnumbered highway, thence over unnumbered highway to Hatcher, Ga., thence return over unnumbered highway to junction U.S. Highway 82, thence over U.S. Highway 82 to junction unnumbered highway, thence over unnumbered highway to Morris, Ga., thence return over unnumbered highway to junction U.S. Highway 82, thence over U.S. Highway 82 to Cuthbert, Ga., and return over the same route, serving Hatcher and Morris, Ga., restricted to pickup and delivery of express only and all other intermediate points unrestricted; and (m) between Monticello, Fla., and the Florida-Georgia State line, over U.S. Highway 19, serving all intermediate points.

No. MC 128665, filed October 24, 1966. Applicant: THOMAS E. SCOTT, JR., doing business as HUMPHRY'S AUTO LIVERY, Post Office Box 484, Lakeside Drive, Ridgefield, Conn. Applicant's representative: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington,

D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and express in the same vehicle with passengers*, in charter operations, restricted to the transportation of not more than six passengers in any one vehicle, not including the driver, between points in Fairfield County, Conn., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, and Massachusetts.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12182; Filed, Nov. 9, 1966;  
8:45 a.m.]

[Notice 1439]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 7, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68985. By order of October 28, 1966, the Transfer Board, on reconsideration, approved the transfer of a portion of the operating rights in certificate No. MC-84780, issued July 22, 1966, to W. L. Murphey, Bill R. Murphey, and O. C. Murphey, doing business as Sunset Stages, Abilene, Tex., to Mrs. Gay Glaze and Mrs. Ima Hammack, doing business as Texan Bus Lines, Abilene, Tex., covering the transportation of: Passengers and their baggage, express, mail, and newspapers, between Abilene and Childress, Tex., over U.S. Highway 83, serving all intermediate points, and return over the same route. The previous order entered erroneously in this proceeding August 19, 1966, is vacated and set aside. Randall C. Jackson, Citizens National Bank Building, Abilene, Tex., attorney for applicants.

No. MC-FC-69115. By order of October 28, 1966, the Transfer Board approved the transfer to John F. Alves doing business as Portsmouth Transportation Homing and Racing Pigeons Portsmouth, R.I.; of certificates in Nos MC-118438 and MC-118438 (Sub-No. 3) issued November 18, 1959, and November 25, 1960, respectively, to Manuel O Cordelro, doing business as Portsmouth Transportation Homing and Racing Pigeons, Portsmouth, R.I.; authorizing the transportation of: Homing and racing pigeons, from specified points in



Massachusetts and Rhode Island, to specified points in Massachusetts, New York, Ohio, Rhode Island, and Connecticut. Vernon A. Harvey, 226 Bellevue Avenue, Newport, R.I. 02840, attorney for applicants.

No. MC-FC-69155. By order of October 28, 1966, the Transfer Board approved the transfer to Ace Van & Storage Co., Inc., 821 Howard Road SE., Washington, D.C. 20020, of the operating rights in certificates Nos. MC-22964 and MC-22964 (Sub-No. 2) issued April 8, 1958 and June 12, 1959, respectively, to Gene Kelly Moving & Storage, Inc., 246 Marion Street, Brooklyn, N.Y., authorizing the transportation, of: Household goods, between points in New York, N.Y., commercial zone, on the one hand, and, on the other, points in New York, Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, Maine, New Hampshire, and Vermont.

No. MC-FC-69158. By order of October 31, 1966, the Transfer Board approved the transfer to Portland Express, Inc., Nashville, Tenn. 37201, of that portion of the operating rights of North Tennessee Freight Line, Inc., Nashville, Tenn. 37203, in corrected certificate No. MC-120981 (Sub-No. 2), issued February 15, 1966, authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Portland, Tenn., and Nashville, Tenn.; between junction Tennessee Highway 52 and U.S. Highway 31W, and Mitchellville, Tenn.; between junction U.S. Highway 31W and Tennessee Highway 109, and Portland, Tenn.; and between junction U.S. Highway 31W and Tennessee Highway 52, and junction Tennessee Highway 25 and U.S. Highway 25 and U.S. Highway 31W. Walter Harwood, 515 Nashville Bank &

Trust Building, Nashville, Tenn. 37201, attorney for applicants.

No. MC-FC-69159. By order of October 31, 1966, the Transfer Board approved the transfer to Acme Transfer Co., Inc., Omaha, Nebr., of the operating rights of John Derickson, doing business as Derickson Transfer, Lincoln, Nebr., in corrected certificate No. MC-98040 (Sub-No. 1), issued January 5, 1959, authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between North Platte, Nebr., and Grand Island, Nebr., Donald E. Leonard, Box 2028, South 14th Street, Lincoln, Nebr. 68508, attorney for applicants.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12245; Filed, Nov. 9, 1966; 8:47 a.m.]

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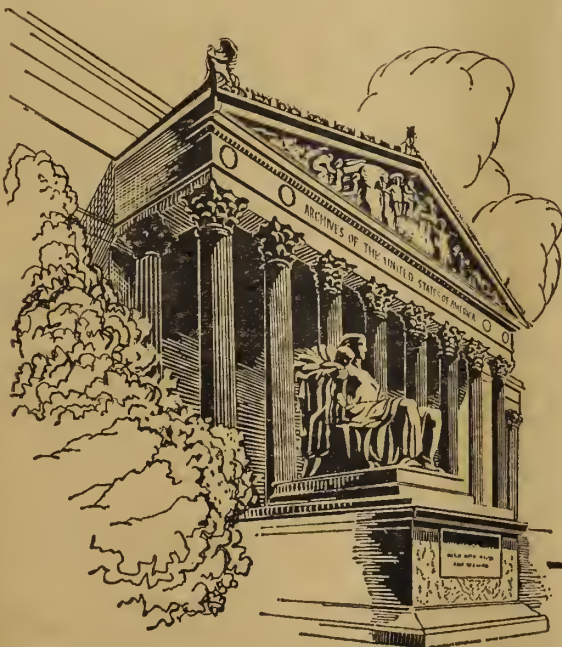
Friday, November 11, 1966 • Washington, D.C.

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 89]

#### PART 401—FEDERAL CROP INSURANCE

##### Subpart—Regulations for the 1961 and Succeeding Crop Years

###### DRY BEANS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1967 crop year for dry beans in the following respects:

1. Section 2 of the dry bean endorsement shown in § 401.18 of this chapter is amended effective beginning with the 1967 crop year to read as follows:

2. *Insured crop.* The insured crop shall be dry beans and shall consist of (a) dry edible beans of a class shown as insurable on the county actuarial table planted for harvest as dry beans, as determined by the Corporation, or (b) bush varieties of garden beans planted for harvest as seed and grown under a contract with a seed company executed by the time the acreage to be insured is reported. Where such contract provides that the grower's compensation is to be computed solely on the basis of a rate per unit of production, the grower, and not the seed company, shall be considered to have the insurable interest notwithstanding that the legal title to the crop may be in the seed company. Insurance shall not be considered to have attached on any acreage of such bush varieties of garden seed beans which are not under such a contract or any acreage excluded from such contract for the crop year pursuant to the terms thereof. Any acreage of the insured crop which is destroyed and replanted to either dry edible beans referred to in item (a) or bush varieties of garden seed beans referred to in item (b) shall, if otherwise insurable hereunder, be regarded as insured acreage and not as acreage put to another use.

2. Section 5(a) of the dry bean endorsement shown in § 401.18 of this chapter is amended effective beginning with the 1967 crop year to read as follows:

5. *Claims for loss.* (a) In lieu of subsections 11(a) and 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereinafter called "unit"). Any claim for loss on any unit shall be submitted to the Corporation, on a form prescribed by the Corporation, within 30 days after the amount of loss has been determined by the Corporation. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of beans on the unit by the applicable pound guarantee per acre, which product shall be the pound guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this

result by the applicable price per pound for computing indemnities: *Provided*, That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That on any acreage from which less than 100 pounds per acre are threshed, the total production to be counted under the provision of this section shall be that amount in excess of 100 pounds per acre, except that the production to be counted for any acreage of beans which is abandoned or put to another use without the consent of the Corporation shall be the pound guarantee provided on the county actuarial table.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on October 31, 1966.

[SEAL]

EARLL H. NIKKEL,  
*Secretary, Federal Crop Insurance Corporation.*

Approved: November 7, 1966.

JOHN A. SCHNITTKER,  
*Under Secretary.*

[F.R. Doc. 66-12271; Filed, Nov. 10, 1966; 8:46 a.m.]

[Amdt. 90]

#### PART 401—FEDERAL CROP INSURANCE

##### Subpart—Regulations for the 1961 and Succeeding Crop Years

###### COMBINED CROP

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1967 crop year in the following respect:

That portion of the first sentence preceding the colon in section 4 of the combined crop endorsement shown in § 401.19 of this chapter is amended effective beginning with the 1967 crop year to read as follows:

4. *Claims for loss.* In lieu of subsection 11(c) of the policy and those portions which precede the second colon in subsection 5(a) of the individual crop endorsements for barley, flax, oats, rye and soybeans, in subsection

6(a) of the individual crop endorsement for wheat, and in subsection 6(a) of the individual corn endorsement or subsection 5(a) of the individual corn grain silage endorsement whichever is applicable in the county for corn crop insurance, the following shall apply:

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on October 31, 1966.

[SEAL]

EARLL H. NIKKEL,  
*Secretary, Federal Crop Insurance Corporation.*

Approved: November 7, 1966.

JOHN A. SCHNITTKER,  
*Under Secretary.*

[F.R. Doc. 66-12272; Filed, Nov. 10, 1966; 8:46 a.m.]

#### PART 410—FLORIDA CITRUS CROP INSURANCE

##### Subpart—Regulations for the 1967 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the Florida Citrus Crop Insurance Regulations for the 1966 and Succeeding Crop Years, as amended, which shall remain in full force and effect for the 1966 crop year, are hereby superseded for the 1967 and succeeding crop years by the regulations set forth below. With the publication of these regulations all Florida citrus crop insurance contracts in force during the 1966 crop year are hereby cancelled effective beginning with the 1967 crop year. The provisions of this subpart shall apply, until amended or superseded to all continuous Florida citrus crop insurance contracts as they relate to the 1967 and succeeding crop years: *Provided, however*, That these regulations shall not apply to any insured with a contract of insurance in force in 1966 unless such insured files an application for insurance effective beginning with the 1967 crop year.

Sec.

- 410.20 Availability of Florida citrus crop insurance.
- 410.21 Premium rates and amounts of insurance.
- 410.22 Application for insurance.
- 410.23 Public notice of indemnities paid.
- 410.24 Creditors.
- 410.25 The application and the policy.

**AUTHORITY:** The provisions of this subpart issued under Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.

§ 410.20 Availability of Florida citrus crop insurance.

Citrus crop insurance shall be offered for the 1967 and succeeding crop years under the provisions of this § 410.20 through § 410.25 in counties in Florida within limits prescribed by and in ac-



cordance with the provision of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for citrus crop insurance. The counties designated by the Manager shall be published by appendix to this section.

**§ 410.21 Premium rates and amounts of insurance.**

(a) The Manager shall establish premium rates and the amounts of insurance per acre which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amounts of insurance may be changed from year to year.

(b) Any premium reduction earned under the provision of section 7 of the Application and Policy set forth in § 410.25 shall upon death of the insured inure to the benefit of his estate or surviving spouse and, upon approval of the Corporation, shall inure to any person operating the same farm or farms as the deceased insured who the Corporation determines has been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a partnership (which for the purpose of this section shall be deemed to include any other joint enterprise), the premium reduction earned by such insured shall, upon dissolution of the partnership, inure to the benefit of each member who has a contract of insurance in force in the year immediately following the dissolution covering only a part or all of the land involved in the partnership operation. If the insured is a partnership each of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership covering a part of the land included in the partnership operation, the smallest premium reduction earned by any member, or none if any member has earned none, shall inure to the benefit of the insured. If the insured is a partnership only one of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership, the premium reduction earned by such member shall inure to the benefit of the insured only if the insured operates the same farm or farms formerly operated by such member and if the Corporation finds that the other member or members have been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a corporation operating only a farm or farms previously operated by one or more stockholders, each of whom had a contract of insurance in force in the year immediately preceding the formation of the corporation, the smallest premium reduction earned by any such stockholder, or none if any such stockholder has earned none, shall inure to the benefit of the insured. If the insured was a stockholder of a dissolved corporation, which had a contract of insurance in force in the year immediately preceding its dissolution covering

only the same farm or farms being operated by the insured, the premium reduction earned by the corporation shall inure to the benefit of the insured.

**§ 410.22 Application for insurance.**

Application for insurance may be submitted, as provided in § 410.25 at the office for the county for the Corporation. The Corporation reserves the right to discontinue the taking of applications in any county upon its determination that the insurance risk involved is excessive or limit the amount of insurance prior to the closing date for the filing of applications. Such closing date shall be August 15 of the crop year. The Corporation further reserves the right to reject any application or to exclude any definitely identified acreage for any crop year of the contract if upon inspection it deems the risk on such acreage is excessive. If any such acreage is to be excluded, the insured shall be notified of such exclusion before insurance attaches for the crop year for which the acreage is to be excluded.

**§ 410.23 Public notice of indemnities paid.**

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

**§ 410.24 Creditors.**

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the application and policy set forth in § 410.25.

**§ 410.25 The application and the policy.**

The provisions of the Application and Policy for Florida Citrus Crop Insurance for the 1967 and Succeeding Crop Years are as follows:

**Application and Policy**

**Form FCI-812-Florida Citrus**

**UNITED STATES DEPARTMENT OF AGRICULTURE**

**Federal Crop Insurance Corporation**

**APPLICATION AND POLICY FOR FLORIDA CITRUS CROP INSURANCE**

(For 196-- and Succeeding Crop Years)

-----  
(Name of insured)  
-----

-----  
(Policy number)  
-----

-----  
(Address of insured) (Zip Code)  
-----

-----  
(County)  
-----

1. The undersigned applicant (herein also called the "insured"), subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his interest in citrus crops of the insurable types designated below (hereinafter called "the insured crop") located in the above-identified county (hereinafter called "the county"). The applicant applies for the amount of insurance for the applicable type shown below

which shall be an amount shown on the county actuarial table (hereinafter called the "actuarial table"). The amounts of insurance available each crop year and prescribed premium rates for each crop year are shown by types on the actuarial table from year to year. The insured may with the consent of the Corporation change the amount of insurance which was in effect for a prior crop year and elect a new amount of insurance per acre by notifying the office for the county in writing prior to the date insurance attaches for the crop year for which the change is to become effective. The amount of insurance per acre in effect for a crop year shall be the amount of insurance most recently elected by the insured and shown on a form prescribed for such purpose but the amount of insurance shall not exceed the maximum dollar amount per acre shown on the actuarial table for such crop year. The insured hereby elects the respective amounts of insurance entered below for the type of citrus on which insurance is applied for:

Type	Crop(s)	Amount per acre
		Dollars
I	Early and midseason oranges.....	-----
II	Late oranges.....	-----
III	Grapefruit.....	-----
IV	Murcott honey oranges, navel and temple oranges, tangelos and tangerines.	-----

This application, when executed by a person as an individual, shall not cover his interest in a crop produced by a partnership or other entity.

2. *Causes of loss insured against.* The insurance provided is against unavoidable loss resulting from freeze, hail, hurricane, or tornado occurring within the insurance period. No insurance is provided against loss or damage to blossoms.

3. *Insured crop.* (a) Application for insurance may be made with respect to all types of citrus or with respect to any one or more types of citrus, as defined in section 22, hereof, produced by the insured on trees that have reached at least the sixth growing season, except that the insured may, subject to approval of the Corporation, elect to insure or exclude from insurance for any crop year any insurable acreage having a potential of less than 100 standard field boxes per acre. Acreage so excluded with approval of the Corporation shall be disregarded for all purposes of this contract for the crop year involved. The potential to be used to determine the percent of damage under section 14 shall never be less than 100 standard field boxes per acre. The insured acreage for each crop year shall be all that acreage in the county of the type(s) of citrus for which the insured has applied for insurance, which is shown as insurable acreage on the actuarial table and not excluded otherwise because of risk, and in which the insured has an interest on the date insurance attaches.

(b) Insurance for each crop year of the contract shall cover only citrus fruit which can be expected to mature in the normal maturity period for the variety for such crop year.

4. *Responsibility of the insured to report acreage and interest.* The insured at the time of filing his application shall also file on a form prescribed by the Corporation a report of all the acreage of the insured crop in the county in which he has an interest and show his interest therein. Such report shall include a designation of all the acreage of citrus which is uninsurable or any acreage not insured under the provisions of the preceding section. This report shall be revised for any crop year before insurance attaches if the acreage to be insured, or interest



therein, has changed and the latest report filed shall be considered as the basis for continuation of insurance from year to year, subject to revision as provided herein. The Corporation reserves the right to determine the insured acreage and the insured's interest therein. The acreage and interest insured shall be the acreage and interest reported by the insured or as determined by the Corporation.

5. *The contract.* Upon acceptance of this application by the Corporation, the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until canceled or terminated in accordance with the applicable provisions of the contract. This application and policy, and amendments thereto, if any, and the actuarial table for each crop year shall constitute the contract for citrus insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. *Insurance period.* For each crop year insurance attaches on the first April 1 of the crop year, unless the application is accepted by the Corporation after that date in which event insurance shall attach in the first crop year on the date of acceptance, but in no event earlier than the 10th day after the date the application is submitted to the office for the county, and as to any portion of the citrus crop shall cease upon harvest but in no event shall the insurance remain in effect later than June 30 (January 1 for tangerines, and navel oranges) of the calendar year following the calendar year in which the insurance period begins.

7. *Annual premium.* (a) The annual premium shall be considered as earned on the date insurance attaches and shall be determined by multiplying the applicable amount of insurance for the insured acreage on the insurance unit (hereinafter called "unit") by the applicable premium rate and multiplying the product thereof by the insured's interest at the time insurance attaches and, where applicable, applying the discount herein provided.

(b) The total annual premium for the insured crop on all units shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any unit, immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction	Consecutive years with no loss
5 percent after.....	1 year.
5 percent after.....	2 years.
10 percent after.....	3 years.
10 percent after.....	4 years.
15 percent after.....	5 years.
20 percent after.....	6 years.
25 percent after.....	7 years or more.

If any insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made.

8. *Premium note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that as to any amount thereof not paid by the March 31 of the crop year in which earned, it shall be increased by 10 percent. It is further agreed that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any pro-

gram administered by the U.S. Department of Agriculture.

-----, 19--  
(Signature of applicant) (Date)

-----  
(Witness to signature)

9. Recommended for acceptance by:

-----, 19--  
(Grove inspector) (Date)

-----  
(Corporation representative)

-----  
(Address of office for county)

10. Accepted for the Corporation by:

-----, 19--  
(State director) (Date)

11. *Life of contract.* The contract is non-cancelable for the first crop year and shall continue in effect for each succeeding crop year until either the insured or Corporation cancels the contract by giving written notice to the other by March 31 immediately preceding the beginning of the crop year for which the cancellation is to become effective. If, however, the Corporation limits the amount of insurance, or any acreage is excluded from insurance under the contract by the Corporation because of the risk involved, after the March 15 immediately preceding the beginning of the crop year for which such limitation or exclusion is to become effective, the insured shall have the right to cancel the contract within 15 days after notice thereof is mailed to the insured by the Corporation. If the premium is not paid by the March 31 of the crop year in which the premium was earned, the contract shall terminate for nonpayment of premium effective beginning with the next crop year.

12. *Contract changes.* After the first crop year the Corporation reserves the right to amend or change the terms of this contract from year to year. Any such amendment or change shall be mailed to the insured or made available at the office for the county by the March 15 immediately preceding the beginning of the crop year for which such amendment or change is to become effective. Acceptance of such amendment or change will be conclusive in the absence of any notice from the insured to cancel the contract as provided in section 11 hereof.

13. *Notice of damage or loss.* (a) It shall be a condition precedent to payment of any indemnity on any unit hereunder that the insured report in writing each damage to the insured crop from an insured cause to the office for the county immediately after such damage becomes apparent, giving the date of such damage. If not so reported within 7 days, the Corporation reserves the right to reject any claim arising out of such damage on the unit if it determines that it has been prejudiced by such failure to report or by failure to give notice as required in subsection (b) of this section.

(b) If damage occurs within the 7-day period before the beginning of harvest, or during harvest, and a loss is to be claimed, written notice shall be given immediately to the office for the county.

14. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation on a form prescribed by the Corporation within 30 days after the amount of loss has been determined by the Corporation.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of citrus on the unit by the applicable amount of insurance per acre, (2) multiplying the result thus obtained by the average percent of damage (determined in accordance with subsection (c), (d), and (e) of this section) in excess

of 10 percent, and (3) multiplying the result by the insured interest.

(c) Subject to the provisions of subsection (d) of this section, the average percent of damage to the insured crop on any unit shall be the ratio of the number of standard field boxes of the crop lost from an insured cause to the total number of standard field boxes which would have been produced (herein called the "potential"). The potential shall not be less than 100 standard field boxes per acre, and shall include citrus which (1) was picked before the insured damage occurred, (2) remained on the trees after the damage occurred, (3) was lost from an insured cause, and (4) any other citrus covered by insurance not included in items (1) through (3), including citrus lost from causes not insured against other than normal dropping but not including citrus lost before insurance attached.

As determined by the Corporation, citrus lost from an insured cause shall include any citrus which is unmarketable either as fresh fruit or for juice due to an insured cause, and any citrus which is partially damaged by freeze as provided in the following subsections (d) and (e). For the purposes hereof, pink and red grapefruit of the citrus of type (III) shall be deemed to be unmarketable if it is unmarketable as fresh fruit due to insured causes and citrus of type (IV) shall be deemed to have a minimum of 70 percent ground as a result of an insured cause which due to insured causes. Any fruit on the grounds as a result of an insured cause which is not marketed shall be deemed to be totally lost.

If any portion of the insured crop on any unit is seriously damaged by freeze as determined under the applicable provisions of the Florida Citrus Code and could not be marketed as fresh fruit within the prescribed tolerance for freeze damage (including adulteration) such portion of the crop shall be deemed to be unmarketable as fresh fruit.

If any portion of the insured crop on any unit is damaged by any insured cause to the extent that it could not be marketed either as fresh fruit or for juice because it is immature, unwholesome, decomposed, adulterated, or otherwise unfit for human consumption, that portion of the crop shall be deemed to be unmarketable as fresh fruit, or for juice.

(d) If any portion of the insured crop is unmarketable as fresh fruit due to freeze but may be processed by the canning or concentrating plants, it shall be considered as marketable for juice and the extent of damage whether partial or total shall be determined as provided in the succeeding subsection.

Citrus shall be considered as having been partially damaged from an insured cause only if the cause of such damage is freeze, and then only if the citrus is not harvested within 7 days after the partial damage, and if before harvest the citrus has reached the stage it can be established that damage has occurred under the provisions of the succeeding subsection.

If any portion of the insured crop is harvested prior to inspection by the Corporation such harvested portion shall be considered as fruit not damaged.

(e) Partial damage by freeze shall be determined by the Corporation by sampling representative individual fruits by a cut method or any other method which establishes the percentage of juice lost from such cause. If the Corporation determines that there is less than 16 percent juice loss in a fruit, the fruit shall be considered undamaged. If the Corporation determines that as much as 16 percent, but less than 50 percent of the juice in an individual fruit has been lost due to freeze, it shall be determined that the fruit is 50 percent damaged. If the Cor-



poration determines that 50 percent but less than 75 percent of the juice in an individual fruit has been lost due to freeze, it shall be determined that the fruit is 85 percent damaged. If the Corporation determines that 75 percent or more of the juice in an individual fruit has been lost due to freeze, it shall be considered that the fruit is totally lost: *Provided, however,* That any portion of the insured crop which has a sufficient number of freeze damaged fruits therein to make it unmarketable as fresh fruit under provisions of the Florida Citrus Code shall, if marketed for juice within 30 days after such freeze, be deemed to be damaged not more than 30 percent except that any citrus harvested within 7 days after such damage will not be considered as having been damaged. In the event there are successive freezes the 30-day period shall be considered to have its beginning from the date of the freeze that results in the citrus becoming unmarketable as fresh fruit, as determined by the Corporation.

(f) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same is brought within 1 year after the date notice of denial of the claim is mailed to and received by the insured.

15. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation: *Provided,* That in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity.

(b) If the insured is an entity other than an individual and is dissolved or is an individual who dies or is judicially declared incompetent before insurance attaches in any crop year, the contract shall terminate as of the date of dissolution, death, or judicial declaration, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of such crop year and any indemnity payable shall be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(c) For the purposes of subsection (b) hereof, death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the parties shall terminate the contract.

16. *Insured interest.* For the purpose of determining the amount of indemnity, the interest insured shall not exceed the interest of the insured at the time of damage, as determined by the Corporation.

17. *Abandonment of crop.* There shall be no abandonment of the insured crop or portion thereof to the Corporation.

18. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such violation shall be effective as of the beginning of the crop year with respect to which any such act or omission occurred.

19. *Collateral assignment—Transfer of interest.* The right to an indemnity in any crop year may be assigned by the insured only as security upon prior approval of the Corporation. If the insured transfers his interest in the insured crop in any crop year he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the insured crop. Any assignment or transfer shall be made on assignment or transfer forms prescribed by the Corporation and shall be subject to all the terms set forth thereon and to the terms hereof.

20. *Subrogation.* The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

21. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

22. *Meaning of terms.* For purposes of insurance on citrus the terms:

(a) "County actuarial table" means the actuarial forms and related material (including the crop insurance maps where applicable) which are approved by the Corporation, which are on file for public inspection in the office for the county, and which show the applicable amounts of insurance, premium rates, and related information with respect to citrus crop insurance for the crop year in the county.

(b) "Office for the county" means the Corporation's office serving the county shown in this application and policy, or such office as may be designated by the Corporation from time to time, and may serve more than one county.

(c) "County" means the area shown on the actuarial table which may include insurable acreage located in a local producing area bordering on the county.

(d) "Crop year" means the period beginning April 1 and extending through June 30 of the following calendar year and shall be designated by reference to the calendar year in which the insurance period begins.

(e) "Harvest" means any severance of citrus fruit from the tree either by pulling or picking, or picking the marketable fruit from the ground.

(f) "Insurance unit" means all insurable acreage in the county of any one of the four citrus types (see (g) below) (1) in which type of citrus the insured has 100 percent interest on the date insurance attaches for the crop year and which is located on contiguous land under the same ownership, or (2) in which type of citrus two or more persons have 100 percent interest on the date insurance attaches for the crop year and which type is located on contiguous land under the same ownership, excluding any other acreage of such type of citrus in which such persons do not have 100 percent interest in such citrus on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous.

(g) "Types of citrus" means any of the four types as follows: Type (I), Early and midseason oranges; type (II), Late oranges; type (III), Grapefruit; and type (IV), Murcott honey oranges, navel and temple oranges, tangelos, and tangerines. Oranges commonly known as "sour oranges" and "clementines" shall not be deemed to be included in any of the insurable types of citrus.

(h) "Standard field box" means a standard citrus field box as prescribed in the Florida Citrus Code.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on October 31, 1966.

[SEAL] EARL H. NIKKEL,  
Secretary, Federal Crop  
Insurance Corporation.

Approved: November 7, 1966.

JOHN A. SCHNITTKER,  
Under Secretary.

[F.R. Doc. 66-12273; Filed, Nov. 10, 1966;  
8:46 a.m.]

## Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 112]

### PART 907 — NAVAL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

#### § 907.412 Navel Orange Regulation 112.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 9, 1966.



(b) *Order*. (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 13, 1966, and ending at 12:01 a.m., P.s.t., November 20, 1966, are hereby fixed as follows:

- (i) District 1: 545,412 cartons;
- (ii) District 2: Unlimited movement;
- (iii) District 3: 37,008 cartons;
- (iv) District 4: 80,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 10, 1966.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Consumer and Mar-  
keting Service.

[F.R. Doc. 66-12375; Filed, Nov. 10, 1966;  
11:26 a.m.]

[Lemon Reg. 241]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

#### § 910.541 Lemon Regulation 241.

(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and

views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 8, 1966.

(b) *Order*. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 13, 1966, and ending at 12:01 a.m., P.s.t., November 20, 1966, are hereby fixed as follows:

- (i) District 1: 13,020 cartons;
- (ii) District 2: 78,120 cartons;
- (iii) District 3: 94,860 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "Carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 10, 1966.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Consumer and Mar-  
keting Service.

[F.R. Doc. 66-12376; Filed, Nov. 10, 1966;  
11:26 a.m.]

## PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

### Expenses and Rate of Assessment

On October 26, 1966, notice of rule making was published in the FEDERAL REGISTER (31 F.R. 13758) regarding proposed expenses and the related rate of assessment for the period beginning August 1, 1966, and ending July 31, 1967, pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Indian River Grapefruit Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

#### § 912.206 Expenses and rate of assessment.

(a) *Expenses*. Expenses that are reasonable and likely to be incurred by the

Indian River Grapefruit Committee during the period August 1, 1966, through July 31, 1967, will amount to \$25,000.

(b) *Rate of assessment*. The rate of assessment for said period, payable by each handler in accordance with § 912.41, is fixed at \$0.005 per standard packed box of grapefruit.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid period, and (2) such period begun on August 1, 1966, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 7, 1966.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and  
Vegetable Division, Consumer  
and Marketing Service.

[F.R. Doc. 66-12270; Filed, Nov. 10, 1966;  
8:46 a.m.]

## Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 6]

## PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

### Order Regulating Handling of Milk

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Sec.	
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1006.100	Separability of provisions.
1006.101	Agents.

AUTHORITY: The provisions of this Part 1006 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

## § 1006.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Upper Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of

pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk (including such handler's own production); (ii) other source milk allocated to Class I pursuant to § 1006.45(a) (3) and (9) and the corresponding steps of § 1006.45(b); and (iii) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than December 1, 1966, and fully effective not later than January 1, 1967. Any delay beyond these dates would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued August 25, 1966, and the decision of the Assistant Secretary containing all the provisions of this order was issued October 7, 1966. The provisions other than those relating to prices and payments must become effective prior to the effective date of the order to provide handlers the opportunity to adjust their operational and accounting procedures to conform to all provisions of the order.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective December 1, 1966, and fully effective January 1, 1967, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Upper Florida marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

## DEFINITIONS

## § 1006.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

## § 1006.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

## § 1006.3 Department.

"Department" means the U.S. Department of Agriculture.

## § 1006.4 Person.

"Person" means any individual, partnership, corporation, association or other business unit.

## § 1006.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and be engaged in making collective sales of or marketing milk or milk products for its members.

## § 1006.6 Upper Florida marketing area.

The "Upper Florida marketing area", hereinafter called the "marketing area", means all the territory geographically within the boundaries of the following counties, all in the State of Florida, including all waterfront facilities connected therewith and all territory wholly or partly therein occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments.

Alachua.	Dixie.
Baker.	Duval.
Bay.	Flagler.
Bradford.	Franklin.
Brevard.	Gadsden.
Calhoun.	Gilchrist.
Citrus.	Gulf.
Clay.	Hamilton.
Columbia.	Holmes.



Jackson.	Oseola.
Jefferson.	Putnam.
Lafayette.	St. Johns.
Lake.	Seminole.
Leon.	Sumter.
Levy.	Suwannee.
Liberty.	Taylor.
Madison.	Union.
Marion.	Volusia.
Nassau.	Wakulla.
Orange.	Washington.

**§ 1006.7 Fluid milk product.**

"Fluid milk product" means milk (including frozen and concentrated milk), flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers.

**§ 1006.8 Distributing plant.**

"Distributing plant" means a plant that is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes.

**§ 1006.9 Supply plant.**

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority is shipped during the month to a pool plant.

**§ 1006.10 Pool plant.**

"Pool plant" means a plant specified in paragraph (a) or (b) of this section that is not an other order plant, a producer-handler plant, or an exempt distributing plant.

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products received at the plant during the month is disposed of on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants pursuant to paragraph (a) of this section.

**§ 1006.11 Nonpool plant.**

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1006.10 and a greater volume of fluid milk products is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Exempt distributing plant" means a distributing plant operated by a governmental agency.

(d) "Partially regulated distributing plant" means a nonpool plant that is a distributing plant and is not an other order plant, a producer-handler plant or an exempt distributing plant.

(e) "Unregulated supply plant" means a nonpool plant that is a supply plant and is not an other order plant, a producer-handler plant or an exempt distributing plant.

**§ 1006.12 Route.**

"Route" means a delivery (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class I pursuant to § 1006.41(a) (1).

**§ 1006.13 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(d) A cooperative association with respect to milk of its producer-members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; and

(f) A producer-handler.

**§ 1006.14 Producer-handler.**

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant from which the Class I disposition (except that represented by nonfat solids used in the fortification of fluid milk products) is entirely from his own farm production;

(b) Receives no fluid milk products from sources other than his own farm production; and

(c) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all fluid milk products handled and the operation of the processing and packaging business are his personal enterprise and risk.

**§ 1006.15 Producer.**

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act or the operator of an exempt distributing plant, who produces milk in compliance with the inspection requirements of a duly constituted health authority, which milk is received at a pool

plant or diverted pursuant to § 1006.16 from a pool plant to a nonpool plant.

**§ 1006.16 Producer milk.**

"Producer milk" means the skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1006.13(d): *Provided*, That if the milk received at a pool plant from a handler pursuant to § 1006.13(d) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler pursuant to § 1006.13(d) at the location of the pool plant; or

(b) Diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant for the account of the pool plant operator or a cooperative association in any month in which not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant, subject to the following:

(1) Milk so diverted for the account of a handler operating a pool plant shall be deemed to have been received by the handler at the plant to which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the cooperative association at the location of the plant to which diverted;

(2) If diverted from the pool plant of another handler for the account of a cooperative association, the aggregate quantity of milk of member producers of the cooperative association so diverted that exceeds 25 percent of the milk physically received from member-producers at pool plants during the month shall not be deemed to have been received at a pool plant and shall not be producer milk;

(3) If diverted by a handler operating a pool plant for his account, the aggregate quantity of producer milk so diverted that exceeds 25 percent of the aggregate quantity of milk physically received from producers at such plant during the month shall not be deemed to have been received at a pool plant and shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (2) and (3) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

**§ 1006.17 Other source milk.**

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products and Class II products from any source except (1) producer milk, (2) fluid milk products and Class II products from pool plants, and (3) fluid milk products and Class II products in inventory at the beginning of the month;

(b) Products other than fluid milk products and Class II products from any source (including those produced at the



plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for pursuant to § 1006.33.

#### § 1006.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported for the month by the Department.

#### § 1006.19 Class II product.

"Class II product" means cream, sour cream, half and half, buttermilk, acidophilus milk and chocolate drink.

#### MARKET ADMINISTRATOR

#### § 1006.20 Designation.

The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

#### § 1006.21 Powers.

The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To make rules and regulations to effectuate its terms and provisions;
- (c) To receive, investigate, and report to the Secretary complaints of violations; and
- (d) To recommend amendments to the Secretary.

#### § 1006.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

- (a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;
- (d) Pay out of the funds received pursuant to § 1006.77 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1006.76, necessarily incurred by him in the maintenance and functioning of his

office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made either reports pursuant to §§ 1006.30 through 1006.32 or payments pursuant to §§ 1006.70, 1006.74, 1006.76, 1006.77, and 1006.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, and by such investigation as the market administrator deems necessary.

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

- (1) The 5th day of each month the Class I price and Class I butterfat differential, both for the current month;
- (2) The 5th day of each month the Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
- (3) The 11th day of each month the uniform price and the producer butterfat differential, both for the preceding month;

(k) On or before the 12th day after the end of each month, report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association for its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month;

(l) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1006.45(a)(10) and the corresponding step of § 1006.45(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received skim milk and butterfat in the form of fluid milk

products from an other order plant, the classification to which such receipts are allocated pursuant to § 1006.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such reports; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

#### REPORTS, RECORDS, AND FACILITIES

#### § 1006.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler (except a handler pursuant to § 1006.13 (e) or (f)) shall report to the market administrator for such month with respect to each plant at which milk is received, reporting in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Producer milk (or, in the case of handlers pursuant to § 1006.13(b), Grade A milk received from dairy farmers);

(2) Fluid milk products and Class II products received from pool plants of other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1006.16; and

(5) Inventories of fluid milk products and Class II products at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

#### § 1006.31 Producer payroll reports.

(a) Each handler pursuant to § 1006.13 (a), (c), and (d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

(b) Each handler operating a partially regulated distributing plant who does not elect to make payments pur-



suant to § 1006.62(b) shall report to the market administrator on or before the 20th day after the end of the month the same information required of handlers pursuant to paragraph (a) of this section. In such report, payments to dairy farmers delivering Grade A milk shall be reported in lieu of payments to producers.

**§ 1006.32 Other reports.**

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler pursuant to § 1006.13 (d) shall report to the market administrator, in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

**§ 1006.33 Records and facilities.**

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

**§ 1006.34 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records

are no longer necessary in connection therewith.

**CLASSIFICATION OF MILK**

**§ 1006.40 Skim milk and butterfat to be classified.**

The skim milk and butterfat required to be reported pursuant to § 1006.30 shall be classified each month pursuant to the provisions of §§ 1006.41 through 1006.45: *Provided*, That such skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

**§ 1006.41 Classes of utilization.**

Subject to the conditions set forth in § 1006.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b) (2) and (c) (2), (3), and (4) of this section; and

(2) Not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a Class II product, except as provided in paragraph (c) (2), (3), and (4) of this section; and

(2) In inventory of fluid milk products and Class II products at the end of the month.

(c) *Class III milk.* Class III milk shall be:

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), eggnog, yogurt, aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, and sterilized products in hermetically sealed containers;

(2) Skim milk and butterfat in fluid milk products and in Class II products disposed of by a handler for livestock feed;

(3) Skim milk and butterfat in fluid milk products and in Class II products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk represented by the nonfat solids added to a fluid milk product or Class II product which is in excess of an equivalent volume of such product prior to the addition;

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1006.16) but not in excess of:

(i) 2 percent of producer milk (except that received from a handler pursuant to § 1006.13 (d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1006.13(d): *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pur-

suant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler;

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(6) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1006.42(b) (2).

**§ 1006.42 Shrinkage.**

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1006.41(c) (5); and

(2) Other source milk exclusive of that specified in § 1006.41(c) (5).

**§ 1006.43 Transfers.**

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product or a Class II product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1006.45(a) (10) and the corresponding step of § 1006.45 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1006.45(a) (3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1006.45(a) (9) or (10) and the corresponding steps of § 1006.45(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product or a Class II product to a nonpool plant that is not an other order plant, a producer-handler plant or an exempt distributing plant unless the requirements of subparagraphs (1) and (2) of



this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II or Class III in his report submitted pursuant to § 1006.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to such receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to the skim milk and butterfat in receipts of fluid milk products transferred or diverted from plants fully regulated by such order, next pro rata to such receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat in fluid milk products so transferred shall be classified as Class III milk to the extent available and the remainder as Class II milk; and

(v) To the extent that Class I or Class III utilization is not assigned to it, the skim milk and butterfat in Class II products so transferred shall be classified as Class II milk.

(c) As follows, if transferred in the form of a fluid milk product or Class II product to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II or Class III to the extent of the Class II or Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes shall be classified in a comparable classification as Class II or Class III milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1006.41.

(d) As Class II (to the extent of such utilization in the transferee plant) if transferred to the plant of a producer-handler in the form of a Class II product, unless a Class III classification is requested by the operators of both plants and sufficient Class III utilization is available in the transferee plant.

(e) As Class I milk if transferred or diverted in the form of a fluid milk product, and as Class II milk if transferred in the form of a Class II product, from a pool plant to an exempt distributing plant.

#### § 1006.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors all reports submitted pursuant to § 1006.30 and from such reports, shall compute for each handler the total pounds of skim milk and butterfat in each class: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

#### § 1006.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1006.44, the market administrator shall determine the classification of producer milk for each handler for each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1006.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1006.41(c)(4) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or a Class II product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of fluid milk products from an exempt distributing plant;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III (and then Class II), the pounds of skim milk in Class II products received from nonpool plants for which the handler requests a Class III utilization;

(5) Subtract from the pounds of skim milk remaining in Class II and Class III, pro rata to such quantities, the pounds of skim milk in Class II products received from nonpool plants that were not subtracted pursuant to subparagraph (4) of this paragraph;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III unless otherwise specified below) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants:

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants; and



(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

(7) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk (and then Class I), the pounds of skim milk in inventory of fluid milk products and Class II products at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (6) (i) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (6) (ii) of this paragraph;

(i) In series beginning with Class III, and thereafter from Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1006.22(1) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(11) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and in Class II products received from pool plants of other handlers according to the classification of such products pursuant to § 1006.43(a); and

(12) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

#### MINIMUM PRICES

##### § 1006.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent

butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent.

##### § 1006.51 Class prices.

Subject to the provisions of §§ 1006.52 and 1006.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* For the first 18 months from the effective date of this section, the Class I price shall be the basic formula price for the preceding month plus \$2.80.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus \$1.

(c) *Class III price.* The Class III price shall be the basic formula price for the month plus 15 cents.

##### § 1006.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1006.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I price, 7.5 cents;

(b) Class II price, 7.5 cents; and

(c) Class III price, 0.115 times the Chicago butter price for the month.

##### § 1006.53 Location differentials to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant south of Dixie, Gilchrist, Alachua, Putnam or St. Johns Counties, Fla., shall be increased 10 cents and at a plant outside the State of Florida and 70 miles or more from the nearer of the City Halls in Jacksonville and Tallahassee, Fla., shall be reduced 10 cents and an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 85 miles from the nearer of the Jacksonville and Tallahassee City Halls.

(b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the City Hall in Jacksonville, Orlando or Tallahassee, Fla.

##### § 1006.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price that is required.

#### APPLICATION OF PRICES

##### § 1006.60 Computation of the net pool obligation of each handler.

The net pool obligation of each handler pursuant to § 1006.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1006.45(c) by the applicable class price;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1006.45(a)(12) and the corresponding step of § 1006.45(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(7) and the corresponding step of § 1006.45(b);

(d) Add an amount equal to the difference between the Class I and Class III price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(3) and the corresponding step of § 1006.45(b);

(e) Add the value at the Class I price adjusted for location of the nearest non-pool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(9) and the corresponding step of § 1006.45(b).

##### § 1006.61 Computation of uniform price.

For each month, the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1006.60 for all handlers who filed the reports pursuant to § 1006.30 for the month, except those in default of payments required pursuant to § 1006.74 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1006.71 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the minus location differentials computed pursuant to § 1006.72(a);

(d) Subtract an amount equal to the total value of the plus location differential computed pursuant to § 1006.72(a);

(e) Add an amount equal to one-half the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1006.60(e); and



(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

**§ 1006.62 Obligations of handler operating a partially regulated distributing plant.**

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1006.30 and 1006.31(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1006.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1006.60(e) and a credit in the amount specified in § 1006.74(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1006.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1006.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation, deduct the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of

as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or at the Class III price, whichever is higher.

**PAYMENTS**

**§ 1006.70 Time and method of payment.**

(a) Except as provided in paragraph (b) of this section, each handler shall make payment for producer milk as follows:

(1) On or before the 20th day of the month to each producer who had not discontinued shipping milk to such handler before the 15th day of the month, not less than 85 percent of the uniform price for the preceding month (not less than \$5 for the first month this provision is in effect) per hundredweight of milk received during the first 15 days of the month, less proper deductions authorized in writing by such producer;

(2) On or before the 5th day of the following month to each producer who had not discontinued shipping milk to such handler before the last day of the month, not less than 85 percent of the uniform price for the preceding month (not less than \$5 for the first month this provision is in effect) per hundredweight of milk received from the 16th through the last day of the month, less proper deductions authorized in writing by such producer; and

(3) On or before the 15th day of each month to each producer for milk received during the preceding month, not less than the uniform price per hundredweight, adjusted pursuant to §§ 1006.71, 1006.72, and 1006.76, subject to the following:

(i) Minus payments made pursuant to subparagraphs (1) and (2) of this paragraph;

(ii) Less proper deductions authorized in writing by such producer; and

(iii) If by such date such handler has not received full payment from the market administrator pursuant to § 1006.75 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members

to collect payment for their milk and which has so requested any handler in writing, together with a written promise of such association to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, such handler on or before the second day prior to the date on which payments are due individual producers, shall pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount not less than the total due such producer-members pursuant to paragraph (a) of this section, subject to the following:

(1) Payment pursuant to this paragraph shall be made for milk received from any producer beginning on the first day of the month following receipt from the cooperative association of its certification that such producer is a member, and continuing through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(2) Copies of the written request of the cooperative association to receive payments on behalf of its members, together with its promise to reimburse and its certified list of members shall be submitted simultaneously both to the handler and to the market administrator and shall be subject to verification by the market administrator at his discretion, through audit of the records of the cooperative association. Exceptions, if any, to the accuracy of such certification claimed by any producer or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

**§ 1006.71 Butterfat differential to producers.**

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of such milk, is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1006.45 by the respective butterfat differential for each class.

**§ 1006.72 Location differentials to producers and on nonpool milk.**

(a) The uniform price for producer milk received at a pool plant shall be reduced or increased according to the location of the pool plant at the rates set forth in § 1006.53; and

(b) For purposes of computations pursuant to §§ 1006.74 and 1006.75, the uniform price shall be adjusted at the rates set forth in § 1006.53 applicable at the location of the nonpool plant from which the milk was received.

**§ 1006.73 Producer-settlement fund.**

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund



pursuant to §§ 1006.62 and 1006.74 and out of which he shall make all payments from such fund pursuant to § 1006.75: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

**§ 1006.74 Payments to the producer-settlement fund.**

On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation pursuant to § 1006.60 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price; and

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) of other source milk for which a value is computed pursuant to § 1006.60(e).

**§ 1006.75 Payments from the producer-settlement fund.**

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1006.74(b) exceeds the amount computed pursuant to § 1006.74(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

**§ 1006.76 Marketing services.**

(a) Except as provided in paragraph (b) of this section, each handler in making payments for producer milk received during the month shall deduct 4 cents per hundredweight or such lesser amount as the Secretary may prescribe (except on such handler's own farm production) and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

**§ 1006.77 Expense of administration.**

As his pro rata share of the expense of administration of this part, each handler

shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1006.45(a) (3) and (9) and the corresponding steps of § 1006.45(b); and

(c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

**§ 1006.78 Adjustment of accounts.**

When verification by the market administrator of reports or payments of a handler discloses errors resulting in monies due the market administrator from such handler, such handler from the market administrator, or a producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

**§ 1006.79 Interest payments.**

The unpaid obligation of a handler pursuant to §§ 1006.74, 1006.76, 1006.77, and 1006.78 shall be increased one-half of 1 percent for each month or portion thereof that such obligation is overdue.

**§ 1006.80 Termination of obligations.**

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of

such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15) (A) of the Act, a petition claiming such money.

**EFFECTIVE TIME, SUSPENSION, OR TERMINATION**

**§ 1006.90 Effective time.**

The provisions of this part or any amendment thereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

**§ 1006.91 Suspension or termination.**

The Secretary shall suspend or terminate any or all provisions of this part whenever he finds that they obstruct or do not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

**§ 1006.92 Continuing power and duty of the market administrator.**

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts



and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary, execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

#### § 1006.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

#### MISCELLANEOUS PROVISIONS

#### § 1006.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

#### § 1006.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

**Effective date.** Sections 1006.0 through 1006.45 and 1006.90 through 1006.101 shall be effective on and after December 1, 1966, and all of the remaining provisions shall be effective on and after January 1, 1967.

Signed at Washington, D.C., on November 8, 1966.

GEORGE L. MEHREN,  
Assistant Secretary.

[F.R. Doc. 66-12292; Filed, Nov. 10, 1966;  
8:48 a.m.]

### Chapter XIV—Commodity Credit Corporation, Department of Agriculture

#### SUBCHAPTER C—EXPORT PROGRAMS

[Rev. I, Amdt. 11]

### PART 1483—WHEAT AND FLOUR

#### Subpart—Flour Export Program—Cash Payment (GR-346) Terms and Conditions

The Terms and Conditions of the Flour Export Program—Cash Payment (GR-

346) (25 F.R. 5816) as amended (25 F.R. 9939, 25 F.R. 10758, 27 F.R. 1753, 27 F.R. 4863, 27 F.R. 10351, 29 F.R. 4667, 29 F.R. 12010, 30 F.R. 6771, 30 F.R. 15319, and 31 F.R. 7817) are further amended as follows:

1. A new § 1483.204 is added to read as follows:

#### § 1483.204 Transactions eligible for registration.

CCC will consider for registration under the terms and conditions of this subpart commercial sales transactions between an exporter and a foreign buyer as follows: (a) Sales for dollars; (b) sales for foreign currencies and sales for dollars on credit pursuant to the regulations issued under PL-480 (83d Congress) as amended; (c) sales under the CCC Export Credit Sales Program regulations involving flour milled from private stocks of wheat as defined in such program regulations; (d) sales for exportation under The Barter Program Terms and Conditions involving flour milled from wheat acquired from private stocks as defined in such terms and conditions; (e) sales financed with funds authorized by the Agency for International Development; and (f) such other sales as may be determined by CCC to be in the interest of the program. CCC will determine from the information given by the exporter in his Notice of Sale made pursuant to § 1483.225 as to the category in which each sales transaction will be registered. After a Notice of Sale is transmitted to CCC and a Notice of Registration has been issued by a Contracting Officer pursuant to § 1483.226, a request by the exporter to change the category of the sale reported to CCC and registered under this subpart to another category will not be approved unless, because of special circumstances, it is determined by the Contracting Officer to be in the best interest of CCC.

#### § 1483.205 [Amended]

2. Section 1483.205 "General conditions of eligibility" is amended by changing paragraph (d) (4) to read, "a CCC barter transaction under which wheat for export as wheat flour was acquired from CCC at competitive world prices."

#### § 1483.221 [Amended]

3. Section 1483.221 "Determination of rates" paragraph (e) is amended by adding at the end of the paragraph the following: "If a sale is made pursuant to the provisions of Public Law 480, as amended, and the applicable purchase authorization provides that the sale is not eligible for financing until the purchaser has obtained an import license, the sale for the purpose of determining the applicable export payment rate, shall not be considered made until in addition to other factors the exporter has been informed of the import license number applicable to the flour."

4. Section 1483.225 "Notice of Sale" paragraph (b) (1) is amended by adding a new subdivision (x) to read as follows:

#### § 1483.225 Notice of Sale.

(b) \* \* \*

(1) \* \* \*

(x) If the sale involves the exportation of flour milled from private stocks pursuant to a CCC barter transaction or the CCC Export Credit Sales Program or if the sale is made subject to payment with funds authorized by the Agency for International Development, the CCC barter contract number, the CCC credit approval number or the AID approval number, whichever is applicable. If such number is not available at the time the Notice of Sale is given, the exporter must state the type of transaction pursuant to which the exportation is to be made and that the number will be furnished when available.

#### § 1483.226 [Amended]

5. Section 1483.226 "Notice of registration" paragraph (b) is amended by changing the first sentence to read as follows: "In the telegram of registration the Contracting Officer may utilize the code letters 'REP' to indicate Registered as Eligible for Payment and will utilize (1) the word 'barter' if exportation is to be made pursuant to a CCC barter transaction or (2) the word 'credit' if the sale is made pursuant to the CCC Export Credit Sales Program or (3) the word 'aid' if payment for the flour exported is to be made with funds authorized by the Agency for International Development."

6. Section 1483.227 "Declaration of Sale and evidence of sale" is amended by adding a new paragraph (b) (1) (xiii) to read as follows:

#### § 1483.227 Declaration of Sale and evidence of sale.

(b) \* \* \*

(1) \* \* \*

(xiii) If the sale involves the exportation of flour milled from private stocks pursuant to a CCC barter transaction or the CCC Export Credit Sales Program or if the sale is made subject to payment with funds authorized by the Agency for International Development, state the CCC barter contract number, the CCC credit approval number or the AID approval number, whichever is applicable.

#### § 1483.241 [Amended]

7. Section 1483.241 "Cancellation of sale or failure to export" is amended by adding in paragraph (a) (3) after the word "reentry" the words "in any form or product" and by changing paragraph (c) to read as follows: "(c) If any quantity of flour exported pursuant to the exporter's contract with CCC is reentered in any form or product into the United States including Alaska, Hawaii, or Puerto Rico, whether or not such reentry is caused by the exporter, or if any flour is transhipped or caused to be transhipped in any form or product by the exporter to any country excluded by § 1483.287, the exporter shall be in default, shall refund any payment received



from CCC with respect to such quantity of flour and shall comply with the requirements of paragraph (b) of this section. To the extent the exporter establishes that the reentry was not due to his fault or negligence, he shall not be in default but shall return to CCC any payment received on such reentered flour. If the flour exported is reentered in some other form or product, the exporter agrees that the flour equivalent of such reentered product shall be determined on such basis as may be specified by CCC. If such reentered flour is subsequently reexported, it shall be eligible for export payment to the extent it complies with the other provisions of these regulations or other regulations which may provide for an export payment on such exportation. To the extent the exporter establishes that such reentered flour was lost, damaged, or destroyed, the physical condition is such that its reentry into the United States will not impair CCC's price support program, and no person received any export payment with respect to any reexportation which may occur to the flour in any form or product, the exporter shall not be in default and shall not be required to return to CCC any payment received with respect to such flour."

§ 1483.246 [Amended]

8. Section 1483.246 "Documents required as evidence of export" paragraph (a) (1) is amended by changing the first sentence to read: "If export is by water or air, a nonnegotiable copy or photostat of the on-board bill of lading issued at point of export signed by an agent of the export carrier. The bill of lading must show (i) the identification of the export carrier, (ii) the date and place of issuance, (iii) the weight of the flour, (iv) the number of containers, (v) the weight of the containers (or a certification from the exporter as to the weight of the containers), (vi) that the flour is destined for the buyer and the country of destination identified on the Declaration of Sale, or to a different consignee or country determined pursuant to § 1483.206, and (vii) the Purchase Authorization number if exportation is pursuant to Public Law 480 (83d Congress) as amended, the CCC credit approval number if exportation is pursuant to the CCC credit sales program, the CCC barter contract number if exportation is made pursuant to a CCC barter transaction, or the AID Approval number authorized by the Agency for International Development."

9. Section 1483.246(a) (4) is amended by adding after the word "certification" in the second sentence the words "by the exporter."

10. Section 1483.263 "Payment terms and financial arrangements" is amended by the addition of new paragraphs (f) and (g) as follows:

§ 1483.263 Payment terms and financial arrangements.

\* \* \* \* \*

(f) On sales contracts having a date of sale prior to the effective date of this amendment but on which delivery of the

wheat is made later than 90 days prior to the effective date of this amendment, the purchaser may at his option make payment of the purchase price specified in the Confirmation of Sale in the manner provided in this paragraph in lieu of making payment in certificates. If the purchaser has obtained delivery of the wheat and made financial arrangements covering the purchase price as provided in paragraph (b) (2) of this section, he may make payment by applying the cash, certified check or cashier's check furnished CCC to the purchase price or if he has furnished an irrevocable letter of credit under paragraph (b) (3) of this section, he may make payment for the purchase price of the wheat (including interest as specified in such paragraph) in cash, certified check or cashier's check or request that CCC draw on the letter of credit for such amount. The upward adjustment in price referred to in § 1483.268 for failure to submit certificates within 90 days after delivery of the wheat shall not be applicable to such sales contracts and upon request CCC will refund any financial arrangements covering the upward adjustment in price provided under paragraph (c) of this section. A purchaser who wishes to pay for the wheat in cash shall advise the ASCS Commodity Office in writing of his election accompanied by an acceptable remittance or instructions as to the application of financial coverage submitted under paragraph (b) of this section. If neither certificates nor such instructions have been received by CCC within 90 days after delivery of the wheat to the purchaser, the purchaser shall have been deemed to have acquired the wheat for cash and the financial coverage submitted under paragraph (b) of this section shall be applied to the purchase price and interest, if any. If the purchaser has not obtained delivery of the wheat, he may make payment within the period specified in paragraph (d) of this section in cash, certified check or cashier's check for the wheat to be delivered or if delivery is to be made instore, he may request that CCC draw a sight draft on him through a named bank with warehouse receipts attached or request that CCC surrender the warehouse receipts to him in a simultaneous exchange for an acceptable remittance delivered at the ASCS Commodity Office.

(g) Paragraphs (b) through (f) of this section shall be inapplicable to sales contracts having a date of sale on or after the effective date of this amendment and in lieu thereof the following shall apply. Payment of the purchase price specified in the Confirmation of Sale for any wheat purchased from CCC hereunder shall be made by surrender to the ASCS Commodity Office of certificates sufficient to pay for the wheat (1) prior to delivery of the wheat by CCC on purchases which provide for delivery within 5 days following the date of the sale, and (2) on all other purchases, not less than 5 days prior to delivery of the wheat by CCC, but in no event later than 30 days following the date of sale, unless CCC consents in writing to a dif-

ferent period. If the purchaser fails to make such payment within such period, CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 1483.266 [Amended]

11. Section 1483.266(a) is amended to change the second sentence to read as follows: "The flour exported shall not be reentered in any form or product by anyone into the United States including Alaska, Hawaii, or Puerto Rico, nor shall the exporter cause the flour exported to be transhipped in any form or product to any country excluded by § 1483.287."

12. Section 1483.266(c) is amended by changing the figures "2.283" under column "B" to read "2.243".

§ 1483.268 [Amended]

13. Section 1483.268 "Adjusted contract price" is amended to change in paragraph (a) the first and second sentences prior to the colon with respect to sales contracts entered into on and after the effective date of this amendment and sales contracts entered into prior to the effective date of this amendment on which delivery of wheat is made later than 90 days prior to such effective date so that such sentences shall read as follows: "Wheat is made available under this announcement at prices below the statutory minimum required under section 407 of the Agricultural Act of 1949, as amended, for sales for unrestricted use upon condition that the purchaser complies with all applicable provisions of §§ 1483.266 and 1483.267. If the flour is not exported as required by this announcement excluding, however, the requirement as to time of exportation, the contract price with respect to the quantity of wheat involved shall be adjusted upward by the amount that such contract price is exceeded by the price which is the highest of the following in effect on the date of sale:"

14. Section 1483.268 is further amended to change the second sentence of paragraph (b) to read as follows:

(b) \* \* \* Any upward adjustment of the contract price will not be made if CCC determines:

(1) That the flour has been reentered in any form or product into the United States including Alaska, Hawaii, or Puerto Rico due to causes without the fault or negligence of the purchaser, that an equivalent quantity of flour was, pursuant to written approval of CCC, subsequently exported to any country not excluded by § 1483.287 within the period specified by CCC, and that the purchaser submitted evidence of such exportation in accordance with § 1483.267; or

(2) That the flour placed in transit to an export location for export under this announcement or reentered in any form or product into the United States including Alaska, Hawaii, or Puerto Rico was lost, damaged, destroyed, or deteriorated and the physical condition thereof was such that its entry into domestic market channels will not impair CCC's price



support operations. *Provided*, That if insurance proceeds or other recoveries such as from carriers, exceed the purchase price of the wheat content of the flour lost, damaged, or destroyed, plus other costs incurred by the purchaser in connection with such wheat prior to the time of its loss, the amount of such excess shall be paid to CCC.

(Secs. 4 and 5, Stat. 1070 and 1072, 15 U.S.C. 714 b and c)

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: This amendment shall become effective at 3:31 p.m., e.d.t., following the time the amendment is filed with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 8, 1966.

H. D. GODFREY,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 66-12326; Filed, Nov. 9, 1966; 1:15 p.m.]

## Title 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of International Commerce, Department of Commerce

#### SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of Export Regs., Amdt. 24]

### RESCISSION OF EXPORT LICENSE REQUIREMENT FOR CERTAIN CATTLE HIDES AND LEATHER

A validated license is no longer required to export the commodities listed below to any destination except Southern Rhodesia and Country Group Z which includes Communist China, North Korea, the Communist-controlled area of Vietnam, and Cuba.

These commodities may now be exported under the provisions of General License G-DEST to Country Groups T, V (except Southern Rhodesia), W, X, and Y, without the need for submitting an application to, or obtaining a validated license from, the U.S. Department of Commerce.

Export Control Commodity No. and Commodity Description

- 21110 Cattle hides, whole.
- 21110 Cattle hide croupions, crops, dossets, sides, butts, and butt bends.
- 21110 Other cattle hides, except whole (for example, bellies, splits, shanks, heads, tails, and shoulders).
- 21120 Calf skins and kip skins.
- 61150 Cattle hide and kip side upper leather, grain, other than patent and metallized; except leather scrap.
- 61150 Cattle hide and kip side sole, belting, and wetting leather, grain; cattle hide and kip side rough, russet, and crust leather; and whole splits, side splits, and bend splits; except leather scrap.

- 61150 Other cattle hide and kip side sole, belting, and wetting leather, offal; and other splits, except whole, side, or splits.
- 61150 Cattle hide and kip side leather, n.e.c., except leather scrap.
- 61150 Calf and whole kip upper leather, other than lining, patent and metallized; except leather scrap.
- 61150 Bovine leather scrap.
- 61150 Calf and whole kip leather, n.e.c., other than patent and metallized; except leather scrap.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

Regulations reflecting this amendment will be published as soon as practicable.

Effective date: November 7, 1966, 12 noon e.s.t.

RAUER H. MEYER,  
Director, Office of Export Control.

[F.R. Doc. 66-12287; Filed, Nov. 10, 1966; 8:47 a.m.]

## Title 31—MONEY AND FINANCE: TREASURY

### Chapter V—Office of Foreign Assets Control, Department of the Treasury

#### PART 500—FOREIGN ASSETS CONTROL REGULATIONS

##### Importation of Hog Bristles

Section 500.204(a)(2)(ii) is being amended to except nondyed European hog bristles from the item "bristles, hog," in the list of commodities therein. As amended the item reads as follows:

Bristles, hog (except nondyed European hog bristles).

[SEAL] MARGARET W. SCHWARTZ,  
Director,  
Office of Foreign Assets Control.

[F.R. Doc. 66-12238; Filed, Nov. 10, 1966; 8:45 a.m.]

#### PART 500—FOREIGN ASSETS CONTROL REGULATIONS

##### Certain Transactions With Respect to Hog Bristles

It has been established that Nepalese hog bristles, as well as Indian hog bristles processed in Nepal, can be identified by physical examination. Accordingly, paragraph (b)(2) of § 500.539 is being amended to specify that Nepalese bristles, other than soft black bristles, are excepted along with Indian bristles from the item "Asiatic hog bristles" in the exclusion provision in paragraph (b).

As amended, § 500.539 reads as follows:

§ 500.539 Certain transactions with respect to hog bristles.

(a) Subject to the provisions of paragraph (c) of this section, the purchase outside the United States for importation into the United States of hog bristles, except hog bristles specified in paragraph (b) of this section, and the importation

of such merchandise into the United States for warehouse entry is authorized.

(b) This section does not authorize any transaction with respect to hog bristles which, in whole or part, consist of:

(1) Dyed hog bristles, or

(2) Asiatic hog bristles (except Indian and Nepalese hog bristles, other than soft black hog bristles).

(c) This section does not authorize the release from bonded warehouse of any hog bristles. Merchandise purchased or imported pursuant to this section will be authorized for release from Customs custody for consumption in the United States only after the Foreign Assets Control is satisfied by physical inspection of such merchandise and such other measures as may be appropriate that the merchandise does not consist, in whole or in part, of merchandise specified in paragraph (b) of this section.

[SEAL] MARGARET W. SCHWARTZ,  
Director,  
Office of Foreign Assets Control.

[F.R. Doc. 66-12239; Filed, Nov. 10, 1966; 8:45 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 32—HUNTING

##### De Soto National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

##### DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the De Soto National Wildlife Refuge, Nebr., is permitted on December 17 and 18, 1966, but only on the area designated as open to hunting. These open areas, comprising 3,350 acres are delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal Regulations governing the hunting of deer. The taking of coyotes as legal game shall also be permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 18, 1966.

KERMIT D. DYBSETTER,  
Refuge Manager.

NOVEMBER 3, 1966.

[F.R. Doc. 66-12289; Filed, Nov. 10, 1966; 8:47 a.m.]



# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

### SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7704; Amdt. 509]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

#### LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn.....	300-1	300-1	200-1½
				C-dn.....	500-1	500-1	500-1½
				S-dn.....	NA	NA	NA
				A-dn.....	800-2	800-2	800-2

Procedure turn S side of NW crs, 277° Outbnd, 097° Inbnd, 3700' within 10 miles.

Minimum altitude over facility on final approach crs, 2400'.

Crs and distance, facility to airport, 109°—0.9 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing ORT LFR turn right, climb to 3700' on NW crs within 15 miles.

MSA within 25 miles of the facility: NE, 5000'; SE, 4100'; SW, 7000'; NW, 5000'.

City, Northway; State, Alaska; Airport name, Northway; Elev., 1716'; Fac. Class., SBRAZ; Ident., ORT; Procedure No. 1, Amdt. 11; Eff. date, 3 Dec. 66; Sup. Amdt. No. 10; Dated, 21 Mar. 64

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

#### ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ANB VOR.....	Munford Int.....	Direct.....	2700	T-d.....	300-1	300-1	300-1
				T-n.....	500-1½	500-1½	500-1½
				C-d.....	1000-1½	1000-1½	1000-1½
				C-n.....	1000-2	1000-2	1000-2
				S-d-5#.....	800-1½	800-1½	800-1½
				S-n-5#.....	800-2	800-2	800-2
				A-dn.....	1000-2	1000-2	1000-2

Procedure turn N side of crs, 233° Outbnd, 053° Inbnd, 2700' within 5 miles of Munford Int.

Minimum altitude over Munford Int on final approach crs, 2000'.

Crs and distance, Munford Int to airport, 053°—4.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing Munford Int, or 0 mile after passing ANB RBN, climb immediately to 4000' on R 085° of ANB VOR within 20 miles.

CAUTION: Circling approaches, avoid area N, NW, and SE of airport due high terrain.

#Reduction not authorized.

MSA within 25 miles of facility: 000°—090°—3200'; 090°—180°—4000'; 180°—270°—3300'; 270°—360°—2800'.

City, Anniston; State, Ala.; Airport name, Anniston Municipal; Elev., 611'; Fac. Class., BMH; Ident., ANB; Procedure No. 1, Amdt. 4; Eff. date, 3 Dec. 66; Sup. Amdt. No. 3; Dated, 4 June 66



## RULES AND REGULATIONS

## ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Sugar Int.	South FM (final)	Direct	800	T-dn..... C-dn..... A-dn..... If S Fan Marker received minimums are: C-dn..... S-dn-33.....	300-1 500-1 800-2 500-1 400-1	300-1 500-1 800-2 500-1 400-1	200-1½ 500-1½ 800-2 500-1½ 400-1

Procedure turn W side of crs, 153° Outbnd, 333° Inbnd, 2000' within 10 miles of S Fan Marker (3.2 miles from POE RBN).

Minimum altitude over S Fan Marker on final approach crs, 800'; 700' after passing S Fan Marker.

Crs and distance, facility to airport, 333°—0.7 mile; from S Fan Marker to airport, 333°—3.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing S Fan Marker, or over the POE RBN, climb to 2000' on track 333°, within 20 miles.

NOTE: Authorized for military use only except by prior arrangement. Part-time control zone. When control zone not operative, procedure not entirely within controlled airspace.

CAUTION: Pilots using this approach must acquaint themselves with any activity in R-3803 and R-3804.

MSA within 25 miles of facility: 000°-090°—1400'; 090°-180°—1700'; 180°-270°—1600'; 270°-360°—1700'.

City, Fort Polk State, La.; Airport name, Polk AAF; Elev., 330'; Fac. Class., MIIW; Ident., POE; Procedure No. 1, Amdt. 3; Eff. date, 3 Dec. 66; Sup. Amdt. No. 2; Dated 10 July 65

## PROCEDURE CANCELED, EFFECTIVE 3 DEC. 1966.

City, Jackson; State, Mich.; Airport name, Reynolds; Elev., 1000'; Fac. Class., MIIW; Ident., JXN; Procedure No. 1; Amdt. Orig.; Eff. date, 30 July 66

JXN VOR	LOM	Direct	2600	T-dn.....	300-1	300-1	200-1½
Pinekey Int.	LOM (final)	Direct	2600	C-dn.....	600-1	600-1	600-1½
				S-dn-23.....	600-1	600-1	600-1
				A-dn.....	800-2	800-2	800-2

Procedure turn N side of crs, 053° Outbnd, 233° Inbnd, 2600' within 10 miles.

Minimum altitude over facility on final approach crs, 2600'.

Crs and distance, facility to airport, 233°—5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing JXN LOM, climb to 2600' on crs, 233° and return to JXN LOM.

NOTE: Sliding scale below ¼ mile not authorized.

MSA within 25 miles of facility: 000°-090°—2500'; 090°-180°—2500'; 180°-270°—2700'; 270°-360°—3000'.

City, Jackson; State, Mich.; Airport name, Reynolds Municipal; Elev., 1000'; Fac. Class., LOM; Ident., JX; Procedure No. 1, Amdt. Orig.; Eff. date, 3 Dec. 66

Racine Int.	LOM	Direct	2500	T-dn.....	300-1	300-1	200-1½
MKE VOR	LOM	Direct	2500	C-dn.....	500-1	500-1	500-1½
Cardinal Int.	LOM	Direct	2700	S-dn-1.....	500-1	500-1	500-1
Wind Lake Int.	LOM	Direct	2500	A-dn.....	800-2	800-2	800-2
Horlick Int.	LOM	Direct	2500				
B-g Bend Int.	LOM	Direct	2500				
Oakwood Int.	LOM (final)	Direct	2500				

Radar available.

Procedure turn E side of crs, 186° Outbnd, 006° Inbnd, 2500' within 10 miles.

Minimum altitude over facility on final approach crs, 2500'.

Crs and distance, facility to airport, 006°—5.5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM, climb to 2700' on 006° bearing from LOM, proceed direct to Cardinal Int, or when directed by ATC, climb to 2600' and proceed to MKE VOR via MKE R 110°.

MSA within 25 miles of facility: 090°-270°—2200'; 270°-090°—2800'.

City, Milwaukee; State, Wis.; Airport name, General Mitchell Field; Elev., 722'; Fac. Class., LOM; Ident., MK; Procedure No. 1, Amdt. 21; Eff. date, 3 Dec. 66; Sup. Amdt. No. 10; Dated, 12 June 65

MKE VOR	ILW RBN	Direct	2700	T-dn.....	300-1	300-1	200-1½
MWC VOR	ILW RBN	Direct	2700	C-dn.....	500-1	500-1	500-1½
Cardinal Int.	ILW RBN (final)	Direct	2700	S-dn-19.....	500-1	500-1	500-1
MK LOM	ILW RBN	Direct	2700	A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 2700' within 10 miles.

Minimum altitude over facility on final approach crs, 2400'; over Harbor Int or radar fix, 1900'.

Crs and distance, facility to airport, 186°—6.1 miles.

Crs and distance, Harbor Int to Runway 19, 186°—4.1 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles of RBN or 4.1 miles of Harbor Int, climb to 2400' on bearing 186° from ILW RBN within 10 miles of MK LOM.

NOTE: ADF/VOR receivers or radar required.

MSA within 25 miles of facility: 000°-090°—2200'; 090°-180°—2200'; 180°-270°—2700'; 270°-360°—2800'.

City, Milwaukee, State, Wis.; Airport name, General Mitchell Field, Elev., 722'; Fac. Class., MIIW; Ident., ILW; Procedure No. 3, Amdt. Orig.; Eff. date, 3 Dec. 66

Minneapolis VOR	LOM	Direct	2600	T-dn.....	300-1	300-1	200-1½
Prior Int.	LOM	Direct	2500	C-dn.....	500-1	500-1	500-1½
White Bear Int.	LOM	Direct	2500	S-dn-29L.....	500-1	500-1	500-1
Farmington VOR	LOM	Direct	2500	A-dn.....	800-2	800-2	800-2
Flying Cloud VOR	LOM	Direct	2500	Minimums with radar: S-dn-29L.....	400-1	400-1	400-1

Radar available.

Procedure turn E side of crs, 115° Outbnd, 295° Inbnd, 2500' within 10 miles.

Minimum altitude over facility on final approach crs, 2500'.

Crs and distance, facility to airport, 295°—5.5 miles. Stack radar fix, 295°—3.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM, climb to 2500' on 295° bearing from LOM within 10 miles, or when directed by ATC, make left-climbing turn, climb to 2500' and return to LOM.

\*These minimums authorized after controller advises passing the Stack radar fix.

MSA within 25 miles of facility: 000°-360°—2600'.

City, Minneapolis; State, Minn.; Airport name, Minneapolis-St. Paul International (Wold-Chamberlain); Elev., 840'; Fac. Class., II-SAB/LOM; Ident., MS; Procedure No. 1, Amdt. 11; Eff. date, 3 Dec. 66; Sup. Amdt. No. 10; Dated, 17 Sept. 66



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
STJ VOR.....	LOM.....	Direct.....	2300	T-dn..... C-dn..... S-dn-35..... A-dn.....	300-1 600-1 400-1 800-2	300-1 600-1 400-1 800-2	*200-1½ 600-1½ 400-1 800-2

Procedure turn W side of crs, 172° Outbnd, 352° Inbnd, 2300' within 10 miles.

Minimum altitude over facility on final approach crs, 2300'.

Crs and distance, facility to airport, 352°—5.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing LOM, climb to 2700' on bearing 349° from LOM and proceed to STJ VOR. Hold N on R 347°, 167° Inbnd, right turns; or when directed by ATC, make left turn, climbing to 2300' and return to LOM.

NOTE: Sliding scale not authorized.

CAUTION: 300' bluffs, W, NW, and E of airport. 1792' tower, 4.5 miles E of airport. Unlighted obstruction (trees) in final approach area 2200' from threshold, Runway 35, to a height of 886'.

\*300-1 required on Runway 31.

MSA within 25 miles of facility: 000°-090°—2800'; 090°-360°—2500'.

City, St. Joseph; State, Mo.; Airport name, Rosecrans Memorial; Elev., 826'; Fac. Class., LOM; Ident., ST; Procedure No. 1, Amdt. 17; Eff. date, 3 Dec. 66; Sup. Amdt. No. 16; Dated, 6 Aug. 66

AUG VOR.....	AVI RBn.....	Direct.....	2000	T-dn..... C-dn..... S-dn..... A-dn.....	300-1 500-1 NA	300-1 500-1 NA	NA NA NA
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Procedure turn E side of crs, 228° Outbnd, 048° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 1100'.

Crs and distance, facility to airport, 048°—1.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles after passing AVI RBn, climb on 048° magnetic bearing to 2000', then left turn direct AVI RBn. Hold NE of AVI RBn, 228° Inbnd, 1-minute right turns.

NOTES: (1) State owned facility must be monitored aurally during approach. (2) Use Augusta altimeter setting. (3) Approach from a holding pattern not authorized. Procedure turn required.

MSA within 25 miles of facility: 000°-270°—2500'; 270°-360°—3500'.

City, Waterville; State, Maine; Airport name, Robert LaFleur; Elev., 332'; Fac. Class., MHW; Ident., AVI; Procedure No. 1, Amdt. 4; Eff. date, 3 Dec. 66; Sup. Amdt. No. 3; Dated, 24 Aug. 63

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
IRL VOR.....	EWC VOR.....	Direct.....	3000	T-dn..... C-dn..... C-dn..... S-dn..... S-dn..... A-dn.....	500-1 700-1 700-2 700-1 700-2 NA	700-1 700-1 700-2 700-1 700-2 NA	NA NA NA NA NA NA

Radars available.

Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 3000' within 10 miles.

Minimum altitude over facility on final approach crs, 3000'.

Crs and distance, facility to airport, 253°—8.4 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles after passing EWC VOR, make right-climbing turn to 3000'. Return to EWC VOR. Hold NE, 1-minute right turns, 253° Inbnd.

NOTE: No weather service.

MSA within 25 miles of facility: 180°-270°—2600'; 270°-180°—3100'.

City, Beaver Falls; State, Pa.; Airport name, Beaver County; Elev., 1252'; Fac. Class., H-BVORTAC; Ident., EWC; Procedure No. 1, Amdt. 2; Eff. date, 3 Dec. 66; Sup. Amdt. No. 1; Dated, 16 Apr. 66

Lake Charles VORTAC.....	Sugar Int.....	LCH, R 353°.....	2000	T-dn..... C-dn..... S-dn-33..... A-dn.....	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-1½ 500-1½ 400-1 800-2
Sugar Int.....	S. Fan Marker (final).....	Direct.....	800				

Procedure turn not authorized.

Minimum altitude over S. Fan Marker on final approach crs, 800'.

Crs and distance, S. Fan Marker to airport, 334°—3.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing S. Fan Marker, climb to 200' direct to POE VOR and via POE, R 334° to Coco Int.

NOTES: (1) Authorized for military use only except by prior arrangement. Part-time control zone. When control zone not operative, procedure not entirely within controlled airspace. (2) Pilots using this approach must acquaint themselves with any activity in R-3803 and R-3804.

MSA within 25 miles of facility: 000°-360°—1700'.

City, Fort Polk; State, La.; Airport name, Polk AAF; Elev., 330'; Fac. Class., L-VOR; Ident., POE; Procedure No. 1, Amdt. Orig.; Eff. date, 3 Dec. 66



## VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Coco Int .....	POE VOR (final) .....	Direct .....	1200	T-dn .....	300-1	300-1	200-1½
				C-dn .....	500-1	500-1	500-1½
				S-dn-15 .....	400-1	400-1	400-1
				A-dn .....	800-2	800-2	800-2

Procedure turn W side of crs, 334° Outbnd, 154° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 1200'.

Crs and distance, facility to airport, 154°—3.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles of POE VOR, climb to 2000' on POE R 154° within 20 miles.

NOTES: (1) Authorized for military use only except by prior arrangement. Part-time control zone. When control zone not operative, procedure not entirely within controlled airspace. (2) Pilots using this approach must acquaint themselves with any activity in R-3803 and R-3804.

MSA within 25 miles of facility: 000°-360°—1700'.

City, Fort Polk; State, La.; Airport name, Polk AAF; Elev., 330'; Fac. Class., L-VOR; Ident., POE; Procedure No. 2, Amdt. Orig.; Eff. date, 3 Dec. 66

ORT LFR .....	ORT VOR .....	Direct .....	3700	T-dn .....	300-1	300-1	200-1½
				C-dn .....	500-1	500-1	500-1½
				S-dn .....	NA	NA	NA
				A-dn .....	800-2	800-2	800-2

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 3700' within 10 miles.

Minimum altitude over facility on final approach crs, 2200'.

Crs and distance, facility to airport, 312°—0.9 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of ORT VOR, turn right, climb to 3700' on R 275° within 15 miles.

MSA within 25 miles of facility: 000°-090°—5700'; 090°-180°—4700'; 180°-270°—7500'; 270°-360°—5600'.

City, Northway; State, Alaska; Airport name, Northway; Elev., 1716'; Fac. Class., 1L-BVOR; Ident., ORT; Procedure No. 1, Amdt. Orig.; Eff. date, 3 Dec 66

#### 4 By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

##### TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
New Gloucester R/Bn .....	Augusta VOR .....	Direct .....	2500	T-dn# .....	400-1	400-1	400-1
				C-dn .....	800-1½	800-1½	800-2
				S-dn .....			
				A-dn .....	800-2	800-2	800-2
				After passing "BOG" Int or 3.7-mile DME Fix:			
				C-dn .....	500-1	500-1	500-1½
				S-dn-17° .....	500-1	500-1	500-1

Procedure turn W side of crs, 345° Outbnd, 165° Inbnd, 2300' within 10 miles.

Minimum altitude over BOG Int or 3.7-mile DME Fix, 1200'.

Facility on airport. Breakoff point to runway, 171°—0.3 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over AUG VOR, climb on R 165° to 2000', then left turn direct AUG VOR. Hold SE of AUG VOR on R 141°, 1-minute left turns, 321° Inbnd.

NOTE: Approach from a holding pattern not authorized, procedure turn required.

CAUTION: 597' antenna, 1.3 miles W of airport, 545' terrain and trees, 0.9 mile S of airport.

\* Reduction not authorized.

Runway 17 departures climb on magnetic heading, 150° to 1600' before proceeding southwestbound.

MSA within 25 miles of facility: 000°-180°—2000'; 180°-270°—2500'; 270°-360°—3000'.

City, Augusta, State, Maine; Airport name, Augusta-State; Elev., 357'; Fac. Class., L-BVORTAC; Ident., AUG; Procedure No. TerVOR 17, Amdt. 5; Eff. date, 3 Dec. 66; Sup. Amdt. No. 4; Dated, 9 Jan. 65

PROCEDURE CANCELED, EFFECTIVE 3 DEC. 1966.

City, Augusta, State, Maine; Airport name, Augusta-State; Elev., 357'; Fac. Class., BVOR; Ident., AUG; Procedure No. Ter. VOR-26, Amdt. 3; Eff. date, 14 Sept. 63; Sup. Amdt. No. 2; Dated, 29 Sept. 62

PROCEDURE CANCELED, EFFECTIVE 3 DEC. 1966.

City, Augusta, State, Maine; Airport name, Augusta-State; Elev., 357'; Fac. Class., BVOR; Ident., AUG; Procedure No. TerVOR 35, Amdt. 4; Eff. date, 14 Sept. 63; Sup. Amdt. No. 3; Dated, 29 Sept. 62



TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
RDR VOR	GFK VOR	Direct	2500	T-dn	300-1	300-1	200-1½
R 270°, GFK VOR clockwise	R 357°, GFK VOR	Via 10-mile DME Arc.	2500	C-dn	700-1	700-1	700-1½
R 095°, GFK VOR counterclockwise	R 347°, GFK VOR	Via 10-mile DME Arc.	2300	S-dn-17	700-1	700-1	700-1
10-mile DME Fix, R 357°	2.5-mile DME Fix, R 357° (final) (Donna Int)	Direct	1542	A-dn	800-2	800-2	800-2
				Minimums with DME or dual VOR receivers:			
				C-dn	400-1	500-1	500-1½
				S-dn-17	400-1	400-1	400-1

Radar available.  
 Procedure turn E side of crs, 357° Outbnd, 177° Inbnd, 2300' within 10 miles.  
 Minimum altitude over Donna Int or 2.5-mile DME Fix on final approach crs, 1542'.  
 Facility on airport.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2400' on R 164° within 10 miles, return to VOR and hold S, 344° Inbnd, right turns.  
 #400-¾ authorized with operative HIRL except for 4-engine turbojets.  
 MSA within 25 miles of facility: 000°-360°-2400'.  
 City, Grand Forks; State, N. Dak.; Airport name, Grand Forks International; Elev., 842'; Fac. Class., L-BVORTAC; Ident., GFK; Procedure No. Ter VOR-17, Amdt. 1; Eff. date, 3 Dec. 66; Sup. Amdt. No. Orig.; Dated, 14 Oct. 65

RDR VOR	GFK VOR	Direct	2500	T-dn	300-1	300-1	200-1½
R 071°, GFK VOR clockwise	R 164°, GFK VOR	Via 10-miles DME Arc.	2400	C-dn	500-1	500-1	500-1½
R 270°, GFK VOR counterclockwise	R 164°, GFK VOR	Via 10-miles DME Arc.	2500	S-dn-35	500-1	500-1	500-1
10-mile DME Fix, R 164°	3.6-mile DME Fix, R 164° (final) (Polly Int).	Direct	1342	A-dn	800-2	800-2	800-2
				Minimums with DME on dual VOR receivers:			
				C-dn	400-1	500-1	500-1½
				S-dn-35	400-1	400-1	400-1

Radar available.  
 Procedure turn E side of crs, 164° Outbnd, 344° Inbnd, 2400' within 10 miles.  
 Minimum altitude over Polly Int or 3.6-miles DME Fix on final approach crs, 1342'.  
 Facility on airport.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2400' on R 357° within 10 miles, return to VOR and hold S, 344° Inbnd, right turns.  
 #400-¾ authorized with operative HIRL or REIL except for 4-engine turbojets.  
 MSA within 25 miles of facility: 000°-360°-2400'.  
 City, Grand Forks; State, N. Dak.; Airport name, Grand Forks International; Elev., 842'; Fac. Class., L-BVORTAC; Ident., GFK; Procedure No. Ter VOR-35, Amdt. 1; Eff. date, 3 Dec. 66; Sup. Amdt. No. Orig.; Dated, 14 Oct. 65

Flat Rock VOR	Biltmore Int	Direct	2000	T-dn	300-1	300-1	200-1½
Manakin RBN	RIC VOR	Direct	2000	C-dn	600-1	600-1	600-1½
				S-dn-15	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
				If Biltmore Int or 5-mile DME or Radar Fix received, the following minimums apply:			
				C-dn	500-1	500-1	500-1½
				S-dn-15#	400-1	400-1	400-1

Radar available.  
 Procedure turn N side of crs, 347° Outbnd, 167° Inbnd, 1700' within 10 miles.  
 Minimum altitude over Biltmore Int 5-mile DME or Radar Fix on final approach crs, 767'.  
 Crs and distance, breakoff point to approach end of runway, 154°-0.6 mile.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of RIC VOR, climb to 2000' on R 167° RIC VOR within 10 miles, return to RIC VOR. Hold SW, 220° Outbnd, 040° Inbnd, 1-minute right turns.  
 #400-¾ authorized with operative high-intensity runway lights except for 4-engine turbojets.  
 MSA within 25 miles of facility: 000°-180°-1600'; 180°-360°-2100'.  
 City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167'; Fac. Class., H-BVORTAC; Ident., RIC; Procedure No. Ter VOR-15, Amdt. 16; Eff. date, 3 Dec. 66; Sup. Amdt. No. 15; Dated, 15 Oct. 66

5. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.  
 If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
15-mile DME Fix, R 069°, AUG VORTAC	5-mile DME Fix, R 069, AUG VORTAC (final).	Direct	2000	T-dn	400-1	400-1	400-1
				C-dn	500-1	500-1	500-1½
				S-dn			
				A-dn	800-2	800-2	800-2

Procedure turn not authorized.  
 Minimum altitude over 5-mile DME Fix, R 069° on final approach crs, 2000'.  
 Facility on airport.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over AUG VOR, make left-climbing turn to 1500' on AUG VOR R 170°, then left-climbing turn to 2000' direct, AUG VOR. Hold SE of AUG VOR, 1-minute, left turns, 321° Inbnd.  
 CAUTION: 597' antenna, 1.3 miles W of airport; 545' terrain and trees, 0.9 mile S of airport.  
 #Runway 17 departures climb on magnetic heading 150° to 1000' before proceeding southwestbound.  
 MSA within 25 miles of facility: 000°-180°-2000'; 180°-270°-2500'; 270°-360°-3000'.  
 City, Augusta; State, Maine; Airport name, Augusta-State; Elev., 357'; Fac. Class., L-BVORTAC; Ident., AUG; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 3 Dec. 66



## VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
11-mile DME Fix, R 232°, AUG VORTAC	5-mile DME Fix, R 232°, AUG VORTAC (final).	Direct.....	2000	T-dn#..... C-dn..... S-dn..... A-dn.....	400-1 500-1 800-2	400-1 500-1 800-2	400-1 500-1½ 800-2

Procedure turn not authorized.

Minimum altitude over 5-mile DME Fix, R 232° on final approach ers, 2000'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over AUG VOR, make right-climbing turn to 1500' on AUG VOR R 170°, then left-climbing turn to 2000' direct, AUG VOR. Hold SE of AUG VOR, 1-minute left turns, 321° Inbnd.

CAUTION: 597' antenna, 1.3 miles W of airport; 545' terrain and trees, 0.9 mile S of airport.

\*Runway 17 departures climb on magnetic heading, 150° to 1000' before proceeding southwestbound.

MSA within 25 miles of facility: 000°-180°-2000'; 180°-270°-2500'; 270°-360°-3000'.

City, Augusta; State, Maine; Airport name, Augusta-State; Elev., 357'; Fac. Class., L-BVORTAC; Ident., AUG; Procedure No. VOR/DME-2, Amdt. Orig.; Eff. date, 3 Dec. 66

New Gloucester RBN	11-mile DME Fix, R 247°, AUG VORTAC	Direct.....	2300	T-dn#..... C-dn..... S-dn..... A-dn.....	400-1 500-1 800-2	400-1 500-1 800-2	400-1 500-1½ 800-2
11-mile DME Fix, R 247°, AUG VORTAC	5-mile DME Fix, R 247°, AUG VORTAC	Direct.....	2000	S-dn..... A-dn.....	800-2	800-2	800-2

Procedure turn not authorized.

Minimum altitude over 5-mile DME Fix, R 247° on final approach ers, 2000'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over AUG VOR, make right-climbing turn to 1500' on AUG VOR R 170°, then left-climbing turn to 2000' direct, AUG VOR. Hold SE of AUG VOR, 1-minute left turns, 321° Inbnd.

CAUTION: 597' antenna, 1.3 miles W of airport; 545' terrain and trees, 0.9 mile S of airport.

\*Runway 17 departures climb on magnetic heading, 150° to 1000' before proceeding southwestbound.

MSA within 25 miles of facility: 000°-180°-2000'; 180°-270°-2500'; 270°-360°-3000'.

City, Augusta; State, Maine; Airport name, Augusta-State; Elev., 357'; Fac. Class., L-BVORTAC; Ident., AUG; Procedure No. VOR/DME 3, Amdt. Orig.; Eff. date, 3 Dec. 66

R 106°, DCA VOR clockwise	R 326°, DCA VOR	Via radar	2500	LDIN via Rivor..	1100-2	1100-2	1100-2
R 022°, DCA VOR counterclockwise	R 326°, DCA VOR	Via radar	2500				
R 326°, 10-mile DME Fix	R 326°, 7-mile DME Fix	Via R 326°	2000				

Radar available.

Procedure turn not authorized. Final approach ers, 146° Inbnd, from 7-mile DME Fix.

Minimum altitude over 7-mile DME Fix, 2000'; 5-mile DME Fix, 1400'; 4-mile DME Fix, 1100'.

Crs and distance, facility to airport not authorized. Breakoff point to runway not authorized.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4-mile DME Fix, climb direct to DCA VORTAC, make right turn, and proceed direct to DC RBN at 1800'. Hold S on 181° Outbnd, 001° Inbnd, 1-minute left turns.

NOTE: When visual contact established aircraft will visually follow the Potomac River to the airport.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class., L-VORTAC; Ident., DCA; Procedure No. VOR/DME-3, Amdt. 2; Eff. date, 3 Dec. 66; Sup. Amdt. No. 1; Dated, 25 June 66

11-mile DME Fix, R 232°, Augusta VORTAC	Augusta VORTAC	Direct.....	2000	T-dn..... C-dn..... S-dn..... A-dn.....	300-I 500-1 500-1 NA	300-1 500-1 500-1 NA	NA NA NA NA
Augusta VORTAC	8-mile DME Fix, R 040°, Augusta VORTAC (final).	Direct.....	2000				

Procedure turn E side of ers, 220° Outbnd, 040° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach ers, 2000'; over 8-mile DME Fix, R 040°, Augusta VORTAC (final) 2000'.

Crs and distance, 8-mile DME Fix to airport, 040°-5.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over Waterville DME or abeam AVI RBN, climb on R 040° to 2000', then left turn direct, Waterville DME. Hold NE of Waterville DME, 3-mile leg, right turns, 220° Inbnd.

NOTE: Use Augusta altimeter setting.

MSA within 25 miles of facility: 000°-180°-2000'; 180°-270°-2500'; 270°-360°-3000'.

City, Waterville; State, Maine; Airport name, Robert LaFleur; Elev., 332'; Fac. Class., L-BVORTAC; Ident., AUG; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 3 Dec. 66



6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.  
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
JXN VOR.....	LOM.....	Direct.....	2600	T-dn.....	300-1	300-1	200-1½
Pinekey Int.....	LOM (final).....	Direct.....	2600	C-dn.....	400-1	500-1	500-1½
R 293°, JXN VOR clockwise.....	JXN VOR, R 053°.....	Via 11-mile DME Arc.....	2900	S-dn-23°.....	400-1	400-1	400-1
R 173°, JXN VOR counterclockwise.....	JXN VOR, R 053°.....	Via 11-mile DME Arc.....	2700	A-dn.....	800-2	800-2	800-2
11-mile DME Fix, R 053°, JXN VOR.....	LOM (final).....	Via NE crs ILS.....	2600				

Procedure turn N side of crs, 053° Outbnd, 233° Inbnd, 2600' within 10 miles.  
Minimum altitude over facility on final approach crs, 2600'.  
Crs and distance, facility to airport, 233°—5 miles.  
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing JXN LOM, climb to 2600' on crs 233° and return to JXN LOM.  
NOTES: (1) No glide slope or approach lights. (2) Sliding scale below ¾ mile not authorized.  
\* Reduction not authorized for nonstandard REIL.

City, Jackson; State, Mich.; Airport name, Reynolds Municipal; Elev., 1000'; Fac. Class., ILS; Ident., I-JXN; Procedure No. ILS-23, Amdt. Orig.; Eff. date, 3 Dec. 66

MKE VOR.....	LOM.....	Direct.....	2500	T-dn**.....	300-1	300-1	200-1½
Big Bend Int.....	LOM.....	Direct.....	2500	C-dn.....	500-1	500-1	500-1½
Racine Int.....	LOM.....	Direct.....	2500	S-dn-1°\$.....	200-½	200-½	200-½
Cardinal Int.....	LOM.....	Direct.....	2700	A-dn.....	600-2	600-2	600-2
Wind Lake Int.....	LOM.....	Direct.....	2500				
Horlick Int.....	LOM.....	Direct.....	2500				
Oakwood Int.....	LOM (final).....	Direct.....	2500				

Radar available.  
Procedure turn E side S crs, 186° Outbnd, 006° Inbnd, 2500' within 10 miles.  
Minimum altitude at glide slope interception Inbnd, 2500'.  
Altitude of glide slope and distance to approach end of runway at OM, 2504'—5.5 miles; at MM, 929'—0.6 mile.  
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700' on 006° bearing from LOM and proceed direct to the Cardinal Int, or when directed by ATC, climb to 2600' and intercept R 110° MKE VOR and proceed to MKE VOR.  
\* RVR (2400'). Descent below 923' not authorized unless approach lights are visible.  
\*\* RVR (2400') authorized Runway (1).  
\$400-¾ required when glide slope not utilized and 400-½ authorized with operative ALS except for 4-engine turbojets.

City, Milwaukee; State, Wis.; Airport name, General Mitchell Field; Elev., 722'; Fac. Class., ILS; Ident., I-MKE; Procedure No. ILS-1, Amdt. 22; Eff. date, 3 Dec. 66; Sup. Amdt. No. 21; Dated, 12 June 65

MKE VOR.....	ILW RBn.....	Direct.....	2700	T-dn.....	300-1	300-1	200-½
MK LOM.....	ILW RBn.....	Direct.....	2700	C-dn.....	500-1	500-1	500-1½
MWC VOR.....	ILW RBn.....	Direct.....	2700	S-dn-19°.....	400-1	400-1	400-1
Cardinal Int.....	ILW RBn (final).....	Direct.....	2400	A-dn.....	800-2	800-2	800-2

Radar available.  
Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 2700' within 10 miles of ILW RBn.  
No glide slope, outer or middle marker, and no approach lights.  
Minimum altitude over ILW RBn or radar fix on final approach crs, 2400'; over Harbor Int or radar fix, 1900'.  
Crs and distance, ILW RBn to airport, 186°—6.1 miles; Harbor Int to airport, 186°—4.1 miles.  
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing Harbor Int, climb to 2100' on S crs ILS within 10 miles of MK LOM.  
NOTE: Dual VOR receivers and ADF or radar required.  
\$400-¾ authorized with operative high-intensity runway lights except for 4-engine turbojets.

City, Milwaukee; State, Wis.; Airport name, General Mitchell Field; Elev., 722'; Fac. Class., ILS; Ident., I-MKE; Procedure No. ILS-19 (back crs), Amdt. 3; Eff. date, 3 Dec. 66; Sup. Amdt. No. 2; Dated, 12 June 65



## RULES AND REGULATIONS

## ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FCM VOR.....	LOM.....	Direct.....	2600	T-dn.....	300-1	300-1	200-1/2
MSP VOR.....	LOM.....	Direct.....	2600	C-dn.....	500-1	500-1	500-1 1/2
FGT VOR.....	LOM.....	Direct.....	2600	S-dn-29LS*	200-1/2	200-1/2	200-1/2
Prior Int.....	LOM.....	Direct.....	2600	A-dn.....	600-2	600-2	600-2
White Bear Int.....	LOM.....	Direct.....	2600				

Radar available.

Procedure turn E side of crs, 115° Outbnd, 295° Inbnd, 2600' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2600'.

Altitude of glide slope and distance to approach end of runway at OM, 2511'—5.5 miles; at MM, 1033'—0.5 mile.

Crs and distance, 3.9-mile DME Fix and Stack Radar Fix to airport, 295°—3.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM, climb to 2500' on NW

crs, ILS within 10 miles, or when directed by ATC, make left-climbing turn, climb to 2600' and return to LOM.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM, climb to 2500' on NW

NOTE. DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.

\*RVR 2400' authorized Runway 29L.

\*SVR 2400'. Descent below 1040' not authorized unless approach lights are visible.

\*500-3/4 required when glide slope not utilized, 500-1/2 authorized with operative ALS except for 4-engine turbojets. 400' minimum authorized after passing the 3.9-mile DME

Fix or the Stack Radar Fix.

City, Minneapolis; State, Minn.; Airport name, Minneapolis-St. Paul International (Wold-Chamberlain); Elev., 840'; Fac. Class., ILS; Ident., I-MSP; Procedure No. ILS-29L,

Amdt. 23; Eff. date, 3 Dec. 66; Sup. Amdt. No. 22; Dated, 17 Sept. 66

Norfolk VORTAC.....	LOM.....	Direct.....	1600	T-dn.....	300-1	300-1	200-1/2
				C-dn.....	400-1	500-1	500-1 1/2
				S-dn-4.....	200-1/2	200-1/2	200-1/2
				A-dn.....	600-2	600-2	600-2
				With glide slope inoperative:			
				S-dn-4.....	400-3/4	400-3/4	400-3/4

Radar available.

Procedure turn S side SW crs, 225° Outbnd, 045° Inbnd, 1600' within 10 miles of LOM.

Minimum altitude at glide slope interception Inbnd, 1500'.

Altitude of glide slope and distance to approach end of runway at OM, 1077'—3.6; at MM, 227'—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, 3.6 miles from LOM, climb to 2000' on ORF VOR R 041°

direct to Bayside Int. Hold NE, 1-minute left turns.

City, Norfolk; State, Va.; Airport name, Norfolk Municipal; Elev., 27'; Fac. Class., ILS; Ident., I-ORF; Procedure No. ILS-4, Amdt. 11; Eff. date, 3 Dec. 66; Sup. Amdt.

No. 10; Dated, 18 July 64

St Joseph VOR.....	LOM.....	Direct.....	2300	T-dn.....	300-1	300-1	*200-1/2
				C-dn.....	600-1	600-1	600-1 1/2
				S-dn-35#.....	400-1	400-1	400-1
				A-dn.....	600-2	600-2	600-2

Procedure turn W side S crs, 172° Outbnd, 352° Inbnd, 2300' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2300'.

Altitude of glide slope and distance to approach end of runway at OM, 2261'—5.2 miles; at MM, 1066'—0.8 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing ST LOM, climb to 2700' on N

crs, ILS and proceed to STJ VOR. Hold on R 347°, 167° Inbnd right turns.

CAUTION: 300' bluffs, W, NW, and E of airport. 1792' tower, 4.5 miles E of airport. Unlighted obstruction (trees) in final approach area 2200' from threshold Runway 35

to a height of 896'.

\*300-1 required on Runway 31.

#Reduction not authorized.

City, St. Joseph; State, Mo.; Airport name, Rosecrans Memorial, Elev., 826'; Fac. Class., ILS; Ident., I-STJ; Procedure No. ILS-35, Amdt. 18; Eff. date, 3 Dec. 66; Sup. Amdt.

No. 17; Dated, 6 Aug. 66



7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From--	To--	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All sectors-----	Radar site-----	0-20 miles----- 20-30 miles-----	2500 3000	Precision approach			
				T-dn%-----	300-1	300-1	200-1/2
				C-dn-----	500-1	500-1	500-1 1/2
				S-dn-29L*-----	200-1/2	200-1/2	200-1/2
				A-dn-----	600-2	600-2	600-2
				Surveillance approach			
				T-dn%-----	300-1	300-1	200-1/2
				C-dn 11R and 29L-----	500-1	500-1	500-1 1/2
				C-dn-22-----	600-1	600-1	600-1 1/2
				S-dn-29L# @-----	400-1	400-1	400-1
				S-dn-11R ¢-----	400-1	400-1	400-1
				S-dn-22\$-----	600-1	600-1	600-1
				C-dn-4-----	500-1	500-1	500-1 1/2
				S-dn-4**-----	500-1	500-1	500-1
				A-dn-----	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 29L—climb to 2500' on NW crs, MSP ILS to Loretto Int, or when directed by ATC, make left-climbing turn, climb to 2600' and return to MS LOM. Runway 11R—climb to 2600' on SE crs, MSP ILS within 10 miles of MS LOM. Runway 4—climb to 2500' on NE crs, APL ILS within 10 miles. Runway 22—climb to 2300' on SW crs, APL ILS within 10 miles of AP LOM.

CAUTION: On approach to Runway 11R do not descend below 1400' until radar controller has advised passing tower located 2.5 miles from approach end Runway 11R. 600-¾ authorized with operative high-intensity runway lights except for 4-engine turbojet aircraft. Reduction not authorized for nonstandard REIL.

400-¾ authorized Runway 29L.

RV R 2400'. Descent below 1040' not authorized unless approach lights are visible.

400-¾ authorized with operative high-intensity runway lights, 400-½ authorized with operative ALS, except for 4-engine turbojets.

\*\*500-¾ authorized with operative high-intensity runway lights, 500-½ authorized with operative ALS, except for 4-engine turbojets.

600-¾ authorized with operative high-intensity runway lights except for 4-engine turbojets. Reduction below ¾ mile not authorized. Reduction not authorized for non-standard REIL.

@Do not descend below 1400' until controller advises passing the Stack Radar Fix, 3.7 miles from approach end of Runway 29L.

City, Minneapolis; State, Minn.; Airport name, Minneapolis-St. Paul International (Wold-Chamberlain); Elev., 840'; Fac. Class. and Ident., Minneapolis Radar; Procedure No. 1, Amdt. 18; Eff. date, 3 Dec. 66; Sup. Amdt. No. 17; Dated, 17 Sept. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 26, 1966.

W. E. ROGERS,  
Acting Director, Flight Standards Service.

[F.R. Doc. 66-12006; Filed, Nov. 10, 1966; 8:45 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 11—Coast Guard, Department of the Treasury

[CGFR 66-54]

#### PART 11-1—GENERAL

##### Subpart 11-1.3—General Policies

###### INDUSTRIAL SECURITY

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530):

1. Section 11-1.352 is added, reading as follows:

#### § 11-1.352 Industrial security.

Pursuant to Executive Order 10865, an agreement between the Department of Defense and the Department of the Treasury was executed on April 21, 1965, which provides for inclusion of the Treasury Department as a "user agency" in the program. Treasury Department Order Number 209 dated August 12, 1966, designated the Commandant (OIN), U.S. Coast Guard, as Treasury Department Liaison for industrial security matters. The Defense Supply Agency will perform all cognizant security office functions prescribed by the regulations in behalf of

all user agencies. Coast Guard contracting officers will perform the functions specified in, and will have the authority and responsibilities prescribed by Department of Defense Industrial Security Regulations (DOD 5220.22R) and Department of Defense Industrial Security Manual (DOD 5220.22M), except when the administrative contracting officer functions are delegated or assigned to the Defense Supply Agency.

Dated: October 12, 1966.

[SEAL] W. J. SMITH,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 66-12294; Filed, Nov. 10, 1966; 8:48 a.m.]



## Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter I—Small Business Administration

[Rev. 2; Amdt. 2]

#### PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

##### Interest Rate

The loans to State and Local Development Companies Regulation, Revision 2, Amendment 1 (31 F.R. 9270), is hereby further amended by revising paragraph (f) of § 108.501-1 to read as follows:

##### § 108.501-1 Section 501 loans.

(f) *Interest rate.* The rate of interest on section 501 loans to State Development Companies shall be the same rate at which the State Development Company borrows funds from its members, but in no case shall this rate be less than the prime rate of interest, nor greater than 6½ percent per annum.

*Effective date.* This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: November 4, 1966.

BERNARD L. BOUTIN,  
Administrator.

[F.R. Doc. 66-12283; Filed, Nov. 10, 1966;  
8:47 a.m.]

[Rev. 6; Amdt. 8]

#### PART 121—SMALL BUSINESS SIZE STANDARDS

##### Definition of Small Business for Bidding on Government Procurements for Naval Architectural and Marine Engineering Services

On August 19, 1966, there was published in the FEDERAL REGISTER (31 F.R. 11037) a notice of proposal to amend the definition of a small business for bidding on Government procurements for naval architectural and marine engineering services, by increasing the present size standard (average annual receipts for the preceding 3 fiscal years of \$5 million or less) to average annual receipts for the preceding 3 fiscal years of \$6 million or less.

Interested persons were given thirty (30) days in which to file with the Small Business Administration written statements of facts, opinions, or arguments concerning the proposed definition.

After consideration of all relevant matters concerning the proposal, the amendment set forth below is hereby adopted.

The Small Business Size Standards Regulation (Revision 6) (31 F.R. 9721), as amended (31 F.R. 10114, 11651, 11973, 12479, 12572, 12840, 14311, 14351) is hereby further amended by revising subparagraph (1) of § 121.3-8(e) and adding

ing a new subparagraph (6) to read as follows:

##### § 121.3-8 Definition of small business for Government procurement.

##### (e) *Services.* \* \* \*

(1) Any concern bidding on a contract for engineering services other than marine engineering services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed \$5 million.

(6) Any concern bidding on a contract for naval architectural and marine engineering services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed \$6 million.

This amendment shall become effective thirty (30) days after publication in the FEDERAL REGISTER but shall apply only to procurements for which invitations for bids or requests for proposals are issued on or after such effective date.

Dated: November 2, 1966.

BERNARD L. BOUTIN,  
Administrator.

[F.R. Doc. 66-12282; Filed, Nov. 10, 1966;  
8:47 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. C-1119]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Artistic Leather Goods Manufacturing Corp., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1715 *Quality*; § 13.1745 *Source or origin*: 13.1745-70 *Place*: 13.1745-70(c) *Imported product or parts as domestic.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1886 *Quality, grade or type*; § 13.1900 *Source or origin*: 13.1900-35 *Foreign product as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Artistic Leather Goods Manufacturing Corp., et al., Brooklyn, N.Y., Docket C-1119, Oct. 3, 1966]

*In the Matter of Artistic Leather Goods Manufacturing Corp., a Corporation, United Leather Goods Corp., a Corporation, and Steer Leather Goods Corp., a Corporation, and David Weisglass, Individually and as an Officer of Said Corporations*

Consent order requiring one Puerto Rican and two Brooklyn, N.Y., manufac-

turers of leather and plastic accessories and assorted school items to cease misrepresenting the quality of leather in its products, failing to disclose that some of its products were composed of simulated leather, and failing to use foreign origin indicia on parts of its products which were imported.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered.* That respondents Artistic Leather Goods Manufacturing Corp., a corporation, and Steer Leather Goods Corp., a corporation, and the officers of each of said corporations, and David Weisglass, individually and as an officer of each of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of wallets, billfolds or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Top Grain," "Top Grain Cowhide," "Genuine Leather," or any other words of similar import, in connection with said products made of split leather; or misrepresenting, in any manner, the kind or quality of the materials of which their said products are composed.

2. Offering for sale, selling or distributing said products made in whole or in part of split leather without a clear and conspicuous disclosure in immediate connection therewith to purchasers making casual inspection thereof of the portion or portions thereof which are made of split leather.

3. Offering for sale, selling or distributing said products made in part of leather and in substantial part of material other than leather without a clear and conspicuous disclosure in immediate connection therewith to purchasers making casual inspection thereof of the portion or portions thereof which are not made of leather.

4. Offering for sale, selling or distributing said products made of nonleather materials having the appearance of leather without a disclosure which will clearly and conspicuously show to purchasers making casual inspection thereof that the portions of the product which simulate leather are not in fact leather.

5. Using the word "Twin-Hyde" or any other word or term suggestive of leather to designate or describe a product or part thereof not composed solely of leather without a clear and conspicuous disclosure in immediate connection therewith to purchasers making casual inspection thereof that the portion or portions of said product which simulate leather are not in fact leather.

6. Placing in the hands of distributors, retailers and others, the means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in the respects set out above in paragraphs 1 to 5 inclusive hereof.

II. *It is further ordered.* That respondents United Leather Goods Corp., a corporation, and its officers, and David



Weissglass, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of loose leaf note books, clip boards, school bags, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing any such products which are substantially, or which contain a substantial part or parts, of foreign origin or fabrication without affirmatively disclosing the country or place of foreign origin or fabrication thereof on the products themselves, by marking or stamping on an exposed surface, or on a label or tag affixed thereto, of such a degree of permanency as to remain thereon until consummation of consumer sale of the products, and of such conspicuousness as likely to be observed and read by purchasers and prospective purchasers making casual inspection of the product.

2. Offering for sale, selling or distributing any such product packaged, mounted in a container, or on a display card or other display device, without disclosing the country or place of foreign origin of the product, or substantial part or parts thereof, on the front or face of such packaging, container, display card or other display device, so positioned as to clearly have application to the product so packaged or mounted, and of such degree of permanency as to remain thereon until consummation of consumer sale of the product, and of such conspicuousness as likely to be read by purchasers making casual inspection of the product as so packaged or mounted.

3. Placing in the hands of distributors, retailers and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in the respects set out above in paragraph II, 1 and 2 hereof.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 3, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12262; Filed, Nov. 10, 1966;  
8:45 a.m.]

[Docket No. 8519 o.]

### PART 13—PROHIBITED TRADE PRACTICES

#### Community Blood Bank of Kansas City Area, Inc., et al.

Subpart—Combining or conspiring: § 13.395 To control marketing practices and conditions; § 13.407 To disparage competitors or their products. Sub-

part—Cutting off access to customers or market: § 13.560 Interfering with distributive outlets. Subpart—Cutting off supplies or service: § 13.610 Cutting off supplies or service. Subpart—Interfering with competitors or their goods—Competitors: § 13.1085 Harassing.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Community Blood Bank of the Kansas City Area, Inc., et al., Kansas City, Mo., Docket 8519, Sept. 28, 1966]

*In the Matter of Community Blood Bank of the Kansas City Area, Inc., a Corporation, and Its Officers and Members; Adolph R. Pearson, President, Walter V. Coburn, First Vice President, Hilliard Cohen, Second Vice President, Carroll P. Hungate, Secretary-Treasurer, Gilbert C. Murphy, Assistant Secretary-Treasurer; and Its Directors and Members: Walter V. Coburn, Robert A. Molgren, John Murphy, Adolph R. Pearson, Hilliard Cohen, Carroll P. Hungate, Marjorie S. Sirridge, Arch E. Spelman, Meyer L. Goldman, Gilbert C. Murphy, James T. Sparks, Robert F. Zimmer, Individually, as Officers and Directors Respectively, and Members, and as Representative of the Entire Membership of Community Blood Bank of the Kansas City Area, Inc.; Perry Morgan, Administrative Director, and W. W. Henderson, Business Manager, Individually and as Administrative Director and Business Manager, Respectively, of the Community Blood Bank of the Kansas City Area, Inc.; Kansas City Area Hospital Association, a Corporation, and Its Members: Baptist Memorial Hospital, a Corporation, Menorah Medical Center, a Corporation, Sisters of Charity of Leavenworth, a Corporation, Doing Business as Providence Hospital, Individually, and as Members of and as Representative of the Entire Membership of the Kansas City Area Hospital Association; and Its Officers: James D. Marshall, Chairman of the Board, Arch E. Spelman, President, Tom J. Daly, First Vice President, Thomas M. Johnson, Second Vice President, Russell H. Miller, Secretary, Nathan J. Stark, Assistant Treasurer; and Its Directors: Abraham Gelperin, Mack Herron, James R. Rich, Sister Michaelia Marie, William C. Mixson, E. B. Berkowitz, T. R. Butler, Maurice Johnson, Walter N. Johnson, Miller Bailey, Walter A. Reich, Ralph R. Coffey, Harry M. Walker, Individually, as Officers and Directors Respectively of the Kansas City Area Hospital Association, Susan Jenkins, Individually and as Executive Director of the Kansas City Area Hospital Association; O. Dale Smith, Individually and as Pathologist of Baptist Memorial Hospital; Hilliard Cohen, and Evelyn Peters, Individually and as Pathologists of Menorah Medical Center; D. A. Hoskins, and William J. Sekola, Individually and as Pathologists of Osteopathic Hospital; Victor B. Buhler, Individually and as Pathologist of Queen of the World Hospital;*

*Frank A. Mantz, Individually and as Pathologist of St. Joseph's Hospital; Ferdinand C. Helwig, and David M. Gibson, Individually and as Pathologists of St. Luke's Hospital; Angelo Lapi, and L. R. Moriarty, Individually and as Pathologists of St. Mary's Hospital; Jack H. Hill, Individually and as Pathologist of Trinity Lutheran Hospital; G. M. Bridgens, Individually and as Pathologist of Independence Sanitarium and Hospital; William McFee, Individually and as Pathologist of North Kansas City Memorial Hospital; Ralph J. Rettenmaier, Individually and as Pathologist of Providence Hospital; Robert A. Molgren, Individually and as Executive Director of St. Luke's Hospital; and A. Neal Deaver, Individually and as Administrator of Independence Sanitarium and Hospital.*

Order requiring a community blood bank, an area hospital association, its hospital members, and hospital pathologists, all in the Kansas City area, to cease restraining interstate commerce in human whole blood by restricting any commercial blood bank from supplying any hospital or other user, or preventing any such user from receiving such blood, or excluding any such blood bank from membership in any association, or hindering the carrying out of contracts for the supply of blood.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Community Blood Bank of the Kansas City Area, Inc., a corporation, and its officers, directors, and members; Perry Morgan, Administrative Director, and W. W. Henderson, Business Manager, individually and as administrative director and business manager, respectively, of Community Blood Bank of the Kansas City Area, Inc.; Walter V. Coburn, John Murphy, and Marjorie S. Sirridge, individually and as directors and members of Community Blood Bank of the Kansas City Area, Inc.; Kansas City Area Hospital Association, a corporation, and its officers and directors; Arch E. Spelman, President, and Susan Jenkins, Executive Director, individually and as President and Executive Director, respectively, of Kansas City Area Hospital Association; Baptist Memorial Hospital, a corporation; Menorah Medical Center, a corporation; Sisters of Charity of Leavenworth, a corporation, doing business as Providence Hospital; Bethany Hospital; Excelsior Springs Hospital; Independence Sanitarium and Hospital; Lakeside Hospital; North Kansas City Memorial Hospital; Olathe Community Hospital; Osteopathic Hospital; Queen of the World Hospital; Research Hospital; Pleasant View Health and Vocational Institute, Inc.; Community Hospital Association; St. Joseph Hospital; St. Joseph's Hospital; St. Luke's Hospital of Kansas City; St. Mary's Hospital (Sisters of St. Mary); Sweet Springs Community Hospital; St. Margaret Hospital; Trinity Lutheran Hospital; Wheatley-Provident Hospital; Warrensburg Medical Center, Inc.; Kansas City General Hospital and



Medical Center; O. Dale Smith, individually and as pathologist of Baptist Memorial Hospital; Hilliard Cohen and Evelyn Peters, individually and as pathologists of Menorah Medical Center; D. A. Hoskins, individually and as pathologist of Osteopathic Hospital; Victor B. Buhler, individually and as pathologist of Queen of the World Hospital and St. Joseph's Hospital; Frank A. Mantz, individually and as pathologist of St. Joseph's Hospital; Ferdinand C. Helwig and David M. Gibson, individually and as pathologists of St. Luke's Hospital; Angelo Lapi and Lauren R. Moriarity, individually and as pathologists of St. Mary's Hospital; Jack H. Hill, individually and as pathologist of Trinity Lutheran Hospital; James G. Bridgens, individually and as pathologist of Independence Sanitarium and Hospital; William McPhee, individually and as pathologist of North Kansas City Memorial Hospital; Ralph J. Rettenmaier, individually and as pathologist of Providence Hospital; Robert A. Molgren, individually and as Executive Director of St. Luke's Hospital; and A. Neal Deaver, individually and as Administrator of Independence Sanitarium and Hospital; their agents, representatives and employees, directly or through any corporate or other device, in, or in connection with, the procurement, use, offering for sale, sale, or distribution of whole blood (human), do forthwith cease and desist from entering into, cooperating in, carrying out or continuing any planned common course of action, understanding, agreement or combination between and among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts and things:

1. To exclude, limit or restrict any blood bank operator licensed to engage in the sale and distribution of blood by the National Institutes of Health, U.S. Department of Health, Education, and Welfare, from collecting or from selling or furnishing blood to any hospital, blood bank, or other user, distributor or purchaser of blood.

2. To foreclose or prevent any person, firm or corporation from using, or from purchasing, paying or contracting for, any blood furnished by or through any blood bank operator licensed to engage in the sale or distribution of blood by the National Institutes of Health, U.S. Department of Health, Education, and Welfare.

3. To exclude or limit the access of any blood bank licensed by the National Institutes of Health, U.S. Department of Health, Education, and Welfare, from becoming members of the American Association of Blood Banks, the North Central District Blood Bank Clearing House or other clearinghouse sponsored by the American Association of Blood Banks, or from carrying on trade in blood through such clearinghouse system.

4. To hamper, hinder or prevent any blood bank operator licensed to engage in such business by the National Institutes of Health, U.S. Department of Health, Education, and Welfare, from entering into, carrying out or enjoying the benefits of contracts for the furnishing of blood to any person entitled thereunder, either for use by the contracting patient directly or as replacement blood for blood already given to the patient, or that prevents, hampers, or hinders any person, firm or corporation from purchasing, obtaining or using blood supplied or furnished under such contracts.

*It is further ordered,* That each of the respondents forthwith cease and desist from rejecting or refusing to accept direct shipments or deliveries of whole blood (human), i.e., shipments or deliveries of whole blood (human) which have not been sent pursuant to clearinghouse rules or which have not been sent through the clearinghouse system, from any blood bank licensed by the National Institutes of Health, U.S. Department of Health, Education, and Welfare, in discharge of any obligation to the said respondent, if the said respondent accepts or receives such direct shipments or deliveries from other blood banks licensed by the National Institutes of Health, U.S. Department of Health, Education, and Welfare, in discharge of any obligation to the said respondent.

Nothing contained in this order shall operate to prevent any respondent, either individually or in concert with each other or with others, from establishing or participating in the establishment of a blood bank or to prevent any respondent individually from expressing a professional scientific opinion as to the relative merits of various blood banks or from otherwise exercising individual medical judgment in determining whether whole blood (human) shall be utilized in the care of a patient, and, if so, the source from which such blood shall be obtained.

*It is further ordered,* That this proceeding be, and it hereby is, dismissed against David T. Beals and Russell W. Kerr, now deceased.

*It is further ordered,* That the proceeding be, and it hereby is, dismissed as to the following persons in their individual capacities:

Miller Bailey.	Slster Michaela Marie.
E. B. Berkowitz.	Russell H. Miller.
T. R. Butler.	Dr. William C. Mixson.
Dr. Ralph Coffey.	Gilbert C. Murphy.
Tom J. Daly.	Adolph R. Pearson.
Abraham Gelperin.	Walter A. Reich.
Meyer L. Goldman.	James R. Rlch.
Mack Herron.	Dr. William J. Sekola.
Maurice Johnson.	James T. Sparks.
Thomas M. Johnson.	Nathan J. Stark.
Walter N. Johnson.	Harry M. Walker.
James D. Marshall.	Robert F. Zimmer.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the

manner and form in which they have complied with this order.

Issued: September 28, 1966.

By the Commission.

[SEAL]

JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12291; Filed, Nov. 10, 1966; 8:48 a.m.]

[Docket No. 7751 o.]

## PART 13—PROHIBITED TRADE PRACTICES

Crowell-Collier Publishing Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services*; § 13.155 *Prices*: 13.155-100 *Usual as reduced, special, etc.*; § 13.240 *Special or limited offers*; § 13.255 *Surveys*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services*; § 13.1747 *Special or limited offers*; § 13.1757 *Surveys*; Misrepresenting oneself and goods—Prices: § 13.1825 *Usual as reduced or to be increased*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 *Identity*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, the Crowell-Collier Publishing Co. et al., New York, N.Y., Docket 7751, Sept. 30, 1966]

*In the Matter of the Crowell-Collier Publishing Co., a Corporation, and P. F. Collier & Son Corp., a Corporation.*

Order requiring a New York City publisher in its promotional literature and door-to-door solicitation, to cease misrepresenting that its encyclopedias were being offered free or at reduced prices, or that the prospective buyers were receiving a special introductory offer or were taking part in a market survey, and also to cease making deceptive saving claims, or using any ruse or deception to gain admission to buyers' homes, or using other deceptive tactics. Effective date of the order is suspended until further order of the Commission.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent P. F. Collier & Son Corp. under this or any other name, its successor or assign and officers, agents, representatives, salesmen, and employees, directly or indirectly, through any corporate or other device, in connection with the publication and direct or door-to-door sale and distribution of encyclopedias, books, publications or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that:

a. Respondent's representative making the call is conducting a survey of any kind, is engaged in a brand identification



program, is connected with respondent's advertising, promotion, publicity, education, or any department other than sales, is calling on a special list of people or is not selling anything;

b. Respondent is offering encyclopedias or other books or articles, alone or in combination, free of any cost or charge or at a reduced price (1) in return for a letter from the purchaser with his or her opinion about the encyclopedia and permission to use the purchaser's name or (2) on the condition of the purchase of the yearly supplement or any other book or article;

c. Respondent, under any circumstances, is offering encyclopedias, alone or in combination, free of any cost or without any charge or obligation;

d. The offer of respondent's encyclopedia is a "special introductory offer" or that any offer is limited in point of time or in any manner;

e. The offer of the encyclopedia or any other book or article (1) is being made to a specially selected group of people or (2) is not being offered to the public generally at the time of the call of the representative or (3) is made in advance of the general sales promotion of the item which will be conducted at a later date;

f. Respondent's annual supplement or year book usually and regularly sells for \$10 or any amount in excess of the price usually and regularly charged for the book;

g. The encyclopedia offered to the prospective customer is nationally advertised for \$389 or any sum of money which is in excess of the price at which respondent's encyclopedia of the same grade and quality as that shown to the prospect is regularly sold to the purchasing public at such time;

h. The cost of respondent's encyclopedia, book, publication, or other article of merchandise may be paid for over a 10-year period or other specified period of time when such time is in excess of the period of time within which respondent will accept deferred payments.

**2. Misrepresenting:**

a. The prices of or the savings available to members of the public or to purchasers of respondent's merchandise by means of comparative prices or in any other manner;

b. The employment status of respondent's salesmen or representatives; or

c. The nature of, or the conditions connected with, the offer of merchandise made to members of the public or to purchasers.

3. Failing to disclose at the time admission is sought into the home, office, or other establishment of the prospective purchaser or purchaser that the person making the call is respondent's salesman and is soliciting the sale of respondent's merchandise.

4. Using any plan, scheme, or ruse as a door-opener to gain admission into a prospect's home, office, or other establishment, which misrepresents the true status and mission of the person making the call.

*It is further ordered,* That this order shall not become effective until further order of the Commission.

*It is further ordered,* That P. F. Collier & Son Corp. or any successor or assign of the business thereof which may now be in existence, shall, within sixty (60) days after the effective date of this order, file with the Commission, a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 30, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12263; Filed, Nov. 10, 1966;  
8:45 a.m.]

[Docket No. C-1117]

**PART 13—PROHIBITED TRADE PRACTICES**

**J. & J. Rugs et al.**

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, J. & J. Rugs et al., Dalton, Ga., Docket C-1117, Oct. 3, 1966]

*In the Matter of Dalton Cone Co., a Corporation, Doing Business as J. & J. Rugs, and Thomas R. Jones, Individually and as an Officer of Said Corporation*

Consent order requiring a Dalton, Ga., carpet manufacturer to cease misbranding, furnishing false guaranties, and failing to keep required records on its textile fiber products in violation of the Textile Fiber Products Identification Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Dalton Cone Co., a corporation doing business as J. & J. Rugs or under any other name, and Thomas R. Jones, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber

products, which have been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce of any textile fiber products, whether they are in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to such textile fiber products showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain and preserve for at least 3 years proper records showing the fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

C. Furnishing false guaranties that textile fiber products are not misbranded or otherwise misrepresented under the provisions of the Textile Fiber Products Identification Act.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 3, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12264; Filed, Nov. 10, 1966;  
8:46 a.m.]

[Docket No. C-1118]

**PART 13—PROHIBITED TRADE PRACTICES**

**Home Carpet Co., Inc., et al.**

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155-10 Bait. Subpart—Misrepresenting oneself and goods—Prices: § 13.1779 *Bait.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Home Carpet Co., Inc., et al., Silver Spring, Md., Docket C-1118, Oct. 3, 1966.]

*In the Matter of Home Carpet Co., Inc., a Corporation, and Henry Richter, Individually and as an Officer of Said Corporation*

Consent order requiring a Silver Spring, Md., dealer in carpeting to cease using bait advertising in promoting the sale of its carpets.



The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Home Carpet Co., Inc., a corporation, and its officers, and Henry Richter, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of floor covering products, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the sale of merchandise or services.

2. Making representations purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

3. Discouraging the purchase of, or disparaging, any merchandise or services which are advertised or offered for sale.

4. Representing, directly or by implication, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell said merchandise or services.

5. Representing, directly or by implication, that floor covering products are installed with separate padding included at a stated price: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that where so represented separate padding is in fact installed at the stated price.

6. Misrepresenting, in any manner, the prices, terms or conditions under which respondents supply separate padding in connection with the sale of floor covering products.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 3, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12265; Filed, Nov. 10, 1966;  
8:46 a.m.]

## PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

### Recipe Promotional Plan

#### § 15.101 Recipe promotional plan.

(a) The Commission announced it had given conditional approval to the use of a tripartite recipe plan promoting the sale of food products.

(b) According to the terms of the proposed plan, the promoter will install a

dispensing machine (approximately 18 inches square) in each retail grocery store containing a sufficient number of recipe cards to meet the demands of its customers. In addition to containing a recipe of the week, the card will also feature the specific brand name of one of the ingredients of the participating food suppliers.

(c) Each participating retailer will be paid \$10 per month and furnished with posters and shelf markers publicizing the recipe cards and products of the participating manufacturers. Cost of the plan will be borne by the participating manufacturers. Notification of the plan will be by a printed promotional piece and/or letter to be mailed to all retailers in an area which was not defined with exact precision.

(d) In its opinion the Commission said that sections 2 (d) and (e) of the Robinson-Patman Act "require a supplier to treat all of his competing customers on a nondiscriminatory basis, which means that if the supplier furnishes promotional assistance to one customer he must make that assistance available on proportionally equal terms to all competing customers. The courts have also held that the supplier must comply with these provisions of the law irrespective of whether the promotional assistance is furnished to the retailer directly or through an intermediary."

(e) The three conditions which must be met before the Commission can give its approval to the plan are as follows:

(1) "First, the plan must be offered to all competing retailers within a given marketing area. Under the facts outlined in your letter, there appears to be an indication that the plan, as presently contemplated, may be offered only to those competing retailers within an arbitrarily drawn geographical area."

(2) "Second, the plan must be offered to all competing retailers within that marketing area. Competing retailers located on the periphery of said market areas are considered by the Commission to be included within the marketing area if in fact they do compete with those therein who are offered participation in the plan."

(3) "Third, the plan must be made available to all competing retailers irrespective of their functional classification. It appears that grocery stores will be the principal beneficiaries of the plan. However, if the items involved in the plan are also sold by nongrocery stores, they must be accorded the same opportunity to participate in any promotional assistance given by the suppliers to competing grocery outlets."

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: November 10, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12233; Filed, Nov. 10, 1966;  
8:45 a.m.]

## PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

### Disapproval of Proposed Weight- Reducing Claims for Garments

#### § 15.102 Disapproval of proposed weight-reducing claims for garments.

The Federal Trade Commission, basing its action on scientific information available to it and on its knowledge and experience, advised a manufacturer of plastic slimming garments that the Commission had reason to believe that proposed advertising and representation to the effect that these garments, through inducing perspiration, would effectively cause weight reduction, or spot weight reduction in preselected body areas or reducing generally, would be actionable under section 12 of the Federal Trade Commission Act.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: November 10, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12234; Filed, Nov. 10, 1966;  
8:45 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-251]

## PART 54—CERTAIN IMPORTATIONS TEMPORARILY FREE OF DUTY

### Gifts From Members of U.S. Armed Forces

Public Law 89-368, approved March 15, 1966, provides for the entry free of duty of certain gifts sent by members of the Armed Forces of the United States serving in a combat zone with the proviso that such articles were purchased in or through authorized agencies of the United States or in accordance with regulations prescribed by the Secretary of Defense.

It is self-evident that the Department of Defense is best able to determine which servicemen are entitled to the exemption and which articles sent by eligible servicemen are entitled to duty-free entry under the law.

To aid the Bureau of Customs in its task of protecting the revenue, the Department of Defense has agreed to follow procedures which will identify such gifts and aid in establishing the right of the recipient to the benefit conferred by law.

In brief, the Department of Defense will permit only qualified service personnel to use Armed Forces mail facilities in mailing gifts marked in a manner that will identify them to customs officers as packages containing items to be imported with the benefit of the \$50 gift provision. If servicemen wish to send parcels by means of transportation other than Armed Forces mail facilities and wish to have inscribed thereon evidence of the eligibility of the package to the \$50 gift exemption, the Department of Defense



will require that they sign a suitable statement to be affixed to the package and obtain the countersignature of a duly designated officer who will, before affixing his signature, satisfy himself that the sender is a member of the Armed Forces of the United States entitled to the privilege.

Accordingly, § 54.3 is amended to read as follows:

§ 54.3 Bona fide gifts from a member of the Armed Forces of the United States serving in a combat zone.

(a) Under item 915.25,<sup>1</sup> Tariff Schedules of the United States, entry free of duty shall be afforded to bona fide gifts from members of the Armed Forces of the United States serving in a combat zone, provided that:

(1) Free entry shall be afforded only to the extent that articles in the shipment do not exceed \$50 in aggregate retail value in the country of shipment. When the value of a shipment exceeds such \$50 limitation, duty shall be assessed on the portion of the shipment which exceeds \$50 in value;

(2) The articles constitute a bona fide gift from a member of the Armed Forces of the United States serving in a combat zone<sup>2</sup> (within the meaning of section 112(c) of the Internal Revenue Code of 1954);

(3) The articles were purchased in or through authorized agencies of the Armed Forces of the United States or in accordance with regulations prescribed by the Secretary of Defense; and

(4) The articles do not include non-tax-paid American cigarettes exported under the provisions of section 5704 of the Internal Revenue Code or alcoholic beverages.

(b) Satisfactory evidence as to the status of articles under item 915.25, Tariff Schedules of the United States, will have been filed in connection with the entry within the meaning of the statute if (1) a properly completed POD Form 2966 identifying the sender and the value of the contents is attached to the address side of the parcel and there is stamped or affixed to a shipment forwarded by Armed Forces mail facilities the following statement: "Bona fide gift—\$50 exemption claimed under Public Law", or if (2) civilian mail facilities or other means of shipment are used, declarations by the donor and a duly designated officer of the Armed Forces are stamped or affixed in the following form:

This package contains a gift to the addressee from the undersigned member of the Armed Forces serving in a combat zone.

(Item)	(Amount paid)
-----	
(Signature)	
-----	
(Rank)	(Serial No.)

I certify that the enclosed merchandise is being sent by a member of the Armed Forces serving in a combat zone and was purchased in or through an authorized agency of the Armed Forces or in accordance with regulations prescribed by the Secretary of Defense.

ance with regulations prescribed by the Secretary of Defense.

(Date) (Signature)

(Rank) (Serial No.)

or if (3) such a declaration, adequately describing and identifying the articles, is subsequently filed at the customhouse, and the entry, if liquidated, can be liquidated in accordance with section 514, Tariff Act of 1930, or section 520(c) of the tariff act, as amended, and § 16.14 of this chapter, or if (4) the district director of customs or the customs officer in charge of the port finds from the facts and circumstances that the articles are entitled to free entry under item 915.25, Tariff Schedules of the United States, and makes an appropriate notation of his findings on the entry.

(c) The declaration provided for in paragraph (b) (1) and (2) of this section shall be canceled to prevent its further use.

(d) The entry requirements prescribed in the Tariff Act of 1930, as amended, and the Customs Regulations are applicable to articles entitled to free entry under item 915.25, Tariff Schedules of the United States. When any shipment is granted exemption from duty under the provisions of item 915.25, Tariff Schedules of the United States, the declaration of the donor required by paragraph (b) of this section may be treated as an entry therefor, to be supported by proper evidence of the right to make entry. The inward foreign manifest covering a shipment passed free under this procedure shall be liquidated by noting thereon "Free on declaration, item 915.25, TSUS."

(e) Customs invoices, including the invoices provided for in § 9.1 of this chapter, shall not be required for shipments of bona fide gifts accorded free entry, in whole or in part, under item 915.25, Tariff Schedules of the United States, provided such shipments are made through regular or Armed Forces mail facilities. The certification and/or postal form as provided for in paragraph (b) (1) and (2) of this section, stating the information as to the purchase price of each article listed and stamped or affixed on the parcel, shall be accepted as a compliance with the other requirements of § 9.1 of this chapter.

(f) Free entry shall be accorded under item 915.25, Tariff Schedules of the United States, on and after March 16, 1966, and until the provisions of the said item 915.25 lapse and are no longer effective.

(77A Stat. 434, as amended, sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1202 (item 915.25), 1498)

(77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 1202 (Gen. Hdnote 11), 1624)

[SEAL] LESTER D. JOHNSON,  
Commissioner of Customs.

Approved: November 4, 1966.

TRUE DAVIS,  
Assistant Secretary  
of the Treasury.

[F.R. Doc. 66-12295; Filed, Nov. 10, 1966;  
8:48 a.m.]

## Title 22—FOREIGN RELATIONS

### Chapter I—Department of State

#### SUBCHAPTER F—NATIONALITY AND PASSPORTS

##### PART 50—NATIONALITY-PROCEDURES

##### PART 51—PASSPORTS

###### Correction

In Federal Register Document 66-11421, published at 31 F.R. 13537, §§ 50.1 (f), 50.11, 51.8(b), 51.21 (introductory text), 51.22, 51.27(c), 51.31(c), and 51.60 are corrected to read as follows:

###### § 50.1 Definitions.

(f) "Passport Agent" means a person designated by the Department to accept passport applications.

###### § 50.11 Certificate of identity for travel to the United States to apply for admission.

(a) A person applying abroad for a certificate of identity under section 360 (b) of the Immigration and Nationality Act shall complete the application form prescribed by the Department and submit evidence to support his claim to U.S. nationality.

(b) When a diplomatic or consular officer denies an application for a certificate of identity under this section, the applicant may submit a written appeal to the Secretary, stating the pertinent facts, the grounds upon which U.S. nationality is claimed and his reasons for considering that the denial was not justified.

###### § 51.8 Cancellation of previously issued passport.

(b) If an applicant is unable to produce such a passport for cancellation, he shall submit a signed statement setting forth the circumstances surrounding the disposition of the passport and if it is claimed to have been lost, the efforts made to recover it. A determination will then be made whether to issue a new passport and whether such passport shall be limited as to place and periods of validity.

###### § 51.21 Execution of passport application.

Upon execution of a passport application, the applicant shall swear to or affirm the truthfulness of the statements in the application before one of the following persons:

###### § 51.22 Execution of passport form by person over 18 years of age to be included in passport.

A person over 18 years of age to be included in a passport shall swear to or affirm the facts pertaining to his identity and citizenship.

###### § 51.27 Minors.

(c) Execution of applications for minors by parent or guardian. A parent, a legal guardian, or a person in loco parentis may execute a passport appli-



cation on behalf of a minor under 18 years of age if in the judgment of the person before whom the application is executed it is not desirable for the minor to execute his own application.

\* \* \* \* \*  
§ 51.31 Affidavit of identifying witness.  
\* \* \* \* \*

(c) The identifying witness shall subscribe to his statement before the same person who took the passport application.

§ 51.60 Form of remittance.

Passport fees in the United States shall be paid in U.S. currency or by draft, check, or money order payable to the Department of State or the Passport Office. Passport fees abroad shall be paid in U.S. currency, travelers checks, money order, or the equivalent value of the fees in local currency.

PART 51—PASSPORTS

Definitions; Correction

In F.R. Doc. 66-11421, appearing at page 13541 of the issue for Thursday, October 20, 1966, section 51.1(f) should read as follows:

§ 51.1 Definitions.

\* \* \* \* \*  
(f) "Passport Agent" means a person designated by the Department to accept passport applications.

\* \* \* \* \*  
PHILIP B. HEYMANN,  
*Acting Administrator, Bureau of  
Security and Consular Affairs.*

[F.R. Doc. 66-12290; Filed, Nov. 10, 1966;  
8:47 a.m.]



# Proposed Rule Making

## POST OFFICE DEPARTMENT

[ 39 CFR Part 45 ]

### CITY DELIVERY

#### Door Slot Specifications for Mail Receptacles

Notice is hereby given of proposed rule making consisting of a proposed amendment to Part 45 of Title 39, Code of Federal Regulations. The proposed amendment to § 45.4(b) would change the dimensional limitations on the hooded portion of door slots installed after July 1, 1967, to permit the depositing of thicker pieces of mail without tearing covers or forcing mail through the slot.

Although the procedures in 39 CFR Part 45 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the postal service may have an opportunity to comment on the proposed amendment. Written data, views, and arguments may be filed with the Director, Delivery Services Branch, Bureau of Operations, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the *FEDERAL REGISTER*.

The proposed amendment reads as follows:

#### § 45.4 Mail receptacles.

(b) *Door slot specifications.* The clear rectangular opening in the outside slot plate must be at least 1½ inches wide and 7 inches long. The slot must have a flap, hinged at the top if placed horizontally, and hinged on the side away from the hinge side of the door if placed vertically. When a hooded plate is used inside to provide greater privacy, the bottom line of the hooded portion must not be more than three-quarter inch below the bottom line of the slot in the outside plate, if placed horizontally, or more than three-quarter inch beyond the side line of the slot in the outside plate nearest the hinge edge of the door, if placed vertically. The hood at its greatest projection must not be less than 2¼ inches beyond the inside face of the door. Door slots must be placed not less than 30 inches above the finished floor line. (The hooded portion must not be below

the bottom line of the slot in the outside plate, if placed horizontally, or beyond the side line of the slot in the outside plate nearest the hinge edge of the door in any installations made after July 1, 1967.)

NOTE: The corresponding Postal Manual section is 155.42.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,  
General Counsel.

NOVEMBER 8, 1966.

[F.R. Doc. 66-12279; Filed, Nov. 10, 1966; 8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

[ 7 CFR Parts 1063, 1070, 1078, 1079 ]

[Docket Nos. AO 105-A24, AO 229-A15, AO 272-A10, AO 295-A12]

#### MILK IN QUAD CITIES-DUBUQUE, CEDAR RAPIDS-IOWA CITY, NORTH CENTRAL IOWA, AND DES MOINES, IOWA, MARKETING AREAS

#### Notice of Rescheduling of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice was issued October 25, 1966 (31 F.R. 13864), giving notice of a public hearing to be held at the Roosevelt Hotel, 200 First Avenue NE., Cedar Rapids, Iowa, beginning at 10 a.m., local time, on November 15, 1966, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, marketing areas.

Notice is hereby given that the said public hearing is rescheduled and will be held December 8, 1966, beginning at 10 a.m., local time, at the Montrose

Hotel and Motor Inn, 223 Third Avenue SE., Cedar Rapids, Iowa.

Signed at Washington, D.C., on November 8, 1966.

CLARENCE H. GIRARD,  
Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 66-12297; Filed, Nov. 10, 1966; 8:48 a.m.]

[ 7 CFR Part 1137 ]

### MILK IN EASTERN COLORADO MARKETING AREA

#### Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Eastern Colorado marketing area is being considered for the month of December 1966.

The provision proposed to be suspended for December 1966 is "(1) an amount equal to 50 percent or more of the total receipts of", appearing in § 1137.7(a), and relates to the requirements for pool plant qualification of a distributing pool plant.

This proposed action would eliminate for the month of December 1966 the requirement that a distributing pool plant dispose of 50 percent or more of its receipts of Grade A milk (except receipts from distributing pool plants) as fluid milk products on routes. To qualify as a distributing pool plant for such month a plant would continue to be required to dispose of not less than 10 percent of Grade A receipts or 12,000 pounds per day, whichever is less, on routes in the marketing area.

The proposed suspension action would enable a handler to retain pool distributing plant status in December without meeting the requirement that 50 percent or more of his Grade A receipts be disposed of on routes. This action was requested by a handler pending review of the matter of qualifying standards for distributing pool plants at a public hearing.

Petitioner indicates that he has discontinued all of his retail routes in the market and now supplies packaged fluid milk products to other distributing pool



## PROPOSED RULE MAKING

plants along with continuing his wholesale routes disposition. This handler states that since sales of packaged fluid milk products to other distributing pool plants are not considered route disposition under this order, the normal seasonal decline in December in his wholesale route disposition will reduce his route sales to less than the 50 percent requirement. This would result in loss of pool plant status. A loss of pool plant status would impair the operation of this handler and reduce returns to dairy farmers delivering milk to his plant.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration

Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the **FEDERAL REGISTER**. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on November 8, 1966.

CLARENCE H. GIRARD,  
*Deputy Administrator,*  
*Regulatory Programs.*

[F.R. Doc. 66-12293; Filed, Nov. 10, 1966;  
8:48 a.m.]



# Notices

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

### EQUAL EMPLOYMENT OPPOR- TUNITY OFFICER

#### Designation and Assignment of Func- tions; Delegation of Authority

1. *Equal Employment Opportunity Officer for the Department of Housing and Urban Development under regulations of the U.S. Civil Service Commission (5 CFR Part 713), designation and assignment of functions.* The Assistant Secretary for Administration is hereby designated the Equal Employment Opportunity Officer for the Department of Housing and Urban Development, pursuant to § 713.204(c) of the regulations of the U.S. Civil Service Commission (5 CFR 713.204(c)), and is assigned the functions prescribed to be carried out by such officer under § 713.204(d) of such regulations and the regulations of the Department (24 CFR Part 713).

2. *Delegation of authority.* The Equal Employment Opportunity Officer is hereby authorized to:

a. Designate such Deputy Equal Employment Opportunity Officers as may be necessary to assist the Equal Employment Opportunity Officer in carrying out his assigned functions.

b. Make changes in programs and procedures designed to eliminate discriminatory practices and improve the Department's program for equal employment opportunity.

c. Make final decisions for the Secretary of Housing and Urban Development on complaints of discrimination and order such corrective measures as he may consider necessary.

(E.O. 11246 of Sept. 24, 1965 (30 F.R. 12319, Sept. 28, 1965); regs. of U.S. Civil Service Commission under 5 CFR Part 713; sec. 7(d) of P.L. 89-174, 79 Stat. 670)

*Effective date.* This designation and assignment of functions and delegation of authority shall be effective as of April 3, 1966.

ROBERT C. WEAVER,  
*Secretary of Housing and  
Urban Development.*

[F.R. Doc. 66-12296; Filed, Nov. 10, 1966;  
8:48 a.m.]

## DEPARTMENT OF THE TREASURY

Bureau of Customs

[473.234]

### WOOL SHORN FROM WASHED SHEEPSKINS

#### Proposed Tariff Classification

The Bureau is tentatively of the conclusion that shearing flock from washed

sheepskins, which have been neither pickled nor tanned, is virgin wool and classifiable under the tariff schedules according to grade.

Pursuant to § 16.10a(d), Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that there is under review in the Bureau of Customs the existing established and uniform practice of classifying shearing flock under the provision for Waste of Wool or hair \* \* \* Other, in item 307.18, Tariff Schedules of the United States, dutiable at the rate of 9 cents per pound.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington, D.C. 20026. To assure consideration such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearing will be held.

[SEAL] LESTER D. JOHNSON,  
*Commissioner of Customs.*

Approved: November 3, 1966.

TRUE DAVIS,  
*Assistant Secretary of  
the Treasury.*

[F.R. Doc. 66-12276; Filed, Nov. 10, 1966;  
8:47 a.m.]

### Office of Foreign Assets Control CUT JADE STONES

#### Importation Directly From Ecuador; Available Certifications

Notice is hereby given that certificates of origin issued by the Ministry of Industry and Trade of the Government of Ecuador under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Ecuador of the following commodity:

Jade stones, cut but not set, suitable for use in jewelry.

[SEAL] MARGARET W. SCHWARTZ,  
*Director,  
Office of Foreign Assets Control.*

[F.R. Doc. 66-12240; Filed, Nov. 10, 1966;  
8:45 a.m.]

### PROCESSED HUMAN HAIR

#### Importation Directly From Canada; Available Certifications

Notice is hereby given that certificates of origin issued by the Department of Trade and Commerce of the Government of Canada under procedures agreed upon between that Government and the Office

of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Canada of the following additional commodity:

Hair, human, processed (wigs, etc.).

[SEAL] MARGARET W. SCHWARTZ,  
*Director,  
Office of Foreign Assets Control.*

[F.R. Doc. 66-12241; Filed, Nov. 10, 1966;  
8:45 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30; Kansas City  
Regional Office Disaster I]

### MANAGER OF DISASTER BRANCH OFFICE, TOPEKA, KANS.

#### Delegations Relating to Financial Assistance Functions; Rescission

Notice is hereby given that Delegation of Authority No. 30, Disaster I 31 F.R. 8844 as amended by 31 F.R. 9309, is hereby rescinded in its entirety.

Effective date: September 26, 1966.

C. I. MOYER,  
*Regional Director,  
Kansas City, Mo.*

[F.R. Doc. 66-12284; Filed, Nov. 10, 1966;  
8:47 a.m.]

## TARIFF COMMISSION

[APTA-W-4]

### WORKERS' PETITION FOR DETERMI- NATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

#### Notice of Cancellation of Hearing

Notice is hereby given that the public hearing to have been held on November 15, 1966, by the Tariff Commission in connection with investigation APTA-W-4, pursuant to section 302(e) of the Automotive Products Trade Act of 1965, has been canceled. The group of workers of the Maremont Corp., Gabriel Division, Cleveland, Ohio, petitioning for a determination of eligibility to apply for adjustment assistance under the provisions of section 302 of the Act, has concluded that the hearing is unnecessary and has requested that it be canceled.

Issued November 8, 1966.

By order of the Commission.

[SEAL] DONN N. BENT,  
*Secretary.*

[F.R. Doc. 66-12280; Filed, Nov. 10, 1966;  
8:47 a.m.]



## FEDERAL POWER COMMISSION

[Docket Nos. G-4547 etc.]

## SINCLAIR OIL &amp; GAS CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates<sup>1</sup>

NOVEMBER 2, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 25, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, statement of general policy and interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4547 C 10-18-66	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan County, N. Mex.	\$13.25009	15.025
G-13166 E 9-26-66	Baehus Oil Co. (successor to Louis H. Martin, et al.), 721 East Central, Wichita, Kans. 67202.	Cities Service Gas Co., Hardtner Field, Barber County, Kans.	\$12.0	14.65
G-16139 D 10-26-66	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., acreage in Ochiltree and Hansford Counties, Tex.	Uneconomical	-----
C161-638 D 4-11-66	Sohio Petroleum Co., 970 First National Office Bldg., Oklahoma City, Okla. 73102.	Texas Gas Transmission Corp., North Rousseau Area, Lafourche Parish, La.	( <sup>9</sup> )	-----
C161-709 D 8-15-66	George R. Brown, c/o J. L. Bianchi, attorney, 1201 San Jacinto Bldg., Houston, Tex. 77002.	do	( <sup>9</sup> )	-----
C162-251 E 10-13-66	The Flour Corp., Ltd. (Operator), et al. (successor to Jake L. Hamon (Operator), et al.), 615 Midland Tower Bldg., Midland, Tex. 79701.	Northern Natural Gas Co., Hooker-Northeast Field, Texas County, Okla.	16.0	14.65
C163-20 D 10-24-66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Haskell County, Okla.	Assigned	-----
C163-996 D 10-24-66	do	Arkansas Louisiana Gas Co., North Cooper Field, Blaine County, Okla.	Assigned	-----
C163-1130 E 10-12-66	Robert E. King (Operator), et al. (successor to T. F. Hodge (Operator), et al.), 1704 Beek Bldg., Shreveport, La. 71101.	Arkansas Louisiana Gas Co., Ada Field, Blenville Parish, La.	\$13.453	15.025
C165-1159 C 10-19-66	Teneco Oil Co., et al., Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., San Juan Basin, San Juan and Rio Arriba Counties, N. Mex.	13.0	15.025
C166-716 C 10-26-66	A. M. van Fliet, agent for MacDonald Spidel, et al., 211 Water St., Weston, W. Va. 26452.	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	25.0	15.325
C167-173 A 8-15-66	Sinclair Oil & Gas Co.	Northern Natural Gas Co., Ozona (Canyon) Field, Crockett County, Tex.	16.0	14.65
C167-479 A 10-11-66	James V. Spankard, et al., 550 Grant St., Pittsburgh, Pa. 15219.	Consolidated Gas Supply Corp., Big Run Field, Jefferson County, Pa.	27.5	15.325
C167-480 A 10-13-66	Priddy Oil & Gas Co., Post Office Box 505, Huntington, W. Va. 25701.	United Fuel Gas Co., Big Injun Field, Stonewall District, Wayne County, W. Va.	16.0	15.325
C167-481 A 10-14-66	Forest Oil Corp. (Operator), et al., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Transwestern Pipeline Co., Rojo Caballo West Field, Peecos and Reeves Counties, Tex.	\$16.5	14.65
C167-483 A 10-17-66	Roberts and Jenkins, c/o Margaret J. Wells, trustee, Post Office Box 869, Paintsville, Ky. 41240.	United Fuel Gas Co., Beaver Creek Field, Floyd County, Ky.	15.0	15.325
C167-484 B 10-14-66	Edwin M. Jones Oil Co., et al., c/o John H. Dahlgren, attorney, Morrison, Dittmar, Dahlgren and Kaine, Milam Bldg., San Antonio, Tex. 78205.	United Gas Pipe Line Co., North Hondo Creek Field, Karnes County, Tex.	Depleted	-----
C167-486 B 10-19-66	Lone Star Producing Co., 301 South Harwood St., Dallas, Tex. 75201.	Valley Gas Transmission, Inc., South Oakville Field, Live Oak County, Tex.	Depleted	-----
C167-487 A 10-20-66	Edwin L. Cox, Operator, 3800 First National Bank Bldg., Dallas, Tex. 75202.	Michigan Wisconsin Pipe Line Co., Live Oak Field, Vermillion Parish, La.	20.625	15.025
C167-488 B 10-19-66	Skelly Oil Co. (Operator), et al., Post Office Box 1650, Tulsa, Okla. 74102.	United Fuel Gas Co., Erath Field, Vermillion Parish, La.	Depleted	-----
C167-489 A 10-12-66	Kanran Gas Co., 703 Union Bldg., Charleston, W. Va. 25301.	United Fuel Gas Co., acreage in Kanawha County, W. Va.	16.0	15.325
C167-490 A 10-12-66	ZOGG & ZOGG, Inc., 703 Union Bldg., Charleston, W. Va. 25301.	do	16.0	15.325
C167-491 (C164-457) F 10-13-66	Tartan Oil Co. (successor to Creek Oil Co., Inc.) c/o James E. Williams, Partner, 35 Adams Ave., Evansville, Ind. 47713.	Cumberland Natural Gas Co., Inc., White Plains Field, Hopkins County, Ky.	15.0	15.025
C167-492 B 10-14-66	James Drilling Corp., 250 Newport Road, Blairsville, Pa. 15717.	Consolidated Gas Supply Corp., Boone Mountain Field, Clearfield County, Pa.	Depleted	-----
C167-493 A 10-20-66	Arkla Exploration Co., Post Office Box 1734, Shreveport, La. 71102.	Arkansas Louisiana Gas Co., acreage in Leflore County, Okla.	15.0	14.65
C167-494 B 10-14-66	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	Pan American Petroleum Corp. and Texaco Inc., Luby Field, Nueces County, Tex.	( <sup>9</sup> )	-----
C167-495 A 10-18-66	Jennings Petroleum Corp., 111 Kerr Avenue Bldg., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	\$10.5	14.65
C167-496 A 10-18-66	Lee E. Minter, 9 Florence St., Bradford, Pa. 16701.	Consolidated Gas Supply Corp., Brady and Sandy Townships, Clearfield County, Pa. (Brooks School Unit Pool).	27.5	15.325

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

See footnotes at end of table.



Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pres- sure base
C167-497 A 10-18-66	do.	Consolidated Gas Supply Corp., Sandy Township, Clearfield County, Pa. (Clear Run Unit Pool).	27.5	15.325
C167-498 A 10-18-66	do.	Consolidated Gas Supply Corp., Shippen Township, Cameron County, Pa. (Cameron Wells).	27.5	15.325
C167-499 A 10-18-66	do.	Consolidated Gas Supply Corp., Chesler Township, Cameron County, Pa. (Mix Run Meter).	27.5	15.325
C167-500 A 10-18-66	do.	Consolidated Gas Supply Corp., DuBois City, Clearfield County, Pa. (DuBois Meter).	27.5	15.325
C167-501 A 10-18-66	do.	Consolidated Gas Supply Corp., Sandy Township, Clearfield County, Pa. (Fairview Unit Pool).	27.5	15.325
C167-502 A 10-18-66	do.	Consolidated Gas Supply Corp., Benezett Township, Elk County Pa. (Heidrick Wells).	27.5	15.325
C167-503 A 10-18-66	do.	Consolidated Gas Supply Corp., Sandy Township, Clearfield County, Pa. (Hopkins Unit Pool).	27.5	15.325
C167-504 A 10-18-66	do.	Consolidated Gas Supply Corp., Sandy Township, Clearfield County, Pa. (Robertson Unit Pool).	27.5	15.325
C167-505 A 10-20-66	Texas Inc., Post Office Box 52382, Houston, Tex. 77052.	Natural Gas Pipeline Co. of Amer- ica, acreage in Vermilion Parish, La.	11 19.5 12 21.25	15.025 15.025
C167-506 A 10-20-66	Leo G. Butler, d.b.a. B & G Oil Co., Post Office Box #12, Refugio, Tex. 78377.	United Gas Pipe Line Co., Poehler Field, Goliad County, Tex.	14.0	14.65
C167-507 F 10-17-66	Ashland Oil & Refining Co., (successor to Gulf Oil Corp.), Post Office Box 18695, Oklahoma City, Okla. 73118.	Panhandle Eastern Pipe Line Co., Northwest Eva Field, Texas County, Okla.	13 16.0	14.65
C167-508 A 10-12-66	Exploration & Development, Inc., 803 Salar Lane, Glen- view, Ill. 60025.	Arkansas Louisiana Gas Co., South- east Bramen Field, Kay County, Okla.	12.0	14.65
C167-509 A 10-18-66	Lee E. Minter	Consolidated Gas Supply Corp., Young Township, Jefferson County, Pa. (Starlite Unit Pool).	27.5	15.325
C167-510 A 10-18-66	do.	Consolidated Gas Supply Corp., Houston Township, Clearfield County, Pa. (State Tract 123).	27.5	15.325
C167-511 A 10-18-66	do.	Consolidated Gas Supply Corp., Brady and Sandy Townships, Clearfield County, Pa. (Times Square Unit Pool).	27.5	15.325
C167-512 A 10-18-66	do.	Consolidated Gas Supply Corp., Young Township, Jefferson County, Pa. (Kingman Well).	16.0	14.65
C167-513 A 10-17-66	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Northern Natural Gas Co., Cam- rick Field, Texas County, Okla.	14 14.6	14.65
C167-515 F 10-17-66	Cologne Production Co., (Operator), et al. (successor to Atlantic Richfield Co.), D-116 Petroleum Center 900 Northeast Loop Expressway, San Antonio, Tex. 78209.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Cologne Field, Victoria County, Tex.		
C167-516 A 10-21-66	Sun Oil Co. (Southwest Divi- sion), 1608 Walnut St., Philadelphia, Pa. 19103.	Arkansas Louisiana Gas Co., Che- niere Creek Field, Ouachita Parish, La.	18.5	15.025
C167-517 A 10-21-66	Humble Oil & Refining Co.	Northern Natural Gas Co., Arnett Field, Ellis County, Okla.	17.0	14.65
C167-518 A 10-21-66	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76101.	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	17.0	14.65
Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pres- sure base
C167-519 B 10-20-66	Rubein V. Johnson (Operator), et al., 1312 South Birming- ham Ave., Tulsa, Okla. 74104.	Cities Service Gas Co., Yirsa Field, Nowata County, Okla.	(17)	-----
C167-520 A 10-21-66	Frying Pan Oil & Gas Co., c/o Bruce E. Lambert, attorney in fact, 3461 North Washing- ton Blvd., Arlington, Va. 22201.	United Fuel Gas Co., Hamilton Creek Field, Lincoln County, W. Va.	23.0	15.325
C167-521 A 10-21-66	J. Cleo Thompson, Sr., et al., 4500 Republic National Bank Tower, Dallas, Tex. 75201.	United Gas Pipe Line Co., Will- mann Field, San Patricio County, Tex.	13.25	14.65
C167-522 A 10-24-66	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003.	United Gas Pipe Line Co., acreage in Jackson Parish, La.	18.75	15.025
C167-523 A 10-24-66	Charles D. Hickman, et al., Box 207, Middlebourne, W. Va. 26149.	Carnegie Natural Gas Co., acreage in Doddridge County, W. Va.	20.0	15.325
C167-524 A 10-24-66	Mingo-Martin Gas Corp., c/o Stanley E. Deutsch, agent, Post Office Box 487, Charles- ton, W. Va. 25301.	United Fuel Gas Co., Kermit Dis- trict, Mingo County, W. Va.	16.0	15.325
C167-526 A 10-24-66	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of Amer- ica, Mobetie Field, Wheeler County, Tex.	17.0	14.65
C167-528 A 10-24-66	Tidewater Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Southwest Mercedes Field, Hi- dalgo County, Tex.	15.5	14.65
C167-529 B 10-24-66	Dr. Jesse M. Brooks (Operator), et al., c/o Brooks Hospital and Clinic, Atlanta, Tex. 30304.	United Gas Pipe Line Co., Rodessa Field, Marion County, Tex.	Uneconomical	-----
C167-530 A 10-24-66	May Petroleum, Inc., et al., 1435 Republic National Bank Bldg., Dallas, Tex. 75201.	Arkansas Louisiana Gas Co., North Drummond Area, Garfield and Major Counties, Okla.	15.0	14.65
C167-531 A 10-25-66	McKinley Trent, et al., 1482 Central Ave., Barbourville, W. Va. 25504.	United Fuel Gas Co., Kermit Field, Mingo County, W. Va.	18.0	15.325
C167-532 A 10-25-66	do.	do.	15.0	15.325
C167-533 A 10-25-66	do.	do.	15.0	15.325
C167-534 A 10-25-66	do.	do.	16.0	15.325
C167-535 A 10-25-66	Monsanto Co. (Operator), et al., 1300 Main St., Houston, Tex. 77002.	Arkansas Louisiana Gas Co., Clay Field Area, Lincoln and Jackson Parishes, La.	18 18.3333	15.025
C167-536 A 10-17-66	Jefferson Elk Oil & Gas Co., Brockport, Pa. 15823.	United Natural Gas Co., Rose Township, Jefferson County, Pa.	(14)	14.73
C167-539 A 10-25-66	The Louisiana Land and Ex- ploration Co., c/o H. H. Miller, Jr., attorneys, 1122 Whitney Bldg., New Orleans, La. 70130.	United Gas Pipe Line Co., South- east Bastian Bay Field, Plaque- mines Parish, La.	21.25	15.025
C167-540 A 10-26-66	C. B. Ames d.b.a. Ames Oil & Gas, 3801 Kirby, Houston, Tex. 77001.	Texas Gas Transmission Corp., Mortons Gap Field, Hopkins County, Ky.	15.0	15.025

1 Rate in effect subject to refund in Docket No. R164-483.

2 Contract rate of 13 cents per Mcf suspended in Docket No. R164-723.

3 Petitioner proposes in Docket No. C167-156 to sell gas to Transcontinental Gas Pipe Line Corp. from the subject acreage. No sales have been made to Transcontinental Gas Pipe Line Corp.

4 Petitioner proposes in Docket No. C167-156 to sell gas to Transcontinental Gas Pipe Line Corp. from the subject acreage. No sales have been made to Transcontinental Gas Pipe Line Corp.

5 Includes 1338-cent tax reimbursement.

6 By letter filed Oct. 10, 1966, applicant agreed to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.

7 By letter filed Oct. 20, 1966, Applicant agreed to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.

8 Less downward B.t.u. adjustment to 16.25 cents per Mcf.



\* Applicant proposes to discontinue its "percentage-type" sale within the meaning of section 154.91(e) of the Regulations under the Natural Gas Act and to process and sell the gas from its own plant.

- <sup>10</sup> Subject to upward B.t.u. adjustment.
- <sup>11</sup> Production from reservoirs in the Federal Offshore Area.
- <sup>12</sup> Production from reservoirs in the South Louisiana Area.
- <sup>13</sup> Rate in effect subject to refund in Docket No. R165-599.
- <sup>14</sup> Less dehydration charge by purchaser.
- <sup>15</sup> Subject to upward and downward B.t.u. adjustment.
- <sup>16</sup> Formerly Campbell and Johnson.
- <sup>17</sup> Wells ceased to produce.
- <sup>18</sup> Subject to reduction for compression and/or treating costs if required.
- <sup>19</sup> Under 25 Mcf per day, rate shall be 24.0 cents per Mcf; from 25 to 49 Mcf per day, rate shall be 25.0 cents per Mcf; from 50 to 99 Mcf per day, rate shall be 26.0 cents per Mcf; from 100 to 249 Mcf per day, rate shall be 27.0 cents per Mcf; from 250 to 499 Mcf per day, rate shall be 28.0 cents per Mcf; 500 Mcf and over, rate shall be 29.0 cents per Mcf.

[F.R. Doc. 66-12211; Filed, Nov. 10, 1966; 8:45 a.m.]

[Docket No. CP64-29]

## ALGONQUIN GAS TRANSMISSION CO.

### Notice of Petition To Amend

NOVEMBER 3, 1966.

Take notice that on October 28, 1966, Algonquin Gas Transmission Co. (Petitioner), 1283 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP64-29 a petition to amend the order issued in the said docket on December 19, 1963, by requesting authorization to extend the period of deliveries of natural gas to Public Service Electric & Gas Co. (Public Service), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued in the instant docket Petitioner was authorized to transport and deliver volumes of natural gas to Public Service at Wanaque, N.J., for the account of Texas Eastern Transmission Corp. (Texas Eastern) in exchange for deliveries of equivalent volumes of natural gas by Texas Eastern to Petitioner near Hanover, N.J. The certificate of public convenience and necessity was to be effective for 2 years commencing November 1, 1964.

Texas Eastern has requested Petitioner to continue the above mentioned deliveries under Petitioner's Rate Schedule X-11 on a month-to-month basis by reason of unforeseen difficulties causing delay in Texas Eastern's construction of facilities authorized in Docket No. CP64-5. These facilities of Texas Eastern when constructed and operated will result in the termination of the gas deliveries now being made by Petitioner to Public Service in the instant proceeding.

Specifically, Petitioner requests that the order of December 19, 1963, in the instant proceeding be amended by authorizing the continued deliveries of natural gas to Public Service by Petitioner in exchange for equal volumes of gas from Texas Eastern on a month-to-month basis under the same terms and conditions as such service is presently being rendered with Petitioner, however, reserving the right to terminate such service on November 1, 1967, in the event that Texas Eastern's facilities are not completed and in operation by that time.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the

regulations under the Natural Gas Act (157.10) on or before December 1, 1966.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12254; Filed, Nov. 10, 1966; 8:45 a.m.]

[Docket No. E-7318]

## DETROIT EDISON CO.

### Notice of Application

NOVEMBER 3, 1966.

Take notice that on October 31, 1966, the Detroit Edison Co. (Applicant) filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to issue \$100 million aggregate principal amount of general and refunding mortgage bonds.

Applicant is incorporated under the laws of the State of New York with its principal place of business office at Detroit, Mich., and is qualified to do business in the State of Michigan. Applicant is engaged primarily in the generation, purchase, transmission, distribution, and sale of electricity in a service area of approximately 7,600 square miles in southeastern Michigan.

According to the Applicant the new bonds will constitute an additional series of general and refunding mortgage bonds to be issued in the company's indenture dated as of October 1, 1924, as supplemented and to be supplemented by all indentures supplemental thereto, including a supplemental indenture to be dated as of December 1, 1966. The interest rate is to be determined by the successful bidder in the bid submitted by such bidder upon competitive bidding pursuant to the Commission's regulations under the Federal Power Act. Applicant represents that the new bonds will be issued on or about December 14, 1966, or as soon thereafter as possible and will mature on December 1, 1996, and will not have any voting privileges.

According to the application the net proceeds from the sale of the new bonds will be issued first, to provide for a refunding of short-term bank loans incurred and to be incurred prior to the issuance of the new bonds chiefly for construction purposes, which aggregated \$23 million as of September 30, 1966, and second, to provide for further financing of the acquisition of new properties and the construction of permanent improvements, extensions and additions to the Company's property.

During 1966 and 1967 the company's construction and capital expansion program contemplates the expenditure of approximately \$90,400,000 on a new steam-electric generating unit with an estimated capability of 519,000 kilowatts scheduled for service in late 1967 at the Trenton Channel powerplant and a 527,000 kilowatt generating unit scheduled for service in December 1968 at the St. Clair powerplant. In addition, the company expects to spend \$16,700,000 on a new 120,000 kilowatt plant scheduled for service in 1968 at Harbor Beach, Mich.; to incur initial expenditures of \$4 million in connection with the construction of a 750,000 kilowatt steam-electric generating plant near Monroe, Mich.; and an additional \$17 million for oil-fueled combustion turbine-generator peaking units; some of which are presently in service with the remainder scheduled through the early months of 1967. The balance of expenditures in 1966 and 1967 are expected to include \$44,700,000 for the construction of transmission and distribution lines; \$24,300,000 for the construction of transmission and distribution stations and substations; \$44 million on new business extensions and \$69,600,000 or other property and equipment.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 22, 1966, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12255; Filed, Nov. 10, 1966; 8:45 a.m.]

[Docket No. CP67-117]

## KANSAS-NEBRASKA NATURAL GAS CO., INC.

### Notice of Application

NOVEMBER 3, 1966.

Take notice that on October 31, 1966, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr. 68901, filed in Docket No. CP67-117 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 of certain gas-purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate any routine pipeline, measuring, and compressor facilities in the various natural gas supply areas adjacent to Applicant's gathering and transmission facilities in order to connect to Applicant's system such additional supplies of gas as may become available.



The total estimated cost of construction of the various facilities is \$800,000 with no one project costing more than \$200,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 2, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-12256; Filed, Nov. 10, 1966;  
8:45 a.m.]

[Docket No. CP67-118]

## KANSAS-NEBRASKA NATURAL GAS CO., INC.

### Notice of Application

NOVEMBER 3, 1966.

Take notice that on October 31, 1966, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr. 68901, filed in Docket No. CP67-118 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and the operation of gas-sales or transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate facilities to be used for the transportation and sale of natural gas previously authorized under existing certificates to be made to existing distributors at rates on file with the Commission and for direct sales of natural gas to consumers located in areas outside the franchise area of any local distributor. Miscellaneous rearrangements not resulting in any change of service rendered by means of facilities involved when required by highway construction, dam construction, or other similar reasons are also contemplated by the proposals.

Deliveries to any one distributor or consumer will not exceed 100,000 Mcf annually and will not be used for boiler fuel purposes.

The total estimated cost of proposed facilities will not exceed \$100,000 which will be financed from current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 2, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-12257; Filed, Nov. 10, 1966;  
8:45 a.m.]

[Docket No. RP66-19]

## OKLAHOMA NATURAL GAS GATHERING CORP.

### Order Accepting Change in Rate Schedule for Filing and Terminating Proceedings

NOVEMBER 3, 1966.

Oklahoma Natural Gas Gathering Corp. (Oklahoma Gathering) on December 1, 1965, tendered for filing Supplement No. 1 to its FPC Gas Rate Schedule No. 1, proposing an increase in the rate at which it sells gas to Cities Service Gas Co. (Cities), produced in the Ringwood Field, Major County, Okla. By order issued December 30, 1965, the Commission suspended the proposed rate until June 1, 1966, and provided for hearing thereon. Upon appropriate motion, the proposed rate became effective June 1, 1966, subject to refund in accordance with the agreement and undertaking filed with such motion. The proceeding has not been set for hearing. No objections to the proposed rate or petitions to intervene herein have been filed.

The proposed rate change amounts to approximately \$142,000 annually and is designed to compensate only for an increase in the cost of purchased gas brought about by the filing of increased

rates by Oklahoma Gathering's producer-suppliers.<sup>1</sup> Oklahoma Gathering filed a cost of service in support of its proposed rate in accordance with § 154.63 of the Commission's regulations under the Act. Our review and analysis of that cost of service indicates that the proposed rate is justified and should be allowed to become effective without obligation to refund, except as hereinafter provided.

Oklahoma Gathering has agreed to flow through to Cities Service any refunds received from its producer-suppliers and to reduce its rates to Cities Service to reflect its producer-suppliers' rate reductions.

The Commission finds:

(1) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act that the proposed rate filed by Oklahoma Gathering for its sale to Cities Service be accepted for filing and allowed to become effective and that this proceeding be terminated, as hereinafter ordered.

(2) Oklahoma Gathering should be discharged from its Agreement and Undertaking in this proceeding.

The Commission orders:

(A) The proposed rate filed by Oklahoma Gathering for its sale to Cities Service, as contained in Supplement No. 1 to its FPC Gas Rate Schedule No. 1, is accepted for filing and allowed to become effective June 1, 1966, without obligation to refund except as provided below, subject to the terms and conditions hereinafter set forth.

(B) Oklahoma Gathering is discharged from its Agreement and Undertaking in this proceeding.

(C) Oklahoma Gathering shall pass on to Cities Service the proportionate share of any refunds, including interest, received from its producer-suppliers within 15 days from receipt by Oklahoma Gathering of such refunds.

(D) Within 20 days of making a refund in accordance with paragraph (C) above, Oklahoma Gathering shall report to the Commission, in writing and under oath, the amount of the refund made to Cities Service and shall serve a copy of the report upon Cities Service and concurrently therewith shall file with the Commission a release from Cities Service showing receipt of the refund.

(E) Oklahoma Gathering shall file with the Commission supplements to its FPC Gas Rate Schedule No. 1, providing reductions in its rate to Cities Service to reflect any reductions in rates of its producer-suppliers, within 30 days after such producer-suppliers' reduced rates become effective, such reduced rate by Oklahoma Gathering to be effective as of the same date that the producer-suppliers' reduced rates become effective.

(F) The proceeding in Docket No. RP66-19 is terminated subject to the

<sup>1</sup>Under the terms of its contract with Cities Service, Oklahoma Gathering during the first 5 years of service, may file for increased rates only to compensate for increased purchased gas costs or taxes.



provisions of paragraphs (C), (D), and (E) above.

By the Commission.

[SEAL] GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 66-12258; Filed, Nov. 10, 1966;  
8:45 a.m.]

[Docket No. CP67-112]

## TENNESSEE GAS PIPELINE CO.

### Notice of Application

NOVEMBER 3, 1966.

Take notice that on October 27, 1966, Tennessee Gas Pipeline Co. (Applicant), a division of Tenneco, Inc., Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP67-112 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas to Midwestern Gas Transmission Co. (Midwestern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to increase its contractual commitment to Midwestern from 409,963 Mcf per day to 410,696 Mcf per day in order to allow Midwestern to meet increases in demand on its system which may result from the Commission's directing Midwestern to serve the two section 7(a) applicants in the proceedings at Docket Nos. CP67-22 and CP67-44.

The additional service is to be rendered from the unallocated capacity which is available on that portion of Applicant's facilities south of its compressor Station No. 87. No additional pipeline facilities are proposed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 1, 1966.

Take further notice that, pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12259; Filed, Nov. 10, 1966;  
8:45 a.m.]

[Docket No. CP67-119]

## TRUNKLINE GAS CO.

### Notice of Application

NOVEMBER 4, 1966.

Take notice that on October 31, 1966, Trunkline Gas Co., (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP67-119 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and operation of certain gas-purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate miscellaneous field facilities, including field compressors, dehydration units, meter and regulator equipment, and gathering lines to take natural gas into its certificated main pipeline system.

The total estimated cost of the proposed facilities will not exceed \$2,500,000, with no single item to cost in excess of \$500,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 2, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12260; Filed, Nov. 10, 1966;  
8:45 a.m.]

[Docket No. CP65-198]

## UNITED FUEL GAS CO.

### Notice of Amendment to Application

NOVEMBER 3, 1966.

Take notice that on August 23, 1966, United Fuel Gas Co. (United Fuel), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP65-198 a second amendment to its application filed in

said docket on December 31, 1964 (30 F.R. 557), requesting deletion of its request for authorization under section 7 (b) of the Natural Gas Act to retire approximately 33.2 miles of 20-inch transmission pipeline extending toward its Glenville compressor station from a point approximately 7.9 miles north of its Cobb compressor station.

In its original application United Fuel sought abandonment of the section of pipeline in question because of an impossibility of providing reliable service at high pressures through that line. United Fuel now proposes to use that section as an extension of its existing gathering system to obtain certain volumes of gas (estimated to reach between 3,000 and 5,000 Mcf/d within 1 or 2 years) now available from producers adjacent to the pipe in question.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 30, 1966.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12261; Filed, Nov. 10, 1966;  
8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

### CONTINENTAL VENDING MACHINE CORP.

#### Order Suspending Trading

NOVEMBER 7, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 8, 1966, through November 17, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 66-12268; Filed, Nov. 10, 1966;  
8:46 a.m.]

[812-2021]

### NORTHWESTERN TERRA COTTA CORP.

#### Notice of Filing of Application for Order Exempting Transaction

NOVEMBER 7, 1966.

Notice is hereby given that Northwestern Terra Cotta Corp. ("Terra



Cotta"), 812 West Van Buren Street, Chicago, Ill. 60607, an Illinois corporation registered as a closed-end, non-diversified, management investment company, and certain affiliated persons of Terra Cotta, have filed an application pursuant to Rule 17d-1 under the Investment Company Act of 1940 ("Act") requesting an order of the Commission permitting a transaction in which Terra Cotta and said affiliated persons agree to effect certain securities transactions in order that Terra Cotta may acquire all the outstanding shares of Sponge-Cushion, Inc. ("Sponge-Cushion"), an Illinois corporation. All interested persons are referred to the application for a statement of Terra Cotta's representations which are summarized below.

Until 1960 Terra Cotta was engaged in the manufacture and sale of terra cotta building tile. Since that time its business activity has consisted of leasing its former plantsite in Denver, Colo., and investing its funds in securities. As of October 7, 1966, its investment portfolio had a market value of approximately \$1,248,000 and its real property had a market value of approximately \$570,000. Terra Cotta has 141,519 shares of common stock outstanding, of which 120,379 shares (or approximately 86 percent) are owned by 17 shareholders and the remaining 21,140 shares by 314 shareholders (as of April 4, 1966).

Sponge-Cushion was established in 1961 and is engaged in the manufacture and sale of sponge rubber padding for the carpet industry. As of June 30, 1966, it had plant, land, and equipment valued at \$489,059, net current assets in the amount of \$561,590, and retained earnings of \$1,019,149. Its net income for the year ended June 30, 1966, was \$516,841. Sponge-Cushion has 4,500 shares outstanding, all of which are owned by four persons. Terra Cotta represents that no shareholder of Sponge-Cushion owns any shares of Terra Cotta or is affiliated with Terra Cotta or any person affiliated with Terra Cotta.

The application states that Terra Cotta proposes to acquire all of the outstanding shares of Sponge-Cushion in exchange for 247,500 convertible voting preferred shares to be issued by Terra Cotta on the basis of 55 convertible voting preferred Terra Cotta shares for one Sponge-Cushion share.

It was agreed upon in arms length negotiations that the purchase price for Sponge-Cushion would be \$3,350,000 based upon a price-earnings ratio of 6.5 for the fiscal year ended June 30, 1966. The Terra Cotta common stock outstanding as of October 7, 1966, had a book value of approximately \$13.50 per share. Since the preferred stock of Terra Cotta would be immediately convertible into common stock, the exchange ratio assumed a value of \$13.50 for the preferred stock on a pro forma basis.

As part of the transaction between Terra Cotta and Sponge-Cushion, a group of 12 persons, 5 of whom are affiliated persons of Terra Cotta, will purchase from 3 of the present shareholders of Sponge-Cushion 83,600 of the 247,500

Terra Cotta preferred shares received in exchange for Sponge-Cushion stock. The purchase price will be \$13.50 per share cash.

The preferred shares to be issued by Terra Cotta will be voting shares, will carry a \$0.60 cumulative annual dividend, will be immediately convertible into common shares, and will be redeemable by Terra Cotta after November 31, 1971, at \$17.00 per share. All recipients of the Terra Cotta preferred shares will warrant that they are acquired for investment purposes only with no present intention of converting them. In connection with the transaction, the four present Sponge-Cushion shareholders will pay to Douglas Securities, Inc. a brokerage fee of approximately \$33,000. Thomas N. McGowen, a Terra Cotta director and shareholder and one of the group of 12 investors purchasing Terra Cotta preferred shares, is also an officer, director and shareholder of Douglas Securities, Inc.

After the exchange-purchase transaction has taken place, the four present shareholders of Sponge-Cushion will hold 42 percent of the total outstanding stock of Terra Cotta. The five persons affiliated with Terra Cotta who will purchase its voting preferred shares from three of the present four Sponge-Cushion shareholders to whom it is issued, will hold 24.6 percent of the total outstanding stock of Terra Cotta after such purchase. The application states that Sponge-Cushion will continue to be operated by its present management and it is anticipated that the two principal executive officers of Sponge-Cushion will become directors and one will become the principal executive officer of Terra Cotta.

Terra Cotta represents that the completion of the proposed transaction is subject to certain conditions, one of which is approval by its shareholders of a charter amendment creating the preferred shares to be issued and also of a proposal that the company change its business to cease to be an investment company.

The exchange of Terra Cotta preferred shares for Sponge-Cushion shares and the purchase by certain persons affiliated with Terra Cotta of approximately 34 percent of such Terra Cotta shares from the Sponge-Cushion shareholders receiving them are interdependent parts of a single transaction. Unless permitted by order, the transaction would be unlawful under section 17(d) of the Act. Section 17(d) and Rule 17d-1 thereunder prohibit any affiliated person of a registered investment company acting as principal to effect any transaction in connection with any joint arrangement in which such registered company is a participant unless an application regarding such joint arrangement has been granted by the Commission. Rule 17d-1 states that in passing upon such application, the Commission will consider whether the participation of such registered company in such joint enterprise on the basis proposed is consistent with the provisions, policies and purposes of the Act

and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

In support of the application Terra Cotta represents that the terms of the transaction are the result of completely arm's length negotiations. Terra Cotta further represents that the proposed acquisition of all the outstanding shares of Sponge-Cushion is pursuant to a determination by Terra Cotta to acquire an operating business; that the proposed transaction is consistent with the purposes of the Act in that it is in the best interests of Terra Cotta and its shareholders; and that the participation of affiliated persons is no more advantageous than the participation of Terra Cotta.

Notice is further given that any interested person may, not later than November 25, 1966 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at each of the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 66-12269; Filed, Nov. 10, 1966; 8:46 a.m.]

## ATOMIC ENERGY COMMISSION

### 1967-1970 DOMESTIC URANIUM PROCUREMENT PROGRAM

#### Notice of Modification

1. Notice is hereby given by the Atomic Energy Commission of its modification of the Domestic Uranium Procurement Program established for the period January 1, 1967, through December 31, 1970. Notice of this program was published in the FEDERAL REGISTER on November 20, 1962 (27 F.R. 11435).

2. Paragraph 11 of the November 20, 1962, announcement (27 F.R. 11435) pro-



vides for a market during 1967 and 1968 for production from small property units, which have had annual allocations of less than 20,000 pounds of U.O. in ore and have produced and delivered ore to a mill during the period April 1, 1962, to December 31, 1966, through AEC-approved contracts with milling companies having concentrate sales contract modifications completed under the announcement (27 F.R. 11435). Paragraph 12 provides for a market during 1967 and 1968 for production from those property units whose contracts with the applicable milling companies have been modified with AEC approval to provide for a reduction in their 1963-1966 contract quantity to 20,000 pounds of U.O. in ore annually.

3. Some eligible property units in isolated areas are not served by any mill having a contract modification in accordance with the terms of the announcement (27 F.R. 11435), and therefore are precluded from selling ore under this program. However, several milling companies which are not participating in the 1966-1970 AEC program pursuant to the announcement (27 F.R. 11435) now plan to operate milling facilities serving such isolated areas during 1967-1968, and, except for the restriction limiting purchases of U.O. under paragraphs 11 and 12 of the announcement (27 F.R. 11435) to milling companies having contract modifications completed under the announcement (27 F.R. 11435), could accept ore from such eligible property units for production of uranium concentrates for sale to AEC. The exclusion of eligible small property units from the program was not intended by AEC if milling services were available.

4. On August 27, 1966, the Commission published in the FEDERAL REGISTER a request for public comment on its proposal to modify its 1967-1970 procurement program by making exceptions to the restrictions of paragraphs 11 and 12 in order to permit the treatment of ores from eligible small property units in mills other than those having contract modifications completed under the announcement (27 F.R. 11435). These exceptions would apply in those instances where the AEC shall have determined that the ore processing mill for which the exception is made serves an isolated area. Except as modified hereinabove, it was proposed that the purchase of uranium concentrate derived from ores from such property units would be governed by provisions of the announcement (27 F.R. 11435).

5. Interested persons were requested to direct their comments to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 45 days from the date of publication of the request for public comment in the FEDERAL REGISTER.

6. The Commission has now approved a modification of the 1967-1970 program, as described in paragraphs 11 and 12 of the announcement (27 F.R. 11435) effective immediately upon publication of

this notice in the FEDERAL REGISTER, to permit the treatment of ores from eligible small property units in certain mills other than those having contract modifications completed under the announcement (27 F.R. 11435). Exceptions to the restrictions of paragraphs 11 and 12 will now apply in those instances where the AEC shall have determined that the ore processing mill for which the exception is made serves an isolated area. Additionally, if the controller of a property unit eligible under paragraphs 11 or 12 advises the AEC that he is unable to market ore from such unit at either a mill having a contract modification completed under the announcement (27 F.R. 11435) or at a mill determined by AEC to serve an isolated area, the AEC will permit any other mill to purchase ore from such eligible property units, provided that the AEC has determined that such action is necessary to carry out the intent of this notice. Except as thus modified, the purchase of uranium concentrate derived from ores from such property units would be governed by the provisions of the announcement (27 F.R. 11435).

(Sec. 161, 68 Stat. 948, 42 U.S.C. 2201)

Dated at Washington, D.C., this 4th day of November 1966.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary.

[F.R. Doc. 66-12252; Filed, Nov. 10, 1966;  
8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 8, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 40781—*Liquefied petroleum gas from Baker, Mont.* Filed by Trans-Continental Freight Bureau, agent (No. 438), for interested rail carriers. Rates on liquefied petroleum gas, in tank carloads, from Baker, Mont., to points in southwestern and western trunkline territories.

Grounds for relief—Market competition.

Tariff—Supplement 12 to Trans-Continental Freight Bureau, agent, tariff ICC 1741.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12285; Filed, Nov. 10, 1966;  
8:47 a.m.]

[Notice 284]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 8, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 58813 (Sub-No. 84 TA), filed November 4, 1966. Applicant: Selman's Express, Inc., 460 West 35 Street, New York, N.Y. 10001. Applicant's representative: Solomon Granett, 1350 Avenue of the Americas, New York, N.Y. 10019. Authority sought to operate a common carrier, by motor vehicle, over irregular routes, as follows: *Wearing apparel*, on hangers only, and *materials and supplies* used in the manufacture thereof, between Hialeah, Fla., on the one hand, and, on the other, Greenville and Simpsonville, S.C., and Jacksonville, Fla., for 150 days. Supporting shipper: Georgia Griffin Fashions, Inc., 1051 East 32d Street, Hialeah, Fla. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, BOC, 346 Broadway, New York, N.Y. 10013.

No. MC 103993 (Sub-No. 265 TA), filed November 4, 1966. Applicant: Morgan Drive-Away, Inc., 2800 West Lexington Avenue, Elkhart, Ind. 46515. Applicant's representative: Bill R. Privitt (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, as follows: *Trailers*, designed to be drawn by passenger automobiles, and *campers* designed for installation on pickup trucks, and initial movements in truck-away service, from points in Mahoning County, Ohio, to points in Wisconsin, Virginia, West Virginia, Maryland, Delaware, New Jersey, Indiana, Ohio, Pennsylvania, New York, Illinois, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Ken-



tucky, Michigan, and Louisiana, for 180 days. Supporting shipper: Tag-a-Long Trailer Manufacturing, Inc., 240 High Street, Post Office Box 55, Washingtonville, Ohio 44490. Send protests to: District Supervisor Heber Dixon, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 110941 (Sub-No. 6 TA), filed November 4, 1966. Applicant: VILLANI BROS. TRUCKING, INC., 107 South Wood Avenue, Linden, N.J. 07036. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Scrap iron and scrap steel*, for the account of Lipsitt Steel Products, Inc., of Brooklyn, N.Y., from Brooklyn, N.Y., to Paterson, N.J., for 180 days. Supporting shipper: Lipsitt Steel Products, Inc., 222-240 Morgan Avenue, Brooklyn, N.Y. 10037. Send protests to: District Supervisor Walter J. Grossmann, Interstate Commerce Commission, 1060 Broad Street, Room 363, Newark, N.J. 07102.

No. MC 111485 (Sub-No. 11 TA), filed November 4, 1966. Applicant: PASCHALL TRUCK LINES, INC., R.F.D. No. 4, Murray, Ky. Applicant's representative: R. Conner Wiggins, Jr., 909-100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Corrugated fiberboard and corrugated fiberboard products*, from St. Louis, Mo., to Humboldt, Tenn., for 150 days. Supporting shipper: International Paper Co., 220 East 42d Street, New York, N.Y. (F. L. Spinnell, Traffic Manager). Send protests to: William W. Garland, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 390 Federal Office Building, Memphis, Tenn. 38103.

No. MC 115322 (Sub-No. 50 TA), filed November 4, 1966. Applicant: Blythe Motor Lines, Inc., Post Office Box 1698, 2939 Orlando Drive, Sanford, Fla. 32771. Applicant's representative: David E. Wells, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Frozen fruit juices, single strength and concentrated with essences*, from Dundee and Penn Yan, N.Y., to points in Virginia, South Carolina, North Carolina, Georgia, Florida, Alabama, Tennessee, Louisiana, and Mississippi, for 180 days. Supporting shipper: Seneca Grape Juice Corp., Dundee, N.Y. 14837. Send protests to: District Supervisor George H. Fauss, Jr., Bureau of Operations and Compliance, Interstate Commerce Commission, 428 Post Office Building, Post Office Box 4969, Jacksonville, Fla. 32201.

No. MC 126216 (Sub-No. 3 TA), filed November 4, 1966. Applicant: Glenn Pyles, doing business as Pyles Trucking Co., Deer Creek, Ill. 61733. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Applicators, applicator frames, and trailer frames, tanks, wheels,*

*fittings, and parts thereof*, from Goodfield and Gibson City, Ill., to Kentland, Peabody, Point Isabel, Rushville, Washington, Winamac, Wolcott, and Youngstown, Ind.; Armstrong, Fort Dodge, Jewell, Montezuma, Mount Vernon, Nichols, Odebolt, Osage, Reinbeck, Rock Rapids, Spencer, Van Meter, and West Chester, Iowa; Cassopolis, Mich.; La Monte, Langdon, Mexico, Ste. Genevieve, Stewartville, and Sturgeon, Mo.; Franklin, Mankato, and Windom, Minn.; Alvordton, Celina, Marysville, Rising Sun, and Vaughnsville, Ohio; Janesville and Oregon, Wis., for 180 days. Supporting shipper: Tuloma Gas Products Co., Pan American Building, Post Office Box 566, Tulsa, Okla. 74102. Send protests to: District Supervisor Raymond E. Mauk, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128675 TA, filed November 4, 1966. Applicant: Edward T. Walsh, doing business as Walsh Carriage, 4 Mygatt Street, Binghamton, N.Y. 13905. Applicant's representative: Donald C. Carmien, 300 Press Building, Binghamton, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Foodstuffs*, in cans (nonrefrigerated or frozen), from Johnson City, N.Y., to points in Pennsylvania, New York, Massachusetts, New Jersey, Connecticut, Virginia, Washington, D.C.; Delaware; Cambridge, Md., and Providence, R.I., for Specialty Foods Corp., Johnson City, N.Y., *Fresh, Processed, canned foodstuffs, and foods used in the manufacture of food products, cartons, labels, and empty cans* for account of Specialty Foods Corp., and food products for the account of Polar Food Service, Inc., from above-named places to Binghamton, N.Y., and Johnson City, N.Y., for 180 days. Supporting Shippers: Specialty Foods Corp., Johnson City, N.Y., and Polar Food Service, Inc., Binghamton, N.Y. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 215-217 Post Office Building, Binghamton, N.Y. 13902.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12286; Filed, Nov. 10, 1966;  
8:47 a.m.]

[Notice 283]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 7, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that

protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

### MOTOR CARRIERS OF PROPERTY

No. MC 3018 (Sub-No. 15 TA), filed November 3, 1966. Applicant: McKEOWN TRANSPORTATION COMPANY, 10448 South Western Avenue, Chicago, Ill. 60643. Authority sought to operate a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Hydrogen gas*, in tube trailers, from Barborton, Ohio, to Fort Wayne, Kokomo, Indianapolis, Franklin, Bloomington, and East Chicago, Ind.; Holland and Coldwater, Mich., and from Wyandotte, Mich., to East Chicago and Kokomo, Ind., for 120 days. Supporting shipper: Union Carbide Corp., Linde Division, Indianapolis, Ind. Send protests to: District Supervisor Charles J. Kudelka, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 22179 (Sub-No. 12 TA), filed November 2, 1966. Applicant: FREEMAN TRUCK LINE, INC., 416 Jackson Avenue, Oxford, Miss. Applicant's representative: Dudley E. Freeman, Sr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, as follows: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Kosciusko, Miss., and Decatur, Miss., from Kosciusko over Mississippi Highway 19 to Philadelphia, Miss.; thence over Mississippi Highway 15 to Decatur, and return over the same route, serving the intermediate points of Union and Philadelphia, Miss. Between Kosciusko, Miss., and Philadelphia, Miss., from Kosciusko to Carthage, over Mississippi Highway 35; thence over Mississippi Highway 16 to Philadelphia, and return over the same route, serving the intermediate point of Carthage, Miss. It is proposed to tack the authority sought herein with applicant's present authority at Kosciusko, Miss., for the purpose of serving the points of Philadelphia, Union, Decatur, and Carthage, Miss., for 180 days. Supporting shippers: The application is supported by statements from nine shippers, which may be examined here at the Interstate Commerce Com-



mission in Washington, D.C. Send protests to: William W. Garland, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 390 Federal Office Building, Memphis, Tenn. 38103.

No. MC 35628 (Sub-No. 273 TA), filed November 3, 1966. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 1 Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, as follows: *General commodities*, from Binghamton, N.Y., to Carmichaels, Pa., for 180 days. Supporting shipper: Grumman Allied Industries, Inc., Marathon Division, Marathon, N.Y. 13803. Send protests to: District Supervisor Flemming, Bureau of Operations and Compliance, Interstate Commerce Commission, 221 Federal Building, 325 West Alligan Street, Lansing, Mich. 48933.

No. MC 41404 (Sub-No. 71 TA), filed November 2, 1966. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, as follows: *Oleomargarine, shortening, lard, tallow, salad oils, salad dressings, and table sauces*, from Jacksonville, Ill., to Indianapolis and New Albany, Ind.; Des Moines, Davenport, Cedar Rapids, Chariton, and Sioux City, Iowa; Kansas City and Wichita, Kans.; Louisville, Ky.; Detroit, Grand Rapids, and Muskegon, Mich.; Kansas City and St. Louis, Mo.; Minneapolis and St. Paul, Minn.; Omaha, Lincoln, and Norfolk, Nebr.; Fargo and Bismark, N. Dak.; Cleveland, Columbus, Cincinnati, Reading, and Toledo, Ohio; and Sioux Falls, S. Dak., for 150 days. Supporting shipper: Anderson, Clayton & Co., Foods Division, Gibraltar Life Building, Post Office Box 35, Dallas, Tex. 75221 (J. C. Wheeler, traffic and distribution manager). Send protests to: William W. Garland, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 390 Federal Office Building, Memphis, Tenn. 38103.

No. MC 78786 (Sub-No. 267 TA), filed November 3, 1966. Applicant: Pacific Motor Trucking Company, 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: Mr. R. K. Booth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, as follows: *Classes A and B explosives*, between Phoenix, Ariz., and Litchfield, Ariz., over U.S. Highway 80, serving no intermediate points. Restriction: Service shall be limited to that which is auxiliary to or supplemental of rail service of Southern Pacific Co., and shall be restricted to the transportation of shipments, having, in addition to a movement by applicant, an immediately prior or subsequent movement by rail, for 180 days. Supporting

shipper: Southern Pacific Co., 65 Market Street, San Francisco, Calif. 94105. Send protests to: District Supervisor Wm. R. Murdoch, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 102567 (Sub-No. 116 TA), filed November 3, 1966. Applicant: Earl Gibbon Transport, Inc., 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, as follows: *Liquid synthetic resin*, from Avondale, La., to Pine Bluff, Ark., and Bogalusa, La., for 180 days. Supporting shipper: American Cyanamid Co., Wayne, N.J. 07470, Mr. Theo. J. Oechsner, division traffic manager. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 113855 (Sub-No. 145 TA), filed October 31, 1966. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemical fertilizer, chemical fertilizer ingredients, and urca*, from the ports of entry on the United States-Canada international boundary line located in Idaho, Montana, and North Dakota, to points in Montana, Idaho, North Dakota, Oregon, and Washington, for 180 days. Supporting shipper: Sherritt Gordon Mines, Ltd., Metal and Chemical Division, Fort Saskatchewan, Alberta, Canada. Send protests to: C. H. Bergquist, District Supervisor, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 119566 (Sub-No. 4 TA), filed November 4, 1966. Applicant: A. B. & A. Trucking Lines, Inc., North Harney Street, Post Office Box 186, Camilla, Ga. 31730. Applicant's representative: William Addams, Room 620, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, as follows: *Poles and posts*, treated and untreated, from points in Georgia to points in West Virginia, for 180 days. Supporting shipper: Escambia Treating Co., Post Office Box 206, Camilla, Ga. 31730. Send protests to: District Supervisor George H. Fauss, Jr., Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla. 32201.

No. MC 124978 (Sub-No. 2 TA), filed November 3, 1966. Applicant: Frank O. Yaste, 1111 Lincoln Street, Hoquiam, Wash. Applicant's representative: Wilbur J. Lawrence, 1700 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, as follows: *Shakes and shingles*, from Tye Lake, Wash., to ports on Puget Sound, Wash., for 150 days. Supporting shipper: Hoh River Cedar Products, Inc.,

Beaver, Wash., Dean Hurn, President. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12244; Filed, Nov. 9, 1966;  
8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### OIL AND GAS LEASE SALE

#### Outer Continental Shelf Off California

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. Sec. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 3380) sealed bids addressed to the Manager, Bureau of Land Management, 300 North Los Angeles Street, Room 7749, Los Angeles, Calif. 90012, will be received until 9:30 a.m., P.s.t., on December 15, 1966, for the lease of oil and gas in certain areas of the Outer Continental Shelf, adjacent to the State of California. Bids will be opened at 10 a.m., P.s.t., December 15, 1966, in Room 7063, 300 North Los Angeles Street, Los Angeles, Calif. On that day bids may be delivered in person to the Office of the Manager or to the room in which bids are to be opened between 8:30 a.m., P.s.t., and 9:30 a.m., P.s.t. No bids received by mail or in person after 9:30 a.m., P.s.t., will be accepted.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 3382.1; 3382.3; 3382.4. Each bidder must submit the certification required by 41 CFR 60-1.6(b) and Executive Order No. 11246 of September 24, 1965, on Form 1510-12, January 1966. Bids may not be modified or withdrawn unless written modifications or withdrawals are received prior to the end of the period fixed for the filing of bids. Bidders are warned against violation of section 1860 of Title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders. Attention is directed to the nondiscrimination clauses in section 2(k) of the lease agreement (Form 3380-1, February 1966). Bidders must submit with each bid, one-fifth of the amount bid, in cash or by cashier's check, bank draft, certified check, or money order, payable to the order of the Bureau of Land Management. The leases will provide for a royalty rate of one-sixth, and a yearly rental or minimum royalty of \$5 per acre or fraction thereof. The successful bidder will be required to pay the remainder of the bid and the first year's rental of \$5 per acre or fraction thereof and furnish an acceptable surety bond as required in 43 CFR 3384.1 prior to the issuance of each lease.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than \$25 per acre or fraction thereof will



be considered. The U.S. Government reserves the right to reject any and all bids even though the bid may exceed the minimum referred to previously. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than the full tract, as listed below, will be considered. The envelope containing the bid must be sealed. The envelope should be endorsed "Sealed bid for oil and gas lease California—Tract No. Cal. 298 not to be opened until 10 a.m., P.s.t., December 15, 1966."

The tract offered for bid is shown on official leasing map designated Map No. 6B, Channel Islands Area, approved August 8, 1966, and is described as:

Tract No. Cal. 298; all those portions of blocks 52N 63W and the N½ of block 51N 63 W lying seaward of a line 3 geographical miles distant from the coastline of California (as said coastline is defined in the Submerged Lands Act of 1953), containing 1995.48 acres more or less.

As stated on the official leasing map, the 3-mile line shown thereon is approximate only and does not necessarily delineate such a line in its true horizontal position. In the event of a conflict between the official leasing map and the written description, the written description shall prevail. The official leasing map No. 6B, Channel Islands Area, can be purchased for \$1. The map, copies of the lease form (Form 3380-1, February 1966) as well as the Compliance Report Certification (Form 1510-12, January 1966) may be obtained from the above listed Manager or the Director, Bureau of Land Management, Washington, D.C. 20240.

Bidders are requested to submit their bids in the following form:

Manager, Bureau of Land Management,  
Department of the Interior,  
Room 7749,  
300 North Los Angeles Street,  
Los Angeles, Calif. 90012.

#### OIL AND GAS BID

The following bid is submitted for an oil and gas lease on land of the Outer Continental Shelf specified below:

Area----- Official Leasing  
Map No. -----  
Tract No. -----  
Total amount bid-----  
Amount per acre-----  
Amount submitted with bid-----  
-----  
(Signature)  
-----  
(Address)

#### IMPORTANT

The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft.

JOHN O. CROW,  
Acting Director,  
Bureau of Land Management.

Approved: November 10, 1966.

STEWART L. UDALL,  
Secretary of the Interior.

[F.R. Doc. 66-12354; Filed, Nov. 10, 1966;  
11:08 a.m.]

## Fish and Wildlife Service

[Docket No. Sub-S-8]

## ILDHUSO FISHERIES, INC.

### Notice of Hearing

NOVEMBER 7, 1966.

Ildhuso Fisheries, Inc., 3603 Gilman Avenue West, Seattle, Wash. 98199, has applied for a fishing vessel construction differential subsidy to aid in the construction of an 85-foot length overall steel vessel to engage in the fishery for bottomfish, flounder, halibut, crab, herring, shrimp, sardine, scollops, octopus, sturgeon, turbot, hake, dogfish, and miscellaneous species for industrial use.

Notice is hereby given pursuant to the provisions of the United States Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on December 15, 1966, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. 20240. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

HAROLD E. CROWTHER,  
Acting Director,  
Bureau of Commercial Fisheries.

[F.R. Doc. 66-12266; Filed, Nov. 10, 1966;  
8:46 a.m.]

## National Park Service

### YOSEMITE NATIONAL PARK, ET AL.

#### Notice of Intention To Extend Concession Contracts; Correction

F.R. Doc. 66-11484 published at page 13609 in the issue dated October 21, 1966, is corrected by changing "Rocky Mountain Outfitters, Inc., Rocky Mountain National Park" to "Rocky Mountain Outfitters, Inc., Glacier National Park," in the listing of concession authorizations to be extended for the period January 1, 1967, through December 31, 1967.

HOWARD W. BAKER,  
Acting Director,  
National Park Service.

NOVEMBER 3, 1966.

[F.R. Doc. 66-12267; Filed, Nov. 10, 1966;  
8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

Office of the Secretary  
TEXAS

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Con-

solidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Garza.  
Houston.

Lynn.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 7th day of November 1966.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 66-12274; Filed, Nov. 10, 1966;  
8:47 a.m.]

## Title 2—THE CONGRESS

### ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under Title 2—The Congress. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 89th Congress, Second Session.

#### Approved November 6, 1966.

S. 1861----- Public Law 89-769  
Disaster Relief Act of 1966.

S. 2829----- Public Law 89-770  
An Act to amend section 301(a) (7) of the Immigration and Nationality Act.

S. 2979----- Public Law 89-771  
An Act to extend coverage of the State Technical Services Act of 1965 to the territory of Guam.

S. 3230----- Public Law 89-772

An Act to authorize the Board of Regents of the Smithsonian Institution to negotiate cooperative agreements granting concessions at the National Zoological Park to certain nonprofit organizations and to accept voluntary services of such organizations or of individuals, and for other purposes.

S. 3254----- Public Law 89-773

An Act to amend sections 2072 and 2112 of title 28, United States Code, with respect to the scope of the Federal Rules of Civil Procedure and to repeal inconsistent legislation.

S. 3391----- Public Law 89-778

An Act to amend the Shipping Act, 1916, as amended, to authorize exemption from the provisions of the Act.



S. 3466----- Public Law 89-784

An Act to change the name of the Rolla Jewel Bearing Plant at Rolla, N. Dak., to the William Langer Jewel Bearing Plant.

S. 3488----- Public Law 89-774

An Act to grant the consent of Congress for the States of Virginia and Maryland and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact to establish an organization empowered to provide transit facilities in the National Capital Region and for other purposes and to enact said amendment for the District of Columbia.

S. 3675----- Public Law 89-780

An Act to amend title V of the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Chinese Communist regime.

H.R. 6103----- Public Law 89-781

An Act for the relief of the city of Umatilla, Oreg.

H.R. 9985----- Public Law 89-776

An Act to provide for the mandatory reporting by physicians and hospitals or similar institutions in the District of Columbia of injuries caused by firearms or other dangerous weapons.

H.R. 10304----- Public Law 89-775

An Act to provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children.

H.R. 10327----- Public Law 89-777

An Act to require evidence of adequate financial responsibility to pay judgments for personal injury or death, or to repay fares in the event of nonperformance of voyages, to establish minimum standards for passenger vessels and to require disclosure of construction details on passenger vessels, and for other purposes.

H.R. 14615----- Public Law 89-782

An Act for the relief of certain members and former members of the Army on whose behalf erroneous payments were made for storage of household goods.

H.R. 17658----- Public Law 89-783

An Act to provide for the striking of medals in commemoration of the U.S. Naval Construction Battalions (Seabees) 25th anniversary and the U.S. Navy Civil Engineers Corps (CEC) 100th anniversary.

H.R. 18021----- Public Law 89-779

An Act to amend the Small Business Investment Act of 1958, and for other purposes.

**Approved November 7, 1966**

S. 2338----- Public Law 89-786

To authorize the erection of a memorial in the District of Columbia to General John J. Pershing.

S. 3389----- Public Law 89-788

An Act to provide for the establishment of the Joseph H. Hirshhorn Museum and Sculpture Garden, and for other purposes.

H.R. 11631----- Public Law 89-785

An Act to amend title 38 of the United States Code to clarify, improve, and add additional programs relating to the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes.

H.R. 14604----- Public Law 89-790

An Act to authorize a study of facilities and services to be furnished visitors and students coming to the Nation's Capital.

H.R. 14745----- Public Law 89-787

An Act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1967, and for other purposes.

H.R. 16715----- Public Law 89-792

An Act to amend the Manpower Development and Training Act of 1962.

H.R. 16958----- Public Law 89-791

An Act to authorize the establishment in the District of Columbia of a public college of arts and sciences and a vocational and technical institute.

H.R. 18233----- Public Law 89-789

An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

**Approved November 8, 1966**

S. 688----- Public Law 89-796

An Act to amend title III of the Bankhead-Jones Farm Tenant Act, as amended, to provide for additional means and measures for land conservation and land utilization, and for other purposes.

S. J. Res. 167----- Public Law 89-799

Joint Resolution to enable the United States to organize and hold an International Conference on Water for Peace in the United States in 1967 and authorize an appropriation therefor.

H.R. 9167----- Public Law 89-793

An Act to amend title of the United States Code to enable the courts to deal more effectively with the problem of narcotic addiction, and for other purposes.

H.R. 11555----- Public Law 89-795

An Act to provide a border highway along the U.S. bank of the Rio Grande in connection with the settlement of the Chamizal boundary dispute between the United States and Mexico.

H.R. 13551----- Public Law 89-798

An Act to amend the Law Enforcement Assistance Act of 1965, and for other purposes.

H.R. 15111----- Public Law 89-794

An Act to provide for continued progress in the Nation's war on poverty.

H.R. 15766----- Public Law 89-801

An Act to establish a National Commission on Reform of Federal Criminal Laws.

H.R. 17607----- Public Law 89-800

An Act to suspend the investment credit and the allowance of accelerated depreciation in the case of certain real property.

H.R. 18119----- Public Law 89-797

An Act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1967, and for other purposes.



The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR

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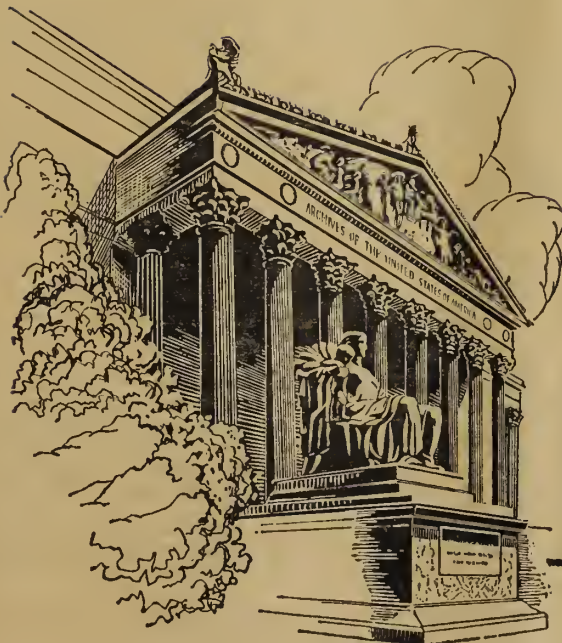
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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

#### PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

##### Expenses and Rate of Assessment

On October 27, 1966, notice of rule making was published in the *FEDERAL REGISTER* (31 F.R. 13800) regarding proposed expenses and the related rate of assessment for the period beginning August 1, 1966, and ending July 31, 1967, pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Growers Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

##### § 905.205 Expenses and rate of assessment.

(a) Expenses: Expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1966, through July 31, 1967, will amount to \$140,000.

(b) Rate of assessment: The rate of assessment for said period, payable by each handler in accordance with § 905.41, is fixed at \$0.005 per standard packed box of fruit.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 1001-1011) in that (1) shipments of fruit are now being made, (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit handled from the beginning of such period, and (3) the current fiscal period began on August 1, 1966, and said rate of assessment will automatically apply to all assessable fruit beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 8, 1966.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-12340; Filed, Nov. 14, 1966; 8:48 a.m.]

[Avocado Order 8, Amdt. 6]

#### PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

##### Limitation of Shipments

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the *FEDERAL REGISTER* (5 U.S.C. 1001-1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must

become effective, as hereinafter set forth, in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the quality and the time of maturity of avocados must await the development of the crop; a determination as to the stage of maturity of the variety of avocados covered by this amendment was made at the meeting of the Avocado Administrative Committee on November 9, 1966. After consideration of all available information relative to the growing conditions prevailing during the current season, recommendations and supporting information for such maturity regulations were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded opportunity to submit their views at this meeting; the provisions hereof are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions hereof will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

*It is, therefore, ordered,* That the provisions of paragraph (b) of § 915.308 (31 F.R. 7394, 8592, 9678, 12398, 13135, 13386) are hereby amended by revising in Table I certain dates and minimum weights and diameters applicable to the Taylor and Wagner varieties of avocados, so that after such revision the portion of such Table I relating to such varieties reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Taylor.....	10-31-66	14 oz. (3 $\frac{3}{16}$ in.)..	11-14-66	12 oz. (3 $\frac{3}{16}$ in.)..	11-23-66		
Wagner.....	12-12-66	12 oz. (3 $\frac{3}{16}$ in.)..	12-26-66	10 oz. (3 $\frac{3}{16}$ in.)..	1- 9-67		

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., November 14, 1966.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 10, 1966.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-12392; Filed, Nov. 14, 1966; 8:51 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-254]

#### PART 12—SPECIAL CLASSES OF MERCHANDISE

##### Import Quotas on Coffee From Non-member Countries of International Coffee Organization

Notice of a proposal to limit annual imports of coffee from nonmember coun-



tries of the International Coffee Agreement was published in the **FEDERAL REGISTER** for October 5, 1966 (31 F.R. 12964). Interested persons were given an opportunity to submit relevant data, views, or arguments in writing regarding the proposed regulations. All comments received have been carefully considered and several changes in the proposed regulation have been made. Among other things, it has been decided to permit coffee contracted for by importers before October 5, 1966, to be entered for consumption prior to January 1, 1967, without regard to specific quotas in certain circumstances.

Part 12 is accordingly amended by adding new § 12.71 as follows:

**§ 12.71 Import quotas on coffee produced in nonmember countries of the International Coffee Organization.**

(a) The following import quotas for the 12-month period beginning on November 15 in any year on coffee, expressed in pounds of green coffee, produced in nonmember countries of the International Coffee Organization are established pursuant to article 45(2) of the International Coffee Agreement for the following countries:

Country	Quota in pounds of green coffee
Bolivia	1,850,800
Guinea	1,454,200
Honduras	28,026,400
Kenya	11,765,800
Liberia	2,511,800
Paraguay	2,644,000
Yemen	1,850,800

(b) All coffee not specifically identified as a product of or shipment from a member country and not charged to the quota of one of the countries listed in paragraph (a) of this section shall be charged to an annual basket quota of 6,610,000 pounds of green coffee. Coffee from any one of the countries named in paragraph (a) of this section shall be charged to the basket quota after the specific quota for that country has been filled.

(c) Coffee in any of the forms covered by items 160.10, 160.20, and 160.21, Tariff Schedules of the United States, are chargeable to the above quotas. In converting from one form of coffee to another, the following factors prescribed in Article 2 of the International Coffee Agreement shall be employed:

1 pound of roasted coffee equals	1.19 pounds of green coffee.
1 pound of soluble coffee equals	3.00 pounds of green coffee.
1 pound of coffee berries equals	0.50 pound of green coffee.
1 pound of parchment coffee equals	0.80 pound of green coffee.
1 pound of the dried coffee solids contained in liquid coffee equals	3.00 pounds of green coffee.

(d) The following shipments will not be chargeable to import quotas:

(1) Shipments of 132 pounds or less of green or other crude coffee; 110 pounds or less of roasted coffee; or 44 pounds or less of soluble coffee.

(2) Coffee covered by a certificate of reexport issued by a member country through which such coffee has been shipped to the United States.

(3) Coffee imported into Puerto Rico or coffee grown in Puerto Rico and shipped to other areas of the United States.

**Effective date.** The purpose of this regulation is to carry out a resolution of the International Coffee Council which it requested be put in effect as soon after October 1, 1966, as is practicable. Therefore, good cause is found under 5 U.S.C. 553 for dispensing with a delayed effective date. This amendment is effective November 15, 1966, but shall not apply to coffee which is (a) exported to the United States prior to October 5, 1966, or (b) entered for consumption prior to January 1, 1967, even though in excess of a quota established in § 12.71 above, provided the importer supplies therewith a certificate, with copies of any appropriate supporting documents, that the coffee was exported pursuant to a contract entered into prior to October 5, 1966.

[SEAL] LESTER D. JOHNSON,  
Commissioner of Customs.

Approved: November 10, 1966.

TRUE DAVIS,  
Assistant Secretary  
of the Treasury.

[F.R. Doc. 66-12380; Filed, Nov. 10, 1966;  
3:10 p.m.]

## Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter I—Small Business Administration

[Rev. 6; Amdt. 9]

#### PART 121—SMALL BUSINESS SIZE STANDARDS

##### Definition of Small Business Manufacturer for Government Procurements; Certain Transportation Equipment

On September 14, 1966, there was published in the **FEDERAL REGISTER** (31 F.R. 12024) a notice that the Administrator of the Small Business Administration proposed to amend the Small Business Size Standards Regulation (Revision 6), as amended, by establishing a new definition of a small business manufacturer for the purpose of bidding on Government procurements for passenger car and motorcycle pneumatic tires, truck and bus (and off-the-road) pneumatic tires, and passenger automobiles.

Interested persons were given 30 days after publication of the proposed amendment, in which to present comments or suggestions thereon to the Deputy Administrator for Procurement and Management Assistance.

After consideration of all relevant matters regarding the proposal, the amendment set forth below is hereby adopted:

The Small Business Size Standards Regulation (Revision 6) (31 F.R. 9721), as amended (31 F.R. 10114, 11651, 11973, 12479, 12572) is hereby further amended by:

1. Adding to Schedule B the product classes and size standards as follows:

Census classification code	Industry	Employment size standard
30111	Passenger car and motorcycle pneumatic tires (casings).	See footnote 6.
30112	Truck and bus (and off-the-road) pneumatic tires.	Do.
37171	Passenger cars (knocked down or assembled).	Do.

2. Adding to Schedule B, Footnote 6 to read as follows:

6. The size standards for SIC 30111, 30112, and 37171 are set forth in §§ 121.3-8(b) (5) and 121.3-8(b) (6) respectively of this part.

3. Revising paragraph (b) of § 121.3-8 to read as follows:

**§ 121.3-8 Definition of small business for Government procurement.**

(b) **Manufacturing.** Any concern bidding on a contract for a product it manufactured is classified:

(1) As small if it is bidding on a contract for a product classified within an industry not set forth in Schedule B of this part and its number of employees does not exceed 500 persons.

(2) As small if it is bidding on a contract for food canning and preserving and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in section (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(3) As small if it is bidding on a contract for petroleum, other than lubricants and miscellaneous petroleum products, and its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude-oil capacity from owned or leased facilities.

(4) As small if it is bidding on a contract for a product classified within an industry set forth in Schedule B of this part and its number of employees does not exceed the size standard established for that industry.

(5) As small if it is bidding on a contract for pneumatic tires within Census Classification Codes 30111 and 30112: *Provided*, That (i) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured in the United States during the preceding calendar year is more than 50 percent of the value of its total worldwide manufacture, (ii) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured world-wide during the preceding calendar year was less than 5 percent of the value of all such tires manufactured in the United States during said period, and (iii) the value of the principal products which it manufac-



tured or otherwise produced or sold world-wide during the preceding calendar year is less than 10 percent of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

(6) As small if it is bidding on a contract for passenger cars within Census Classification Code 37171: *Provided*, That (i) the value of the passenger cars within Census Classification Code 37171 which it manufactured or otherwise produced in the United States during the preceding calendar year is more than 50 percent of the value of its total world-wide manufacture or production of such passenger cars, (ii) the value of the passenger cars within Census Classification Code 37171, which it manufactured or otherwise produced during the preceding calendar year was less than 5 percent of the total value of all such cars manufactured or produced in the United States during the said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold during the preceding calendar year is less than 10 percent of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

The amendment shall become effective 30 days after publication in the **FEDERAL REGISTER**.

Dated: October 31, 1966.

BERNARD L. BOUTIN,  
*Administrator.*

[F.R. Doc. 66-12363; Filed, Nov. 14, 1966;  
8:51 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Docket No. 7473; Amdt. 39-308]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Bell Model 47 Series Helicopters

Amendment 39-257 (31 F.R. 9399), AD 66-17-1, as amended by Amendment 39-260 (31 F.R. 9675), requires repetitive checking for cracks and deformation of the tail rotor blades, for deformation of indicator tabs, and replacement as necessary of the tail rotor blades on Bell Model 47 Series helicopters. After issuing Amendment 39-260, due to service experience, the Agency determined that the tail rotor blade indicator tabs on skid-equipped helicopters may be deformed without damage to the tail rotor blades. Therefore the AD is being superseded by a new AD that requires installation of tabs or an equivalent strike-detection device on float-equipped helicopters only, and requires replacement of tail rotor blades having bent tabs on float-equipped helicopters only.

Since a situation exists that requires immediate adoption of this regulation, it

is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**BELL.** Applies to Model 47 Series helicopters equipped with metal tail rotor blades, P/N 47-642-102.

Compliance required as indicated.

To prevent failure of tail rotor blades due to fatigue cracks, accomplish the following:

(a) Until the installation of zero time in service blades equipped with tabs, P/N 47-642-114, or an equivalent strike-detection device approved by the Chief, Engineering and Manufacturing Branch, FAA Southwest Region, before the first flight of each day after the effective date of this AD, visually check for cracks and permanent deformation in the tail rotor grips in the area between Blade Station 2.7 and 3.7, in the tail rotor blade trailing edge between Blade Station 5.0 and 8.0, and at the area surrounding the rivets that attach the blade skin to the grip. (Station 0 is center of tail rotor yoke.)

(b) Before the first flight of each day after the effective date of this AD, visually check blades equipped with tabs, P/N 47-642-114, for deformation of the tabs or check the equivalent strike-detection device in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Southwest Region.

(c) Replace tail rotor blades having cracks or permanent deformation on skid-equipped helicopters before further flight.

(d) Replace tail rotor blades having cracks, permanent deformation, bent tabs, or strike indication from equivalent strike-detection device on float-equipped helicopters before further flight, except that blades with bent tabs or a strike indication from the equivalent strike-detection device only may be flown for a period not to exceed 1.5 hours in accordance with FAR 21.197 to a base where the blade may be replaced.

(e) Within the next 300 blade hours' time in service after the effective date of this AD, install tabs, P/N 47-642-114, on metal tail rotor blades, P/N 47-642-102, of float-equipped helicopters in accordance with Bell Service Letter No. 125 or an equivalent strike-detection device approved by the Chief, Engineering and Manufacturing Branch, FAA Southwest Region.

(f) The checks required by this AD may be performed by the pilot.

**NOTE:** For the requirements regarding the listing of compliance and method of compliance with this AD in the aircraft permanent maintenance record, see FAR 91.173.

(Bell Service Bulletin No. 143 SB, Revision A, also pertains to this subject.)

This supersedes Amendment 39-257 (31 F.R. 9399), AD 66-17-1, as amended by Amendment 39-260 (31 F.R. 9675).

This amendment becomes effective November 25, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 3, 1966.

W. H. WEEKS,  
*Acting Director,*  
*Flight Standards Service.*

[F.R. Doc. 66-12302; Filed, Nov. 14, 1966;  
8:45 a.m.]

[Docket No. 7189; Amdt. 39-309]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Boeing Model 707 and 720 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring repetitive inspections and modifications of the upper wing skin and the horizontal legs of the splice angle and chord members on Boeing Model 707 and 720 Series airplanes was published in 31 F.R. 4459.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment recommended that when a crack is detected in the rear spar cap splice angle only, replacement with an original Boeing splice angle without the sealant dam hole should be sufficient, and that after such a replacement the repetitive X-ray inspections should be discontinued. The Agency has determined that such action is not an adequate preventive modification because it does not structurally upgrade the whole rear spar upper chord splice area, and that an X-ray inspection is still needed to detect cracks in the rear spar upper chord members. Another operator noted that it had been verbally advised by the manufacturer that in view of the manufacturer's intended wing rework program, it is not necessary to "cold-work" the holes as specified in the applicable Service Bulletin. Accordingly, the operator recommended a revision of the AD. However, the Agency has not received a rework schedule from the manufacturer, and at this time "cold-rework" remains a part of the recommended procedures. Furthermore, the references in the present AD to the applicable service bulletin include later FAA-approved revisions of that bulletin. Therefore, modification may be accomplished in accordance with a later FAA-approved revision of the service bulletin that has deleted the "cold-work" requirement. Another comment recommended an eddy-current inspection every 2,000 hours as an alternative to the ultrasonic and X-ray inspection required every 600 hours. The Agency has determined that one eddy-current inspection every 2,000 hours is not equivalent to more than three ultrasonic and X-ray inspections in this same interval, and that requiring an eddy-current inspection every 600 hours is not recommended because of the disadvantage of removing the seal stop bolt and draining the tank. Due to a typographical error, paragraph (f) of the NPRM referred to airplanes with less than 15,000 hours' time in service rather than correctly referring to those with less than 8,000 hours' time in service. The final rule is being changed to specify the correct figure. The Agency has determined that to provide relief to operators who have an established inspection interval of 625 hours, paragraphs (e), (f), and (g) can be changed to specify inspection intervals of 625 hours rather than 600 hours without adversely affecting safety.



In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**BOEING.** Applies to Model 707-100, 707-200, and 720 Series airplanes listed in Boeing Service Bulletin No. 2177 (R-2).

Compliance required as indicated.

In order to detect and repair cracks in the wing skin, and the horizontal legs of the splice angle and chord members at Wing Station 304.93 rear spar upper chord splice, accomplish the following:

(a) Within the next 200 hours' time in service after the effective date of this AD and at intervals thereafter not to exceed 200 hours' time in service from the last inspection, inspect Model 720 Series airplanes with 8,000 or more hours' time in service on the effective date of this AD and Model 707 Series airplanes with 15,000 or more hours' time in service on the effective date of this AD in accordance with paragraph (d).

(b) Before the accumulation of 8,200 hours' time in service and at intervals thereafter not to exceed 200 hours' time in service from the last inspection, inspect Model 720 Series airplanes with less than 8,000 hours' time in service on the effective date of this AD in accordance with paragraph (d).

(c) Before the accumulation of 15,200 hours' time in service and at intervals thereafter not to exceed 200 hours' time in service from the last inspection, inspect Model 707 Series airplanes with less than 15,000 hours' time in service on the effective date of this AD in accordance with paragraph (d).

(d) Visually inspect for cracks in accordance with the "Visual Inspection Procedure" of paragraph 3, Part I, Boeing Service Bulletin No. 2177 (R-2) or later FAA-approved revision.

(e) Within the next 600 hours' time in service and at intervals thereafter not to exceed 625 hours' time in service from the last inspection, inspect Model 720 Series airplanes with 8,000 or more hours' time in service on the effective date of this AD and Model 707 Series airplanes with 15,000 or more hours' time in service on the effective date of this AD in accordance with paragraph (h).

(f) Before the accumulation of 8,600 hours' time in service and at intervals thereafter not to exceed 625 hours' time in service from the last inspection, inspect Model 720 Series airplanes with less than 8,000 hours' time in service on the effective date of this AD in accordance with paragraph (h).

(g) Before the accumulation of 15,600 hours' time in service and at intervals thereafter not to exceed 625 hours' time in service from the last inspection, inspect Model 707 Series airplanes with less than 15,000 hours' time in service on the effective date of this AD in accordance with paragraph (h).

(h) Accomplish an ultrasonic and X-ray inspection in accordance with paragraph 3, Part I, Boeing Service Bulletin No. 2177 (R-2) or later FAA-approved revision, or by a method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(i) If cracks are found during the inspections conducted in accordance with this AD, repair and modify the affected parts before further flight in accordance with paragraph 3, Part II, "Preventive Modification Data" or Part III, "Crack Repair Data", Boeing Service Bulletin No. 2177 (R-2) or later FAA-approved revision, or in accordance with a method approved by the Chief, Aircraft Engineering Division, FAA Western Region. After the repair or modification is accomplished, the repetitive inspections required by this AD may be discontinued.

(j) Within the next 7,000 hours' time in service after the effective date of this AD modify Model 720 Series airplanes with 8,000 or more hours' time in service on the effective date of this AD and Model 707 Series airplanes with 15,000 or more hours' time in service on the effective date of this AD in accordance with paragraph (m).

(k) Before the accumulation of 15,000 hours' time in service modify the Model 720 Series airplanes with less than 8,000 hours' time in service on the effective date of this AD in accordance with paragraph (m).

(l) Before the accumulation of 22,000 hours' time in service modify Model 707 Series airplanes with less than 15,000 hours' time in service on the effective date of this AD in accordance with paragraph (m).

(m) Unless already accomplished in accordance with paragraph (i), accomplish the modification specified in paragraph 3, Part II, "Preventive Modification Data", Boeing Service Bulletin No. 2177 (R-2) or later FAA-approved revision, or a modification approved by the Chief, Aircraft Engineering Division, FAA Western Region. After this modification has been accomplished, the repetitive inspections required by this AD may be discontinued.

(n) Upon request of an operator, an FAA maintenance inspector, with prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals required by this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This amendment becomes effective December 15, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 4, 1966.

W. H. WEEKS,  
Acting Director,  
Flight Standards Service.

[F.R. Doc. 66-12303; Filed, Nov. 14, 1966;  
8:45 a.m.]

[Docket No. 6241; Amdt. 39-310]

## PART 39—AIRWORTHINESS DIRECTIVES

### Lockheed Model 188A and 188C Series Airplanes

Amendment 39-158 (30 F.R. 14423), AD 65-26-4, requires repetitive inspection of the nose landing gear steering housings for cracks and replacement of parts as necessary on Lockheed Model 188A and 188C Series airplanes. Subsequent to the issuance of Amendment 39-158, an additional failure has occurred which indicates the need to reduce the visual repetitive inspection interval to 100 landings. Therefore, the AD is being superseded by a new AD that reduces the 300-landing visual repetitive interval to 100 landings from the last inspection.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation

Regulations is amended by adding the following new airworthiness directive:

**LOCKHEED.** Applies to Model 188A and 188C Series airplanes with steering housing, P/N 800905-1, with 4,000 or more landings.

Compliance required as indicated.

(a) For airplanes that have not been inspected in accordance with paragraph (d) within the last 200 landings before the effective date of this AD, comply with paragraph (d) within the next 300 landings after the last inspection before the effective date of this AD, and thereafter at intervals not to exceed 100 landings from the last inspection.

(b) For airplanes that have been inspected in accordance with paragraph (d) within the last 200 landings before the effective date of this AD, comply with paragraph (d) within the next 100 landings after the effective date of this AD, and thereafter at intervals not to exceed 100 landings from the last inspection.

(c) Within the next 500 landings after November 18, 1965, unless already accomplished within the last 700 landings before November 19, 1965, comply with paragraph (e), and thereafter at intervals not to exceed 1,200 landings from the last inspection.

(d) Visually inspect steering housing, P/N 800905-1, for hydraulic oil leaks. If a leak is indicated, inspect steering housing, P/N 800905-1, before further flight in accordance with paragraph (e).

(e) Inspect the 4 1/8-12 UNS-3A screw threaded portion of the bosses on both sides of the steering housing, P/N 800905-1, for cracks using the dye penetrant procedure outlined in Lockheed Alert Service Bulletin 88/SB-576B or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. Gain access to the screw threads by accomplishing the instructions of Sections 2.A through 2.D of Lockheed Alert Service Bulletin 88/SB-576, Revision 1.

(f) Replace any cracked steering housings detected during the inspection specified in paragraph (e) before further flight in accordance with the instructions of sections 2.G through 2.K of Lockheed Alert Service Bulletin 88/SB-576, Revision 1, with a new steering housing, P/N 800905-1, or with a new improved steering housing, P/N 800905-101.

(g) If a housing, P/N 800905-1, is replaced with a new housing of the same part number or had been replaced prior to the effective date of this AD, inspect in accordance with paragraph (d) within 4,100 landings following replacement and thereafter at intervals not to exceed 100 landings from the last inspection, and inspect in accordance with paragraph (e) within 4,500 landings following replacement and thereafter at intervals not to exceed 1,200 landings from the last inspection.

(h) For the purpose of compliance with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing the airplane's hours' time in service since the installation of the steering housing, by the operator's fleet average time from takeoff to landing for the airplane type.

(i) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This supersedes Amendment 39-158 (30 F.R. 14423), AD 65-26-4.

This amendment becomes effective November 25, 1966.



(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 8, 1966.

C. W. WALKER,  
Director, Flight Standards Service.

[F.R. Doc. 66-12304; Filed, Nov. 14, 1966;  
8:45 a.m.]

[Docket No. 7331; Amdt. 39-311]

## PART 39—AIRWORTHINESS DIRECTIVES

### Piper Model PA-30 Airplanes

Amendment 39-229 (31 F.R. 6582), AD 66-12-2, as amended by Amendment 39-241 (31 F.R. 7351), lowers the never exceed airspeed limit until modification of the stabilator system approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, has been accomplished on certain Piper Model PA-30 airplanes. Subsequent to the issuance of Amendment 39-241, the manufacturer has developed an installation of certain balance weights that will eliminate the vibration that necessitated the 218 mph airspeed limitation on these airplanes. The Agency has determined that these modifications must be accomplished on the applicable airplanes within the next 50 hours' time in service in accordance with the manufacturer's service bulletin. Therefore, the AD, as amended, is being superseded by a new AD that lowers the never exceed airspeed limit until modifications of the stabilator system in accordance with the manufacturer's service bulletin.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**PIPER.** Applies to Model PA-30 airplanes, serial numbers 30-853, 30-902 through 30-1080, 30-1082 through 30-1136, 30-1138 through 30-1198, 30-1200 through 30-1217, 30-1219 through 30-1226, and 30-1228 through 30-1253.

Compliance required as indicated, unless already accomplished.

As a result of excessive vibration that could result in partial failure of the stabilator, accomplish the following:

(a) Within the next 10 hours' time in service after May 3, 1966, attach the following operating limitation placard to the airspeed indicator in full view of the pilot: "Do not exceed 218 mph (190 knots) IAS."

(b) Within the next 50 hours' time in service after 1966, accomplish one of the following, as applicable, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region:

(1) For airplanes that have had the stabilator or stabilator trim tab repainted, altered, or repaired after leaving the factory, balance the stabilator in accordance with Piper Service Bulletin No. 229A, dated June 17, 1966, and Sketches A and B. Endorse the airplane log book to indicate whether the stabilator was balanced in accordance with

paragraph (c) or (d) of Piper Service Bulletin No. 229A.

(2) For airplanes that have not had the stabilator or stabilator trim tab repainted, altered, or repaired after leaving the factory, add balance weights, Piper P/Ns 25780-02 and 25780-03, to the stabilizer arm by means of AN4-36A bolt, AN 960-416 washers and MS 20365-428C nut in accordance with Piper Service Bulletin No. 229A, dated June 17, 1966, and Sketch A. If plates, Piper P/N 23179-00, are presently installed, they must all be installed on the left side of the balance weight are as shown in Piper Service Bulletin No. 229A, Sketch A. Insure that stabilator controls have proper movement before further flight.

(c) After modification in accordance with either subparagraph (b) (1) or (b) (2), the placard installed in accordance with paragraph (a) may be removed and replaced with operating limitation placard, Piper P/N SK-1835, which limits the Never Exceed Operating Airspeed to 230 mph, or an FAA-approved equivalent in accordance with Piper Service Bulletin No. 235, dated September 16, 1966, or an FAA-approved equivalent. However, this placard shall not be installed on airplanes that have a Never Exceed Operating Airspeed lower than 230 mph because of supplemental type certificate limitations, or FAA Form 337 approval limitations.

**NOTE.** The modification approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region and described in a memorandum dated July 20, 1966, is no longer applicable since the AD to which it was related is superseded by this directive.

(d) After modification in accordance with either subparagraph (b) (1) or (b) (2), replace existing DMCR-approved Airplane Flight Manual Piper Report No. 1269, dated February 5, 1963, revised November 8, 1965, with DMCR-approved Airplane Flight Manual, Piper Report No. 1269, dated February 5, 1963, DOA-approved revision dated August 31, 1966.

**NOTE.** Existing Airplane Flight Manual supplements are still valid. Only the Basic Airplane Flight Manual should be replaced. For the requirements regarding the revising of the aircraft permanent maintenance record to reflect the 2.5 pounds added to the stabilator at a moment arm of 231.34 inches aft of datum during the modification specified in subparagraph (b) (1) or (b) (2), see FAR 91.173.

This supersedes Amendment 39-229 (31 F.R. 6582), AD 66-12-2, as amended by Amendment 39-241 (31 F.R. 7351).

This amendment becomes effective November 25, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 8, 1966.

C. W. WALKER,  
Director, Flight Standards Service.

[F.R. Doc. 66-12305; Filed, Nov. 14, 1966;  
8:45 a.m.]

[Airspace Docket No. 66-WA-31]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make an editorial change in the description of Red Federal airway No. 75.

The United States portion of Red 75 airway is designated in part with reference to the Bellingham, Wash., radio range. This radio range has been decommissioned. Accordingly, action is taken herein to redescribe Red 75 airway by deleting reference to the Bellingham radio range. The extent of controlled airspace associated with this airway will not be altered.

Since this amendment is editorial in nature and does not involve the designation of airspace, notice and public procedure are unnecessary and it may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER as hereinafter set forth.

In § 71.107 (31 F.R. 2007) R-75 is amended to read:

R-75 from Vancouver, British Columbia, Canada, RR via White Rock, British Columbia, Canada, RBN; Abbotsford, British Columbia, Canada, RR; Cultus Lake, British Columbia, Canada, RBN; to Princeton, British Columbia, Canada, RR, excluding the portion within Canada.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 7, 1966.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 66-12306; Filed, Nov. 14, 1966;  
8:45 a.m.]

[Airspace Docket No. 66-SO-78]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Transition Area

On September 29, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 12726) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the McComb, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the 1200-foot portion of the McComb, Miss., transition area is amended by deleting "within 8 miles S and 5 miles N of the McComb VOR 254° and 074° radials, extending from 17 miles W to 5 miles E of the VOR; and within 8 miles N and 5 miles S of the McComb VOR 074° radial, extending from the VOR to 12 miles E" and substituting therefor "within a 14-mile radius of the McComb VORTAC; within 8 miles S and 5 miles N of the McComb VORTAC 254° radial, extending from the 14-mile radius area to 17 miles W of the VORTAC."



(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on November 2, 1966.

JAMES G. ROGERS,  
Director, Southern Region.

[F.R. Doc. 66-12307; Filed, Nov. 14, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-21]

## PART 73—SPECIAL USE AIRSPACE

### Alteration of Restricted Areas

On August 26, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11319) stating that the Federal Aviation Agency proposed to modify Restricted Areas R-7101 Culebra, P.R., and R-7104 Vieques, P.R.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The only comment received, from the Air Transport Association, interposed no objection.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective January 5, 1967, as hereinafter set forth.

1. Section 73.71 (31 F.R. 2343) R-7101 Culebra Island, P.R., is amended as follows:

"Designated altitudes. Surface to flight level 500" is deleted and "Designated altitudes. Surface to FL 500. Above 5,000 feet user operations to be conducted only at altitudes where VFR conditions exist" is substituted therefor. "Time of designation. During VFR weather conditions, and only after issuance of NOTAMs by the Commandant, 10th Naval District at least 48 hours prior to firing, NOTAMs also to be issued upon cessation of firing" is deleted and "Time of designation. Continuous 0600-2300 local time. Other times by NOTAM issued 24 hours in advance" is substituted therefor.

2. Section 73.71 (31 F.R. 2343) R-7104 Vieques Island, P.R., is amended as follows:

"Designated altitudes. Surface to flight level 500" is deleted and "Designated altitudes. Surface to FL 500. Above 5,000 feet user operations to be conducted only at altitudes where VFR conditions exist" is substituted therefor. "Time of designation. Continuous, but only after issuance of NOTAMs by the Commandant, 10th Naval District, at least 48 hours prior to firing. NOTAMs to contain information concerning time of cessation of firing" is deleted and "Time of designation. By NOTAM issued 24 hours in advance" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 7, 1966.

JOSEPH J. REGAN,  
Acting Director,  
Air Traffic Service.

[F.R. Doc. 66-12308; Filed, Nov. 14, 1966; 8:46 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 5656]

## PART 13—PROHIBITED TRADE PRACTICES

### Dabrol Products Corp. and Andrew O'Blasney

Subpart—Advertising falsely or misleadingly: § 13.140 *Old, reclaimed or reused product being new*. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*. Subpart—Misbranding or mislabeling: § 13.1265 *Old, secondhand, reclaimed, or reconstructed product as new*. Subpart—Misrepresenting oneself and goods: § 13.1695 *Old, secondhand, reclaimed, or reconstructed as new*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new*. Subpart—Using misleading name: § 13.2280 *Composition*; § 13.2345 *Source or origin*; 13.2345—65 *Place*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Modified order to cease and desist, Dabrol Products Corp. et al., Chicago, Ill., Docket 5656, Oct. 17, 1966]

*In the Matter of Dabrol Products Corp., a Corporation, and Andrew O'Blasney, Individually and as an Officer of Dabrol Products Corp.*

Order modifying a cease and desist order dated December 29, 1950, 16 F.R. 2490, requiring a processor of lubricating oil to cease advertising and selling its product without disclosing that it is re-refined or reprocessed, and affirmatively ordering such disclosure to be made on the front panel or panels of the container.

The modified order to cease and desist, is as follows:

*It is ordered*, That this proceeding be, and it hereby is, reopened and the Commission's order of December 29, 1950, be, and it hereby is, modified by substituting the following paragraphs 4 and 5 for the correspondingly numbered paragraphs in its order to cease and desist of December 29, 1950, and adding the following paragraph numbered 6 to that order to cease and desist:

4. Advertising, offering for sale or selling, any lubricating oil which is composed in whole or in part of oil which has been reclaimed or in any manner processed from previously used oil, without disclosing such prior use to the purchaser or potential purchaser in the advertising and sales promotion material, and by a clear and conspicuous statement to that effect on the front panel or front panels on the container.

5. Packaging previously used lubricating oil for others for resale to the pur-

chasing public in containers which do not clearly and conspicuously disclose such prior use on the front panel or front panels on the container.

6. Representing in any manner that lubricating oil composed in whole or in part of oil that has been manufactured, reprocessed or re-refined from oil that has been previously used for lubricating purposes, has been manufactured from oil that has not been previously used.

Issued: October 17, 1966.

By the Commission.

[SEAL]

JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12345; Filed, Nov. 14, 1966; 8:49 a.m.]

[Docket No. C-1121]

## PART 13—PROHIBITED TRADE PRACTICES

### Joette Coat & Suit Co., Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties*; 13.1053-35 *Fur Products Labeling Act*. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*; 13.1108-45 *Fur Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*; 13.1185-30 *Fur Products Labeling Act*; 13.1185-90 *Wool Products Labeling Act*; § 13.1212 *Formal regulatory and statutory requirements*; 13.1212-30 *Fur Products Labeling Act*; 13.1212-90 *Wool Products Labeling Act*; § 13.1325 *Source or origin*; 13.1325-70 *Place*; 13.1325-70(g) *Imported product or parts as domestic*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*; 13.1852-35 *Fur Products Labeling Act*; 13.1852-80 *Wool Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 69f, 68) [Cease and desist order, Joette Coat & Suit Co., Inc., et al., New York, N.Y., Docket C-1121, Oct. 10, 1966]

*In the Matter of Joette Coat & Suit Co., Inc., a Corporation, and Joseph Springer, Inc., a Corporation, and Joseph Springer, Individually and as an Officer of Said Corporations, and Charles Yoel, Individually and as an Employee of Said Corporations*

Consent order requiring two New York City coat and suit manufacturers to cease misbranding, deceptively invoicing and falsely guaranteeing its fur and wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents Joette Coat & Suit Co., Inc., a corporation, and its officers, and Joseph Springer, Inc., a corporation, and its officers, and Joseph Springer, individually and as an officer of said corporations, and Charles Yoel, individually and as an employee of said



corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation and distribution in commerce of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such fur product as to the country of origin of furs contained in such fur product.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Failing to set forth on labels the item number or mark assigned to each such fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

2. Failing to set forth on invoices the item number or mark assigned to each such fur product.

*It is further ordered*, That respondents Joette Coat & Suit Co., Inc., a corporation, and its officers, and Joseph Springer, Inc., a corporation, and its officers, and Joseph Springer, individually and as an officer of said corporations, and Charles Yoel, individually and as an employee of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

*It is further ordered*, That respondents Joette Coat & Suit Co., Inc., a corporation, and its officers, and Joseph Springer, Inc., a corporation, and its officers, Joseph Springer, individually and as an officer of said corporations, and Charles Yoel, individually and as an employee of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment in commerce of wool products, as "com-

merce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

A. Misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 10, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12346; Filed, Nov. 14, 1966;  
8:49 a.m.]

[Docket No. C-1120]

**PART 13—PROHIBITED TRADE PRACTICES**

**Kirchen Brothers et al.**

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Kirchen Brothers et al., Chicago, Ill., Docket C-1120, Oct. 10, 1966]

*In the Matter of Kirchen Brothers, a Corporation, and John Abens and Grover Kirchen, Individually and as Officers of said Corporation*

Consent order requiring a Chicago importer and seller of handicraft materials to cease and desist from importing, selling, and transporting any fabric so highly flammable as to endanger persons who wear it.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents Kirchen Brothers, a corporation, and its officers, and John Abens and Grover Kirchen, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce,

any fabric which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 10, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12347; Filed, Nov. 14, 1966;  
8:49 a.m.]

[Docket No. C-1122]

**PART 13—PROHIBITED TRADE PRACTICES**

**Joseph Mill and Chicago Freezer Meats Co.**

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services*; § 13.125 *Limited offers or supply*; § 13.155 *Prices*: 13.155-10 Bait; 13.155-70 Percentage savings; § 13.175 *Quality of product or service*. Subpart—Disparaging competitors and their products—Competitors' products: § 13.1015 *Quality*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services*; § 13.1715 *Quality*; § 13.1747 *Special or limited offers*; Misrepresenting oneself and goods—Prices: § 13.1779 *Bait*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Chicago Freezer Meats Co., Chicago, Ill., Docket C-1122, Oct. 11, 1966]

*In the Matter of Joseph Mill, an Individual Trading as Chicago Freezer Meats Co.*

Consent order requiring a Chicago distributor of beef and other meat products to cease using bait advertising, deceptive pricing claims and other misrepresentations in selling its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondent Joseph Mill, an individual doing business as Chicago Freezer Meats Co., or under any other name, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of beef or any other food products, do forthwith cease and desist from:

1. Disseminating, or causing the dissemination of, any advertisement by means of the U.S. mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, any advertisement which:



[Docket Nos. C-1123, etc.]

**PART 13—PROHIBITED TRADE PRACTICES****National Canvas Products Corp., et al.**

National Canvas Products Corp. et al. (Docket C-1123), H. Wenzel Tent & Duck Co. et al. (Docket C-1124), J. W. Johnson Co. et al. (Docket C-1125), Topeka Tent & Awning Co., Inc., et al. (Docket C-1126), Eureka Tent & Awning Co., Inc., et al. (Docket C-1127), Powers & Co., Inc., et al. (Docket C-1128), Camel Manufacturing Co. et al. (Docket C-1129).

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices: 13.155–45 Fictitious marking. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Prices: § 13.1810 Fictitious marking.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, National Canvas Products Corp. et al., Docket C-1123, H. Wenzel Tent and Duck Company et al., Docket C-1124, J. W. Johnson Co. et al., Docket C-1125, Topeka Tent & Awning Co., Inc., et al., Docket C-1126, Eureka Tent & Awning Co., Inc., et al., Docket C-1127, Powers & Co., Inc., et al., Docket C-1128, Camel Manufacturing Co. et al., Docket C-1129, Oct. 14, 1966]

*In the Matter of National Canvas Products Corp., a Corporation, and James D. Kinn, Individually and as an Officer of said Corporation; H. Wenzel Tent & Duck Co., a Corporation, and William H. Wenzel, Fred H. Wenzel and Herman F. Wenzel, Individually and as Officers of said Corporation; J. W. Johnson Co., a Corporation, and Ralph E. Johnson, Individually and as an Officer of said Corporation; Topeka Tent & Awning Co., Inc., a Corporation, and Willis Anton and Willis Anton, Jr., Individually and as Officers of said Corporation; Eureka Tent & Awning Co., Inc., a Corporation, and Robert B. DeMartine, Individually and as an Officer of said Corporation; Powers & Co., Inc., a Corporation, and Mabel C. Powers, Edwin T. Oscarson, and Jack Loman, Individually and as Officers of said Corporation; Camel Manufacturing Co., a Corporation, and Gene B. Laxer and Benjamin D. Bower, Individually and as Officers of said Corporation*

Consent orders requiring seven manufacturers of tents, tarpaulins, and other canvas products to cease making false, misleading, and deceptive pricing claims for their products in catalogs they furnish to their retailers.

Identical orders to cease and desist (combining respondents in these seven cases), including further order requiring report of compliance therewith, are as follows:

*It is ordered, That if the respondents National Canvas Products Corp., a corporation, and its officers, and James D. Kinn; H. Wenzel Tent & Duck Co., a*

corporation, and its officers, and William H. Wenzel, Fred H. Wenzel and Herman F. Wenzel; J. W. Johnson Co., a corporation, and its officers, and Ralph E. Johnson; Topeka Tent & Awning Co., Inc., a corporation, and its officers, and Willis Anton and Willis Anton, Jr.; Eureka Tent & Awning Co., Inc., a corporation, and its officers, and Robert B. DeMartine; Powers & Co., Inc., a corporation, and its officers, and Mabel C. Powers, Edwin T. Oscarson and Jack Loman; Camel Manufacturing Co., a corporation, and its officers, and Gene B. Laxer and Benjamin D. Bower, individually and as officers of said corporations], and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of tents, tarpaulins, or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising, disseminating or distributing any purported retail price unless (a) it is respondents' bona fide estimate of the actual retail price of the product in the area where respondents do business and (b) it does not appreciably exceed the highest price at which substantial sales of said product are made in said trade area.

2. Misrepresenting in any manner the prices at which respondents' merchandise is sold at retail.

3. Furnishing to others any means or instrumentalities whereby the purchasing public may be misled as to the retail prices of respondents' products.

*It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.*

Issued: October 14, 1966.

By the Commission.

[SEAL]

JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12349; Filed, Nov. 14, 1966; 8:49 a.m.]

[Docket No. 8699]

**PART 13—PROHIBITED TRADE PRACTICES****Supreme Food Products Co., Inc., and Benjamin Jay Berman**

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices: 13.155–5 Additional charges unmentioned; 13.155–90 Savings and discounts subsidized; § 13.175 Quality of product or service. Subpart—Misrepresenting oneself and goods—Goods: § 13.1715 Quality; Misrepresenting oneself and goods—Prices: § 13.1778 Additional costs unmentioned.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Supreme Food Products Co., Inc., et al., Philadelphia, Pa., Docket 8699, Oct. 19, 1966]

A. Represents, directly or by implication:

1. That any such products are offered for sale when such offer is not a bona fide offer to sell such products at the price or prices stated.

2. That any offer is limited as to time: *Provided, however, That it shall be a defense in any enforcement proceeding instituted hereunder for respondent to establish that such time restriction or limitation was actually imposed and in good faith adhered to by respondent.*

3. That the price or prices stated are special, reduced or afford a saving to purchasers: *Provided, however, That it shall be a defense in any enforcement proceeding instituted hereunder for respondent to establish that such price or prices were special, reduced, or afford an actual saving to purchasers in conformity with the representation made.*

4. That the beef he sells does not include the lower portions of beef.

5. That any product will be furnished free or without cost to persons who purchase products from respondent: *Provided, however, That it shall be a defense in any enforcement proceeding instituted hereunder for respondent to establish that such product was in fact given in each and every instance in which the purchaser fulfilled the conditions specified in the advertisement.*

6. That any meat or other product or any specified quantity thereof will be delivered unless the particular product and the amount specified is furnished as represented.

B. Misrepresents in any manner the price, quantity, grade, or quality of any such products, or the savings afforded the purchaser.

II. Discouraging the purchase of, or disparaging in any manner, any products which are advertised or offered for sale in advertisements disseminated or caused to be disseminated by means of the U.S. mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act.

III. Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondent's products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in paragraphs IA and IB above.

*It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.*

Issued: October 11, 1966.

By the Commission.

[SEAL]

JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12348; Filed, Nov. 14, 1966; 8:49 a.m.]



*In the Matter of Supreme Food Products Co., Inc., a Corporation, and Benjamin Jay Berman, Individually and as an Officer of said Corporation*

Consent order requiring a Philadelphia, Pa., corporation, to cease using false pricing, savings and quality claims and other deceptive practices in selling its food, freezers, and freezer-food plans.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

#### PART I

*It is ordered,* That respondents Supreme Food Products Co., Inc., a corporation, and its officers, trading under its own name or as Supreme Frozen Food Co., Foremost Food Products Co., or Foremost Food Service or under any other trade name or names, and Benjamin Jay Berman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with offering for sale, sale, or distribution of freezers, food or freezer food plans in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication that:

1. Purchasers of their freezer food plan can buy their usual food requirements and a freezer for the same or a lesser amount of money than they have been paying for said food requirements alone.

2. Purchasers of their freezer food plan will save enough money on the purchase of their usual food requirements to pay for the freezer.

3. Food prices charged by respondents for the initial order are respondents' regular and usual price for each such item: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that said initial prices are respondents' regular and usual prices for each such item at the time of the initial order.

4. Purchasers can obtain all of their food needs through respondents' freezer food plan.

5. All of respondents' food products, or any category thereof, are nationally advertised brands: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that all such products, or any category thereof, are nationally advertised brands in conformity with the representation made.

6. The freezers sold by respondents are frost free: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that such freezers are frost free.

7. The meat sold by respondents is either U.S. Government inspected or graded: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the meat so described has been inspected or graded in

conformity with the representation made.

8. That purchasers have but one payment to make covering both food and freezer: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that only one payment is required for both food and freezer.

9. Any quantity of food ordered by the purchaser will be sufficient to last such purchaser any stated or specified period of time: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that any representation in the foregoing respect constituted a bona fide estimate by respondents' representative of the purchaser's food requirements for the stated period of time based upon information secured in good faith from the purchaser.

10. Purchasers can become members of respondents' freezer food plan on a trial basis.

B. Misrepresenting in any manner the prices or the grade or quality of food sold by respondents or the savings realized by purchasers of respondents' food, freezers, or freezer food plans.

C. Inducing purchasers to sign any contract to purchase, promissory note or other instrument which does not at the time of signing contain all the terms and conditions of the transaction and the total charges which the purchaser must pay.

#### PART II

*It is further ordered,* That respondents Supreme Food Products Co., Inc., a corporation, and its officers, trading under its own name or as Supreme Frozen Foods Co., Foremost Food Products Co., or Foremost Food Service, or any other trade name or names, and Benjamin Jay Berman, individually and as an officer of said corporation and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with offering for sale, sale, or distribution of food, or any purchasing plan involving food, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in paragraphs A, B, and C of Part I of this order.

2. Disseminating or causing to be disseminated any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any food or any purchasing plan involving food in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in paragraphs A, B, and C of part I of this order.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing

setting forth in detail the manner and form in which they have complied with this order.

Issued: October 19, 1966.

By the Commission.

[SEAL]

JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12350; Filed, Nov. 14, 1966; 8:49 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### SUBCHAPTER C—DRUGS

### PART 132—REGISTRATION OF PRODUCERS AND CERTAIN WHOLESALE-DRUGS

#### Times for Registration

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 510, 701(a), 52 Stat. 1055, 76 Stat. 794, as amended; 21 U.S.C. 351, 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), Part 132 is amended for clarification by revising § 132.3(a) to read as follows:

#### § 132.3 Times for registration.

(a) The owner or operator of an establishment entering into an operation defined in § 132.1 (c) or (d) must register such establishment within 5 days after the beginning of such operation. If the owner or operator of an establishment defined in § 132.1(c) has not previously entered into such operation, registration must follow within 5 days after the submission of a new-drug application or antibiotic forms 5, 6, and/or 10 (or FD-1800 instead of a new-drug application or form 10). Owners or operators of all establishments so engaged must register annually between November 15 and December 31. The registration accomplished during this November-December period is effective for the succeeding year. Registrations will be stamped and dated by the end of the second working day following their receipt. This date will be considered as the effective date of registration.

\* \* \* \* \*

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since this amendment merely clarifies a procedural regulation.

*Effective date.* This order shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 510, 701(a), 52 Stat. 1055, 76 Stat. 794, as amended; 21 U.S.C. 351, 371(a))

Dated: November 7, 1966.

JAMES L. GODDARD,  
Commissioner of Food and Drugs.

[F.R. Doc. 66-12356; Filed, Nov. 14, 1966; 8:50 a.m.]



# Title 35—PANAMA CANAL

## Chapter I—Canal Zone Regulations

### PART 67—CANAL ZONE POSTAL SERVICE

#### Miscellaneous Amendments

Effective December 16, 1966, Part 67 of Title 35 of the Code of Federal Regulations is amended as follows:

1. Section 67.4(b) is revised to read as follows:

#### § 67.4 Acceptance of funds.

(b) *Checks.* (1) Cashing of checks is prohibited except as provided in subparagraph (3) of this paragraph.

(2) Checks made payable to the Panama Canal Company may be accepted at the discretion of postal employees for the amount of the transaction of postal business only.

(3) U.S. Government checks (issued by the Panama Canal Company or other U.S. Government agencies for salaries, allotments, pensions, refunds, travel, etc.) may be cashed for first endorsers only, in transactions involving the purchase of Postal Money Orders or issuance of Postal Savings Certificates, to the extent that funds are available beyond the operating needs of the unit.

(4) No checks (other than U.S. Government checks in subparagraph (3) of this paragraph) may be accepted for the purchase of Postal Money Orders.

(5) Only certified checks and bank drafts (in addition to subparagraph (3) of this paragraph) may be accepted for issuance of Postal Savings Certificates.

(6) Exceptions to this section may be authorized by special instructions of the Civil Affairs Director with the approval of the Comptroller.

2. Section 67.114 is revised to read as follows:

#### § 67.114 Transient rate.

The provisions of 39 CFR, prescribing domestic transient rates of postage for copies of second-class matter mailed by the public and to persons not included in the list of subscribers, are applicable to and within the Canal Zone.

CROSS REFERENCE: Transient rate for second class mail, see 39 CFR 22.1(c).

3. Section 67.115(a) is revised to read as follows:

#### § 67.115 Second-class rates to other countries.

(a) The provisions of 39 CFR, prescribing second-class postage rates to PUAS and all other countries, are applicable to and within the Canal Zone.

CROSS REFERENCE: Second-class rates to PUAS and other countries, see 39 CFR 112.4(a) (1) (iii).

4. Subparagraph (1) of paragraph (d) of § 67.163 is revised to read as follows:

#### § 67.163 Foreign destinations.

(d) *Prepayment*—(1) *Short paid and unpaid*—(i) *Short paid with Canal Zone return address.* Return for additional postage.

(ii) *Short paid with other than Canal Zone return address.* Dispatch to appropriate exchange office for proper T-stamp endorsement and rating of deficient postage for onward dispatch by airmail.

(iii) *Unpaid with Canal Zone return address.* Return for postage.

(iv) *Unpaid with other than Canal Zone return address.* Obliterate airmail markings, endorse ordinary—Not airmail and dispatch to appropriate exchange office for proper T-stamp endorsement and onward dispatch by surface.

5. Section 67.184 is amended by adding a new paragraph (e) reading as follows:

#### § 67.184 Free mail.

(e) Mail of Presidents-elect, Vice Presidents-elect and former Vice Presidents.

CROSS REFERENCES: For the subjects referred to in this section, see 39 CFR 27.5 to 27.9.

6. Section 67.221 is revised to read as follows:

#### § 67.221 Adhesive stamps available.

The following adhesive stamps are available:

Purpose	Form	Denomination
Ordinary postage.	Single or sheet.	1, 1½, 2, 3, 4, 5, 10, 15, 20, 25, 30, 50 cents.
	Coil of 100.....	3, 4 cents.
	Coil of 500.....	3, 4, 5 cents.
	Coil of 3000.....	4 cents.
Airmail postage (for use on airmail only).	Single or sheet.	6, 8, 15, 20, 30, 80 cents.
Postage Due (for post office use only).	Single or sheet.	1, 5, 15 cents.
Special Delivery (U.S.).	Single or sheet.	30 cents. Good only for special delivery fee on mail to United States.

7. In § 67.281, subdivision (i) of subparagraph (2) of paragraph (b) is revised to read as follows:

#### § 67.281 Postage payment.

Declared value	Fees	Postal liability
\$0.00 to \$100.00.....	\$0.75.....	Without other insurance—declared value according to fee paid, \$1,000 maximum.
\$100.01 to \$200.00.....	\$1.00.....	
\$200.01 to \$400.00.....	\$1.25.....	With other insurance—declared value according to fee paid or prorated, \$1,000 maximum.
\$400.01 to \$600.00.....	\$1.50.....	
\$600.01 to \$800.00.....	\$1.75.....	\$1,000 maximum:
\$800.01 to \$1,000.....	\$2.00.....	
\$1,000.01 to \$1,000,000.....	\$2.00, plus handling charge of 15 cents per \$1,000 or fraction over \$1,000.	\$1,000 maximum:
\$1,000,000.01 to \$15,000,000.....	\$151.85 plus handling charge of 10 cents per \$1,000 or fraction over first \$1,000,000.	
Over \$15,000,000.....	Additional charges may be applied based on consideration of weight, space and value.	

For shipments valued in excess of \$1,000,000 refer to Director of Posts before acceptance.

(b) *Insufficient prepayment or short paid or unpaid.* \* \* \*

(2) *Postal Union mail*—(i) *Surface Mail.* Return all short paid and unpaid Postal Union articles to the sender for postage. If the sender is not known, send only letters and post cards in their usual form to the appropriate exchange office for proper T-stamp endorsement and onward dispatch. All other articles (AO) shall be sent to the Dead Letter Office for handling.

8. A new § 67.291 is added to read as follows:

#### § 67.291 Postage due mail.

(a) *Applicability of Federal postal regulations.* The provisions of 39 CFR, relating to the acceptance, distribution, and dispatch of postage due mail, are applicable to and within the Canal Zone except as they may be inconsistent with the provisions of paragraphs (b) and (c) of this section.

(b) *When not to collect deficient postage.* Short paid mail addressed to the Panama Canal Company, Canal Zone Government or any other U.S. Government Agency in the Canal Zone, or to officials thereof in their official capacity, may be delivered without collection of additional postage. Any such matter mailed in the Canal Zone should be returned to the sender if the failure to prepay postage appears to be intentional.

(c) *Quantity mailings short paid.* All short paid quantity mailings originating in the Canal Zone must be returned, under cover, to the office of mailing for collection of postage due from the sender.

CROSS REFERENCE: Acceptance, distribution, and dispatch of postage due mail, see 39 CFR 37.1(b) (c).

9. Subparagraph (5) of paragraph (d) of § 67.441 is revised to read as follows:

#### § 67.441 General provisions.

(d) *Declaration by sender.* \* \* \* (5) *Matter not having intrinsic value.* Articles having no intrinsic value may be registered on payment of the 75-cent fee or any of the higher fees.

10. Paragraphs (a) and (b) of § 67.442 are revised to read as follows:

#### § 67.442 Fees and return receipts.

(a) *Registry fees (in addition to postage)*—(1) *Canal Zone and United States, its territories and possessions, and Commonwealth of Puerto Rico.*



(2) *Determination of fee.* The fee is determined by the declared value. Articles having no intrinsic value may be registered on payment of the 75-cent fee or any of the higher fees. Shipments addressed for delivery in the Canal Zone or the United States valued in excess of \$1,000 are subject to the handling charges based on that portion of the declared value which exceeds \$1,000. See § 67.471 for shipments of unfit and mutilated currency and § 67.472 for shipments of saving bond stubs and stock.

(b) *Fees for return receipts and restricted delivery (in addition to postage and registry fees).* The provisions of 39 CFR, relating to fees for return receipts and restricted delivery, with respect to registered mail to domestic destinations, apply to and within the Canal Zone.

CROSS REFERENCE: Fees for return receipts and restricted delivery, see 39 CFR 51.2(a).

11. Section 67.493 is revised to read as follows:

§ 67.493 Fees.

The provisions of 39 CFR, relating to fees for insured domestic mail, are applicable to and within the Canal Zone.

CROSS REFERENCE: Fees for insured domestic mail, see 39 CFR 52.2.

12. Section 67.494(c) is revised to read as follows:

§ 67.494 Mailing.

(c) *Endorsing and numbering.* Each package insured for \$15 or less shall not be numbered but shall be stamped with the elliptical insured stamp on the address side. Each package insured for more than \$15 shall be stamped on the address side with the "Insured No. -----" stamp, unless the package bears a reproduction of the stamp. The number appearing on the insurance receipt shall be conspicuously and legibly placed in the insured No. stamp endorsement on the parcel.

13. Section 67.591(b) is revised to read as follows:

§ 67.591 Surface mails.

(b) *Postal Union mail.*

Classifications	Surface rates	Weight Limits (surface)
Letters and Letter Packages: Panama..... All other countries.....	5 cents per ounce. 11 cents first ounce, 7 cents each additional ounce.	4 pounds 6 ounces. 4 pounds 6 ounces.
Post Cards: Panama..... All other countries.....	4 cents single; 8 cents reply paid. 7 cents single; 14 cents reply paid.	
Printed Matter: a. Books and sheet music: Countries of Postal Union of Americas and Spain, except Spain and Spanish possessions. All other countries including Spain and Spanish possessions. b. Publishers' Second Class: P.U.A.S. countries..... All other countries.....	2 cents first 2 ounces, 1 cent each additional 2 ounces. 3 cents first 2 ounces, 1½ cents each additional 2 ounces. 2 cents first 2 ounces, 1 cent each additional 2 ounces. 3 cents first 2 ounces, 1½ cents each additional 2 ounces.	See 39 CFR. See 39 CFR.
c. Other printed matter: All other countries.....	5 cents first 2 ounces, 3 cents each additional 2 ounces.	See 39 CFR.
Samples of Merchandise: All countries.....	5 cents first 2 ounces, 3 cents each additional 2 ounces. Minimum charge 12 cents.	18 ounces.
Matter for the blind: All countries.....	Domestic rates apply, with certain exceptions.	15 pounds 6 ounces.
Small Packets: All countries.....	5 cents each 2 ounces. Minimum charge, 25 cents.	2 pounds 3 ounces.
8-Ounce Merchandise Packages: Canada only.....	16 cents (flat rate).....	8 ounces.

14. Subparagraph (1) of paragraph (a) of § 67.701 is revised to read as follows:

§ 67.701 Domestic and domestic-international money orders.

(a) *Procedure for issuance.* \* \* \*

(1) *Money order fees.* The provisions of 39 CFR prescribing fees for domestic and international money orders are applicable to and within the Canal Zone.

CROSS REFERENCE: Money order fees, see 39 CFR 61.1(b) (2).

15. Section 67.762(a) is revised to read as follows:

§ 67.762 Acceptance of application for duplicate money order.

(a) An application for duplicate money order may be accepted at any post office or branch on Form 1266 or 6401.

(2 C.Z.C. secs. 1131-1133, 76A Stat. 38-39)

Dated: November 4, 1966.

[SEAL] ROBERT J. FLEMING, Jr.,  
Governor.

[F.R. Doc. 66-12334; Filed, Nov. 14, 1966; 8:48 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 11—Coast Guard, Department of the Treasury

[CGFR 65-56]

#### PART 11-16—PROCUREMENT FORMS

##### Subpart 11-16.8—Miscellaneous Forms

##### MISCELLANEOUS AMENDMENTS

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530):

Sections 11-16.800, 11-16.850, 11-16.850-1, 11-16.850-2, are added, reading as follows:

##### § 11-16.800 Scope of subpart.

This subpart prescribes miscellaneous forms, other than procurement contract forms, used for procurement of supplies and services. These forms are in addition to those enumerated in Subpart 1-16.8 of this title.

##### § 11-16.850 Contract modification forms.

This section prescribes forms for the modification of contracts (other than small purchases using DD Form 1155) for the procurement of supplies or services.

##### § 11-16.850-1 Change Order (DD Form 1319).

(a) This form shall be used for—

(1) Any change order issued pursuant to the changes clause of a contract;

(2) Any other unilateral contract modification (see § 1-1.219 of this title), except notices of termination (see Subpart 1-8.8 of this title), issued pursuant to a contract provision authorizing such modification without the consent of contractor; and

(3) Administrative changes, such as the correction of typographical mistakes, changes in the paying office and changes in accounting and appropriation data.

(b) If neither of the introductory statements on DD Form 1319 is applicable, an appropriate statement, such as "Pursuant to the clause entitled ----- of the above numbered contract, the following changes are made therein" should be added.

##### § 11-16.850-2 Supplemental Agreement (DD Form 1320).

This form shall be used for any contract modification which is accomplished by mutual action of the parties. The effective date shown on DD Form 1320 is the date agreed to by contracting parties as the date on which the terms and



conditions of the supplemental agreement take effect.

Dated: November 1, 1966.

[SEAL] P. E. TRIMBLE,  
Vice Admiral, U.S. Coast Guard,  
Acting Commandant.

[F.R. Doc. 66-12344; Filed, Nov. 14, 1966;  
8:49 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter II—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4114]

[Oregon 214]

#### OREGON

#### Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The order of the Bureau of Land Management of August 21, 1956, creating Stock Driveway Withdrawal No. 57-1, is hereby revoked so far as it affects the following described lands:

##### WILLAMETTE MERIDIAN

T. 16 S., R. 12 E.,  
Sec. 25, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , and  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described aggregate approximately 560 acres in Deschutes County.

The lands are located about 7 miles northeast of the city of Bend. Topography is undulating. Soils are sandy loam with a mixture of rock and gravel with frequent outcrops of solid lava. Vegetative cover consists of western juniper, big sage, bluebunch wheatgrass, cheatgrass, and other native shrubs, forbs, and grasses.

2. At 10 a.m. on December 14, 1966, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 14, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws, subject to the regulations in 43 CFR 3400.3.

The State of Oregon has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the lands should be addressed to Manager, Land Office, Bureau of Land Management, Portland, Ore.

HARRY R. ANDERSON,  
Assistant Secretary of the Interior.

NOVEMBER 8, 1966.

[F.R. Doc. 66-12327; Filed, Nov. 14, 1966;  
8:47 a.m.]

[Public Land Order 4115]

[Utah 0141151]

#### UTAH

#### Withdrawal for National Forest Administrative Sites and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

##### FISHLAKE NATIONAL FOREST

##### SALT LAKE MERIDIAN

##### Little Creek Recreation Area

T. 17 S., R. 3 W.,  
Sec. 5, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 6, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

##### Plantation Flat Recreation Area

T. 17 S., R. 3 W.,  
Sec. 7, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and NW $\frac{1}{4}$   
SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

##### Indian Springs Administrative Site

T. 21 S., R. 3 W.,  
Sec. 36, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

##### Corn Creek Recreation Area

T. 24 S., R. 4 $\frac{1}{2}$  W.,  
Sec. 4, SW $\frac{1}{4}$  lot 6, W $\frac{1}{2}$  lot 11, SE $\frac{1}{4}$  lot 11,  
NE $\frac{1}{4}$  lot 14, and NW $\frac{1}{4}$  lot 15.

##### Adelaid Park Recreation Area

T. 24 S., R. 4 $\frac{1}{2}$  W.,  
Sec. 4, NW $\frac{1}{4}$  lot 5, S $\frac{1}{2}$  lot 5, and N $\frac{1}{2}$  lot 12;  
Sec. 5, E $\frac{1}{2}$  lot 8.

##### Frying Pan Recreation Area

T. 25 S., R. 2 E.,  
Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

##### Castle Rock Recreation Area

T. 26 S., R. 4 $\frac{1}{2}$  W.,  
Sec. 16, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

##### Bullion Administrative Site

T. 28 S., R. 5 W.,  
Sec. 2, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

##### Mahogany Cove Recreation Area

T. 29 S., R. 6 W.,  
Sec. 24, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$   
NW $\frac{1}{4}$ .

##### Anderson Meadow Recreation Area

T. 30 S., R. 5 W.,  
Sec. 16, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The areas described aggregate approximately 510 acres in Millard, Sevier, Piute, and Beaver Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,  
Assistant Secretary of the Interior.

NOVEMBER 8, 1966.

[F.R. Doc. 66-12328; Filed, Nov. 14, 1966;  
8:47 a.m.]

[Public Land Order 4116]

[Misc. 88701]

#### CALIFORNIA

#### Withdrawal for Protection of Stands of Redwoods on Public Lands; Partial Revocation of Public Land Order No. 4096

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for the protection of stands of redwoods:

##### MOUNT DIABLO MERIDIAN

T. 9 N., R. 13 W.,  
Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 16 N., R. 14 W.,  
Sec. 25, W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
Sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 24 N., R. 18 W.,  
Sec. 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

The areas described aggregate approximately 480 acres.

2. Public Land Order No. 4096 of September 26, 1966, withdrawing public lands for protection of stands of redwoods, is hereby revoked so far as it affects the following described lands:

##### MOUNT DIABLO MERIDIAN

T. 9 N., R. 13 W.,  
Sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 10 N., R. 14 W.,  
Sec. 25, W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 26, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 24 N., R. 18 W.,  
Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described aggregate approximately 480 acres of patented lands.

3. The withdrawal made by paragraph 1 of this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,  
Assistant Secretary of the Interior.

NOVEMBER 8, 1966.

[F.R. Doc. 66-12329; Filed, Nov. 14, 1966;  
8:47 a.m.]

[Public Land Order 4117]

#### CALIFORNIA

#### Elimination of Lands From Grazing District California No. 2

Pursuant to the authority vested in the Secretary of the Interior by the Taylor Grazing Act June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315, 315a-315r) as amended, all vacant, unappropriated public lands in the following described area are elimi-



nated from California Grazing District No. 2, Bureau of Land Management.

Administrative jurisdiction for these public lands in the area described is transferred from the Susanville District Office, Susanville, Calif., to the Redding District Office, Redding, Calif. These public lands will be administered under section 15 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1275; 43 U.S.C. 315m) and are subject to all provisions of the Land Classification and Multiple Use Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and other public land laws.

**MOUNT DIABLO MERIDIAN, CALIFORNIA**

T. 40 N., R. 4 E.,  
 Sec. 1;  
 Sec. 2, E $\frac{1}{2}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 3;  
 Sec. 10;  
 Sec. 11, NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
 Secs. 12 to 15, inclusive;  
 Sec. 22;  
 Sec. 23, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 24.  
 T. 41 N., R. 4 E.,  
 Secs. 34 to 36, inclusive.  
 T. 39 N., R. 5 E.,  
 Secs. 7 and 8;  
 Sec. 9, SW $\frac{1}{4}$ ;  
 Sec. 15, W $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
 Secs. 16 to 22, inclusive;  
 Secs. 27 to 34, inclusive.

T. 40 N., R. 5 E.,  
 Secs. 1 to 19, inclusive;  
 Sec. 20, N $\frac{1}{2}$ ;  
 Sec. 21, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
 Secs. 22 to 27, inclusive;  
 Sec. 28, E $\frac{1}{2}$ ;  
 Secs. 35 and 36.  
 T. 41 N., R. 5 E.,  
 Secs. 31 to 36, inclusive.

This order shall become effective upon publication in the FEDERAL REGISTER.

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

NOVEMBER 8, 1966.

[F.R. Doc. 66-12330; Filed, Nov. 14, 1966;  
 8:47 a.m.]

[Public Land Order 4118]

[Arizona 035901]

**ARIZONA**

**Partial Revocation of Coal Land  
 Withdrawal; Arizona No. 2**

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of April 13, 1917, creating Coal Land Withdrawal Arizona No. 2, is hereby revoked so far as it affects the following described lands in the Sitgreaves National Forest:

**GILA AND SALT RIVER MERIDIAN**

T. 9 N., R. 22 E.,  
 Secs. 4, 5, 8, 13, 14, 15, 16, 21, 22, 23, 24, 25, 27, 28, and 36, all except that included in Fort Apache Indian Reservation.  
 T. 10 N., R. 22 E.,  
 Secs. 29, 30, 32, and 33.  
 T. 8 N., R. 23 E.,  
 Secs. 3, 4, 5, 8, 9, and 10, all except that included in Fort Apache Indian Reservation.  
 T. 9 N., R. 23 E.,  
 Secs. 30, 31, and 32.

The areas described aggregate 15,256.45 acres.

2. At 10 a.m. on December 14, 1966, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

NOVEMBER 8, 1966.

[F.R. Doc. 66-12331; Filed, Nov. 14, 1966;  
 8:47 a.m.]



# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 27 CFR Part 4 ]

### LABELING AND ADVERTISING OF WINE

#### Notice of Hearing

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U.S.C. 205), of a public hearing to be held at 10 a.m., e.s.t., on January 16, 1967, at Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, D.C., at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representative, with reference to a proposal the substance of which is stated below, to amend 27 CFR Part 4, relating to Labeling and Advertising of Wine.

Written data, views, or arguments relevant and material to these proposals may be submitted in duplicate for incorporation into the record of hearing (1) by mailing the same to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C. 20224, provided they are received prior to the termination of the hearing, or (2) by presenting the same at said hearing. At the conclusion of the hearing a reasonable opportunity will be afforded interested parties for examination of the record and for the submission of briefs.

**Substance of proposal.** To consider the amendment of the Wine Labeling and Advertising Regulations (27 CFR Part 4) expressly to prohibit (a) the use in advertising and on labels of containers of wine and wine based products of a designation which, through trade or consumer understanding, is commonly applied to a distilled spirits product (e.g. the word "Manhattan" in a Manhattan style wine cocktail, the word "Martini" in a Martini type wine cocktail, the words "Old Fashioned" in an Old Fashioned wine cocktail, the word "Screwdriver" in a Screwdriver style wine cocktail, the word "Daiquiri" in a Daiquiri style wine cocktail, the words "Cuba Libre" in a Cuba Libre grape flavored wine cocktail, the word "Zombie" in a Zombie—a flavored wine product, the word "Collins" in Collins—a wine highball, the words "de Menthe" in Vin de Menthe, or the words "de Cacao" in Vin de Cacao) whether or not such designation is modified with the words wine, wine cocktail, or other words indicating that it is a wine or has a wine base; and (b) the use of any brand name, statement, design, or device in any advertisement or on any label for a wine or wine product which would indicate that it is, or is similar to, a distilled spirits product.

The proposed amendment, however, would permit the use of the word "cocktail" in wine advertising or on a wine label if modified or otherwise limited so as to negate any possible impression that it may refer to a distilled spirits product; for example, "wine cocktail" or "cocktail sherry" where both words are stated with equal prominence.

If adopted, it is proposed that the amendment will become effective 30 days after publication in the FEDERAL REGISTER.

HAROLD A. SERR,  
Director, Alcohol and Tobacco  
Tax Division, Internal Revenue Service.

[F.R. Doc. 66-12275; Filed, Nov. 14, 1966; 8:45 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 45 ]

### MARGARINE

#### Identity Standard; Proposal To Make Optional Requirement for Culturing Milk Ingredients

Notice is given that a petition has been filed by the National Association of Margarine Manufacturers, 545 Munsey Building, Washington, D.C. 20004, proposing that the standard of identity for margarine (21 CFR 45.1) be amended to make optional the requirement that milk ingredients be subjected to the action of harmless bacterial starters. Grounds set forth in the petition in support of the proposal are that such an amendment would remove an unnecessary requirement and allow achievement of flavor by the most suitable, efficient means available to the margarine manufacturer.

Accordingly, it is proposed that § 45.1 (a) (2) be revised to read as follows:

§ 45.1 Oleomargarine, margarine; identity; label statement of optional ingredients.

(a) \* \* \*

(2) One of the articles designated in subdivisions (i), (ii), (iii), (iv), (v), (vi), or (vii) of this subparagraph is intimately mixed with the fat ingredient or ingredients. The ingredients named in subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph are pasteurized and then may be subjected to the action of harmless bacterial starters. The term "milk" as used in this subparagraph means cow's milk.

\* \* \*  
Due to a cross-reference, adoption of the proposed amendment to the standard

for margarine (§ 45.1) would have the effect of making the culturing of milk ingredients optional also for liquid margarine (§ 45.2 (31 F.R. 5434)).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: November 4, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 66-12357; Filed, Nov. 14, 1966; 8:50 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 71 ]

[ Airspace Docket No. 66-SW-46 ]

### CONTROL ZONE

#### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations, which would alter the Alice, Tex., control zone.

The Alice, Tex., control zone is presently designated as that airspace within a 5-mile radius of the Alice International Airport (latitude 27°44'30" N., longitude 98°01'40" W.); within 2 miles each side of the Alice VOR 153° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR; and within 2 miles each side of the Alice VOR 270° radial, extending from the 5-mile radius zone to 8 miles W of the VOR.

It is proposed to redesignate the Alice, Tex., control zone as that airspace within a 5-mile radius of the Alice International Airport (latitude 27°44'30" N., longitude 98°01'40" W.); within 2 miles each side of the Alice VOR 153° (144° magnetic) radial, extending from the 5-mile radius zone to 8 miles SE of the VOR; within 2 miles each side of the Alice VOR 270° (261° magnetic) radial, extending from the 5-mile radius zone to 8 miles W of the VOR; and within 2 miles each side of the 154° (145° magnetic) bearing from latitude 27°44'22" N., lon-



gitude 98°01'49" W., extending from the 5-mile radius zone to 8 miles SE of latitude 27°44'22" N., longitude 98°01'49" W.

The proposed alteration of the Alice, Tex., control zone will provide protection for aircraft executing the proposed UHF/VHF DF emergency approach procedure.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on October 27, 1966.

A. L. COULTER,

*Acting Director, Southwest Region.*

[F.R. Doc. 66-12311; Filed, Nov. 14, 1966; 8:46 a.m.]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 66-CE-81]

### CONTROL ZONE AND TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace at Liberal, Kans.

The following controlled airspace is presently designated in the Liberal, Kans., terminal area:

(1) The Liberal, Kans., control zone is designated as that airspace within a 5-mile radius of Liberal Municipal Airport (latitude 37°02'30" N., longitude 100°57'30" W.); and within 2 miles each side of the 328°, 025° and 153° radials of the Liberal VOR, extending from the 5-mile radius zone to 8 miles NW, N, and SE of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously

published in the Airman's Information Manual.

(2) The Liberal, Kans., transition area is designated as that airspace extending upward from 700 feet above the surface within a 9-mile radius of Liberal Municipal Airport (latitude 37°02'30" N., longitude 100°57'30" W.), and within 5 miles NE and 8 miles SW of the 328° radial of the Liberal VOR, extending from the VOR to 12 miles NW; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the 025° radial of the Liberal VOR, extending from the VOR to 12 miles N, and within 6 miles SW and 9 miles NE of the 153° radial of the Liberal VOR, extending from the VOR to 14 miles SE.

The Liberal, Kans., VOR has been converted to a VORTAC and two approach procedures are being modified to utilize the DME capability of the VORTAC. In addition, one instrument approach procedure has been canceled.

In consideration of the foregoing, and as a result of a comprehensive review of airspace requirements at Liberal, Kans., the Federal Aviation Agency proposes to alter the control zone and transition area at Liberal, Kans., as follows:

(1) Redesignate the Liberal, Kans., control zone as that airspace within a 5-mile radius of Liberal Municipal Airport (latitude 37°02'35" N., longitude 100°57'45" W.); within 2 miles each side of the Liberal VORTAC 025° radial, extending from the 5-mile radius zone to 8 miles NE of the VORTAC; and within 2 miles each side of the Liberal VORTAC 153° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC. This control zone shall be effective during the specified dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Manual.

(2) Redesignate the Liberal, Kans., transition area as that airspace extending upward from 700 feet above the surface within a 10-mile radius of Liberal Municipal Airport (latitude 37°02'35" N., longitude 100°57'45" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Liberal Municipal Airport.

The altered proposed control zone would eliminate the extension which provided controlled airspace protection for the canceled instrument approach procedure. During its effective times, the altered proposed control zone would provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures during descent below 1,000 feet above the surface. It would also provide this protection for departing aircraft during climb to 700 feet above the surface.

During the times when the control zone is not in effect, the proposed 700-foot floor transition area would provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures during descent from 1,500 to 700 feet above the surface. It would also provide this protection at all times for departing aircraft

during climb from 700 to 1,200 feet above the surface.

The proposed 1,200-foot floor transition area would provide controlled airspace protection for the DME arc portions of the prescribed instrument approach procedures as well as the procedure turn areas of these procedures. It will also provide this protection for the holding patterns at Liberal.

The floors of the airways that would traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Since the actions proposed herein were developed to provide protection for revised instrument approach procedures, no procedural changes would be effected.

Specific details of this proposal and the changed approach procedures may be obtained by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 26, 1966.

EDWARD C. MARSH,  
*Director, Central Region.*

[F.R. Doc. 66-12312; Filed, Nov. 14, 1966; 8:46 a.m.]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 66-EA-62]

### TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Agency is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Columbus, Ohio 700-foot floor transition area.

A new ADF instrument approach procedure to Ohio State University Airport, Columbus, Ohio, has recently been au-



thorized. To provide airspace protection for arrival and departure procedures at Ohio State University Airport, an alteration of the Columbus, Ohio, 700-foot floor transition area will be required.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Agency officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a review of the airspace requirements for the terminal area of Columbus, Ohio, proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Columbus, Ohio, 700-foot floor transition area by inserting after the phrase, "of Anchor Hocking Airport, Lancaster, Ohio;" the phrase, "within a 6-mile radius of the center, (40°04'45" N., 83°04'20" W.), of Ohio State University Airport; within 2 miles each side of the Ohio State University RBN (40°04'30" N., 83°04'15" W.) 273° bearing extending from the Ohio State University 6-mile radius area to 8 miles W of the RBN;"

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 26, 1966.

WAYNE HENDERSHOT,  
Deputy Director, Eastern Region.

[F.R. Doc. 66-12313; Filed, Nov. 14, 1966;  
8:46 a.m.]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 66-EA-67]

#### TRANSITION AREA

##### Proposed Alteration

The Federal Aviation Agency is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Wilmington, Del., 700-foot floor transition area.

A new VOR instrument approach procedure has recently been authorized for Summit Airpark, Middletown, Del. To provide airspace protection for IFR arrival and departure procedures at Summit Airpark, an alteration of the Wilmington, Del., 700-foot floor transition area will be required.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Agency officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a review of the airspace requirements for the terminal area of Wilmington, Del., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Wilmington, Del., 700-foot floor transition area by inserting after the phrase, "New Castle, Del., VORTAC 278° radial extending from the 7-mile radius area to 8 miles west of the VORTAC," the phrase, "within a 4-mile radius of the center (39°31'20" N., 75°43'25" W.) of Summit Airpark Airport; and within 2 miles each side of the New Castle, Del., VORTAC 207° radial extending from the Summit Airpark 4-mile radius area to the VORTAC."

The amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 USC 1348).

Issued in Jamaica, N.Y., on October 27, 1966.

WAYNE HENDERSHOT,  
Deputy Director, Eastern Region.

[F.R. Doc. 66-12314; Filed, Nov. 14, 1966;  
8:46 a.m.]

#### [ 14 CFR Part 71 ]

[Airspace Docket 66-PC-5]

#### TRANSITION AREA AND FEDERAL AIRWAY

##### Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would

designate a transition area and Federal airway in the vicinity of Kamuela, Hawaii, as follows:

1. Designate V-3 from the intersection of the Kamuela, Hawaii VOR 245° T (234° M) and the Upolu Point, Hawaii, VOR 211° T (200° M) radials, via Kamuela VOR to the intersection of Kamuela VOR 067° T (056° M) and Hilo, Hawaii, VOR 334° T (323° M) radials, excluding the airspace below 1,200 feet above the surface.

2. The Kamuela transition area would be designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kamuela, Hawaii, Airport (latitude 20°00'17" N., longitude 155°40'16" W.); within 2 miles each side of the Kamuela VOR 245° T (234° M) radial, extending from the 5-mile radius area to 6.5 miles southwest of the Kamuela VOR, and within 2 miles each side of the Kamuela VOR 067° T (056° M) radial, extending from the 5-mile radius area to 11.5 miles northeast of the Kamuela VOR; and that airspace extending upward from 1,200 feet above the surface in the area bounded on the north by Airway V-16, on the west by Airway V-11, on the south by Airway V-3, and on the east by a line parallel with and 5 miles east of the Upolu Point, Hawaii, VOR 191° T (180° M) radial.

A VOR facility is scheduled for commissioning in November 1966, at Kamuela, Hawaii, located at latitude 20°00'04" N., longitude 155°40'22" W. The proposed transition area would provide controlled airspace for aircraft executing prescribed instrument approach, missed approach and departure procedures for the Kamuela Airport. The transition area would also provide controlled airspace for the prescribed left turn holding pattern southwest of the intersection of the Kamuela VOR 245° T (234° M) and the Upolu Point VOR 191° T (180° M) radials. The proposed designated airway would link the Kamuela Airport with the Hawaiian Islands airways system.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undeter-



mined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 4009, Honolulu, Hawaii 96812. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on November 4, 1966.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 66-12315; Filed, Nov. 14, 1966;  
8:46 a.m.]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 66-SO-58]

#### FEDERAL AIRWAY

##### Proposed Revocation

The Federal Aviation Agency is considering revoking the segment of V-295 east alternate from Vero Beach, Fla., to Orlando, Fla. This airway segment is seldom used and is no longer required for air traffic control purposes. Accordingly, its retention can no longer be justified as assigned airspace.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 7, 1966.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 66-12316; Filed, Nov. 14, 1966;  
8:46 a.m.]

## FEDERAL TRADE COMMISSION

[ 16 CFR Part 413 ]

### FAILURE TO DISCLOSE HAZARDS OF WASHING OR HANDLING GLASS FIBER FABRICS AND FINISHED GLASS FIBER TEXTILE PRODUCTS

#### Notice of Proposed Rule Making

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et seq., and the provisions of Part 1, Subpart F, of the Commission's procedures and rules of practice, 16 CFR 1.61, et seq., has initiated a proceeding for the promulgation of a Trade Regulation Rule regarding the failure of manufacturers and other marketers of glass fiber fabrics and finished glass fiber textile products to clearly and conspicuously disclose, in advertising and labeling, the hazards resulting from washing or handling those products.

The Commission has initiated this proceeding, having reason to believe that: (1) Machine or hand washing clothing or other articles to which the human skin is normally exposed, such as bed sheets, in the same container with glass fiber fabrics or finished glass fiber textile products, such as curtains and bedspreads, results in glass particles from the glass fiber products becoming embedded in the clothing or other articles, causing severe skin irritation to

many subsequent users of such clothing or other articles; (2) machine or hand washing clothing or other articles to which the human skin is normally exposed, such as bed sheets, in a container after glass fiber fabrics or finished glass fiber textile products have been washed therein, without first cleaning such container to rid it of glass particles deposited by the glass fiber products, results in the particles becoming embedded in the clothing or other articles, causing severe skin irritation to many subsequent users of such clothing or other articles; (3) hand washing, or otherwise handling, glass fiber fabrics and finished glass fiber textile products results in glass particles from those products becoming embedded in the exposed skin of many persons washing or handling those products, causing severe irritation; (4) manufacturers and other marketers of glass fiber fabrics and finished glass fiber textile products fail to disclose clearly and conspicuously, in advertising and labeling, the hazards resulting from washing or handling such products; (5) this lack of clear and conspicuous disclosure, in advertising and labeling, has the capacity and tendency to (a) mislead and deceive purchasers of glass fiber fabrics and finished glass fiber textile products into believing that those products may be washed or handled without the stated hazards, and (b) divert business from manufacturers of competing textile products which may be washed or handled without the stated hazards; and, therefore, that (6) this practice constitutes an unfair method of competition in commerce, and an unfair and deceptive act or practice in commerce in violation of section 5 of the Federal Trade Commission Act.

Accordingly, the Commission therefore proposes the following Trade Regulation Rule:

#### § 413.1 The rule.

In connection with the sale or offering for sale of glass fiber fabrics and finished glass fiber textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, it constitutes an unfair method of competition and an unfair and deceptive act or practice to fail to disclose clearly and conspicuously, in all advertising and by tag or label affixed to the products with such permanence as to remain thereon until sale to purchasers, and on containers in which the products are delivered to purchasers, that severe skin irritation may result:

(a) To the exposed skin of persons handling such glass fiber products; and  
(b) From body contact with clothing or other articles, such as bed sheets or towels, which have been washed (1) with glass fiber products, or (2) in a container previously used for washing such glass fiber products unless the glass particles have been removed from such container by cleaning.

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the proposed rule set forth above in this notice, with



## DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and  
Conservation Service

[ 7 CFR Part 724 ]

## BURLEY TOBACCO

## 1967-68 Marketing Year

Notice of determinations to be made with respect to burley tobacco on (a) an acreage basis for the 1967-68 marketing year and (b) on an acreage-poundage basis for the 1967-68 marketing year.

Pursuant to the Agricultural Adjustment Act of 1938, as amended, and as further amended through the addition of section 317 by Public Law 89-12, approved April 12, 1965 (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary is preparing (1) to (a) determine and announce the national marketing quota on an acreage basis for burley tobacco for 1967-68 marketing year, (b) apportion such quota, less reserve for new farms, among the several States, and (c) convert the State quotas into State acreage allotments, and (2) to determine and announce for burley tobacco for the 1967-68 marketing year (a) the amount of the national marketing quota on an acreage-poundage basis, (b) the national average yield goal, (c) the national acreage allotment, (d) the reserve from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, (e) the national acreage factor, and (f) the national yield factor, (3) to determine and announce for burley tobacco community average yields, (4) to conduct within 45 days after the effective date of the announcement of the national marketing quota, national average yield goal, and national acreage allotment, with respect to burley tobacco, a special referendum of farmers engaged in the 1966 production of burley tobacco to determine whether they favor the establishment of marketing quotas on an acreage-poundage basis, as provided in section 317 of the Act, for the 1967-68, 1968-69, and 1969-70 marketing years, and (5) to issue regulations for the determination of farm acreage allotments and farm marketing quotas for burley tobacco for the 1967-68 marketing year under the provisions of section 317 of the Act. Growers of burley tobacco approved quotas on an acreage basis for the 1965-66, 1966-67, and 1967-68 marketing years for burley tobacco (30 F.R. 4313).

Subsection 312(b) of the Act (7 U.S.C. 1312(b)) requires that the Secretary determine and announce, not later than the first day of February 1967 the amount of the national marketing quota for burley tobacco which is in effect for the 1967-68 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of burley tobacco equal to the reserve supply level. Subsection 312(b) provides further that the amount of the 1967-68

national marketing quota (determined pursuant to such subsection) may, not later than March 1, 1967, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of (burley) tobacco for any marketing year as the carry-over at the beginning of the marketing year plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The Act (7 U.S.C. 1313(a)) requires the Secretary to apportion the national marketing quota determined pursuant to section 312(b) of the Act, less the amount to be allotted under subsection (c) of section 313 for small farms and "new" farms, among the several States on the basis of the total production in each State during the 5 calendar years immediately preceding the calendar year in which the quota is proclaimed (announced) (plus, in applicable years, the normal production on the acreage diverted under previous agricultural adjustment and conservation programs), with such adjustments as are determined to be necessary to make corrections for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such 5-year period.

The Act (7 U.S.C. 1313(g)) provides that any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent year shall not be taken into account in establishing State and farm acreage allotments.

Section 377 of the Act (7 U.S.C. 1377) reads as follows:

In any case in which, during any year beginning with 1956, the acreage planted to a commodity on any farm is less than the acreage allotment for such farm, the entire acreage allotment for such farm (excluding any allotment released from the farm or reapportioned to the farm and any allotment provided for the farm pursuant to subsection

the Chief, Division of Trade Regulation Rules, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580, not later than January 18, 1967. To the extent practicable, such written data, views, or arguments should be filed in duplicate.

All interested parties are also given notice of opportunity to orally present data, views, or arguments with respect to the proposed rule at a hearing to be held at 10 a.m., e.s.t., on January 25, 1967, in Room 532 of the Federal Trade Commission Building, Washington, D.C. 20580.

The data, views, or arguments presented orally or in writing with respect to the proposed rule will be available for examination by interested parties at the office of the Federal Trade Commission, Washington, D.C. 20580, and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All persons, firms, corporations, or others engaged in the manufacture, sale or distribution of glass fiber fabrics and finished glass fiber textile products in commerce as "commerce" is defined in the Federal Trade Commission Act, would be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue, provided that the respondent shall have been given a fair hearing on the legality and propriety of applying the rule to the particular case.

Trade Regulation Rules express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or with official notice, concerning the substantive requirements of the statutes which it administers.

The labeling, advertising and sales promotional material of manufacturers and other marketers of glass fiber fabrics and finished glass fiber textile products indicate that the practice which would be prohibited by the proposed rule is widespread in the industry. This proceeding is designed to inform all industry members of their obligations under the law and assure equitable treatment in complying therewith.

Manufacturers and other marketers of glass fiber fabrics and finished glass fiber textile products and other interested parties, including the purchasing public, are urged to express their approval or disapproval of the proposed rule, or to recommend revisions thereof, and give a full statement of their views in connection therewith.

Issued: November 14, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12288; Filed, Nov. 14, 1966;  
8:45 a.m.]



(f)(7)(A) of section 344), shall, except as provided herein, be considered for the purpose of establishing future State, county and farm acreage allotments to have been planted to such commodity in such year on such farm, but the 1956 acreage allotment of any commodity shall be regarded as planted under this section only if the owner or operator on such farm notified the county committee prior to the 60th day preceding the beginning of the marketing year for such commodity of his desire to preserve such allotment: *Provided*, That beginning with the 1960 crop, except for Federally owned land, the current farm acreage allotment established for a commodity shall not be preserved as history acreage pursuant to the provisions of this section unless for the current year or either of the two preceding years an acreage equal to 75 per centum or more of the farm acreage allotment for such year was actually planted or devoted to the commodity on the farm (or was regarded as planted under provisions of the Soil Bank or the Great Plains program): *Provided further*, That this section shall not be applicable in any case, within the period 1956 to 1969, in which the amount of the commodity required to be stored to postpone or avoid payment of penalty has been reduced because the allotment was not fully planted. Acreage history credits for released or reapportioned acreage shall be governed by the applicable provisions of this title pertaining to the release and reapportionment of acreage allotments.

Section 378 of the Act (7 U.S.C. 1378) provides that allotment acreage pooled under the provisions of such section shall be considered fully planted, during the time it is in the pool within the period of eligibility, for purposes of future State, county, and farm allotments.

The Soil Bank Act was repealed by section 601 of the Food and Agriculture Act of 1965, but it remains in effect with respect to contracts entered into prior to such repeal.

Section 602(g) of the Food and Agriculture Act of 1965, approved November 3, 1965, reads as follows:

Notwithstanding any other provision of law, the Secretary of Agriculture may, to the extent he deems it desirable, provide by appropriate regulations for preservation of cropland, crop acreage, and allotment history applicable to acreage diverted from the production of crops in order to establish or maintain vegetative cover or other approved practice for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation or for participation in such program. Subsections (b) (3) and (4) and (e) (6) of section 16 of the Soil Conservation and Domestic Allotment Act, as amended, are repealed, except that all rights accruing thereunder to persons who entered into contracts or agreements prior to such repeal shall be preserved.

Under the provisions of such section 602(g), such preservation of cropland, crop acreage, and allotment history, is provided, subject to the Secretary's regulations, with respect to acreage so diverted under the conservation reserve program, cropland conversion program, cropland adjustment program, regional conservation programs, agricultural conservation program, or vegetative cover established without Federal assistance and unrelated to any program.

The Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on

the basis of average yield per acre for the State during the 5 years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

Subsection 317(a) of the Act contains, for the purposes of section 317, the following definitions:

1. "National marketing quota" for any kind of tobacco for a marketing year means the amount of the kind of tobacco produced in the United States which the Secretary estimates will be utilized during the marketing year in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 15 per centum of such estimated utilization and exports.

2. "National average yield goal" for any kind of tobacco means the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination the Secretary shall give consideration to such Federal-State production research data as he deems relevant.

3. "National acreage allotment" means the acreage determined by dividing the national marketing quota by the national average yield goal.

4. "Farm acreage allotment" for a tobacco farm, other than a new tobacco farm, means the acreage allotment determined by adjusting uniformly the acreage allotment established for such farm for the immediately preceding year, prior to any increase or decrease in such allotment due to undermarketings or overmarketings and prior to any reduction under subsection (f), so that the total of all allotments is equal to the national acreage allotment less the reserve provided in subsection (e) of this section with a further downward or upward adjustment to reflect any adjustment in the farm marketing quota for overmarketings or undermarketings and to reflect any reduction required under subsection (f) of this section, and including any adjustment for errors or inequities from the reserve. In determining farm acreage allotments for flue-cured tobacco for 1965, the 1965 farm allotment determined under section 313 shall be adjusted in lieu of the acreage allotment for the immediately preceding year.

5. The "community average yield" means for Flue-cured tobacco the average yield per acre in the community designated by the Secretary as a local administrative area under the provisions of section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, which is determined by averaging the yields per acre for the 3 highest years of the 5 years 1959 to 1963, inclusive, except that if the yield for any of the 3 highest years is less than 80 per centum of the

average for the 3 years then that year or years shall be eliminated and the average of the remaining years shall be the community average yield. Community average yields for other kinds of tobacco shall be determined in like manner, except that the 5 years 1960 to 1964, inclusive, may be used instead of the period 1959 to 1963, as determined by the Secretary.

6. (A) "Preliminary farm yield" for Flue-cured tobacco means a farm yield per acre determined by averaging the yield per acre for the 3 highest years of the 5 consecutive crop years beginning with the 1959 crop year except that if that average exceeds 120 per centum of the community average yield the preliminary farm yield shall be the sum of 50 per centum of the average of the 3 highest years and 50 per centum of the national average yield goal but not less than 120 per centum of the community average yield, and if the average of the 3 highest years is less than 80 per centum of the community average yield the preliminary farm yield shall be 80 per centum of the community average yield. In counties where less than 500 acres of Flue-cured tobacco were allotted for 1964, the county may be considered as one community. If Flue-cured tobacco was not produced on the farm for at least 3 years of the 5-year period the average of the yields for the years in which tobacco was produced shall be used instead of the 3-year average. If no Flue-cured tobacco was produced on the farm in the 5-year period but the farm is eligible for an allotment because Flue-cured tobacco was considered to have been produced under applicable provisions of law, a preliminary farm yield for the farm shall be determined under regulations of the Secretary taking into account preliminary farm yields of similar farms in the community.

(B) "Preliminary farm yield" for kinds of tobacco, other than Flue-cured, means a farm yield per acre determined in accordance with subparagraph (A) of this paragraph (6) except that in lieu of the 5 consecutive crop years beginning with 1959 the years 1960 to 1964, inclusive, may be used, as determined by the Secretary. In counties where less than 500 acres of the kind of tobacco for which the determination is being made were allotted in the last year of the 5-year period the county may be considered as one community. If tobacco of the kind for which the determination is being made was not produced on the farm for at least 3 years of the 5-year period, the average of the yields for the years in which the kind of tobacco was produced shall be used instead of the 3-year average. If no tobacco of the kind for which the determination is being made was produced on the farm in the 5-year period but the farm is eligible for an allotment because such tobacco was considered to have been produced under applicable provisions of law, a preliminary farm yield for the farm shall be determined under regulations of the Secretary taking into account preliminary farm yields of similar farms in the community.



7. "Farm yield" means the yield of tobacco per acre for a farm determined by multiplying the preliminary farm yield by a national yield factor which shall be obtained by dividing the national average yield goal by a weighted national average yield computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined pursuant to paragraph (4) for the farm prior to adjustments for overmarketing, undermarketing, or reductions required under subsection (f) and dividing the sum of the products by the national acreage allotment.

8. "Farm marketing quota" for any farm for any marketing year shall be the number of pounds of tobacco obtained by multiplying the farm yield by the acreage allotment prior to any adjustment for undermarketing or overmarketing, increased for undermarketing or decreased for overmarketing by the number of pounds by which marketings of tobacco from the farm during the immediately preceding marketing year, if marketing quotas were in effect under the program established by this section, is less than or exceeds the farm marketing quota for such year: *Provided*, That the farm marketing quota for any marketing year shall not be increased for undermarketing by an amount in excess of the number of pounds determined by multiplying the acreage allotment for the farm for the immediately preceding year prior to any increase or decrease for undermarketing or overmarketing by the farm yield. If on account of excess marketings in the preceding marketing year the farm marketing quota for the marketing year is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made for the subsequent marketing year or years. The farm marketing quota will be increased or decreased for the second succeeding marketing year in the case of Maryland tobacco, and for any other kind of tobacco for which the Secretary determines it is impracticable because of the lack of adequate marketing data, to make the increases or decreases applicable to the immediately succeeding marketing year.

Subsection 317(e) of the Act provides that whenever, during the first or second marketing year of the 3-year period for which marketing quotas on an acreage basis are in effect for any kind of tobacco, including flue-cured tobacco, the Secretary, in his discretion, determines with respect to that kind of tobacco that acreage-poundage quotas under this section would result in a more effective marketing quota program for that kind of tobacco he shall at the time of the next announcement of the amount of the national marketing quota under section 312(b) of this Act determine and announce the amount of the national quota for that kind of tobacco under this section of the Act and at the same time announce the national acreage allotment and national average yield goal and within 45 days thereafter conduct a special referendum of farmers engaged in

the production of the kind of tobacco of the most recent crop to determine whether they favor the establishment of marketing quotas on an acreage-poundage basis as provided in this section for the next 3 marketing years: *Provided, however*, That the Secretary shall not make any such determination with respect to any kind of tobacco except flue-cured tobacco unless prior thereto he shall conduct public hearings in the areas where such tobacco is produced for the purpose of ascertaining and taking into consideration the attitudes of producers and other interested persons with respect to acreage-poundage quotas. If the Secretary determines that more than 66⅔ per centum of the farmers voting in the special referendum approve marketing quotas on an acreage-poundage basis as provided in this section, quotas on that basis shall be in effect for the next 3 marketing years and the marketing quotas on an acreage basis shall cease to be in effect at the beginning of such 3-year period. If marketing quotas on an acreage-poundage basis are not approved by more than 66⅔ per centum of the farmers voting in such referendum, the marketing quotas on an acreage basis shall continue in effect as theretofore proclaimed under section 312(a).

Subsection 317(d) of the Act requires that notice of the farm marketing quota which will be in effect for his farm for the first marketing year covered by the referendum insofar as practicable shall be mailed to the farm operator at least 15 days prior to the holding of any special referendum under subsection 317(e).

Subsection 317(e) of the Act provides that (1) no farm acreage allotment or farm yield shall be established for a farm on which no tobacco was produced or considered produced under applicable provisions of law for the immediately preceding 5 years, (2) for each marketing year for which acreage-poundage quotas are in effect under this section the Secretary in his discretion may establish a reserve from the national acreage allotment in an amount equivalent to not more than 1 per centum of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, which are farms on which tobacco was not produced or considered produced during the immediately preceding 5 years, (3) the part of the reserve held for apportionment to new farms shall be allotted on the basis of land, labor, and equipment available for the production of tobacco, crop rotation practices, soil and other physical factors affecting the production of tobacco and the past tobacco-producing experience of the farm operator, and (4) the farm yield for any farm for which a new farm acreage allotment is established shall be determined on the basis of available productivity data for the land involved and farm yields for similar farms, and shall not exceed the community average yield.

Subsection 317(f) provides that only the provisions of the last two sentences

of subsection (g) of section 313 of this Act shall apply with respect to acreage-poundage programs established under section 317. The acreage reductions required under the last two sentences shall be in addition to any other adjustments made pursuant to section 317, and when acreage reductions are made the farm marketing quota shall be reduced to reflect such reductions. The provisions of the next to the last sentence of such subsection 313(g) pertaining to the filing of any false report with respect to the acreage of tobacco grown on the farm shall also be applicable to the filing of any false report with respect to the production or marketings of tobacco grown on a farm for which an acreage allotment and a farm yield are established as provided in section 317. In establishing acreage allotments and farm yields for other farms owned by the owner displaced by acquisition of his land by any agency, as provided in section 378 of this Act, increases or decreases in such acreage allotments and farm yields as provided in section 317 shall be made on account of marketings below or in excess of the farm marketing quota for the farm acquired by the agency.

As required by the proviso in section 317(e) of the Act, public hearings will be held in areas where burley tobacco is produced to ascertain the attitudes of producers and other interested persons with respect to acreage-poundage quotas prior to any determination with respect to acreage-poundage quotas for burley tobacco. The place and date of any such meeting will be announced at a later date.

The subjects and issues involved in the proposed determinations are:

1. The amount of the national marketing quota on an acreage basis, for the 1967-68 marketing year.
2. The apportionment of the national marketing quota (less reserve for new farms) on an acreage basis among the several States and conversion of the State quotas into State acreage allotments for the 1967-68 marketing year.
3. The amount of the national marketing quota on an acreage basis to be reserved for new farms (it is not contemplated that any reserve from the national quota will be reserved for further increases in allotments for small farms under section 313(e)) for the 1967-68 marketing year.
4. The amount of the national marketing quota on an acreage-poundage basis for the 1967-68 marketing year.
5. The amount of the national average yield goal.
6. The amount of the national acreage allotment.
7. The amount of acreage to be reserved from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms.
8. The national acreage factor.
9. The national yield factor.
10. The amount of the yield per acre of community average yields, and the period of the years (1959-1963, inclusive, or 1960-1964, inclusive) to be used in



determining community average yields and preliminary farm yields.

11. Date or period of the special referendum on acreage-poundage quotas, and whether such referendum should be conducted at polling places rather than by mail ballot (31 F.R. 12011).

12. The provisions of regulations for determining farm acreage allotments and farm marketing quotas on an acreage-poundage basis under section 317 of the Act, and conducting the special referendum.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations, rules and regulations covered by this notice which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to the notice will be made available for public inspection at such times and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must be postmarked not later than 60 days from the date of filing of this notice with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 8, 1966.

H. D. GODFREY,  
Administrator, Agricultural Sta-  
bilization and Conservation  
Service.

[F.R. Doc. 66-12339; Filed, Nov. 14, 1966;  
8:48 a.m.]

### Consumer and Marketing Service [ 7 CFR Part 906 ]

### ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Terms and Conditions Governing Use by Handlers of Identifying Marks Utilized by Committee in Promo- tional and Advertising Projects

#### Correction

In F.R. Doc. 66-12119, appearing at page 14359 of the issue for Tuesday, November 8, 1966, the phrase reading "the identifying mark 'TEXASWEET'" should read "the identifying marks 'TEXASWEET' and 'SWEETER BY NATURE'" in each of the four instances in which it occurs.

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

#### [ 43 CFR Part 21 ]

### OCCUPANCY OF PRIVATE AND GOV- ERNMENT CABINS ON PUBLIC REC- REATION AND CONSERVATION AREAS ADMINISTERED BY THE DE- PARTMENT OF THE INTERIOR

#### Notice of Proposed Rule Making

NOVEMBER 10, 1966.

This Department has had under con-  
sideration a tentative policy relating to

the private use of Government-owned and privately owned cabins on conser-  
vation areas and public recreation areas  
administered by the Department of the  
Interior. In order to obtain public com-  
ments and suggestions on this policy, a  
tentative proposal was published in the  
FEDERAL REGISTER (30 F.R. 8912) on July  
15, 1965. After careful consideration of  
the many comments and suggestions re-  
ceived from the public, the Department  
is now proposing to adopt regulations  
which incorporate many of these recom-  
mendations. The proposed regulations  
are designed to balance fair and equi-  
table treatment of individuals who may  
own or occupy cabins with the public  
need for these areas.

The individual interest and investment  
of the private permittee is important.  
However, issuance of cabin site permits  
has developed to a point where some pub-  
lic recreation and conservation areas are  
in danger of permanently losing their  
public character and availability, or of  
achieving a status difficult to distinguish  
from private ownership.

On the other hand, there are many  
public recreation and conservation areas  
where competition between private and  
public use is not now significant, and  
private recreational occupancy may re-  
flect the best current use of the land.  
But even in these situations, provision  
must be made to assure that these areas  
not become permanently dedicated to  
private use to the detriment or exclusion  
of possible future public need or uses. In  
many areas, public recreation needs are  
so great as to require immediate and  
strict protection so as to safeguard the  
recreational needs of the millions of  
Americans who are devoting ever more  
time to recreation in a society in which  
recreation has become an increasingly  
important value.

The proposed regulations seek to  
establish a policy which will strike an  
effective balance between public and  
private uses of conservation and recrea-  
tion areas on a long range basis: Private  
occupants will be permitted a fair and  
reasonable period of time during which  
to receive a full return from their invest-  
ment. At the same time the protection  
of the public interest in the ultimate  
public use of these areas will be assured.

Notice is hereby given that pursuant to  
the following acts:

5 U.S.C. 22, R.S. 161, as amended.

Section 10 of the Reclamation Act of June  
17, 1902: 43 U.S.C. 373, 32 Stat. 390.

Certain acts relating to lands under the  
jurisdiction of the Bureau of Land  
Management:

43 U.S.C. 682 (a)-(e), 52 Stat. 609, as  
amended;

43 U.S.C. 1201, R.S. 2478 (see also, 43 CFR  
2236.2); and

43 U.S.C. 869, 44 Stat. 471, as amended and  
supplemented.

Certain acts relating to the Fish and Wild-  
life Service:

16 U.S.C. 460(k), 76 Stat. 653;

16 U.S.C. 664, 48 Stat. 402, as amended;

16 U.S.C. 686, 33 Stat. 614;

16 U.S.C. 690, 45 Stat. 448;

16 U.S.C. 725, 43 Stat. 651; and

43 U.S.C. 315, 48 Stat. 1270.

And an act relating to the National Park  
Service: 16 U.S.C. 3, 39 Stat. 535, as amended.

the Department of the Interior, after the  
careful consideration of comment and  
suggestions from the public on the ten-  
tative policy published on July 15, 1965,  
is now considering prescribing the regu-  
lations set forth below for carrying out  
the provisions of said acts.

It is the policy of the Department of  
the Interior whenever practicable, to af-  
ford the public an opportunity to par-  
ticipate in the rule making process. Ac-  
cordingly, interested persons may sub-  
mit written comments, suggestions, or  
objections with respect to the proposed  
regulations to the U.S. Department of  
the Interior, Washington, D.C. 20240,  
within 90 days after the date of publica-  
tion of this notice in the FEDERAL REG-  
ISTER. If the comments received reveal  
a significant public interest in having  
public hearings on the questions posed  
by these proposed regulations, public  
hearings will be scheduled at a later  
date.

STEWART L. UDALL,  
Secretary of the Interior.

### PART 21—OCCUPANCY OF CABIN SITES ON PUBLIC CONSERVATION AND RECREATION AREAS

#### Sec.

##### 21.1 Purpose.

##### 21.2 Scope of regulations.

##### 21.3 Definitions.

##### 21.4 Occupancy under permit of privately owned cabins on recreation areas and conservation areas.

##### 21.5 Occupancy under permit of Govern- ment-owned cabins on public recrea- tion and conservation areas.

##### 21.6 Cabin site occupancy where a recrea- tion or conservation area has been leased to, or turned over to, another Federal or non-Federal public agency for administration.

##### 21.7 Occupancy by trespassers.

##### 21.8 Appeals.

**AUTHORITY:** The provisions of this Part 21  
issued under—5 U.S.C. 22, R.S. 161, as  
amended. Sec. 10, Reclamation Act of June  
17, 1902: 43 U.S.C. 373, 32 Stat. 390. Cer-  
tain acts relating to lands under the juris-  
diction of the Bureau of Land Management:  
43 U.S.C. 682 (a)-(e), 52 Stat. 609, as  
amended; 43 U.S.C. 1201, R.S. 2478 (see also  
43 CFR 2236.2); and 43 U.S.C. 869, 44 Stat.  
471, as amended and supplemented. Certain  
acts relating to the Fish and Wildlife Ser-  
vice: 16 U.S.C. 460(k), 76 Stat. 653; 16 U.S.C.  
664, 48 Stat. 402, as amended; 16 U.S.C. 686,  
33 Stat. 614; 16 U.S.C. 690, 45 Stat. 448; 16  
U.S.C. 725, 43 Stat. 651; and 43 U.S.C. 315,  
48 Stat. 1270. And an act relating to the  
National Park Service: 16 U.S.C. 3, 39 Stat.  
535, as amended.

#### § 21.1 Purpose.

This part establishes (a) when, and by  
what standards, use of conservation and  
recreation areas under private cabin per-  
mits must be modified or discontinued so  
as to allow the public use of such areas  
and (b) the procedures for issuing, re-  
newing, extending, phasing out, or termi-  
nating private cabin permits. No cur-  
rent permits or any valid existing rights,  
are, per se, canceled by the provisions of  
this part. However, permits may be  
canceled for cause, or pursuant to termi-  
nation provisions within the permit itself.



### § 21.2 Scope of regulations.

The provisions of this part apply to all recreation or conservation areas administered by the Department of the Interior, including recreation or conservation areas leased or transferred for administration to other Federal and non-Federal public agencies, wherever the Department of the Interior retains jurisdiction over the issuance of cabin site permits by such other agencies. The provisions of this part do not modify or cancel any existing arrangement whereby the Department of the Interior or bureau or office thereof has leased, or turned over for administration, a public recreation or conservation area to another Federal or non-Federal public agency. The provisions of this part will also provide policy guidelines for the Departmental handling of assignments, amendments, or modifications of existing permits or agreements, but do not apply to areas transferred by deed where the United States retains a reversionary interest, nor to areas of the National Park System other than those where private cabin sites are located.

(a) The policies set out in this part shall not affect occupancy by private persons who have private rights, or rights of occupancy adjudicated or confirmed by court action, statute, or pursuant to a contract by which they conveyed to the Government the land on which a cabin or other substantial improvement is located.

(b) The policies set out in this part shall not apply to any concession contract or to any other permit or occupancy primarily granted to serve public rather than private or individual purposes—such as, permits granted to groups who assist in maintaining historic trails, or permits for youth and church group camp facilities, etc.

(c) The regulations in this part shall not supersede or substantially contravene the implementation of the Lower Colorado River Land Use Plan.

### § 21.3 Definitions.

(a) "Public recreation area" or "recreation area" means any land, title to which is in the United States and under the administration or jurisdiction of the Department of the Interior that is suitable for recreational purposes, including all such areas of the National Park System not excepted by § 21.2, Bureau of Reclamation Reservoir areas, and any other areas dedicated to or administered by the Department for public recreational use.

(b) "Conservation area" means any land, title to which is in the United States and under the administration or jurisdiction of the Department of the Interior that is designated for fish, wildlife, or other conservation purposes, including all such areas of the National Wildlife Refuge Systems, National Fish Hatchery Systems, and any other such areas administered by the U.S. Fish and Wildlife Service; also, land administered by the Bureau of Land Management and suitable for conservation or protection of fish or wildlife.

(c) "Permit" means any lease, license, or other contract whereby a public recreation or conservation area is made available, in whole or part, to an individual or group for recreational purposes for a stipulated period of time, but does not include leases or transfers to other Federal or non-Federal public agencies.

(d) "Cabin site" means any area within a public recreation or conservation area whose occupancy and use is granted to an individual or group for a period of time by permit.

(e) "Substantial improvement" means any building, structure, or other relatively permanent facility or improvement affixed to a cabin site, utilized for human occupancy or related purposes, and costing or worth \$1,000 or more. It does not include trailers or similar removable facilities.

(f) "Investment" in a substantial improvement refers to the basic expenditure of moneys or property in kind in connection with a particular improvement. Thus, for example, where property is conveyed by testamentary or inter vivos gift, the donee will be seen only as occupying the position of the donor with respect to the time and amount of the investment since it was the donor who made the investment.

(g) "Amortization" is the process whereby the investor in a substantial improvement derives sufficient use and/or economic benefit from the improvement over a period of time as to reasonably compensate for his investment.

(h) "Trespasser" means any person who is occupying land in a public recreation or conservation area without a valid permit.

(i) "Authorized Officer" means any person or persons designated by the head of any bureau or office of the Department with administrative jurisdiction over a particular conservation or recreation area, to make determinations and take other actions, consistent with the regulations in this part with respect to such area.

### § 21.4 Occupancy under permit of privately owned cabins on recreation areas and conservation areas.

(a) In any area where the Authorized Officer determines that the recreational requirements of the general public are limited, that the area is suitable for private cabin site use, and that private cabin sites are permissible under applicable law, he may issue to applicants cabin site permits for a fixed number of years as authorized by law but not to exceed 20 years. Each such permit and any extension or renewal thereof will be:

(1) Reviewed at least once in every 5-year period to determine that the continued use of the individual cabin site is not inconsistent with the needs of the general public for use of the area. In periodically reviewing whether the existence of private cabin sites conflicts with the best public use of an area, consideration shall be given to (i) existing and projected public need for the area, (ii) compatibility between public uses and private cabin sites, (iii) development po-

tential and plans for the area, and (iv) other relevant factors.

(2) Whenever the Authorized Officer determines that the public need for use of a recreation or conservation area has grown to a point where continued private cabin site use is no longer in the public interest, the procedures set forth in paragraph (b) of this section will be invoked to phase out existing permits by reducing and eliminating renewals, extensions, or new issuances, consistent with protection of legitimate investment in improvements. These determinations and the reasons therefor shall be published in the FEDERAL REGISTER, together with such other forms of public notice as may be appropriate and necessary as determined by the Authorized Officer.

(3) Except as otherwise provided in an existing permit, no substantial improvement may hereafter be placed on any cabin site under permit without the prior approval of the Authorized Officer, and on such terms as the Authorized Officer may provide, consistent with public need. All new or renewed or extended permits shall contain this provision. Any such provision shall expressly state that the permission to place a substantial improvement on the site is a limited license subject to public need for the area and does not give the owner of the improvement any interest in the land or any special rights or equities, other than the right to remove the improvement at any time, subject to the land's being left in reasonably unimpaired condition. This provision shall expressly stipulate that the owner shall have as a time period within which to amortize his investment in a substantial improvement placed on the site after the date of the regulations in this part, only the period of his existing permit, together with such extensions of his permit as may be granted consistent with the regulations in this part.

(b) Whenever the Authorized Officer determines, pursuant to paragraph (a) (2) of this section that the needs of the general public for a particular public recreation or conservation area are sufficient to be inconsistent with further use of that area for private cabin sites, no further issuance, extension, or renewals of permits for any individual site shall, except as otherwise required by law, be granted for any period extending more than 5 years after the effective date of that determination: *Provided, however*, That, except as otherwise required by law, if an investment was made in a substantial improvement upon a site before the effective date of this part, the extension or renewal of the permit for such site shall be made for a period sufficient to permit 20 years amortization of the investment from the date of the investment in the improvement upon the site, unless the Authorized Officer finds that the needs of the general public for that site require that the extension or renewal be for a lesser period. Thus, for example, if a permit for the site is purchased before the effective date of the regulations in this part with the substantial improvement then in place, for a consideration of \$1,000 or more, such amortiza-



tion period runs from the purchase date, and is not affected, in any event, by the date of the determination under paragraph (a) of this section. The amortization period for any investment in a substantial improvement on or after the effective date of the regulations in this part is covered by paragraph (a)(3) of this section, this paragraph (b), and subparagraph (5) of this paragraph.

(1) Any permit, in an area required for general public recreation or conservation use, that expires prior to 5 years after the determination described in this paragraph (b), may, if otherwise authorized by law, be extended to the end of such 5 years if the Authorized Officer determines that such extension is necessary to the fair and efficient administration of this part.

(2) Any renewal, extension, or new issuance of a permit pursuant to this part shall be subject to the condition that the occupant maintain the site and the improvements thereon in a good and serviceable condition, ordinary wear and tear excluded.

(3) Any renewal, extension or new issuance of a permit shall expressly state its termination date and that there will be no extension or renewal thereafter, except as provided by this part. Permits shall expressly state that they grant no vested property right but afford only a limited license to occupy the land, pending a greater public use.

(4) Upon termination of occupancy under a permit, its renewal or extension, the permittee shall remove his improvements from the site within 90 days from the date of termination, and the land shall be left in reasonably unimpaired condition and as near to its original undisturbed condition as possible. Any property not so removed shall become the property of the United States or may be moved off the site, at the cost of the permittee. Any renewal, extension, or new issuance of a permit shall state these requirements.

(5) Voluntary and involuntary transfers of cabin site permits, including by sale, devise, inheritance, or otherwise, may be permitted, subject to approval by the Authorized Officer, subject to the terms, conditions, and restrictions in the permit. No such transfer shall operate to extend the terms of a permit. A transfer after the effective date of the regula-

tions in this part shall give the transferee no rights in addition to those which the transferor had. Where any transfer of a cabin site permit is approved, the approval shall state in writing the requirements of this subparagraph, and include the statement that the amortization period for any substantial improvement located on the site shall be limited to the period to which the transferor would have been entitled under the regulations in this part.

(6) Nonuse of a site for a period of more than 2 consecutive calendar years shall terminate the permit without right of renewal (subject to the specific terms of the permit): *Provided, however*, That where the nonuse is the result of the death, illness, or military service of the permittee the Authorized Officer may waive such nonuse. In such case, sale or transfer of the improvement may be made for the unexpired portion of the permit and subject to the provisions for amortization set forth in this section. The Authorized Officer may make exceptions to this termination provision in any case where he determines that the needs of the general public so require (see introductory text of this paragraph (b)). All permits issued, renewed, or extended after the effective date of this part shall state the requirements of this paragraph.

#### § 21.5 Occupancy under permit of Government-owned cabins on public recreation and conservation areas.

(a) Those permittees who occupy Government-owned cabins, including those whose permits currently have expired, but previously have been renewed on a year-to-year basis, may have their permits renewed up to July 1, 1969. After that date, the permits shall not be renewed and shall be terminated finally except upon a determination by the Authorized Officer that a renewal or extension is fully consistent with the public use of the area.

(b) The provisions for amortization of substantial improvements do not apply to this type of occupancy.

#### § 21.6 Cabin site occupancy where a recreation or conservation area has been leased to, or turned over to, another Federal or non-Federal public agency for administration.

(a) After the effective date of this part, any agreement whereby a recrea-

tion or conservation area is leased or turned over to another Federal or non-Federal public agency for administration, shall include the requirement that any permits to individuals, groups or others issued or extended by another Federal or non-Federal public agency to whom an area has been leased or transferred for administration, shall comply with, and set forth on the face of the permit, the requirements stated in this part. Similar requirements shall be applied in situations where an existing agreement reserves such authority to this Department.

(b) All such arrangements between another public agency and a permittee (see § 21.2) shall be reviewed by the Authorized Officer to assure full compliance with those provisions of the permit which are designed to assure performance in the best interests of the general public.

(c) Renewals, extensions, or new leases or transfers to other Federal, State, or local agencies for administration of public recreation areas, shall be granted only pursuant to the policies set forth in this part, and only upon an affirmative finding by the Authorized Officer that they are fully consistent with present and future public uses. All applicable safeguards set forth in this part, including the protection of future public uses, shall be expressly incorporated into such leases or transfers.

#### § 21.7 Occupancy by trespassers.

Occupants of cabin sites who do not hold a valid permit for the occupancy or use of the site, shall be required to surrender occupancy, failing which legal action shall be taken. Nothing herein shall grant any rights to a trespasser.

#### § 21.8 Appeals.

Any determination made pursuant to any of the provisions of this part may be appealed within 90 days of the receipt of notice thereof to the head of the Bureau or office having jurisdiction (see § 21.3 (h)) who, if he shall not have issued decision within 60 days of receipt of the appeal, shall be deemed to have rejected the appeal. A rejection or denial of an appeal may be further appealed within 60 days thereafter to the Secretary of the Interior.

[F.R. Doc. 66-12424; Filed, Nov. 14, 1966; 10:14 a.m.]



# Notices

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[Docket No. S-373]

#### VERNON LEO JAMISON

#### Notice of Loan Application

NOVEMBER 9, 1966.

Vernon Leo Jamison, 802 5th Street, Anacortes, Wash. 98221, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 56.2-foot registered length vessel to engage in the fishery for halibut, salmon, albacore, crab, and bottomfish.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,  
Acting Director,  
Bureau of Commercial Fisheries.

[F.R. Doc. 66-12341; Filed, Nov. 14, 1966;  
8:48 a.m.]

[Docket No. G-380]

#### MARION F. AND JULES A. HAGAN

#### Notice of Loan Application

NOVEMBER 9, 1966.

Marion F. and Jules A. Hagan, 1518 Barcelona Avenue, Fort Myers, Fla. 33901, have applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a 68-foot wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel op-

erators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,  
Acting Director,  
Bureau of Commercial Fisheries.

[F.R. Doc. 66-12342; Filed, Nov. 14, 1966;  
8:49 a.m.]

[Docket No. S-374]

#### LEROY ALBERT PORTER

#### Notice of Loan Application

NOVEMBER 9, 1966.

LeRoy Albert Porter, Box 271, Ilwaco, Wash. 98624, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 35.3-foot registered length wood vessel to engage in the fishery for salmon, albacore, and Dungeness crabs.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,  
Acting Director,  
Bureau of Commercial Fisheries.

[F.R. Doc. 66-12343; Filed, Nov. 14, 1966;  
8:49 a.m.]

#### National Park Service

#### FREDERICKSBURG NATIONAL MILITARY PARK

#### Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that the Department of the

Interior, through the Superintendent of Fredericksburg National Military Park, National Park Service, proposes, thirty (30) days after the date of publication of this notice, to issue for the period January 1, 1967, through December 31, 1969, the concession permit under which the Wakefield National Memorial Association provides concession services for the public in George Washington Birthplace National Monument.

The foregoing concessioner has performed its obligations under prior permits to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above is entitled to be given preference in negotiation of this permit. However, under the act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

Dated: October 24, 1966.

OSCAR F. NORTHINGTON, JR.,  
Superintendent, Fredericksburg  
National Military Park.

[F.R. Doc. 66-12332; Filed, Nov. 14, 1966;  
8:48 a.m.]

#### Office of the Secretary

#### ALVIN C. HOPE

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of November 1, 1966.

Dated: November 2, 1966.

ALVIN C. HOPE.

[F.R. Doc. 66-12333; Filed, Nov. 14, 1966;  
8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

#### A. A. BLAKLEY LIVESTOCK COMMISSION CO., INC., STOCKYARDS, ET AL.

#### Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within



the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

*Name, location of stockyard, and date of posting*

#### COLORADO

A. A. Blakley Livestock Commission Co., Inc., Stockyards, Denver, Oct. 28, 1966.  
Burlington Producers Livestock Marketing Association, Burlington, Oct. 28, 1966.

#### ILLINOIS

Genesco Sales Co., Genesco, Oct. 25, 1966.

#### KENTUCKY

The Farmers Stockyards Company, Mount Sterling, Oct. 19, 1966.

#### OKLAHOMA

Poteau Livestock Commission Co., Inc., Poteau, Oct. 19, 1966.

Done at Washington, D.C., this 8th day of November 1966.

CHARLES G. CLEVELAND,  
*Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.*

[F.R. Doc. 66-12364; Filed, Nov. 14, 1966; 8:51 a.m.]

## DEPARTMENT OF COMMERCE

### Bureau of the Census

### ANNUAL SURVEYS IN MANUFACTURING AREA

#### Notice of Determination

In conformity with Title 13, United States Code, sections 181, 224, and 225 and due notice having been published October 14, 1966 (31 F.R. 13356), I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other government sources.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys. The surveys have been arranged under major group headings shown in the revised Standard Industrial Classification Manual (1957 edition) promulgated by the Bureau of the Budget for the use of Federal statistical agencies.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS  
Prepared animal feeds.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Stocks of wool (as of Jan. 1, 1967).  
Narrow fabrics.

Cotton and synthetic woven goods finished.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS—  
Continued

Knit cloth for sale.  
Woolen and worsted machinery activity.  
Yarn production.  
Rugs, carpets, and carpeting.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.  
Apparel.  
Brassieres, corsets, and allied garments.  
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.  
Softwood plywood.  
Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS  
Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.  
Industrial gases.  
Inorganic chemicals.  
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Consumer, scientific, technical, and industrial glassware.  
Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Commercial steel forgings.  
Steel mill products.  
Insulated wire and cable.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Steel power boilers.  
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Internal combustion engines.  
Tractors.  
Farm machines and equipment.  
Mining machinery and equipment.  
Air-conditioning and refrigeration equipment.  
Office, computing, and accounting machines.  
Pumps and compressors.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, televisions, and phonographs.  
Motors and generators.  
Wiring devices and supplies.  
Switchgear, switchboard apparatus, relays, and industrial controls.  
Selected electronic and associated products.  
Electric housewares and fans.  
Electric lighting fixtures.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft Propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products.  
Atomic energy products and services.

The following list of surveys represents annual counterparts of monthly, quarterly, and semiannual surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly, quarterly, and semiannual reports except for construction machinery which will additionally call for data on shipments of power cranes and shovels, concrete mixers, and attachments for contractors' off-highway type tractors. Also, reports on man-made fiber, silk, woolen, and worsted fabrics, on finishing plants, and on piece goods inventories listed below will call for information relating to the monthly fluctuations of stocks and unfilled orders for woven fabrics in addition to the annual production data.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS  
Flour milling products.  
Confectionery products.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Man-made fiber, silk, woolen and worsted fabrics.  
Finishing plant report—broad woven fabrics.  
Piece goods inventories and orders.  
Broad woven goods (cotton, wool, silk, and synthetic).  
Consumption of wool and other fibers, and production of tops and noils.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Consumers of wood pulp.  
Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Superphosphates.  
Paint, varnish, and lacquer.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics bottles.  
Rubber.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers.

MAJOR GROUP 32—STONE, CLAY AND GLASS

Flat glass.  
Glass containers.  
Refractories.  
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.  
Iron and steel foundries.  
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.  
Steel shipping barrels, drums, and pails.  
Closures for containers.  
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.  
Metalworking machinery.  
Fans, blowers, and unit heaters.  
Typewriters.



**MAJOR GROUP 36—ELECTRICAL MACHINERY,  
EQUIPMENT AND SUPPLIES**

Electric lamps.  
Fluorescent lamp ballasts.

**MAJOR GROUP 37—TRANSPORTATION EQUIPMENT**

Aircraft engines.  
Complete aircraft.  
Backlog of orders for aircraft, space vehicles,  
missiles, engines, and selected parts.  
Truck trailers.

Also, the Annual Survey of Manufacturers will be conducted and will call for general statistical data such as employment, payroll, manhours, capital expenditures, cost of materials consumed, gross book value of fixed assets, rental payments, supplemental labor costs, etc., in addition to information on value of products shipped and quantity data for selected classes of products. This survey, while conducted on a sample basis, will cover all manufacturing industries. Data on employment and payrolls for auxiliary establishments of manufacturing companies such as central administrative offices, warehouses, etc., will be included.

A Survey of Research and Development costs will also be conducted. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

Additionally, a survey will be conducted requesting manufacturers to report each plant's volume of products manufactured which were exported. This survey was previously conducted for the year 1963. It is designed to provide important information on the relationship of the economy of States and other geographic areas to foreign trade.

The report forms will be furnished to firms included in these surveys and additional copies are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: October 27, 1966.

A. ROSS ECKLER,  
Director, Bureau of the Census.

[F.R. Doc. 66-12253; Filed, Nov. 14, 1966;  
8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 17867; Order E-24387]

### AIR CARRIER DISCUSSIONS

#### Order Denying Petition for Permission To Conduct Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of November 1966.

On October 21, 1966, seven air carriers having contracts for the performance of air transportation services for the De-

partment of Defense<sup>1</sup> filed a joint petition requesting the Board to authorize them to hold discussions for 90 days among themselves, and with such other air carriers as participate in the military procurement as may desire to join the discussions, pertaining to the feasibility of presenting joint evidence in the Board's rulemaking proceeding for the establishment of minimum rates for military contract services, and matters related thereto.

In support of the request, the petitioners allege that much of the evidence will be cumulative and repetitious and that a joint presentation would enable the carriers to organize and present the voluminous material in a manner that will save the Board time in reviewing it. They state that the discussions would be limited (1) to the feasibility of making a joint presentation of evidence; (2) assuming an affirmative resolution of that issue, to the collection and development of the evidence to be jointly submitted; and (3) to closely related matters. The Department of Defense has filed a memorandum of opposition to the petition.

Upon consideration of the matters presented, we have determined to deny the petition, which requests the Board to grant relief from the operations of the antitrust laws. The petitioners have presented no persuasive reason why the extraordinary relief requested should be granted. The evidence presented in the rule-making proceeding consists chiefly of experienced and forecast cost data for the individual carriers for each aircraft type operated by them, upon which the Board bases its determination of the fair and reasonable minimum rates. These cost data are often controverted by the other carrier parties and the Department of Defense. Each carrier also submits recommendations with respect to the minimum rates for the types of operations in which it proposes to participate. In our opinion, it is not in the public interest to permit discussion or joint presentation of this type of evidence.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204, 412, and 414 thereof: *It is ordered,*

1. That the joint petition filed in Docket 17867 for permission to conduct discussions is denied.

2. That copies of this order shall be served on all certificated air carriers and the Military Airlift Command, Department of Defense.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12358; Filed, Nov. 14, 1966;  
8:50 a.m.]

<sup>1</sup> Airlift International, Inc., Capitol Airways, Inc., Continental Air Lines, Inc., The Flying Tiger Line Inc., Trans Caribbean Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

[Docket No. 17286]

## BRITISH EAGLE INTERNATIONAL AIRLINES, LTD.

### Notice of Hearing

Application of British Eagle International Airlines, Ltd., for the amendment of its foreign air carrier permit to authorize it to engage in charter foreign air transportation of persons and their accompanied baggage and of property (a) with respect to U.S.-originating charter flights; (b) with respect to charter flights originating outside the United States; (c) with respect to U.K.-originating circle charter flights.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 29, 1966, at 10 a.m., e.s.t., in Room 911, 1825 Connecticut Avenue N.W., Washington, D.C., before the undersigned Hearing Examiner.

For further information concerning the issues involved and other matters in this proceeding, interested persons are referred to the report of prehearing conference, served August 30, 1966, and other documents on file in the above docket in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 9, 1966.

[SEAL]

LESLIE G. DONAHUE,  
Hearing Examiner.

[F.R. Doc. 66-12359; Filed, Nov. 14, 1966;  
8:50 a.m.]

[Docket No. 17673]

## BRITISH OVERSEAS AIRWAYS CORP.

### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on December 9, 1966, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues N.W., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., November 7, 1966.

[SEAL]

JOSEPH L. FITZMAURICE,  
Hearing Examiner.

[F.R. Doc. 66-12360; Filed, Nov. 14, 1966;  
8:50 a.m.]

[Docket Nos. 17914, 17168; Order E-24380]

## DENVER-GRAND JUNCTION-LAS VEGAS SERVICE INVESTIGATION AND FRONTIER AIRLINES, INC.

### Order Granting Motion To Expedite and Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of November 1966.

On March 30, 1966, Frontier Airlines Inc. (Frontier) filed an application in



Docket 17168 requesting that its certificate of public convenience and necessity for Route 73 be amended to add a new segment between the terminal points Grand Junction, Colo., and Las Vegas, Nev.<sup>1</sup> On April 4, 1966, Frontier filed a motion requesting an expedited hearing on its application in Docket 17168.

In support of its motion for an expedited hearing Frontier contends, among other things, that the present service in the Las Vegas-Grand Junction and Las Vegas-Denver markets is "seriously deficient" and that the proposed service will remedy the situation by providing additional and "urgently needed" through plane service in these markets<sup>2</sup> as well as first single carrier services between Las Vegas and various cities on Frontier's system without any significant adverse impact on any other carrier.<sup>3</sup> Frontier estimates that its service proposal will generate more than 71,000 passengers, annually<sup>4</sup> and produce an estimated net reduction in subsidy of \$624,800 per year. On the basis of its traffic forecasts and financial estimates, Frontier contends that the additional Las Vegas-Grand Junction and Las Vegas-Denver services will produce an operating profit of \$1,065,800 and the carrier is willing to accept the Grand Junction-Las Vegas route without subsidy and requests that the new authority be awarded on a subsidy ineligible basis.

Bonanza has filed an answer in support of Frontier's motion and Continental has filed an answer in opposition.<sup>5</sup>

Upon consideration of the pleadings we have decided to grant Frontier's mo-

tion for an expedited hearing on its application in Docket 17168 and to include Frontier's application in an investigation herein instituted to determine whether additional air service is required in the Denver-Las Vegas and Grand Junction-Las Vegas markets.

Frontier supported its motion to expedite with economic data setting forth in great detail traffic forecasts and financial estimates. Although we do not accept Frontier's estimate of subsidy reduction in toto, our preliminary analysis indicates a likelihood that Frontier's service proposal will result in a significant subsidy reduction.<sup>6</sup>

Grant of Frontier's application would give the carrier Grand Junction-Las Vegas nonstop authority and Denver-Las Vegas one-stop authority. The traffic surveys for the year ended September 30, 1965 indicate that United's services in the Denver-Las Vegas market generated 43,380 local and connecting passengers and 3,000 local and connecting passengers in the Grand Junction-Las Vegas market. In view of the services now offered in the markets competitive service may well stimulate this traffic substantially.

Since our last assessment of the air transportation requirements of these two markets was made several years ago<sup>7</sup> and in view of the traffic potential we believe that this is an appropriate time to explore the needs of the markets and determine whether improved air service is required in the public interest. However, we do not believe that our considerations of a Denver-Las Vegas service should be limited to one-stop authority. Traffic generation in the Denver-Las Vegas market and the nature of the present service indicate that there may be room for competitive nonstop service in this market. Hence, we will institute an investigation to be known as the Denver-Grand Junction-Las Vegas Service Investigation as a vehicle to hear this issue as well as those raised by Frontier's application.

We intend to limit this proceeding to a determination of the additional air transportation requirements, if any, of the Denver-Las Vegas and Grand Junction-Las Vegas markets. We do not intend to expand the scope of this proceeding beyond the limits thus defined to consider the air transportation needs of any other markets. Specifically, we will not consider single plane service proposals to any points beyond Las Vegas. Finally, any new operating authority awarded any carrier in this proceeding will be without subsidy eligibility.

Several carriers have applications on file which include requests for new authority in the markets at issue in the instant investigation. Rather than con-

solidating portions of these applications, we will give these carriers, and other interested applicants, the opportunity to file new applications conforming with the scope of this proceeding and to move their consolidation in this case.

Accordingly, it is ordered,

1. That an investigation designated as the Denver-Grand Junction-Las Vegas Investigation be and it hereby is instituted in Docket 17914 to determine whether the public convenience and necessity require the alteration, amendment, or modification of air carrier certificates to authorize additional air service between Denver, Colo., and Las Vegas, Nev., and between Grand Junction, Colo., and Las Vegas, Nev.

2. That any authority granted in this case will be subject to restrictions against single plane service to any point beyond Las Vegas;

3. That the motion of Frontier Airlines, Inc. for an expedited hearing on its application in Docket 17168 be and it hereby is granted;

4. That the application of Frontier Airlines, Inc. in Docket 17168 be and it hereby is consolidated with the investigation instituted in Docket 17914 for contemporaneous consideration and disposition;

5. That motions to consolidate applications, motions or petitions seeking modification or reconsideration of this order, and petitions for leave to intervene be filed no later than 20 days from service date of this order, and that answers to such pleadings be filed no later than 10 days thereafter;

6. That any authority awarded in this proceeding shall be ineligible for subsidy; and

7. That a copy of this order be served on Bonanza Air Lines, Inc.; Continental Air Lines, Inc.; Frontier Airlines, Inc.; United Air Lines, Inc.; Western Air Lines, Inc.; the Denver, Colo., Chamber of Commerce; the city of Grand Junction and the county of Mesa, Colo.; the Grand Junction, Colo., Chamber of Commerce; the city of Las Vegas and the county of Clark, Nev.; the Las Vegas, Nev., Chamber of Commerce; and the city of Lincoln, and the Airport Authority of the city of Lincoln, Nebr.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12361; Filed, Nov. 14, 1966; 8:50 a.m.]

[Docket No. 17727]

W.A.A.C. (NIGERIA), LTD.

### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on December 15, 1966, at 10 a.m., e.s.t., in Room 211, Universal Building, Connecticut and Florida Avenues NW.,

<sup>1</sup> Grand Junction is the western terminal of Frontier's Segment 3 which extends from Denver to Grand Junction via the intermediate points Gunnison and Montrose-Delta, Colo.

<sup>2</sup> United now provides one nonstop round trip in the Las Vegas-Grand Junction market with DC-6 aircraft and two round trips in the Las Vegas-Denver market. One flight in the Las Vegas-Denver market, with DC-6 aircraft, operates through Grand Junction and the other flight in the market operates nonstop with jet aircraft. Westbound, United's flights arrive in Las Vegas in the early afternoon and early evening and eastbound the flights arrive in Denver in the early afternoon and shortly after midnight. Both flights through Grand Junction operate at midday. OAG (Quick Reference Edition), October 1966. Frontier proposes to operate a single plane service with 727 aircraft between Kansas City and Las Vegas via Lincoln, Nebr., Denver, and Grand Junction, Colo., and to schedule an on-line connecting service between Colorado Springs and Las Vegas via Denver and Grand Junction using CV580 equipment between Colorado Springs and Denver and 727 equipment on the Denver-Grand Junction-Las Vegas service.

<sup>3</sup> According to Frontier, the extension of its authority from Grand Junction to Las Vegas will divert \$534,000 in revenues from United.

<sup>4</sup> Frontier estimates that it will carry 33,000 passengers in the Denver-Las Vegas market, 6,544 passengers in the Grand Junction-Las Vegas market, and approximately 31,000 passengers between Las Vegas and various other cities on Frontier's system.

<sup>5</sup> Several civic parties have filed pleadings in support of Frontier's motion and petitions for leave to intervene. Western Air Lines also filed a petition for leave to intervene.

<sup>6</sup> In making this prima facie showing regarding subsidy reduction, we conclude that Frontier has satisfied the criteria adopted by the Board for granting expeditious consideration. 14 CFR 399.60(b).

<sup>7</sup> Evidence received in the Southern Rocky Mountain Area Local Service Case, Docket 5395, et al. was based on 1959 data and the forecast year was 1962.



Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., November 7, 1966.

[SEAL] JOSEPH L. FITZMAURICE,  
*Hearing Examiner.*

[F.R. Doc. 66-12362; Filed, Nov. 14, 1966;  
8:50 a.m.]

## FEDERAL AVIATION AGENCY

[OE Docket No. 65-SO-9]

### SCRIPPS-HOWARD BROADCASTING CO. AND TELEVISION STATION WPTV

#### Notice of Hearing

Notice is hereby given that, on December 12, 1966, the public hearing in the above subject matter will be reconvened at 10 a.m., in Conference Room 710A, Federal Aviation Agency, Headquarters Building, 800 Independence Avenue SW., Washington, D.C., for the purpose of obtaining rebuttal testimony in the matter.

Issued in Washington, D.C., on November 8, 1966.

GEORGE R. BORSARI,  
*Presiding Officer.*

[F.R. Doc. 66-12309; Filed, Nov. 14, 1966;  
8:46 a.m.]

### KODIAK AREA OFFICE AT WOODY ISLAND, ALASKA

#### Notice of Closing

OCTOBER 24, 1966.

Notice is hereby given that on or about November 7, 1966, the Office of the Kodiak Area Manager at Woody Island, Alaska, will be closed and management responsibilities consolidated with the Kenai Area. The consolidated area will be known as the Kenai Area. This action does not effect any changes in facilities or services to the public.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

GEORGE M. GARY,  
*Director, Alaskan Region.*

[F.R. Doc. 66-12310; Filed, Nov. 14, 1966;  
8:46 a.m.]

## FEDERAL MARITIME COMMISSION

### GREAT LAKES/JAPAN MEMORANDUM

#### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW.,

Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Graham James and Rolph, 911 Iino Building,  
22, 2-Chome, Uchisaiwai, Chiyoda-Ku,  
Tokyo, Japan.

Agreement 8595-3 among the member lines of the Great Lakes/Japan Memorandum modifies the basic agreement to permit decisions on all matters within the scope of the agreement to be based upon a telephone poll of the member lines unless there is an objection by one or more lines. Should such objection be made, the question must then be decided at a regular or special meeting.

Dated: November 8, 1966.

By the Commission.

THOMAS LISI,  
*Secretary.*

[F.R. Doc. 66-12298; Filed, Nov. 14, 1966;  
8:45 a.m.]

### JAPAN/GREAT LAKES MEMORANDUM

#### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Graham James and Rolph, 911 Iino Building,  
22, 2 Chome, Uchisaiwai, Chiyoda-Ku,  
Tokyo, Japan.

Agreement 8670-4 among the member lines of the Japan/Great Lakes memo-

randum modifies the basic agreement to permit decisions on all matters within the scope of the agreement to be based upon a telephone poll of the member lines unless there is an objection by one or more lines. Should such objection be made, the question must then be decided at a regular or special meeting.

Dated: November 8, 1966.

By the Commission.

THOMAS LISI,  
*Secretary.*

[F.R. Doc. 66-12299; Filed, Nov. 14, 1966;  
8:45 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. CP67-121]

### CITY OF CREAL SPRINGS, ILL. AND TEXAS EASTERN TRANSMISSION CORP.

#### Notice of Application

NOVEMBER 7, 1966.

Take notice that on November 1, 1966, the city of Creal Springs, Ill. (Applicant) filed in Docket No. CP67-121 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corp. (Respondent) to establish physical connection of its natural gas transmission facilities with the facilities to be constructed by Applicant and to sell and deliver to Applicant natural gas for resale in Applicant and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests that Respondent make physical connection of its transmission pipeline in Williamson County, Ill., and to sell and deliver volumes of natural gas to Applicant for distribution and resale in Applicant and environs, an area in Williamson County, Ill.

The estimated third annual and peak day requirements of Applicant are 61,600 Mcf and 608.95 Mcf respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 5, 1966.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-12318; Filed, Nov. 14, 1966;  
8:46 a.m.]

[Docket No. RP67-9]

### EL PASO NATURAL GAS CO.

#### Notice of Further Extension of Time

NOVEMBER 4, 1966.

Upon consideration of the request filed October 28, 1966, by El Paso Natural Gas Co. in the above-designated proceeding for an additional extension of time within which to comply with the Order to Show Cause issued August 30, 1966,



and further the statement contained in El Paso's request whereby El Paso " \* \* \* agrees that if and to the extent that a reduction in its rates is ordered in these proceedings by reason of a final determination that El Paso should flow-through the tax benefits derived from its utilization of liberalized depreciation, such rate reduction will become effective as of January 1, 1967, or as of the effective date of the rate reductions called for by Opinion No. 500, whichever is earlier;"

Notice is hereby given that the time in which El Paso shall comply with the requirements of the order issued in these proceedings on August 30, 1966, is hereby extended to and including January 3, 1967.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-12319; Filed, Nov. 14, 1966;  
8:47 a.m.]

[Docket No. CP67-113]

## UNITED GAS PIPE LINE CO.

### Notice of Application

NOVEMBER 7, 1966.

Take notice that on October 27, 1966, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP67-113 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval for the abandonment and removal of certain natural gas transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks to abandon and remove facilities originally installed to service Humble Pipe Line Co., which facilities include a positive meter station and appurtenant equipment, all being located in the NE $\frac{1}{4}$  of sec. 34, T. 9 N., R. 19 W., Jefferson Davis County, Miss.

Applicant states that by letter agreement dated August 31, 1966, the parties agreed to the cancellation of the contract under which deliveries of gas had been made.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 1, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own

motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-12320; Filed, Nov. 14, 1966;  
8:47 a.m.]

[Docket No. CP67-114]

## UNITED GAS PIPE LINE CO.

### Notice of Application

NOVEMBER 7, 1966.

Take notice that on October 27, 1966, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP67-114 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the sale of additional natural gas to Lamar Refining Co., Inc. (Lamar), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to enlarge and operate measuring facilities presently serving Lamar at the existing location in sec. 19, T. 1 N., R. 15 W., Lamar County, Miss. The facilities will enable Applicant to sell and deliver to Lamar an additional volume of approximately 120,800 Mcf of natural gas annually.

The total estimated cost of the proposed facilities is \$1,698, which cost will be financed out of current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 1, 1966.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-12321; Filed; Nov. 14, 1966;  
8:47 a.m.]

[Docket No. CP67-120]

## WEST TEXAS GATHERING CO.

### Notice of Application

NOVEMBER 7, 1966.

Take notice that on November 1, 1966, West Texas Gathering Co. (Applicant), Post Office Box 3908, Odessa, Tex. 79760, filed in Docket No. CP67-120 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the gathering and delivery of natural gas to Northern Natural Gas Co. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to gather natural gas from certain producers in Winkler County, Tex., and to deliver such gas at a measuring station located on Northern's 16-inch O.D. main line in Winkler County, Tex. The aforementioned service is to be rendered under Applicant's Rate Schedule T-1.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 2, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-12322; Filed, Nov. 14, 1966,  
8:47 a.m.]

[Project No. 2100]

## DEPARTMENT OF WATER RESOURCES OF STATE OF CALIFORNIA

### Notice of Application for Amendment of License for Partly Constructed Project

NOVEMBER 7, 1966.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by the Department



of Water Resources of the State of California (correspondence to: Alfred R. Colzé, Chief Engineer, State of California, Department of Water Resources, Post Office Box 388, Sacramento, Calif. 95814) for partly constructed Project No. 2100, known as the Feather River Project, located on the Feather River and its tributaries, in Butte County, Calif.

The application for amendment seeks to increase the generating capacity of the partly constructed Oroville Division, State Water Facilities project as follows: (1) The proposed Oroville power plant will contain three motor-generator units of 97,750 kw each, totaling 293,250 kw (rather than three motor-generator units rated at 87,000 kw each for a total of 261,000 kw) and unchanged conventional generator units having a combined capacity rating of 351,000 kw, or a total capacity for the Oroville plant of 644,250 kw; and (2) the proposed Thermalito power plant will contain three motor-generator units rated at 27,500 kw each, totaling 82,500 kw (rather than two motor-generator units rated at 30,100 kw) and one conventional unit rated at 32,600 kw (rather than one conventional unit rated at 31,800), or a total capacity for the Thermalito plant of 115,100 kw.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 19, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12323; Filed, Nov. 14, 1966;  
8:47 a.m.]

## FEDERAL RESERVE SYSTEM BANK OF NEW YORK

### Order Approving Merger of Banks

In the matter of the application of The Bank of New York for approval of merger with Empire Trust Co.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89-356), an application by The Bank of New York, New York, N.Y., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Empire Trust Co., New York, N.Y., under the charter and title of The Bank of New York. As an incident to the merger, the two offices of Empire Trust Co. would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the

Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement<sup>1</sup> of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 7th day of November 1966.

By order of the Board of Governors:<sup>2</sup>  
[SEAL] MERRITT SHERMAN,  
Secretary.

[F.R. Doc. 66-12355; Filed, Nov. 14, 1966;  
8:50 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1686]

### LINCOLN PRINTING CO.

#### Order Suspending Trading

NOVEMBER 8, 1966.

The common stock, 50 cents par value, and the \$3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 9, 1966, through November 18, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 66-12335; Filed, Nov. 14, 1966;  
8:48 a.m.]

<sup>1</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York. Dissenting Statement of Governor Mitchell in which Governor Robertson concurs also filed as part of the original document and available upon request.

<sup>2</sup> Voting for this action: Chairman Martin, and Governors Shephardson, Daane, Maisel, and Brimmer. Voting against this action: Governors Robertson and Mitchell.

[70-4427]

## LOUISIANA POWER & LIGHT CO.

### Notice of Proposed Issue and Sale of Notes to Banks

NOVEMBER 8, 1966.

Notice is hereby given that Louisiana Power & Light Co. ("Louisiana"), 142 Delaronde Street, New Orleans, La. 70114, a public-utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to said declaration, which is summarized below, for a complete statement of the proposed transaction.

Louisiana has entered into an agreement, dated October 25, 1966, with The Chase Manhattan Bank, N.A., pursuant to which Louisiana proposes to borrow, as needed, amounts not to exceed an aggregate of \$16 millions. Such borrowings are to be evidenced by notes payable on or before July 31, 1967, and bearing interest at the bank's prime commercial rate (presently 6 percent per annum) prevailing from time to time during the life of the notes. The notes may be prepaid at any time, in part or in whole, without penalty or premium.

The proceeds from the sale of the notes will be used by Louisiana to pay, at or before maturity, its then outstanding short-term notes, currently amounting to \$5 millions, theretofore issued pursuant to the exemptive provisions of the first sentence of section 6(b) of the Act, to finance temporarily the company's construction program and for other corporate purposes. The filing indicates that four New Orleans, La., banking institutions (namely, Whitney National Bank of New Orleans, The National American Bank of New Orleans, The National Bank of Commerce, and The Hibernia National Bank) may, if they so desire, become participants in the loans to the total amount of 55 percent of each borrowing made by Louisiana from The Chase Manhattan Bank.

There is no commitment or stand-by fee, and no special and separate expenses are anticipated in connection with this financing other than minor expenses for travel and miscellaneous matters.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 28, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Com-



mission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 66-12336; Filed, Nov. 14, 1966;  
8:48 a.m.]

[811-851]

### MIDWEST TECHNICAL DEVELOPMENT CORP.

#### Notice of Application Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 8, 1966.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Midwest Technical Development Corp., 838 Baker Building, Minneapolis, Minn. 55402, ("Applicant"), a management, closed-end, nondiversified investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on filed with the Commission for a statement of Applicant's representations, which are summarized below.

Applicant represents that all its assets, except for \$10,000 retained to pay the expenses of winding up Applicant's affairs, have been sold to Midtex Incorporated ("Midtex") in exchange for shares of Midtex which were subsequently distributed to the shareholders of Applicant in the form of a liquidating dividend. In addition, Applicant states that it has no liabilities and that if after its affairs are wound up any part of the aforementioned \$10,000 shall be remaining, such sum shall be paid to Midtex. Midtex will also hold in trust for the rightful beneficiary thereof, any Midtex shares which were to be paid as a liquidating dividend by Applicant and which have not been claimed.

Notice is further given that any interested person may, not later than November 28, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be con-

troverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 66-12337; Filed, Nov. 14, 1966;  
8:48 a.m.]

### UNITED SECURITY LIFE INSURANCE CO.

#### Order Suspending Trading

NOVEMBER 8, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 9, 1966, through November 18, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 66-12338; Filed, Nov. 14, 1966;  
8:48 a.m.]

### INTERSTATE COMMERCE COMMISSION

#### FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 9, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 40782—*Joint motor-rail rates—Middle West motor freight.* Filed

by Middlewest Motor Freight Bureau, agent (No. 377), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Middle West territory; between points in Middle West territory, on the one hand, and points in Central States, southwestern, and Canada territories, on the other; between points in Central States territory, on the one hand, and points in southwestern and Canada territories, on the other; between points in southwestern territory, on the one hand, and points in Canada, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 3 to Middlewest Motor Freight Bureau, agent, tariff MF-ICC 498.

FSA No. 40783—*Cotton and related articles to Baton Rouge and Port Allen, La.* Filed by Southwestern Freight Bureau, agent (No. B-8926), for interested rail carriers. Rates on cotton, also cotton linters and cottonseed hull fiber or shavings, in carloads, from points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas, to Baton Rouge and Port Allen, La.

Grounds for relief—Market competition.

Tariffs—Supplement 60 to Southwestern Freight Bureau, agent, tariff ICC 4576 and supplement 29 to Texas-Louisiana Freight Bureau, agent, tariff ICC 1020.

FSA No. 40784—*Soda ash to Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8919), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, from Alchem, Stauffer, and Westvaco, Wyo., to Houston, Tex.

Grounds for relief—Rail-barge competition.

Tariff—Supplement 108 to Southwestern Freight Bureau, agent, tariff ICC 4526.

FSA No. 40785—*Iron or steel articles to Jackson, Miss.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2871), for interested rail carriers. Rates on steel sheet, plain; strip steel, n.o.i.b.n., bars, plate or sheet, n.o.i.b.n., in carloads, from points in Michigan, Ohio, Pennsylvania, and West Virginia, to Jackson, Miss.

Grounds for relief—Truck-barge-rail, barge-rail, and market competition.

Tariff—Supplement 58 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-428.

FSA No. 40786—*Iron or steel articles to Gulfport, Miss.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2872), for interested rail carriers. Rates on iron or steel plate or sheet, n.o.i.b.n., and strip steel, n.o.i.b.n., in carloads, from points in Delaware, Maryland, Michigan, New York, Ohio, Pennsylvania, and West Virginia, to Gulfport, Miss.

Grounds for relief—Market competition.



Tariff—Supplement 58 to Traffic Executive Association—Eastern Railroads, agent, tariff ICC C-428.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12351; Filed, Nov. 14, 1966;  
8:49 a.m.]

[Notice 285]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 9, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 33902 (Sub-No. 1 TA), filed November 7, 1966. Applicant: TATUM-DALTON TRANSFER COMPANY, 311 East Washington Street, Post Office Box 3015, Greensboro, N.C. 27402. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Household goods*, as defined by the Commission, between points in North Carolina, restricted to shipments having a prior or subsequent movement beyond said points, in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization of such shipments, for 180 days. Supporting shipper: Northwest Consolidators, 1110 North 175th, Post Office Box 3583, Terminal Annex, Seattle, Wash. 98124. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 10884, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 123393 (Sub-No. 170 TA), filed November 7, 1966. Applicant: BLYEU REFRIGERATED TRANSPORT COR-

PORATION, 2105 East Dale, Box 948, Commercial Station, Springfield, Mo. 65803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Citrus products, fruit juices and drinks* (except frozen), from Waycross, Ga., to points in California, for 180 days. Supporting shipper: Osceola Fruit Distributors, Kissimmee, Fla. 32741. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12352; Filed, Nov. 14, 1966;  
8:50 a.m.]

[Notice 1440]

### MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 9, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69114. By order of October 31, 1966, the Transfer Board approved the transfer to Gay Hudson Moving & Storage Co., a corporation, St. Louis, Mo.; of a portion of the operating rights in certificate No. MC-58979, issued July 15, 1960, to Voelker Transit, Inc., St. Louis, Mo.; authorizing the transportation of: Household goods, between points in Arkansas, Kansas, Missouri, and Oklahoma. Meyer Kahn, 915 Olive Street, St. Louis, Mo. 63101, attorney for applicants.

No. MC-FC-69160. By order of October 31, 1966, the Transfer Board approved the transfer to North Kansas City Tow Service, Inc., 901 East 13th Avenue, North Kansas City, Mo. 64116, of the operating rights of Charles S. Reavis, doing business as North Kansas City Tow Service, 901 East 13th Avenue, North Kansas City, Mo. 64116, in certificates Nos. MC-116111, MC-116111 (Sub-No. 2), MC-116111 (Sub-No. 3), and MC-116111 (Sub-No. 4), issued March 29, 1957, May 24, 1957, February 10, 1959, and January 2, 1959, respectively, authorizing the transportation, over irregular routes, wrecked, disabled, or repossessed motor vehicles, by use of wrecker equipment only, between Kansas City, Mo., on the one hand, and, on the other, points in

Iowa, Missouri, Nebraska, and Oklahoma, wrecked, disabled, or repossessed motor vehicles by use of wrecker equipment only, and replacement vehicles for wrecked or disabled motor vehicles in secondary movements, in truckaway service, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas, replacement motor vehicles for wrecked or disabled motor vehicles, in secondary movements, by use of wrecker equipment only, between Kansas City, Mo., on the one hand, and, on the other, points in Missouri, Iowa, Nebraska, and Oklahoma, and wrecked, disabled, or repossessed motor vehicles, by use of wrecker equipment only, and of replacement motor vehicles for wrecked or disabled motor vehicles, in secondary movements, in truckaway service, between Kansas City, Mo., on the one hand, and, on the other, points in Arkansas and Illinois.

No. MC-FC-69164. By order of October 31, 1966, the Transfer Board approved the transfer to Chris Corrigan Moving, Inc., 169 Cowden St., Central Falls, R.I., of the certificate in No. MC-90601, issued September 6, 1961, to Christopher J. Corrigan, Jr., doing business as Christopher J. Corrigan, Movers, 169 Cowden St., Central Falls, R.I., authorizing the transportation of: Household goods, between Pawtucket, R.I., and points in Providence County, R.I., on the one hand, and, on the other, points in Connecticut and Massachusetts.

No. MC-FC-69167. By order of October 31, 1966, the Transfer Board approved the transfer to Thruway Freight Lines, Inc., East Paterson, N.J., of the certificate in No. MC-119090, issued February 9, 1966, to Alfred Seifert, Sr., doing business as Thru Way Freight Lines, East Paterson, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Bergen, Passaic, Essex, Hudson, and Union Counties, N.J., on the one hand, and, on the other, Philadelphia, Pa., and points as specified in New York; hand mirrors, from Paterson, N.J., to Schwenksville and Pennsburg, Pa., and Middletown, N.Y.; and paper napkins, sanitary napkins, and toilet tissue, from Glens Falls and South Glens Falls, N.Y., to points in Middlesex County, N.J. A. David Millner, 1060 Broad Street, Newark, N.J. 07102, representative for applicants.

No. MC-FC-69172. By order of October 31, 1966, the Transfer Board approved the transfer to Hilliard Truck Line, Inc., Los Angeles, Calif., of certificate No. MC-120053 (Sub-No. 2) and certificate of registration No. MC-120053 (Sub-No. 3), issued April 10, 1961, and April 20, 1964, respectively, to Lester Leon Hilliard, doing business as Hilliard Truck Line, Los Angeles, Calif., the former authorizing the transportation of: Frozen fish and seafoods between Los Angeles, Calif., and Camp Irwin, Calif., George Air Force Base, Calif., and the U.S. Marine Corps Supply Center, Barstow, Calif., and the latter evidencing a right of the holder to engage in trans-



portation corresponding in scope to the grant of authority in decision No. 56579, dated April 22, 1958, as amended, issued by the Public Utilities Commission of California. Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212, attorney for applicants.

No. MC-FC-69177. By order of October 31, 1966, the Transfer Board approved the transfer to Direct Trucking Co., Inc., Jersey City, N.J., of permit in No. MC-125580, issued February 24, 1964, to Joseph J. Shine and Lena Shine, a partnership, doing business as Direct Trucking Co., Jersey City, N.J.; authorizing the transportation of: Salt, in bags and cases, from Port Newark, N.J., to New York, N.Y., and points in Rockland, Westchester, and Nassau Counties, N.Y. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, representative for applicants.

No. MC-FC-69178. By order of October 31, 1966, the Transfer Board approved the transfer to Ira E. Johnson, Amarillo, Tex., of the operating rights in certificate No. MC-127345, issued July 21, 1966, to Lowal Leon Hand, doing business as Lowal Hand Trucking Co., 112 North Hoy, Buffalo, Okla., authorizing the transportation, over irregular routes, of mixed animal feeds, cottonseed products, alfalfa meal and pellets, animal feed supplements, and sugarbeet pulp and pellets, in bulk, from and to, or between, various named points or described areas in Oklahoma, Texas, New Mexico, and Kansas. Van Thompson, Jr., 613 Brown Building, Austin, Tex. 78701, attorney for transferee.

No. MC-FC-69180. By order of October 31, 1966, the Transfer Board approved the transfer to Glenn Larson, Marinette, Wis., of the operating rights in certificate No. MC-102915, issued May 28, 1952, to Axel Larson, Marinette, Wis., authorizing the transportation of: Such merchandise as is dealt in by retail department stores, from Marinette, Wis., to points in Wisconsin within 50 miles of Marinette, except Green Bay, Wis.; and rejected shipments of above-specified commodities, from points in above-described Wisconsin territory, except Green Bay, Wis., to Marinette, Wis. Such merchandise as is dealt in by retail department stores, from such stores or their warehouses in Marinette, Wis., to their customers in Delta, Dickinson, Iron, Marquette, Menominee, and Schoolcraft Counties, Mich., with no transportation for compensation on return except as otherwise authorized. Edward Solie, 4513 Vernon Boulevard, Madison, Wis. 53705, attorney for applicants.

[SEAL]

H. NELL GARSON,  
Secretary.

[F.R. Doc. 66-12353; Filed, Nov. 14, 1966; 8:50 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 27-39]

### CALIFORNIA NUCLEAR, INC.

#### Notice of Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 6 to License No. 13-10042-1 held by California Nuclear, Inc., Lafayette, Ind. This amendment authorizes the following:

1. The packaging of approximately 2,000 curies of byproduct material contained in about 5,000 cubic feet of resins. These resins were used to remove radioactive material from cooling water at the Dresden I Station of Commonwealth Edison Co. The packaging of the resins will be done at the Commonwealth Edison Co., Dresden Nuclear Power Station, Morris, Ill.

2. Burial of packages containing less than 10 curies of hydrogen 3 (tritium). The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the application for license amendment and (2) the related memorandum prepared by the Division of Materials Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Item 2 above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Materials Licensing.

Dated at Bethesda, Md., November 7, 1966.

For the Atomic Energy Commission.

J. A. McBRIDE,  
Director,

Division of Materials Licensing.

[License No. 13-10042-1; Amdt. 6]

The Atomic Energy Commission having found that:

A. The licensee's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The licensee is qualified by training and experience to use the material for the pur-

pose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property.

C. The application for license amendment dated September 26, 1966, as amended September 29, 1966, and October 25, 1966, and the application for license amendment dated October 19, 1966, comply with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter I, and is for a purpose authorized by that Act.

Byproduct, Source, and Special Nuclear Material License No. 13-10042-1 is amended to add the following conditions:

16. The licensee is authorized to receive at the Commonwealth Edison Co., Dresden Nuclear Power Station, Morris, Ill., approximately 2,000 curies of byproduct material contained in about 5,000 cubic feet of resin and to package the resins in concrete tanks. The licensee shall receive, package, and store the resins in accordance with the radiological safety procedures and limitations specified in Condition 3. of this license and the application for license amendment dated September 26, 1966, as amended September 29, 1966, and October 25, 1966.

17. The licensee is authorized to receive and bury at its facility located in Hanford, Wash., packages containing tritium gas in accordance with the application for license amendment dated October 19, 1966.

Date of issuance: November 7, 1966.

For the Atomic Energy Commission.

J. A. McBRIDE,  
Director,

Division of Materials Licensing.

[F.R. Doc. 66-12300; Filed, Nov. 14, 1966; 8:45 a.m.]

[Docket No. 27-39]

### CALIFORNIA NUCLEAR, INC.

#### Notice of Proposed Issuance of Amendment of Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission is considering the issuance of a license amendment to License No. 13-10042-1 held by California Nuclear, Inc., 2323 South Ninth Street, Lafayette, Ind.

This amendment would authorize receipt, processing, repackaging, and storage of radioactive waste material at a new site located in Bureau County, Ill. This site is located approximately 45 miles east of Moline, Ill., about 2 miles south of U.S. Route Interstate 80, 3 miles west of Sheffield, Ill., and about 3 miles southeast of Mineral, Ill.

This amendment would authorize the possession at the proposed facility of 50,000 curies of byproduct material, 4,000 pounds of source material, and 5,000 grams of special nuclear material. With respect to the special nuclear material, there are limitations on the quantity of special nuclear material which may be in any single package, a limitation on the concentration of special nuclear material which may be in any package, and



a limitation on the accumulation of packages. These limits would be the same as those currently provided for in Conditions 1.C. and 2 in Amendment No. 5 to License No. 13-10042-1.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by the proposed issuance of this license amendment may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545. If no request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Director of Regulation will issue the license amendment fifteen (15) days from the date of publication in the FEDERAL REGISTER.

For further details with respect to this proposed issuance, see (1) the application and amendments thereto and (2) the related memorandum prepared by the Division of Materials Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. A copy of Item (2) above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Materials Licensing.

The text of the proposed amendment which revises the license in its entirety to incorporate the changes is set forth below.

Dated at Bethesda, Md., November 7, 1966.

For the Atomic Energy Commission.

J. A. McBRIDE,  
Director,  
Division of Materials Licensing.

[License No. 13-10042-1; Amdt. 7]

The Atomic Energy Commission having found that:

A. The licensee's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life and property.

C. The application for license amendment dated August 16, 1966, as amended August 31, 1966; September 9, 1966; September 14, 1966; and October 3, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and is for a purpose authorized by that Act.

D. Issuance of the amendment will not be inimical to the common defense and security nor to the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License No. 13-10042-1 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended; 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material"; 10 CFR Part 40, "Licensing of Source Material"; 10 CFR Part 70, "Special Nuclear Material"; a license is hereby issued to California Nuclear, Inc., 2323 South Ninth Street, Lafayette, Ind. 47905, to receive and possess waste byproduct and source material in any State of the United States except in "Agreement States" as defined in § 150.3(b), 10 CFR Part 150; to receive and possess special nuclear material in any State of the United States; to receive, possess, process, repack, store, and to dispose by burial in the soil, waste byproduct, source, and special nuclear material at a facility located in Benton County, Wash.; to receive, possess, and store waste byproduct, source, and special nuclear material at a facility located in Lockport Township, Will County, Ill.; and to receive, possess, process, repack, and store waste byproduct, source, and special nuclear

$$\frac{\text{grams contained U235}}{100} + \frac{\text{grams contained U233}}{60} + \frac{\text{grams contained Pu}}{60} \leq 1$$

(b) No single package shall contain more than 15 grams of any combined uranium 235, uranium 233, and plutonium per cubic foot of total volume.

2. Each accumulation of packages shall contain not more than 500 grams of uranium

$$\frac{\text{grams contained U235}}{500} + \frac{\text{grams contained U233}}{300} + \frac{\text{grams contained Pu}}{300} \leq 1$$

and shall be stored at least 12 feet from any other packages containing special nuclear material.

3. Except as specifically provided otherwise by this license, the licensee shall receive, possess, process, repack, store, and dispose of byproduct, source, and special nuclear material in accordance with the radiological safety procedures and limitations contained in the application dated October 23, 1963, as amended, December 9, 1963; April 21, 1964; August 18, 1964; August 28, 1964; September 18, 1964; October 12, 1964; February 3, 1965; November 24, 1965; and March 31, 1966; and in the application dated August 16, 1966, as amended August 31, 1966; September 9, 1966; September 14, 1966; and October 3, 1966 (hereafter collectively referred to as the "application").

4. Operations shall be conducted by William D. Johnson, Radiation Protection Officer, Frederick P. Beierle, and other individuals designated by the licensee's Radiation Protection Officer upon satisfactory completion of the licensee's training program.

5. A copy of the "Radiological Physics Safety Manual for Atomic Energy Commission Operations" dated April 21, 1964, shall be supplied to each employee engaged in operations under this license.

6. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard, Federal Aviation Agency, and other agencies of the United States having jurisdiction.

When Interstate Commerce Commission regulations are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce,

(1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting

material at a facility located in Bureau County, Ill.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time at each of its facilities located in Benton County, Wash.; Will County, Ill.; and Bureau County, Ill., more than:

A. 50,000 curies of byproduct material

B. 4,000 pounds of source material

C. 5,000 grams of special nuclear material in accordance with the following:

(a) No single package shall contain more than 100 grams of uranium 235 or 60 grams of uranium 233 or 60 grams of plutonium or any combination thereof such that the sum of the ratios of the quantity of each special nuclear material to the quantities specified herein does not exceed unity. Unity shall be determined by the following formula:

235 or 300 grams of uranium 233 or 300 grams of plutonium or combinations thereof such that the sum of the ratios of the quantity of each special nuclear material to the quantities specified herein does not exceed unity, as determined by the following formula:

set forth in the regulations of the Interstate Commerce Commission in §§ 73.391-73.395, 49 CFR Part 73, "Regulations Applying to Shippers," and §§ 77.823, 77.860 (c) and (d), 49 CFR Part 77, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways," and (2) any requests for modifications or exceptions to those requirements, any request for special approvals referred to in those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

7. The licensee may process and repack waste byproduct, source, and special nuclear material only at its facilities in Benton County, Wash., and Bureau County, Ill.

8. The licensee shall not process or repack any radioactive waste at its facilities in Benton County, Wash., and/or Bureau County, Ill., until the structures described in the application have been erected and until radiation safety equipment has been secured and installed.

At such time as the licensee begins to process and repack waste material, the licensee shall notify the Chief, Isotopes Branch, Division of Materials Licensing.

9. The licensee shall not store any package at its facilities in Benton County, Wash., and Bureau County, Ill., for more than 6 months from date of receipt.

10. Byproduct, source, and special nuclear material may be disposed of by burial at a site located in the southeast corner of Section 9, Township 12, North Range 26, EMW, Benton County, Wash., in accordance with procedures and limitations set forth in the application dated August 18, 1964, and amendments thereto dated August 28, 1964; September 18, 1964; and February 3, 1965.

11. The licensee shall bury any accumulation of packages containing special nuclear material in the quantities specified in Condition 2 of this license in such a manner as to have a minimum of 8 inches of earth in all directions from any other packages containing special nuclear material.



12. Should any water sample obtained from the test well reveal an increase in the concentrations of radioactive material determined prior to commencement of the burial operations, the licensee shall perform further surveys to determine whether or not the increase is due to the land burial operations. Should the radioactivity be determined to originate in the burial ground, the licensee shall notify the Director, Division of Materials Licensing, within thirty (30) days of such findings.

13. The licensee shall not open any packages at its facility in Lockport Township, Will County, Ill., except to repair or repack- age containers damaged in transit.

14. The licensee shall not store any pack- age at its facility in Lockport Township, Will County, Ill., for more than 1 year from date of receipt.

15. The licensee shall not receive any by- product, source, or special nuclear material at the Lockport Township, Will County site until the building, fencing, and other safe- guards designed to protect against unauthor- ized entry have been completed.

At such time as the licensee begins to store packages, the licensee shall notify the Chief, Isotopes Branch, Division of Materials Licens- ing.

This license shall expire August 31, 1968.

Date of Issuance:

For the Atomic Energy Commission.

Director,

Division of Materials Licensing.

[F.R. Doc. 66-12301; Filed, Nov. 14, 1966;  
8:45 a.m.]

[Docket No. 50-171]

## PHILADELPHIA ELECTRIC CO.

### Notice of Proposed Issuance of Amendment to Facility License

The Atomic Energy Commission is considering the issuance of an amend- ment to Provisional Operating License No. DPR-12 substantially as set forth below to the Philadelphia Electric Co. for the Peach Bottom Atomic Power Sta- tion located in York County, Pa. Phila- delphia Electric has been operating the facility at power levels up to one mega- watt (thermal). The proposed amend- ment would authorize operation at power levels up to 115 Mwt.

Prior to issuance of the amendment, the facility will be inspected by repre- sentatives of the Commission to deter- mine that the repairs to the steam generators and other modifications de- scribed in the application to make the plant ready for full power operation have been completed. In addition, the Phila- delphia Electric Co. will be required to submit proof of financial protection which satisfies the requirements of 10 CFR Part 140 and to execute an amended

indemnity agreement as required by sec- tion 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regu- lations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time pre- scribed in this notice, the Commission will issue a notice of hearing or an ap- propriate order.

For further details with respect to this proposed license, see (1) Philadelphia Electric's Amendment No. 13 dated August 18, 1966, Amendment No. 14 dated September 22, 1966 and Amend- ment No. 15 dated November 7, 1966, (2) the report of the Advisory Committee on Reactor Safeguards dated October 12, 1966, and (3) a related Safety Evalua- tion prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are avail- able for public inspection in the Com- mission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) may be obtained in the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washing- ton, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 9th day of November 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,

Director,

Division of Reactor Licensing.

[Facility License No. DPR-12; Amdt. No. 1]

1. The Atomic Energy Commission (hereinafter "the Commission") having found that:

A. The application for amendment com- plies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regu- lations set forth in Title 10, Chapter 1, CFR;

B. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in com- pliance with the rules and regulations of the Commission;

C. The applicant has submitted proof of financial protection which satisfies the re- quirements of 10 CFR Part 140, and has exe- cuted an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140;

D. The issuance of this amendment is not inimical to the common defense and security or to the health and safety of the public.

2. Paragraph 4.A. of Facility License No. DPR-12, is amended as follows:

"A. Philadelphia Electric may operate the reactor at power levels up to a maximum of 115 megawatts thermal."

3. This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

Date of Issuance:

Director,

Division of Reactor Licensing.

[F.R. Doc. 66-12435; Filed Nov. 14, 1966;  
11:40 a.m.]

## Title 2—THE CONGRESS

### ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjourn- ment of the Congress *sine die*, and until all public acts have received final Presi- dential consideration, a listing of public laws approved by the President will ap- pear in the daily FEDERAL REGISTER under Title 2—The Congress. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 89th Congress, Second Session.

#### Approved November 9, 1966

S. 3887----- Public Law 89-802

An Act to amend title 10, United States Code, to permit persons from countries friendly to the United States to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and for other pur- poses.

#### Approved November 10, 1966

S. 1319----- Public Law 89-803

District of Columbia Work Release Act.

S. 2893----- Public Law 89-804

An Act to amend section 208(c) to provide that certificates issued to motor common carriers of passengers pursuant to future applications shall not confer, as an incident to the grant of regular route authority, the right to transport special or chartered parties.

H.R. 8436----- Public Law 89-805

An Act to amend the Tariff Schedules of the United States with respect to the dutiable status of watches, clocks, and timing apparatus from insular posses- sions of the United States.

H.R. 11216----- Public Law 89-806

An Act relating to the tariff treatment of articles assembled abroad of products of the United States, and for other purposes.







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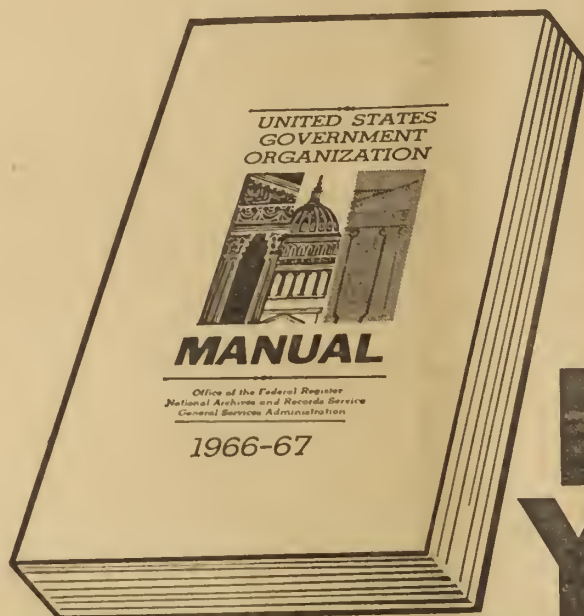












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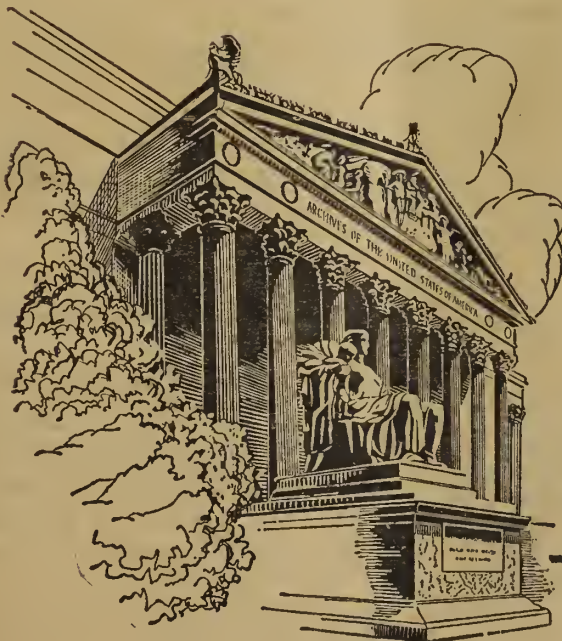
Wednesday, November 16, 1966 • Washington, D.C.

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

#### PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

##### Limitation of Shipments

(a) Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas, was published in the *FEDERAL REGISTER* October 20, 1966 (31 F.R. 13551). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice afforded interested parties an opportunity to file written data, views, or arguments pertaining thereto within 15 days after publication. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, and other available information, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that good cause exists for not postponing the effective date of § 971.306 until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 1003) in that (i) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the handling of lettuce in the manner set forth below on and after the effective date of this section, (ii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iii) reasonable time is permitted under the circumstances for such preparation, and (iv) notice has been given of the limitation of shipments set forth in this section through publicity in the production area and by publication in the *FEDERAL REGISTER* of October 20, 1966 (31 F.R. 13551).

##### § 971.309 Limitation of shipments.

During the period November 21, 1966, through March 25, 1967, no person may handle any lot of lettuce grown in the production area unless the lettuce meets requirements of paragraphs (a) grade, (b) size and pack, and (c) containers, or unless the lettuce is handled in accordance with paragraphs (d) or (e), of

this section. Further, no person may package lettuce during the above period on any Sunday.

(a) *Grade.* Each lot of lettuce shall average no more than 5 percent decay (no more than three decayed heads permitted in any container) or other serious damage, except:

(1) Mildew may affect no more than three head leaves when associated with discoloration.

(2) Tipburn may not exceed an aggregate area  $1\frac{1}{4}$  inches wide by 3 inches in length when affecting compact portion of head.

(3) No more than three head leaves with pink rib (having areas of deep pink color as viewed on the outer surface of the leaf) or other rib discoloration when either seriously detracts from appearance or edible quality.

(4) No more than six head leaves, in the compact portion of the head, affected by insects.

(5) (i) No more than four outer head leaves with blistering, peeling, or discoloration resulting from freezing that seriously detracts from appearance or edible quality.

(ii) All other defects, such as seed-stems, shall have same meaning as described under serious damage in U.S. Standards for grades of lettuce.

(iii) Tolerances: 10 percent by count of heads of lettuce in any lot may be below these requirements with no more than six heads below these requirements in any individual package.

(b) *Sizing and pack.* (1) Lettuce heads, packed in container Nos. 7303, 7306, or 7313, if wrapped, may be packed only 18, 20, 22, 24, or 30 heads per container; if not wrapped, only 18, 24, or 30 heads per container.

(2) Lettuce heads in container No. 85-40 may be packed only 24 heads per container.

(c) *Containers.* Containers may be only—

(1) Cartons with inside dimensions of 10 inches x  $14\frac{1}{4}$  inches x  $21\frac{1}{16}$  inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of  $9\frac{3}{4}$  inches x 14 inches x 21 inches (designated as carrier container Nos. 7306 and 7313), or

(3) Cartons with inside dimensions of  $21\frac{1}{2}$  inches x  $16\frac{1}{8}$  inches x  $10\frac{3}{4}$  inches (designated as carrier container No. 85-40—flat pack).

(d) *Minimum quantities.* Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, size, and pack requirements, but it must meet container requirements. This exception may not be applied to any portion of a shipment of over two cartons of lettuce.

(e) *Special purpose shipments.* Lettuce not meeting grade, size, or container requirements of paragraphs (a), (b), or (c) of this section may be handled for any purpose listed, if handled as prescribed, in this paragraph. Inspection or assessments are not required on such shipments. For relief, charity, experimental purposes, or export to Mexico, if, prior to handling, the handler pursuant to §§ 971.120-971.125 obtains a Certificate of Privilege applicable thereto and reports thereon: *Provided, however,* If export to Mexico, the handler of such lettuce loads or transports it only in a vehicle bearing Mexican registration (license).

(f) *Inspection.* (1) No handler may handle any lettuce for which an inspection certificate is required unless an appropriate inspection certificate has been issued with respect thereto.

(2) No handler may transport, or cause the transportation of, by motor vehicle, any shipment of lettuce for which an inspection certificate is required unless each such shipment is accompanied by a copy of an inspection certificate or by a copy of a shipment release form (SPI-23) furnished by the inspection service verifying that such shipment meets the current grade, size, pack and/or container regulations promulgated under this part. A copy of the inspection certificate, or shipment release form applicable to each truck lot shall be available and surrendered upon request to authorities designated by the committee.

(3) For administration of this part, an inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on such certificate or form.

(g) *Definitions.* (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film (cf. AMS 481) and then packed in cartons or other containers.

(2) "U.S. No. 1" and "serious damage" shall have the same meaning as in the U.S. Standards for Lettuce (§§ 51.2510-51.2531 of this title).

(3) All other terms used in this section shall have the same meaning as when used elsewhere in this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 10, 1966.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Consumer and Mar-  
keting Service.

[F.R. Doc. 66-12393; Filed, Nov. 15, 1966;  
8:47 a.m.]



**Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture**

[Milk Order 103]

**PART 1103—MILK IN MISSISSIPPI MARKETING AREA**

**Order Amending Order**

**§ 1103.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than December 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Administrator, Consumer and Marketing Service, was issued October 14, 1966, and the decision of the Under Secretary containing all amendment provisions of this order was issued

October 28, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective December 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Section 1103.51(a) is revised to read as follows:

**§ 1103.51 Class prices.**

(a) *Class I milk price.* The minimum Class I milk price for the month shall be the basic formula price for the preceding month, plus \$2.27 each month, plus or minus a supply-demand adjustment beginning in October 1967 computed pursuant to subparagraphs (1), (2), and (3) of this paragraph: *Provided*, That the Class I price for each of the months of December 1966 and January and February 1967 shall be the basic formula price for the preceding month plus \$2.35.

(1) Divide the total pounds of producer milk in the second and third month preceding by the total pounds of Class I milk (excluding interhandler transfers and including any net transfers between Federal order markets) in the same months of handlers fully regulated under this part, multiply the results by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum

standard utilization percentage specified below, the deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus deviation percentage".

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January.....	October-November.....	124	128
February.....	November-December.....	129	133
March.....	December-January.....	130	134
April.....	January-February.....	123	127
May.....	February-March.....	123	127
June.....	March-April.....	131	135
July.....	April-May.....	141	145
August.....	May-June.....	150	154
September.....	June-July.....	148	152
October.....	July-August.....	147	151
November.....	August-September.....	135	139
December.....	September-October.....	124	128

(3) For a "minus deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows: *Provided*, That the supply-demand adjustment for any month of September, October, or November shall not be lower, by more than 5 cents, than such adjustment for the immediately preceding month; and for any month of April, May, or June of each year shall not be higher, by more than 5 cents, than such adjustment for the immediately preceding month:

(i) One cent times each such percentage unit of deviation; plus

(ii) One cent times the lesser of:

(a) Each percentage unit of deviation, or

(b) Each percentage unit of deviation of like direction (plus or minus, with any deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(a) Each percentage unit of deviation;

(b) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; or

(c) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: December 1, 1966.

Signed at Washington, D.C., on November 10, 1966.

GEORGE L. MEHREN,  
Assistant Secretary.

[F.R. Doc. 66-12394; Filed, Nov. 15, 1966; 8:47 a.m.]



# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

### SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7699; Amdt. 95-147]

#### PART 95—IFR ALTITUDES

##### Miscellaneous Amendments

###### Correction

In F.R. Doc. 66-11835, appearing at page 13987 of the issue for Wednesday, November 2, 1966, the following correction is made in the amendment of § 95.6095: The portion reading “\*1,400—MCA Ranch INT, Northeastbound.” should read “\*14,000—MCA Ranch INT, Northeastbound.”.

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C-1132]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Abington Shoe Co., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*: 13.1055-50 Preticketing merchandise misleadingly. Subpart—Misrepresenting oneself and goods—Goods: § 13.1635 *Government inspection*; § 13.1645 *Government standards or specifications*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Abington Shoe Co., et al., Boston, Mass., Docket C-1132, Oct. 21, 1966]

In the Matter of Abington Shoe Co., a Corporation, Jade Footwear Co., a Corporation, and Herman Swartz and Sidney Swartz, Individually and as Officers of Said Corporations

Consent order requiring two affiliated Boston, Mass., manufacturers of men's shoes to cease deceptively representing their shoes as official, regulation or surplus U.S. Navy footwear.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Abington Shoe Co., a corporation, and Jade Footwear Co., a corporation, and their respective officers, and Herman Swartz and Sidney Swartz, individually and as officers of said corporate respondents, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of footwear in commerce, as “commerce” is defined in the Federal Trade

Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that said footwear is official, regulation or surplus U.S. Navy or Armed Forces footwear or is manufactured in accordance with U.S. Navy or Government specifications.

2. Representing, directly or by implication, that said footwear has been inspected by U.S. Navy or Government inspectors or has been approved by said inspectors as meeting U.S. Navy or Government specifications.

3. Misrepresenting in any manner the parties, organizations, firms or corporations for whom said footwear was manufactured, or the specifications for or inspection of said footwear.

4. Furnishing or otherwise placing in the hands of retailers of said products, or others, any means or instrumentalities by or through which they may mislead and deceive the public in the manner or as to the things hereinabove prohibited.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 21, 1966.

By the Commission.

[SEAL]

JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12366; Filed, Nov. 15, 1966; 8:45 a.m.]

[Docket No. C-1131]

#### PART 13—PROHIBITED TRADE PRACTICES

##### By-Products Inc., and D. B. Tate

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties*: 13.1053-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: 13.1845-70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, By-Products Inc., et al., Connerly Springs, N.C., Docket C-1131; Oct. 19, 1966]

Consent order requiring a Connerly Springs, N.C., buyer and seller of floor coverings made from textile waste to cease misbranding and falsely guaranteeing the fiber content of its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents By-Products Inc., a corporation, and its officers, and D. B. Tate, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber products, which have been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber products, whether they are in their original state or contained in other textile fiber products, as the terms “commerce” and “textile fiber product” are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Furnishing false guaranties that textile fiber products are not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 19, 1966.

By the Commission.

[SEAL]

JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12367; Filed, Nov. 15, 1966; 8:45 a.m.]

[Docket No. 7604]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Dayco Corp.

Subpart—Combining or conspiring: § 13.425 *To enforce or bring about resale price maintenance*. Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Modified order to cease and desist, Dayco Corp., Dayton, Ohio, Docket 7604, Oct. 27, 1966]



Order modifying a cease and desist order of August 5, 1964, 29 F.R. 12624, against a Dayton, Ohio, automotive parts manufacturer by vacating the price discrimination provision, pursuant to a remand order of the Court of Appeals, Sixth Circuit, 362 F. 2d 180, and enforcing the prohibition against resale price-fixing.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondent, Dayco Corp., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device in, or in connection with, the sale or distribution of automotive parts and related products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Putting into effect, continuing or maintaining any merchandising or distribution plan or policy under which agreements or understandings are entered into with resellers of such products which have the purpose or effect of fixing, establishing, or maintaining the prices at which such products may be resold.

*It is further ordered*, That Count I of the complaint be, and it hereby is, dismissed.

*It is further ordered*, That the respondent herein shall, within sixty (60) days after service upon it of this modified order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: October 27, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12368; Filed, Nov. 15, 1966;  
8:45 a.m.]

[Docket No. C-1134]

## PART 13—PROHIBITED TRADE PRACTICES

### Jerome Friedman Furs, Inc.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods*: 13.30-30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements*: 13.73-10 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-30 Fur Products Labeling Act; § 13.1325 *Source or origin*: 13.1325-70 Place: 13.1325-70(e) Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Jerome Friedman Furs, Inc., New York, N.Y., Docket C-1134, Oct. 27, 1966]

Consent order requiring a New York City furrier to cease misbranding, falsely invoicing, and falsely advertising its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondent Jerome Friedman Furs, Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such fur product as to the country of origin of furs contained in such fur product.

2. Representing directly or by implication on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

4. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

6. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

7. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

5. Failing to set forth the term "Dyed Mouton Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

6. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

7. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

4. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

*It is further ordered*, That respondent Jerome Friedman Furs, Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the processing



for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: October 27, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12369; Filed, Nov. 15, 1966;  
8:45 a.m.]

[Docket No. C-1130]

### PART 13—PROHIBITED TRADE PRACTICES

Modern Builders, Inc., and  
James W. Glasser

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees*; § 13.75 *Free goods or services*; § 13.95 *Identity of product*; § 13.105 *Individual's special selection or situation*; § 13.155 *Prices*: 13.155-33 *Demonstration reduction*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services*; § 13.1647 *Guarantees*; § 13.1655 *Identity*; § 13.1663 *Individual's special selection or situation*; Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Modern Builders, Inc., et al., Winter Park, Fla., Docket C-1130, Oct. 14, 1966]

Consent order requiring a Winter Park, Fla., home improvement company to cease using deceptive representations to sell its residential aluminum siding and other products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Modern Builders, Inc., a corporation, and its officers, and James W. Glasser, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with advertising, offering for sale, sale and distribution of residential aluminum siding or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

(1) The home of any of respondents' customers, or prospective customers, has been selected to be used as a model home, or otherwise, for advertising purposes;

(2) Any allowance, discount or commission is granted by respondents to purchasers in return for permitting the premises on which respondents' products are installed to be used for model homes or demonstration purposes;

(3) Respondents are connected or affiliated with Kaiser Aluminum & Chemical Corp., or misrepresenting in any manner the identity of the manufacturer or the source of any of respondents' products;

(4) The products sold by respondents will be installed by factory trained personnel: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that said personnel have actually been trained at the factory of the manufacturer of the product;

(5) The products sold by respondents will last a lifetime or will never require painting or maintenance, for the life of the structure on which applied, or misrepresenting in any manner the efficacy, durability or efficiency of respondents' products;

(6) Any of respondents' products or installations are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed;

(7) Persons will receive a gift of a specified article of merchandise, or anything of value: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the item referred to as a gift was in fact delivered to each eligible person.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 14, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12370; Filed, Nov. 15, 1966;  
8:45 a.m.]

[Docket No. C-1133]

### PART 13—PROHIBITED TRADE PRACTICES

Parents' Magazine Enterprises, Inc.,  
et al.

Subpart—Advertising falsely or misleadingly: § 13.110 *Indorsements, approval and testimonials*. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*. Subpart—Misrepresenting one-

self and goods—Goods: § 13.1665 *Indorsements*; § 13.1762 *Tests, purported*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Parents' Magazine Enterprises, Inc., et al., New York, N.Y., Docket C-1133, Oct. 25, 1966]

*In the Matter of Parents' Magazine Enterprises, Inc., a Corporation, and George J. Hecht, Allison R. Leininger, and Edward A. Sand, Individually and as Officers of Said Corporation*

Consent order requiring a New York City publisher of a magazine for parents to cease deceptively representing that its "Commendation Seal" awarded to its advertisers is based on evaluation of the advertisers' products by independent individuals, laboratories, or organizations.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Parents' Magazine Enterprises, Inc., a corporation, and George J. Hecht, Allison R. Leininger, and Edward A. Sand, individually and as officers of said corporation, and respondents' officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the solicitation of advertising, distribution of any publication, or the awarding of their commendation seal, or other similar device, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any award, seal, or other commendation is granted, made or presented on the basis of evaluations or tests of products or services by individuals, laboratories, or organizations to determine the quality or merits of such products or services or the validity of the claims made therefor: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted for violation hereof for respondents to affirmatively establish that the award, seal, or other commendation has been granted, made or presented (1) on the basis of good faith evaluations by employees of or consultants retained by respondents, whom respondents have reason to believe in good faith are qualified to determine the quality or merits of such products or services and the validity of the claims made therefor, or (2) on the basis of good faith evaluations by employees of or consultants retained by respondents, whom respondents have reason to believe in good faith are qualified therefor, of tests of products or services made by employees of or consultants retained by respondents whom, or individuals, laboratories, or organizations which, respondents have reason to believe in good faith are qualified to determine the quality or merits of such products or services and the validity of the claims made therefor.

2. Granting, making, or presenting any award, seal, or other commendation which represents, directly or by implication, or which enables the recipient thereof to represent, directly or by impli-



cation, that any product or service receiving it has been evaluated or tested by individuals, laboratories, or organizations to determine the quality or merits of any such product or service or the validity of the claims made therefor: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted for violation hereof for respondents to affirmatively establish that the award, seal or other commendation has been granted, made or presented (1) on the basis of good faith evaluations by employees of or consultants retained by respondents, whom respondents have reason to believe in good faith are qualified to determine the quality or merits of such products or services and the validity of the claims made therefor, or (2) on the basis of good faith evaluations by employees of or consultants retained by respondents, whom respondents have reason to believe in good faith are qualified therefor, of tests of products or services made by employees of or consultants retained by respondents whom, or individuals, laboratories, or organizations which, respondents have reason to believe in good faith are qualified to determine the quality or merits of such products or services and the validity of the claims made therefor.

3. Failing to clearly disclose in connection with any statement in respondents' publications with respect to an award or other commendation conferred upon a particular product or service, the basis upon which such commendation was made, including the disclosure of the fact, when such is the case, that the evaluations or tests have been made, in whole or in part, by nontechnical and/or non-medical persons; or misrepresenting in any manner the qualifications or training of those making respondents' evaluations or tests.

4. Misrepresenting in any manner the basis upon which respondents' awards, seals or commendations are granted.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 25, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12371; Filed, Nov. 15, 1966;  
8:45 a.m.]

## Title 28—JUDICIAL ADMINISTRATION

### Chapter I—Department of Justice [Order 370-66]

#### PART O—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

##### Subpart L—Internal Security Division

###### ASSIGNING ADDITIONAL FUNCTIONS

By virtue of the authority vested in me by sections 508 and 510 of Title 28 and

section 301 of Title 5 of the United States Code, § 0.60 of Subpart L of Part O of Title 28 of the Code of Federal Regulations is amended by adding at the end thereof the following new paragraphs:

#### § 0.60 General functions.

(j) Enforcement and administration of the provisions of section 613 of Title 18 of the United States Code, relating to contributions by agents of foreign principals.

(k) Enforcement and administration of the provisions of section 219 of Title 18 of the United States Code, relating to officers and employees of the United States acting as agents of foreign principals.

Dated: November 10, 1966.

RAMSEY CLARK,  
Acting Attorney General.

[F.R. Doc. 66-12391; Filed, Nov. 15, 1966;  
8:47 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter VI—Department of the Navy

#### SUBCHAPTER D—PROCUREMENT, PROPERTY, PATENTS, AND CONTRACTS

#### PART 743—NAVY EMERGENCY FA- CILITIES DEPRECIATION BOARD

##### Deletion of Part

*Scope and purpose.* Part 743 is deleted as overtaken by § 15.205-9 of this title.

Chapter VI is amended by deletion of Part 743.

(Secs. 301, 552, 80 Stat. 379, 383; 5 U.S.C. 301, 552)

By direction of the Secretary of the Navy.

Dated: November 4, 1966.

[SEAL] WILFRED HEARN,  
Rear Admiral, U.S. Navy, Judge  
Advocate General of the Navy.

[F.R. Doc. 66-12365; Filed, Nov. 15, 1966;  
8:45 a.m.]

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.2 . . .	. . .	. . .	. . .	. . .	. . .
a. 1.1, 1.2 . . .	20.9	Penicillin . . .	2.4-50	As procaine penicillin . . .	Growth promotion and feed efficiency. . .
2.2 . . .	. . .	. . .	. . .	. . .	. . .
a. 2.1 . . .	63.6	Penicillin . . .	2.4-50	As procaine penicillin . . .	Growth promotion and feed efficiency.
3.1 . . .	. . .	. . .	. . .	. . .	. . .
a. 3.1 . . .	20.9	do . . .	2.4-50	do . . .	Do.
4.1 . . .	. . .	. . .	. . .	. . .	. . .
a. 4.1 . . .	31.8	do . . .	2.4-50	do . . .	Do. . .

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

B. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507(c), 59 Stat. 463, as amended; 21 U.S.C. 357(c)), and delegated to the Commissioner by the Secretary (21 CFR 2.120; 31 F.R. 3008), the Commissioner finds that animal feed

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 121—FOOD ADDITIVES

#### Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

##### SUBCHAPTER C—DRUGS

#### PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

##### Penicillin, Dienestrol Diacetate, Amprolium

A. The Commissioner of Food and Drugs, having evaluated the data submitted in petitions (FAP 6C1869, 6C1877) filed by Schering Corp., Bloomfield, N.J. 07003, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of combination drugs containing penicillin and dienestrol diacetate with or without amprolium in chicken feed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended in Subpart C as follows:

##### § 121.210 [Amended]

1. Section 121.210 *Amprolium* is amended by changing in paragraph (c), table 1, item 2.6, subitem a, the entry in the first column from "a. 2.1, 2.2, 2.3, or 2.4" to "a. 2.1, 2.2, 2.3, 2.4, or 2.5."

2. Section 121.266(c) is amended by adding subitems to items 1.2, 2.2, 3.1, and 4.1 in the table, as follows:

##### § 121.266 Dienestrol diacetate.

(c) . . .

containing a combination of penicillin and dienestrol diacetate with or without amprolium is safe and effective for use in the amounts and under the conditions prescribed in § 121.266. Therefore, § 144.26(b)(21) is amended by adding thereto a new subdivision (vii), as follows:



§ 144.26 Animal feed containing certifiable antibiotic drugs.

(b) \* \* \*  
(21) \* \* \*

(vii) It is a medicated chicken feed containing penicillin and dienestrol diacetate with or without amprolium in the amounts and for the purposes indicated in § 121.266 of this chapter, and its labeling gives adequate directions and warnings for such use.

(Sec. 507(c), 59 Stat. 463, as amended; 21 U.S.C. 357(c))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), 507(c), 59 Stat. 463, as amended, 72 Stat. 1786; 21 U.S.C. 348(c)(1), 357(c))

Dated: November 8, 1966.

JAMES L. GODDARD,  
Commissioner of Food and Drugs.

[F.R. Doc. 66-12389; Filed, Nov. 15, 1966; 8:47 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[FCC 66-982]

#### PART 13—COMMERCIAL RADIO OPERATORS

##### Temporary Limited Radiotelegraph Second Class Operator License; Period of Availability

At a session of the Federal Communications Commission held in its offices in Washington, D.C., on the 9th day of November 1966 the above-entitled matter was under consideration.

Effective September 16, 1966, the Commission amended Part 13 of its rules to establish a temporary limited radiotelegraph second class operator license and provide for issuance of the license to eligible former operators who qualify in an abridged examination. However, the period during which this temporary class of license would be available was not

specified. Part 13 is now being amended to make this class of license available until further order of the Commission or until September 15, 1969, whichever occurs first.

Because the amendment herein ordered is interpretative, compliance with the public rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act is unnecessary.

*It is ordered,* Pursuant to sections 4(i) and 303 (1) and (r) of the Communications Act of 1934, as amended, that effective December 21, 1966, Part 13 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 10, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

Section 13.2(a) (1) is amended by adding a note to subdivision (iii) as follows:

#### § 13.2 Classes of operator licenses.

(a) \* \* \*  
(1) \* \* \*

(iii) Temporary limited radiotelegraph second class operator license.

NOTE: This class of license will be issued until further order of the Commission or until September 15, 1969, whichever occurs first.

[F.R. Doc. 66-12396; Filed, Nov. 15, 1966; 8:47 a.m.]

[FCC 66-986]

#### PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

##### Contents of Applications

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of November 1966:

The Commission has considered the amendment of § 21.15(c) (2) and (3) of its rules to eliminate a present requirement that bylaws, including any amendments thereto, be submitted with the applications of corporations and unincorporated associations where such bylaws and amendments are not already on file with the Commission. The submission of bylaws and any amendments thereto with applications subject to the aforesaid rules serves no useful purpose and develops little or no pertinent information germane to the review and consideration of the great majority of such applications. Therefore, amendment of the rules to eliminate the submission of bylaws would simplify the application procedure, and alleviate the burden of filing such materials by applicants and the receipt and filing of same by the Commission. In any event, under circumstances where bylaws contain necessary or useful information, the present rules include provisions whereby applicants or grant-

ees may be required to submit such documents and statements of fact as in the Commission's judgment may be necessary.<sup>1</sup>

The changes set forth in the attached Appendix are procedural in nature designed to simplify the application process for both applicants and the Commission. Accordingly, pursuant to section 4(a) of the Administrative Procedure Act, notice and public procedure herein are unnecessary.

In view of the foregoing: *It is ordered,* That, pursuant to sections 4(i) and 303 (r) of the Communications Act of 1934, as amended, § 21.15(c) (2) and (3) of the Commission's rules is amended, as shown below, effective December 21, 1966.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 10, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

Section 21.15(c) (2) and (3) is amended to read as follows:

#### § 21.15 Contents of applications.

(c) \* \* \*

(2) The acts or articles of incorporation (or charter) including any amendments thereto, certified by an officer of the corporation, if the applicant is a corporation. If it does not clearly appear on the charter that the corporation is authorized to operate as a communications common carrier, a statement of qualified legal counsel shall be furnished.

(3) The articles of association, including any amendments thereto, certified by an appropriate officer of the organization, if the applicant is an unincorporated association.

[F.R. Doc. 66-12397; Filed, Nov. 15, 1966; 8:47 a.m.]

[Docket No. 16739; FCC 66-993]

#### PART 73—RADIO BROADCAST SERVICES

##### Table of Assignments, UHF Television Broadcast Channel; Defiance, Ohio

In the matter of amendment of § 73.606 of the Commission's rules and regulations to assign a new UHF television broadcast channel at Defiance, Ohio, Docket No. 16739, RM-814.

1. The Commission has before it for consideration its notice of proposed rule making (FCC 66-579) released June 30, 1966, which proposed to assign Channel 65 to Defiance, Ohio.

2. No oppositions to the notice were received. Supporting comments were filed by the petitioner, DBNW, Inc., in

<sup>1</sup> Section 21.16 of our rules provides as follows: "The Commission may require an applicant or grantee to submit such documents and signed written statements of fact, as in its judgment may be necessary."



which it again stresses the need for a local outlet in a four county area (Defiance County, Williams County, Henry County, and Fulton County) in the extreme northwest corner of Ohio. Petitioner has selected a central site which meets the minimum mileage separations of the rules and proposes to file an application for construction permit if Channel 65 is assigned to Defiance. No channels are assigned to Defiance, population 14,553 persons, the county seat of Defiance County (population 31,508).<sup>1</sup>

3. Defiance is located in an area where UHF channel availabilities are considered scarce. In the notice of proposed rule making we pointed out that Channel 65 is the last remaining available assignment which might be used in Fort Wayne, Ind., or Newark or Bryan, Ohio, and would be eliminated if assigned to Defiance. Fort Wayne, population 161,776 persons, is the county seat of Allen County (population 232,196). It has three operating stations providing network service. A commercial assignment and a reserved assignment remain unapplied for. Newark, population 41,790 persons, the county seat of Licking County (population 90,242), has an operating educational station and has an unapplied for commercial assignment. Bryan, county seat of Williams County (population 29,963) has a population of 7,361 persons and has only a reserved assignment which is unapplied for. Since Bryan, Ohio, is one of the cities proposed to be served, it should not be counted among the cities "losing" a potential assignment. No comments were received which objected to the proposed use of Channel 65 at Defiance and no one requested the use of Channel 65 at some other community. An assignment to Defiance would provide a local outlet to an area now served only by CATV systems and distant television stations.

4. In view of the foregoing, we are of the view that the public interest would best be served by the assignment of Channel 65 to Defiance, Ohio. Accordingly, pursuant to the authority contained in sections 4(1), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective December 21, 1966, the Table of Assignments contained in § 73.606 of the Commission rules, is amended, insofar as the community named below is concerned, to read as follows:

City	Channel
Defiance, Ohio-----	No. 65

NOTE. Offset for Channel 65 will be supplied in a subsequent order.

5. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

<sup>1</sup> All population figures—1960 Census.

Adopted: November 9, 1966.

Released: November 10, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12398; Filed, Nov. 15, 1966;  
8:47 a.m.]

## Title 42—PUBLIC HEALTH

### Chapter I—Public Health Service, Department of Health, Education, and Welfare

#### SUBCHAPTER D—GRANTS

#### PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

##### Subpart C—Student Loans (Excluding Nursing Student Loans)

###### PRACTICING IN SHORTAGE AREA

Notice of proposed rule making, public rule making procedures, and postponement of effective date have been omitted in the issuance of the following amendment to Subpart C—Student Loans (Excluding Nursing Student Loans), which relates solely to loans to students of medicine, dentistry, osteopathy, optometry, pharmacy, and podiatry. The purpose of this amendment is to lower the ratios of physicians, dentists, and optometrists, respectively, to population which may not be exceeded in a given county or other established political subdivision in order for such county to be designated as a "shortage area" for purposes of student loan cancellations.

The amendment below shall become effective on the date of publication in the FEDERAL REGISTER.

Subparagraph (2) of paragraph (c) of § 57.208 is amended to read as follows:

§ 57.208 Provisions for student loan cancellations.

(c) Practicing in a shortage area.

(2) For purposes of subparagraph (1) of this paragraph, the State health authority may designate as areas in the State in which there is a shortage of and need for physicians, dentists, or optometrists any county (or established comparable political subdivision in those States in which there are no counties) in which the ratio of practicing physicians, dentists, or optometrists respectively to the most recent available estimated population in the county is lower than the following ratios:

Physicians (M.D. and D.O.)—1:1,500.

Dentists—1:3,000.

Optometrists—1:15,000.

Provided, That the State health authority may, with the approval of the Surgeon General, designate as shortage areas: (i) Geographical areas other than counties where he finds that the use of another classification of areas of the State will better reflect the administrative, geographical, or other needs of the State, and (ii) those counties or other geographical areas in which the ratio of such professional personnel to population is equal to or greater than the ratios specified above in special circumstances such as (a) inaccessibility of medical services to the residents of the area, (b) age or incapacity of professionals rendering service, and (c) particular local health problems.

(Sec. 215(b) of the Public Health Service Act, as amended, 58 Stat. 690; 42 U.S.C. 216(b))

Dated: August 26, 1966.

[SEAL] WILLIAM H. STEWART,  
Surgeon General.

Approved: November 8, 1966.

WILBUR J. COHEN,  
Acting Secretary.

[F.R. Doc. 66-12390; Filed, Nov. 15, 1966;  
8:47 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 32—HUNTING

##### Noxubee National Wildlife Refuge, Miss.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

###### MISSISSIPPI

###### NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Noxubee National Wildlife Refuge, Miss., is permitted only on the area designated by signs as open to hunting. This open area, comprising 42,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) The open season for hunting deer on the refuge is from November 19 through November 26, 1966, and from December 26, 1966, through January 4, 1967, excluding Sundays.

(2) Only bucks with antlers over 4 inches long may be taken during the first



hunt period from November 19 through November 26. During the second hunt period starting December 26, deer of either sex may be taken until 400 antlerless deer have been killed, after which only bucks with antlers over 4 inches long may be taken. Any antlerless deer killed shall be included in the bag limit on deer and not in addition thereto. A total kill quota of 800 deer is established. If this quota is reached during the above open seasons, the refuge hunt will be terminated.

(3) Any type gun may be used except .22 caliber rifles and shotguns smaller than 20 gauge. Shells with buckshot smaller than No. 1 prohibited. Long bows permitted.

(4) The use of dogs is not permitted.

(5) All deer killed must be checked out at one of the designated check stations and all antlerless deer must be tagged before successful hunters leave the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 4, 1967.

WALTER A. GRESH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

[F.R. Doc. 66-12372; Filed, Nov. 15, 1966;  
8:45 a.m.]

## Title 24—HOUSING AND HOUSING CREDIT

### Chapter II—Federal Housing Administration, Department of Housing and Urban Development

#### MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

##### SUBCHAPTER A—GENERAL

#### PART 200—INTRODUCTION

##### Subpart E—Mortgage Insurance Procedures and Processing

In § 200.157(f) subparagraphs (3) and (4) are amended to read as follows:

§ 200.157 Provisions and characteristics of debentures.

(f) *Transfer and use.* \* \* \*

(3) *Cooperative Management Housing Insurance Fund debentures.* Debentures which are the obligation of the Cooperative Management Housing Insurance Fund may be used to pay premiums on mortgages and loans which are insured under that Fund. Where the insurance of a mortgage or loan is transferred from the General Insurance Fund to the Cooperative Management Housing Insurance Fund, or where a mortgage or loan is endorsed for insurance pursuant to a commitment transferred to the Cooperative Management Housing Insurance

Fund, debentures issued in connection with such mortgage or loan may be used to pay insurance premiums of either the Cooperative Management Housing Insurance Fund or the General Insurance Fund.

(4) *General Insurance Fund and debentures of other funds.* Debentures of the General Insurance Fund and those debentures issued as obligations of mortgage insurance funds and accounts in existence prior to the enactment of the Housing and Urban Development Act of 1965 (other than the Mutual Mortgage Insurance Fund) which are transferred by the 1965 Act to the General Insurance Fund may be used to pay mortgage insurance premiums only on the following mortgages and loans:

(i) Those which are the obligation of the General Insurance Fund.

(ii) Those transferred from the General Insurance Fund to the Cooperative Management Housing Insurance Fund.

(iii) Those endorsed for insurance pursuant to commitments transferred to the Cooperative Management Housing Insurance Fund.

#### Subpart H—Enforcement Remedies

In § 200.190 the introductory text is amended to read as follows:

§ 200.190 Authority of Director.

Any official designated by the Commissioner as the Director of a Field Office is authorized to refuse the benefits of participation (either directly as a borrower, or indirectly as a builder, contractor, dealer, salesman, or sales agent for a builder, contractor or dealer) under title I, II, VI, VII, VIII, IX, X, or XI of the National Housing Act to any individual, firm, partnership, association, trust, or corporation, that the Director determines:

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

##### SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

#### PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

##### Subpart A—Eligibility Requirements

In § 203.18 paragraph (a) is amended, paragraphs (b), (c), and (d) are redesignated as paragraphs (c), (d), and (e), respectively, and a new paragraph (b) is added to read as follows:

§ 203.18 Maximum mortgage amounts.

(c) *Occupant mortgagors.* A mortgage executed by a mortgagor who is an occupant of the property shall not exceed the lesser of the amounts in subparagraphs (1) and (2) or (1) and (3) of this paragraph as follows:

(1) *Dollar limitation.* A dollar limitation of:

- (i) \$30,000 for a one-family residence.
- (ii) \$32,500 for a two-family residence.
- (iii) \$32,500 for a three-family residence.
- (iv) \$37,500 for a four-family residence.

(2) *Loan-to-value limitation—approval prior to construction.* If the mortgage covers a dwelling approved for mortgage insurance (or for guaranty, insurance, or a direct loan by the Administrator of Veterans Affairs) prior to the beginning of construction or a dwelling which was completed more than 1 year preceding the date of the application for mortgage insurance, the sum of the following percentages of the Commissioner's appraised value of the property, as of the date the mortgage is accepted for insurance:

(i) 97 percent of the first \$15,000 of such value (100 percent of \$15,000 of such value or the sum of such value not in excess of \$15,000 and the items of prepaid expense approved by the Commissioner minus \$200, whichever appraisal amount or sum is the lesser, in the case of a mortgagor qualifying as a veteran).

(ii) 90 percent of such value in excess of \$15,000, but not in excess of \$20,000.

(iii) 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of such value in excess of \$20,000.

(3) *Loan-to-value limitation—no prior approval.* A loan-to-value limitation of 90 percent of \$20,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of such value in excess of \$20,000, if the dwelling does not meet the requirements in the introductory text of subparagraph (2) of this paragraph.

(b) *Veteran qualifications.* The special veteran terms provided in paragraph (a) of this section shall only be applicable to a mortgage covering a single family dwelling executed by a mortgagor who submits to the Commissioner one of the following certifications:

(1) A Certificate of Veteran Status from the Veterans Administration establishing that he has served 90 days or more on active duty in the armed forces (U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve, the Coast Guard Reserve, the National Guard of the United States and the Air National Guard of the United States) of the United States and was discharged or released therefrom under conditions other than dishonorable.

(2) A certificate issued by the Secretary of Defense establishing that the mortgagor performed extra hazardous service while serving in the armed forces for a period of less than 90 days.

Section 203.28 is amended to read as follows:



**§ 203.28 Economic soundness of projects.**

The mortgage must be executed with respect to a project which, in the opinion of the Commissioner, is economically sound, except that this section shall not apply in each of the following instances:

(a) To a mortgage of the character described in § 203.18(d) and with respect to such a mortgage, the Commissioner shall determine that the mortgage is an acceptable risk giving consideration to the need for providing adequate housing for families of low and moderate income, particularly in suburban and outlying areas or small communities.

(b) To a mortgage of the character described in § 203.18(e).

(c) To a mortgage covering property in connection with which the Commissioner makes each of the determinations as follows:

(1) The property is situated in an area in which rioting or other civil disorders have occurred or are threatened.

(2) The property does not meet the normal requirements with respect to economic soundness solely as a result of actual or threatened rioting or other disorders.

(3) The property is otherwise an acceptable risk, giving due consideration to the need for providing adequate housing for families of low and moderate income in the area where it is located.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING  
INSURANCE

**PART 207—MULTIFAMILY HOUSING  
MORTGAGE INSURANCE**

**Subpart B—Contract Rights and  
Obligations**

In § 207.259 paragraph (b) (2) (iv) is amended to read as follows:

**§ 207.259 Insurance benefits.**

(b) *Amount of payment; assignment of mortgage.* \* \* \*

(iv) An amount equivalent to 1 percent of the mortgage funds advanced to the mortgagor and not repaid as of the date of default, except that all or part of the 1 percent may be waived by the Commissioner if, at his request and in lieu of foreclosure, the mortgage is assigned to the Secretary.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING  
INSURANCE

**PART 213—COOPERATIVE HOUSING  
MORTGAGE INSURANCE**

**Subpart A—Eligibility Requirements—  
Projects**

In § 213.7 the introductory text of paragraph (1) and subparagraph (1) are amended to read as follows:

**§ 213.7 Maximum insurable amounts.**

(1) *Supplementary loans.* The supplementary loan shall not exceed an amount which, when added to the total unpaid balance of all outstanding mortgage indebtedness on the property plus loans insured by the Commissioner on the property, creates a total outstanding indebtedness equal to the original principal obligation of the mortgage, except as follows:

(1) If improvements or additional community facilities are involved, the outstanding indebtedness may be increased by an amount which the Commissioner estimates to be equal to 97 percent of the value of such improvements or additional facilities. The loan for improvements or additional community facilities shall not exceed the lesser of the estimated cost or actual cost, as determined by the Commissioner. The outstanding indebtedness thereby created may exceed the original principal obligation of the mortgage if it does not exceed the applicable limits prescribed in paragraphs (a) through (g) of this section.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING  
INSURANCE AND INSURED IMPROVEMENT  
LOANS

**PART 220—URBAN RENEWAL MORT-  
GAGE INSURANCE AND INSURED  
IMPROVEMENT LOANS**

**Subpart A—Eligibility Requirements—  
Homes**

In § 220.30 paragraph (a) is amended, paragraph (b) is redesignated as paragraph (c) and subparagraphs (1), (2) (i) and the introductory text of (2) (ii) thereof are amended, and a new paragraph (b) is added to read as follows:

**§ 220.30 Maximum mortgage amounts—  
loan-to-value limitation.**

(a) *Occupant mortgagors.* A mortgage executed by a mortgagor who is an occupant of the property shall not exceed the following:

(1) *New construction—prior approval.* If the mortgage covers a dwelling which is approved for mortgage insurance prior to the beginning of construction, the sum of the following percentages of the Commissioner's estimate of the replacement cost of the property as of the date the mortgage is accepted for insurance:

(i) 97 percent of the first \$15,000 of such estimate (100 percent of \$15,000 of such estimate or the sum of such estimate not in excess of \$15,000 and the items of prepaid expense approved by the Commissioner minus \$200, whichever appraised amount or sum is the lesser, in the case of a mortgagor qualifying as a veteran).

(ii) 90 percent of such estimate in excess of \$15,000, but not in excess of \$20,000.

(iii) 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of the amount of such estimate in excess of \$20,000.

(2) *New construction—no prior approval.* If the mortgage covers a new dwelling under construction which is approved for mortgage insurance after the beginning of construction, the sum of the following percentages of the Commissioner's estimate of the replacement cost of the property as of the date the mortgage is accepted for insurance:

(i) 90 percent of the first \$20,000 of such estimate.

(ii) 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of the amount of such estimate in excess of \$20,000.

(3) *Existing construction—prior approval.* If the mortgage covers an existing dwelling approved for mortgage insurance prior to the beginning of construction or the construction of which has been completed for more than 1 year, the sum of the Commissioner's estimate of the cost of repair or rehabilitation added to the Commissioner's estimate of the value of the property before rehabilitation in the following percentages:

(i) 97 percent of the first \$15,000 of the sum of such estimates (100 percent of \$15,000 of the sum of such estimates or an amount derived by adding to the sum of such estimates not in excess of \$15,000 the items of prepaid expense approved by the Commissioner and deducting \$200, whichever appraisal amount or total amount is the lesser, in the case of a mortgagor qualifying as a veteran).

(ii) 90 percent of the sum of such estimates in excess of \$15,000 but not in excess of \$20,000.

(iii) 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of the sum of such estimates in excess of \$20,000.

(4) *Existing construction—no prior approval.* If the mortgage covers an existing dwelling which was not approved for mortgage insurance prior to the beginning of construction and the construction of which has been completed less than 1 year, the sum of the Commissioner's estimate of the cost of repair or rehabilitation added to the Commissioner's estimate of the value of the property before rehabilitation in the following percentages:

(i) 90 percent of the first \$20,000 of the sum of such estimates.

(ii) 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of the sum of such estimates in excess of \$20,000.

(5) *Refinancing.* In a case under subparagraph (3) or (4) of this paragraph involving the refinancing of an existing indebtedness, the sum of the following:

(i) The estimated cost of repair and rehabilitation.

(ii) The amount (as determined by the Commissioner) required to refinance the existing indebtedness secured by the property.

(iii) Any existing indebtedness (as determined by the Commissioner) incurred



in connection with improving, repairing, or rehabilitating the property.

(b) *Veteran qualifications.* The special veteran terms provided in paragraph (a) of this section shall only be applicable to a mortgage covering a single family dwelling executed by a mortgagor who submits to the Commissioner one of the following certifications:

(1) A Certificate of Veteran Status from the Veterans Administration establishing that he has served 90 days or more on active duty in the armed forces (U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve, the Coast Guard Reserve, the National Guard of the United States and the Air National Guard of the United States) of the United States and was discharged or released therefrom under conditions other than dishonorable.

(2) A certificate issued by the Secretary of Defense establishing that the mortgagor performed extra hazardous service while serving in the armed forces for a period of less than 90 days.

(c) *Nonoccupant mortgagors.* (1) A mortgage, executed by a mortgagor who is not the occupant of the property and who certifies to the Commissioner that he intends to hold the property for rental purposes, shall not exceed 93 percent of any amount available to a nonveteran under subparagraphs (1) through (4) of paragraph (a) of this section, or 100 percent of an amount computed under subparagraph (5) of paragraph (a) of this section.

(2) \* \* \*

(i) 85 percent of any amount available to a nonveteran under subparagraphs (1) through (4) of paragraph (a) of this section, or 100 percent of any amount computed under subparagraph (5) of paragraph (a) of this section.

(ii) 100 percent of any amount available to a nonveteran under subparagraphs (1) through (4) of paragraph (a) of this section, without taking into consideration the refinancing limitations in subparagraph (5) of paragraph (a) of this section, if the mortgage covers a one- or two-family residence and the Commissioner is furnished with certificates indicating that:

\* \* \* \* \*

### Subpart C—Eligibility Requirements—Projects

In § 220.507 the heading of paragraph (a), subparagraph (3), and paragraph (b) are amended to read as follows:

§ 220.507 Maximum mortgage amounts.

(a) *Dollar limitation—in general.*

(3) (i) For such part of the property or project attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), an amount per family unit, depending on the number of bedrooms, which may be:

- (a) \$9,000 without a bedroom.
- (b) \$12,500 with one bedroom.
- (c) \$15,000 with two bedrooms.
- (d) \$18,500 with three bedrooms.
- (e) \$21,000 with four or more bedrooms.

(ii) Where the project involves the rehabilitation of not more than five family units, the mortgage amounts per family unit designated in subdivision (1) of this subparagraph may be increased by 25 percent as follows:

- (a) \$18,750 for a two-bedroom unit.
- (b) \$23,100 for a three-bedroom unit.
- (c) \$26,250 for a four or more bedroom unit.

(b) *Increased dollar limitation—elevator type structures.* In order to compensate for higher costs incident to the construction of elevator type structures, the Commissioner may increase the dollar amounts per family unit, in paragraph (a) (3) of this section, as follows:

(1) With respect to any elevator type structure:

- (i) \$10,500 without a bedroom.
- (ii) \$15,000 with one bedroom.
- (iii) \$18,000 with two bedrooms.
- (iv) \$22,500 with three bedrooms.
- (v) \$25,000 with four or more bedrooms.

(2) With respect to an elevator type project involving the rehabilitation of not more than five family units, the dollar amounts per family unit, in subparagraph (1) of this paragraph, may be increased by 25 percent as follows:

- (i) \$22,500 with two bedrooms.
- (ii) \$28,100 with three bedrooms.
- (iii) \$31,250 with four or more bedrooms.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

### SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

## PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

### Subpart A—Eligibility Requirements—Low Cost Homes

Section 221.10 is amended to read as follows:

§ 221.10 Maximum mortgage amount—dollar limitation.

A mortgage executed by a mortgagor who is an occupant of the property shall not exceed:

- (a) \$12,500 for a one-family residence.
- (b) \$20,000 for a two-family residence.
- (c) \$27,000 for a three-family residence.
- (d) \$33,000 for a four-family residence.

### Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.537 paragraphs (a) and (b) are amended, paragraph (c) is redesignated as paragraph (d) and a new heading added thereto, and a new paragraph (c) is added to read as follows:

§ 221.537 Additional occupancy requirements; preferred purchasers or tenants.

(a) *Initial occupancy.* In the case of a rental project owned by a mortgagor whose mortgage bears interest at the rate set out in § 221.518(b), initial occupancy

shall be restricted to those determined by the Commissioner as having a low or moderate income and who are one of the following:

- (1) A family.
- (2) A single person 62 years of age or older.

(3) A single person who is less than 62 years of age, provided that occupancy by this age group shall be limited to 10 percent of the dwelling units in the project unless the occupants receive rent supplement benefits under the provisions of §§ 5.1 et seq. of this title, in which instance the 10 percent limitation shall not be applicable.

(4) A handicapped person meeting the qualifications of paragraph (d) of this section.

(b) *Continued occupancy.* Continued occupancy by tenants following a change in income or family composition subsequent to initial occupancy shall be under such conditions as the Commissioner may prescribe.

(c) *Preference for displacees.* In all cases, preference or priority of opportunity to rent dwelling units shall be given to families or single persons who have been displaced from their residences either as a result of an urban renewal project or as a result of governmental action.

(d) *Definition of handicapped.* \* \* \*

In § 221.538 the introductory text is amended and designated as paragraph (a), former paragraphs (a), (b), (c), and (d) are redesignated as subparagraphs (1), (2), (3), and (4), respectively, and a new paragraph (b) is added to read as follows:

§ 221.538 Applicability of prevailing wage requirements.

(a) *In general.* Prevailing wage requirements shall be applicable to mortgage insured under this subpart, except those specified in paragraph (b) of this section, and the compliance with such requirements shall be evidenced at such time and in such manner as the Commissioner may prescribe, as follows:

- (1) *Labor standards.* \* \* \*
- (2) *Ineligible contractors.* \* \* \*
- (3) *Ineligible advances.* \* \* \*
- (4) *Wage certificate.* \* \* \*

(b) *Excepted transactions.* The requirements of paragraph (a) of this section shall not be applicable if, in connection with the construction of a project involving a cooperative mortgagor, the Commissioner has waived the requirements and each of the following circumstances occur:

(1) The laborers or mechanics not otherwise employed in the construction of such project are to voluntarily donate their services without compensation for the purpose of lowering their housing costs in the project.

(2) The mortgagor establishes to the satisfaction of the Commissioner that amounts saved by the donated services will be credited to the account of the mortgagor.

Section 221.546 is amended to read as follows:



### § 221.546 Commercial and community facilities.

(a) *In general.* The project may include such commercial and community facilities as the Commissioner deems adequate to serve the occupants.

(b) *Urban renewal area projects.* Where the project is located in an urban renewal area, it may include such non-dwelling facilities as the Commissioner determines will be desirable and consistent with the urban renewal plan and contribute to the economic feasibility of the project provided the project remains predominantly residential and the mortgagor agrees to waive the right to receive dividends on its equity investment in the community and shopping facilities. In approving such facilities, the Commissioner shall give due consideration to the possible effect of the project on other business enterprises in the community.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

#### SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

### PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

In Part 1000 in the Table of Contents the heading of § 1000.47 is amended and a new § 1000.86 is added to read as follows:

Sec.

1000.47 Mortgage amortization and maximum maturity.

1000.86 New community criteria.

#### Subpart A—Eligibility Requirements

In § 1000.1 paragraph (d) is amended to read as follows:

#### § 100.1 Definitions.

(d) "Improvements" mean water lines and water supply installations, sewer lines and sewage disposal installations; steam, gas, and electric lines and installations; roads; streets; curbs; gutters; sidewalks; storm drainage facilities; and other installations or work, whether on or off the site of the mortgaged property, which the Commissioner deems necessary or desirable to prepare land primarily for residential and related uses or to provide facilities for public or common use. Related uses may include industrial uses, with sites for such uses to be in proper proportion to the size and scope of the developments. The public or common facilities shall include only such buildings as are needed in connection with water supply or sewage disposal installations; or steam, gas, or electric lines or installations; and such buildings, other than schools, as the Commissioner considers appropriate, which are to be owned and maintained jointly by the property owners.

Section 1000.47 and the heading thereof are amended to read as follows:

### § 1000.47 Mortgage amortization and maximum maturity.

(a) The mortgage shall contain amortization or sinking fund provisions satisfactory to the Commissioner.

(b) The mortgage shall have a maturity not to exceed 7 years from the date of initial endorsement or such longer maturity as the Commissioner deems reasonable in each of the following instances:

(1) In the case of a privately owned system for water or sewage.

(2) In the case of a new community meeting the requirements of § 1000.86.

Section 1000.52 is amended to read as follows:

### § 1000.52 Maximum mortgage amount—dollar limitation.

A mortgage or the total principal obligation of all mortgages for any one project shall at no time exceed \$25 million.

In Part 1000 a new § 1000.86 is added to read as follows:

### § 1000.86 New community criteria.

A mortgage satisfying all of the other requirements of this subpart may be approved by the Commissioner for insurance as covering a project involving the development of a new community, if the following requirements are met:

(a) The construction of the new community has been approved by the local governing body of the locality where it is to be located and approved by the Governor of the State, except that the Governor's approval shall not be required if the Commissioner determines the locality has been delegated general powers of local self-government by the State.

(b) It is determined by the Secretary that the new community, in view of its size and scope, will make a substantial contribution to the sound economic growth of the area within which it is to be located in the form of:

(1) Substantial economies in the development of improved residential sites through the use of large-scale methods.

(2) Adequate housing for those who would be employed in the community or the surrounding area.

(3) Maximum accessibility from the new residential sites to industrial or other employment centers and to commercial, recreational, and cultural facilities in or near the community.

(4) Maximum accessibility to any major central city in the area.

Section 1000.92 is amended to read as follows:

### § 1000.92 Water and sewerage facilities.

(a) *Requirements in general.* The project after development shall be served by public systems for water supply and sewage disposal consistent with other existing or prospective systems in the area.

(b) *Private water systems.* The Commissioner may approve the use of a privately or cooperatively owned water system if he makes each of the following

determinations with respect to the system:

(1) It will be consistent with other existing or prospective systems within the area.

(2) It will be adequate to serve the needs of the area being developed.

(3) It will be regulated, during the period of ownership, by the State or a political subdivision or an agency thereof, or in the absence of such State or local regulation, it will otherwise be regulated in a manner acceptable to the Commissioner. The regulation shall cover user rates and charges, capital structure, methods of operation, rate of return, and conditions and terms of any sale or transfer.

(c) *Private sewerage systems—(1) Existing systems.* The Commissioner may approve the use of an existing privately or cooperatively owned sewerage system if he determines that the system will be adequate to serve the needs of the area being developed and that its operation will be regulated by the State or a political subdivision or an agency thereof, or in the absence of such State or local regulation, it will otherwise be regulated in a manner acceptable to the Commissioner. The regulation shall cover user rates and charges, capital structure, methods of operation, rate of return, and conditions and terms of any sale or transfer.

(2) *New systems.* The Commissioner may approve the use of a newly developed privately or cooperatively owned sewerage system if he makes each of the following determinations with respect to the system:

(i) Public ownership of the system is not feasible.

(ii) It will be adequate to serve the needs of the area being developed.

(iii) It will be consistent with other existing or prospective systems within the area.

(iv) It will be regulated during the period of ownership by the State or a political subdivision or any agency thereof, or in the absence of such State or local regulation, it will otherwise be regulated in a manner acceptable to the Commissioner. The regulation shall cover user rates and charges, capital structure, methods of operation, and rate of return.

(v) Adequate plans exist for the sale or transfer of the system to a local public authority under terms and conditions which are satisfactory to the Commissioner and which provide reasonable assurance the sale or transfer will eventually be made.

(Sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

Issued at Washington, D.C., November 9, 1966.

PHILIP N. BROWNSTEIN,  
Federal Housing Commissioner.

[F.R. Doc. 66-12377; Filed, Nov. 15, 1966; 8:46 a.m.]



SUBCHAPTER E—COOPERATIVE HOUSING  
INSURANCE

PART 213—COOPERATIVE HOUSING  
MORTGAGE INSURANCE

Subpart A—Eligibility Require-  
ments—Projects

*Correction*

In F.R. Doc. 66-8338, published at page 10317 in the issue of July 30, 1966, the last sentence of § 213.4 is corrected so that § 213.4 reads as follows:

§ 213.4 Maximum fees and charges by mortgagee.

The mortgagee may collect from the mortgagor the amount of the fees provided for in this subpart. The mortgagee may also collect from the mortgagor an initial service charge in an amount not to exceed 2 percent of the original principal amount of the mortgage, to reimburse the mortgagee for the cost of closing the transaction. Any additional charges or fees collected from the mortgagor shall be subject to prior approval of the Commissioner.



# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and  
Conservation Service

[ 7 CFR Part 815 ]

### DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

#### Notice of Hearing on Proposed Allotment, 1967

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter called the "Act", and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of the direct-consumption portion of the 1967 mainland quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States, and hereby give notice that a public hearing will be held at Washington, D.C., in Room 2-W, Administration Building, U.S. Department of Agriculture, on December 7, 1966 at 10 a.m., e.s.t.

The findings made above are in the nature of preliminary findings based on the best information now available. The quantity of direct-consumption sugar which will be permitted to be brought into the continental United States within the 1967 quota is still unknown. However, the capacity of Puerto Rican refineries to produce direct-consumption sugar far exceeds the quantity of such sugar which may be marketed in the continental United States and for local consumption in Puerto Rico within probable 1967 quotas.

Under such circumstances it is imperative that provision be made for the allotment of the direct-consumption portion of the mainland quota to avoid disorderly marketing and to afford all interested persons an equitable opportunity to market direct-consumption sugar in the continental United States.

It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary findings and make or withhold allotment of the direct-consumption portion of the mainland quota in accordance therewith.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make fair, efficient, and equitable allotments of the direct-consumption portion of the 1967 mainland quota among persons who produce or refine and market direct-consumption sugar to be brought into the continental United States for consumption therein.

In addition, the subject and issues of this hearing also include (1) the manner in which the statutory factors of "processings," "past marketings," and "ability to market," as provided in section 205 (a) of the Act, should be measured; and (2) the relative weightings which should be given to these factors.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the direct-consumption portion of the mainland quota for the purposes of (1) allotting any increase, or decrease in the direct-consumption portion of the mainland quota; (2) allotting any deficit in the allotment for any allottee, and (3) substituting revised estimates of data or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of this portion of the quota.

Signed at Washington, D.C., this 10th day of November 1966.

JOHN A. SCHNITTKER,  
Under Secretary.

[F.R. Doc. 66-12395; Filed, Nov. 15, 1966;  
8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 21 ]

[Docket No. 16975; FCC 66-987]

### DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

#### License Periods for Stations

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. Licenses in the Domestic Public Land Mobile Radio Service are issued for periods not exceeding 3 years, pursuant to the provisions of § 21.32 of the Commission's rules. However, section 307(d) of the Communications Act of 1934, as amended, provides that no license for nonbroadcast stations shall be for a longer term than 5 years. Therefore, it is within the discretion of this Commission to provide for reasonable license periods in the aforesaid services which do not exceed the statutory 5-year limitation.

3. Upon review of the Commission's practices and experience in the said services, it appears that the public interest would be served by increasing the maximum license periods in such services to 5 years. Of course, a small reduction of staff and licensee effort would result from such a change. Complementary to the above proposal which has the effect of reducing the frequency of applications for renewal of license is the addition of provisions which would, in hearings or formal investigations, allow us to accelerate the filing of renewal applications where such applications are found to be essential to the conduct of pertinent pro-

ceedings. In any event, it is our desire to receive comments on both aspects of the proposed amendment of the rules, as either change may be considered appropriate without action on the other.

4. By reason of the foregoing, it is proposed to amend § 21.32 of the Commission's rules and regulations to provide for 5 year license periods in the Domestic Public Land Mobile and Rural Radio Services, and to provide for the accelerated filing of renewal applications in the Domestic Public Radio Services when so ordered by the Commission.

5. The proposed amendment of § 21.32 of the rules, as set forth below, is issued pursuant to the authority contained in sections 4(i), 303(r), and 307(d) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 30, 1966, and reply comments on or before January 20, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: November 9, 1966.

Released: November 10, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

Section 21.32 (a) and (b) is amended to read as follows:

#### § 21.32 License period.

(a) Licenses for stations in the Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services will be issued for a period not to exceed 5 years; in the case of common carrier Television-STL and Television Pickup stations to which are assigned frequencies allocated to the broadcast services, the authorization to use such frequencies shall, in any event, terminate simultaneously with the expiration of the authorization for the broadcast station to which such service is rendered; except that licenses for developmental stations will be issued for a period not to exceed 1 year. The expiration date of licenses of miscellaneous common carriers in the Domestic Public Land Mobile Radio Service shall be the 1st day of April in the year of expiration; the expiration date of licenses of telephone company common carriers in the Domestic Public Land

<sup>1</sup> Commissioner Cox dissenting.



Mobile Radio Service shall be the 1st day of July in the year of expiration; the expiration date of licenses in the Rural Radio Service shall be the 1st day of November in the year of expiration; the expiration date of licenses in the Point-to-Point Microwave Radio and Local Television Transmission Services shall be the 1st day of February in the year of expiration; and the expiration date of developmental licenses shall be 1 year from the date of grant thereof. When a license is granted subsequent to the last renewal date of the class of license involved, the license shall be issued only for the unexpired period of the current license term of such class.

(b) The Commission reserves the right to grant or renew station licenses in these services for a shorter period of time than that generally prescribed for such stations if, in its judgment, public interest, convenience, or necessity would be served by such action. Whenever the Commission regards an application for a renewal of license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such applications shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application has been received.

\* \* \* \* \*  
[F.R. Doc. 66-12399; Filed, Nov. 15, 1966;  
8:48 a.m.]

## INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. I]

[Ex Parte No. 253]

### GIVING OF PUBLIC NOTICE OF TARIFF PUBLICATION PROPOSALS BY INDIVIDUAL CARRIERS WHERE PUBLICATION IS TO BE EFFECTED BY RATE CONFERENCE

#### Notice of Independent Action

NOVEMBER 4, 1966.

The notice and order entered in the above-entitled proceeding on September 21, 1966 (31 F.R. 13392), has been modified, as requested by Mr. James M. Souby, Jr., Executive Committee, Western Railroad Traffic Association, so as to extend the time for filing representations to January 15, 1967. The reply statement date has been extended to February 4, 1967.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12423; Filed, Nov. 15, 1966;  
8:50 a.m.]

## FEDERAL AVIATION AGENCY

[14 CFR Part 37]

[Docket No. 7723; Notice No. 66-39]

### TURN AND SLIP INDICATOR

#### Proposed Technical Standard Order

The Federal Aviation Agency is considering amending § 37.113 of the Fed-

eral Aviation Regulations by revising the Technical Standard Order (TSO-C3a) for turn and bank indicators.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before January 16, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

A new Federal Aviation standard is proposed for turn and bank indicators which would replace and update the industry standard referenced in the present TSO. In this connection, the proposed amendment revises TSO-C3a by adopting the industry designation for "turn and bank indicators," renaming them "turn and slip indicators."

Other changes affect the types of indicator face arrangements, power variations, radio interference limits, limitations on magnetic disturbance, performance standards relating to turn and slip indicators of different sensitivity, new ranges of environmental conditions, and visibility of the instrument.

A standard has been added to safeguard against fire hazards to the aircraft in the event of a failure or malfunction of the instrument.

The standard for qualification testing contained in TSO-C3a as it presently stands has been deleted from the proposed TSO, since the industry has demonstrated its ability in this area to adopt suitable standards for testing.

In addition, the revised TSO-C3a would delete unnecessary provisions relating to dial markings, dielectric standards, and case leakage.

In consideration of the foregoing, it is proposed to amend § 37.113 of the Federal Aviation Regulations to read as follows:

#### § 37.113 Turn and slip indicators (TSO-C3b).

(a) *Applicability.* This TSO prescribes the minimum performance standards that instruments measuring rate-of-turn and slip (formerly turn and bank indicators) must meet in order to be identified with the applicable TSO marking. New models of equipment that are to be so identified and that are manufactured on or after the effective date of this section, must meet the minimum performance standards set forth at the end of this section.

(b) *Marking.* In addition to the markings required by § 37.7, the equipment must also be marked with the instrument's operational power rating (electrical, air pressure).

(c) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located the following technical data:

(1) Seven copies of the manufacturer's operating instructions, equipment limitations, installation procedures, including applicable instrument mounting angle restrictions;

(2) Information regarding specialized procedures employed in the calibration of the instrument such as, the instrument slip angle; and

(3) One copy of the manufacturer's test report.

(d) *Previously approved equipment.* Turn and slip indicators (formerly identified as turn and bank indicators), approved prior to the effective date of this section may continue to be manufactured under the provisions of the original approval.

#### FEDERAL AVIATION AGENCY STANDARD TURN AND SLIP INDICATORS

1. *Purpose.* This document specifies minimum performance standards for turn and slip indicators offered for approval under this TSO. It is intended that this instrument will indicate flight path information to the pilot relating to the aircraft's rate-of-turn and slip motions, to provide information enabling the pilot to effect properly coordinated turning maneuvers.

2. *Scope.* This standard covers instruments incorporating or utilizing components that can sense aircraft angular motions and lateral accelerations. It provides for three basic types of turn and slip indicators as follows:

Type I—Driven by air pressure;

Type II—Driven electrically by Direct Current; and

Type III—Driven electrically by Alternating Current.

3. *Performance requirements.*

3.1 *General.*

(a) *Materials.* Materials must be of a quality demonstrated to be suitable and dependable for use in aircraft instruments.

(b) *Environmental conditions.* The instrument must be capable of performing its intended function and not be adversely affected during or following prolonged exposure to the environmental conditions as stated under section 4. Where optional environmental conditions are set forth in paragraphs 4.1 (a), (b), and (c), the condition selected must be declared as an equipment limitation.

3.2 *Detail requirements.*

(a) *Indicating means.* Rate-of-turn may be indicated by means of a pointer, deflecting in the direction of turn, or by any other means conforming to the standards of this TSO. Slip may be indicated by means of a ball, free to move in a curved transparent tube, or any other means conforming to the standards of this TSO.

(b) *Power variation.* The instrument must function properly when operating under rated power conditions with variation of:

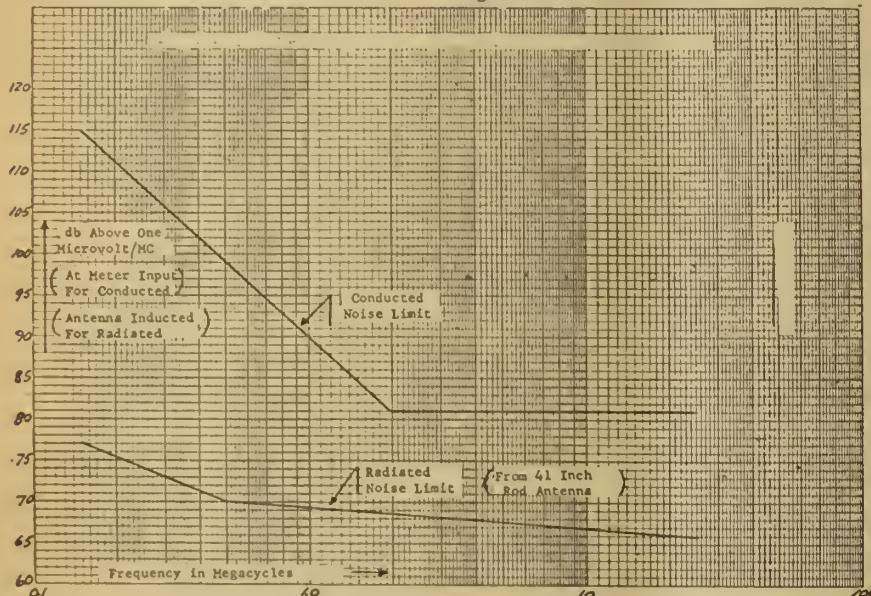
(1) Plus or minus 15 percent of rated DC voltage;

(2) Plus or minus 10 percent of rated AC voltage and  $\pm 5$  percent of rated frequency; or



(3) Plus or minus 30 percent of rated differential air pressure.

(c) **Power malfunction indication.** For Type I indicators, a means must be provided to indicate the adequacy of power being supplied for proper operation. For Type II and III indicators, means must be incorporated in the instrument to indicate when the electrical power being supplied is insufficient for proper operation. Power malfunction must be indicated in a positive manner.



RADIO FREQUENCY INTERFERENCE NOISE LIMIT VERSUS FREQUENCY

FIGURE 1

(c) **Magnetic effect.** The instrument must not generate an electromagnetic field which will introduce a magnetic course error corresponding to a maximum of 5 degrees deflection of a free magnet pivoted on a vertical axis located at a radius of 12 inches from the instrument.

(d) **Visibility.** Turn and slip indications must be visible from any point within the frustum of a cone, the side of which makes an angle of at least 30 degrees with the perpendicular to the dial and the small diameter of which is the aperture of the instrument case. The distance between the dial and the cover glass must be a practical minimum. At the extreme positions of the slip indicator, at least one-half of the indicator must be visible from a point 12 inches directly in front of the zero position.

(e) **Slip indicator characteristics.** The slip indicator must operate freely when the instrument is rotated about its longitudinal axis with the dial vertical. The range of slip angle indications must be at least 8 degrees either side of vertical. With the instrument in its normal position for mounting, the position of the indicator must be zero  $\pm 1/32$  inch.

(1) **Damping.** While operating at room temperature, the time for the slip indicator to move from the zero position of the slip indication to the rest position must not be less than 0.2 second following a sudden rotation of the instrument from a position of 12 degrees bank through the vertical to 12 degrees opposite bank. With the instrument exposed to a temperature of  $-30^{\circ}\text{C}$ , this time must not exceed 4 seconds.

(2) **Slip indicator filling.** Instruments using a liquid as a damping medium for the slip indicator must be so designed and filled that no part of an air bubble will be visible from a point 12 inches directly in front of the instrument when the instrument is rotated to an angle of roll of  $45^{\circ}$ .

(f) **Turn indicator characteristics.**

### 3.3 Design requirements.

(a) **Fire hazard.** The instrument must be designed to safeguard against fire hazards to the aircraft in the event of malfunction or failure. Under normal conditions, the maximum operating temperature of external surfaces of the instrument must not exceed  $200^{\circ}\text{C}$  due to self-heating.

(b) **Radio interference.** The instruments must not conduct or radiate spurious r.f. energy in excess of the limits set forth in Figure 1.

operation at this reduced power, the instrument must be able to provide an adequate indication of aircraft turning motions.

(ii) For Types II and III indicators, the gyro must start to rotate and continue to run on an applied power not to exceed 80 percent of the rated voltage and at rated frequency. After no more than 5 minutes operation at this reduced power, the instrument must be able to provide an adequate indication of aircraft turning motions.

Note: The sensitivity tolerances of this paragraph do not apply to instruments when operating under these prescribed reduced power conditions.

### 4. Environmental conditions.

4.1 **Environmental conditions.** The following ranges of environmental conditions are appropriate:

(a) **Temperature.** The instrument must function over the range of ambient temperature shown in Column A below and must not be adversely affected by exposure to the range of temperature shown in Column B below:

	Column A	Column B
Unpressurized area.....	$-30^{\circ}\text{C}$ to $50^{\circ}\text{C}$	$-65^{\circ}\text{C}$ to $70^{\circ}\text{C}$
Pressurized area.....	$-0^{\circ}\text{C}$ to $50^{\circ}\text{C}$	$-65^{\circ}\text{C}$ to $70^{\circ}\text{C}$

(b) **Altitude.** The instruments must function from  $-1,000$  feet standard altitude up to the maximum declared operating altitude. It must not be adversely affected following exposure to extremes in ambient pressure of 50 and 3 inches of mercury absolute.

(c) **Vibration.** The instrument must function and must not be adversely affected when subjected to vibrations as follows:

Instrument panel mounted (vibration isolated)	Frequency cycles per second	Maximum double amplitude (inches)	Maximum acceleration
Reciprocating engine-powered aircraft.....	5-50	0.020	1.5g
Turbine engine-powered aircraft.....	5-55	0.020	-----
	55-1,000	-----	0-25g

(d) **Humidity.** The instrument must function and must not be adversely affected following exposure to any relative humidity in the range of 0 to 95 percent at a temperature of approximately  $70^{\circ}\text{C}$ .

5. **Compliance testing.** As evidence of compliance with this standard, the manufacturer must perform evaluation tests on prototype instruments to demonstrate proper design, reliability in performance of its intended functions, and conformity with all of the performance standards of section 3. Tests and test procedures employed for this purpose also must reasonably demonstrate the absence of any adverse affect of the performance of the instrument due to the following factors; power variations, pressure and altitude changes, humidity changes, high and low temperature conditions, airplane vibrations, and prolonged operational usage.

6. **Individual performance tests.** The manufacturer must conduct such tests as may be necessary on each instrument to assure that it will function properly by individually meeting the minimum performance requirements of sections 3.3(d), 3.3(e), and 3.3(f) (1) and (2) of this TSO.

Issued in Washington, D.C., on November 7, 1966.

W. E. ROGERS,  
Acting Director,  
Flight Standards Service.

[F.R. Doc. 66-12317; Filed, Nov. 15, 1966; 8:45 a.m.]

(1) **Sensitivity of turn indicator pointer.** When the instrument is operating at room temperature under rated power and subjected to the turning rates specified in Column A, the turn indicator pointer deflection, in inches, must be within the limits of either Column B or C. The pointer movement must be smooth.

Column A—Rate of turn (degrees per minute)	Column B	Column C
	Deflection of pointer tip (inches)	
0.....	$0 \pm 0.015$	$0 \pm 0.015$
30.....	$1/32 \pm 1/64$	$1/16 \pm 1/64$
90.....	$3/64 \pm 1/32$	$5/32 \pm 1/32$
180.....	$1/32 \pm 1/32$	$1/16 \pm 1/16$
360.....	$1/16 \pm 1/16$	$1/16 \pm 1/8$

NOTE: Column B values pertain to indicators set to indicate a standard rate of turn (180 degrees per minute) with one needle width deflection. Column C provides double this displacement for indicators providing increased sensitivity.

(2) **Damping.** The time for the turn indicator or index to return to the zero mark without crossing the zero mark must be at least 2, but not more than 4 seconds, when the instrument is—

(i) Suddenly stopped after being rotated about its vertical axis at a rate that causes full-scale pointer or index deflection; and

(ii) Operated at room temperature under rated power in a normal attitude position.

(3) **Turn indicator starting.** When started by the application of the instrument's rated power, rated performance must be reached in 3 minutes or less. When started under reduced power—

(i) For Type I indicators, the gyro must start to rotate and continue to run on a pressure differential not to exceed 50 percent of rated value. After no more than 5 minutes



# Notices

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[Order 97; Rev. 3]

### CLOSING AGREEMENTS CONCERNING INTERNAL REVENUE TAX LIABILITY

#### Delegation of Authority

Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7121-1(a); Treasury Department Order No. 150-32; dated November 18, 1953; and Treasury Department Order No. 150-36, dated August 17, 1954:

1. The Assistant Commissioner (Compliance) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability for alcohol, tobacco and firearms taxes, other than the manufacturers excise tax on firearms arising from application of sections 4181 and 4182 of the Internal Revenue Code, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

2. The Assistant Commissioner (Technical) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability, other than for those taxes covered by delegation to the Assistant Commissioner (Compliance) in paragraph 1, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

3. The Assistant Commissioner (Compliance) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

4. Regional Commissioners, Assistant Regional Commissioners (Appellate), Chiefs, and Associate Chiefs, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction and in cases in which a closing agreement has been recommended for approval by the office of a District Director (but excluding cases docketed before the Tax Court of the United States) to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

5. Regional Commissioners, Assistant Regional Commissioners (Appellate),

Chiefs, and Associate Chiefs, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction docketed in the Tax Court of the United States to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) but only in respect to related specific items affecting other taxable periods.

6. The Director of International Operations is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) to provide for the mitigation of economic double taxation under section 3 of Revenue Procedure 64-54, C.B. 1964-2, 1008, and to enter into and approve a written agreement providing for such mitigation and relief under Revenue Procedure 65-17, C.B. 1965-1, 833.

7. District Directors of Internal Revenue are hereby authorized in cases under their jurisdiction to enter into and approve a written agreement with any person to provide that the internal revenue tax liability of such person (or of the person or estate for whom he acts) with respect to the taxability of earnings from a deposit or account of the type described in Revenue Procedure 64-24, C.B. 1964-1 (Part 1), 693, opened prior to November 15, 1962, will be determined on the basis that earnings on such deposits or accounts are not includable in gross income until maturity or termination, whichever occurs earlier, and that the full amount of earnings on the deposit or account will constitute gross income in the year the plan matures, is assigned, or is terminated, whichever occurs first.

8. The authority delegated herein does not include the authority to set aside any closing agreement.

9. Authority delegated in this order may not be redelegated.

10. Delegation Order No. 97 (Rev. 2), issued June 15, 1966, is hereby superseded.

Date of issue: November 10, 1966.

Effective date: November 10, 1966.

[SEAL] SHELDON S. COHEN,  
Commissioner.

[F.R. Doc. 66-12379; Filed, Nov. 15, 1966;  
8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

[Amdt. 1]

### SALES OF CERTAIN COMMODITIES

#### November Sales List

Pursuant to the policy of the Commodity Credit Corporation issued Octo-

ber 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the CCC Monthly Sales List for November 1966 is amended as set forth below:

Item C(1) of the Export section for wheat is amended to read as follows:

(1) All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966. Hard Red Winter, Hard Red Spring, and Durum will not be sold for barter at West Coast ports nor will evidence of export at West Coast ports be acceptable under a sale for barter;

Item D of the Export section for wheat is amended to read as follows:

D. Announcement GR-262 (Revision II, Jan. 9, 1961, as amended) for export as flour as follows: All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966, and to approved CCC credit transactions. However, sales for barter will not be made at West Coast ports nor will evidence of export from West Coast ports be acceptable under a sale for barter pursuant to this announcement.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on November 9, 1966.

H. D. GODFREY,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 66-12374; Filed, Nov. 15, 1966;  
8:46 a.m.]

## DEPARTMENT OF COMMERCE

### Maritime Administration

[Report No. 76]

### LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through November 2, 1966, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.



FLAG OF REGISTRY AND NAME OF SHIP	Gross Tonnage
Total, all flags (252 ships) ..	1,799,466
British (72 ships) .....	539,293
* * Amalia (now Maltese).	
* * Amazon River (now River—sold to Dutch breakers) .....	7,234
Antarctica .....	8,785
Arctic Ocean .....	8,791
* * Ardenode (now Tynlee—Panamanian) .....	7,036
Ardgem .....	6,981
* * Ardmore (now Kali Elpis—British) .....	4,664
* * Ardpatrick (now Haringhata—Pakistani) .....	7,054
Ardrossmore .....	5,820
Ardrowan .....	7,300
Ardsirod .....	7,025
Ardtara .....	5,795
* * Arlington Court (now Southgate—British) .....	11,149
Athelcrown (tanker) .....	9,089
Athelduke (tanker) .....	9,087
Athelknight (tanker) .....	7,524
Athelmere (tanker) .....	11,182
Athelmonarch (tanker) .....	9,149
* * Athelsultan (tanker—broken up) .....	7,868
Avlsfalsh .....	8,813
Baxtergate .....	8,566
Cheung Chau .....	7,271
Chipbee (sold for scrap) .....	4,939
* * Cosmo Trader (trips to Cuba under ex-name, Ivy Fair—British) .....	8,789
* * Dalren (now Agate—Panamanian) .....	7,134
* * East Breeze (now Phoenixian Dawn—British) .....	8,424
Eastfortune .....	7,284
* * Elicos (broken up) .....	7,542
Formenter .....	7,026
Fortune Enterprise .....	7,907
* * Free Enterprise (now Cyprot) .....	2,111
* * Free Merchant (now Cyprot) .....	8,718
* * Garthdale (now Jeb Lee—British) .....	7,121
* * Grosvenor Mariner (now Red Sea—British) .....	5,255
Hazelmoo .....	7,043
Helka .....	7,201
Hemisphere .....	8,660
Ho Fung .....	5,388
Inchstaffa .....	9,486
Inchstuart .....	8,236
Ivy Fair (now Cosmo Trader—British—broken up) .....	8,078
* * Jeb Lee (trip to Cuba under ex-name, Garthdale—British) .....	2,339
Jollity .....	6,597
* * Kali Elpis (trips to Cuba under ex-name, Ardmore—British) .....	8,924
Kinross .....	7,043
La Hortensia .....	5,388
Linkmoor .....	9,486
Loradore .....	8,236
Magister .....	8,078
Nancy Dee .....	2,339
Nebula .....	6,597
* * Newdene (now Free Navigator—Cyprot) .....	8,924
* * Newforest (now Cyprot) .....	7,043
Newgate .....	5,388
Newglade .....	9,486
* * Newgrove (now Cyprot) .....	8,236
Newheath .....	8,078
Newhill .....	2,339
Newlane .....	6,597
* * Newmeadow (now Cyprot) .....	8,924
Newmoat .....	7,043

\* \* Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY AND NAME OF SHIP	Gross Tonnage
British—Continued	
Newmoor .....	7,168
Oceanramp .....	6,185
Oceantravel .....	10,477
Peony .....	9,037
* * Phoenixian Dawn (previous trips to Cuba under ex-name, East Breeze—British) .....	8,708
* * Red Sea (trip to Cuba under ex-name, Grosvenor Mariner—British) .....	7,388
* * Redbrook (now E. Evangelia—Greek) .....	7,361
Ruthy Ann .....	7,236
* * St. Antonio (now Maltese) .....	7,229
Sandsend .....	10,421
Santa Granda .....	10,421
Sea Amber .....	8,941
Sea Coral .....	4,330
Sea Empress .....	7,127
Seasage .....	7,148
Shlenfoon .....	8,611
* * Shun Fung (wrecked) .....	7,265
* * Soclyve (now Maltese) .....	7,381
* * Southgate (previous trips to Cuba under ex-name, Arlington Court—British) .....	5,388
Suva Breeze (now Cathay Trader—Panamanian) .....	5,414
* * Swift River (now Kallithea—Cyprot) .....	7,237
* * Timios Stavros (now Maltese flag—Previous trips to Cuba—Greek) .....	374,134
Venice .....	7,256
Vercharmlian .....	6,997
Vermont .....	7,186
Yungfutary .....	6,989
Yunglutaton .....	7,044
Zela M .....	6,259
Lebanese (55 ships) .....	4,557
Aiolos II .....	7,176
Ais Giannis .....	6,995
* * Akamas (now Cyprot) .....	5,324
* * Al Amin .....	4,729
Alaska .....	4,884
Anthas .....	5,411
Antonis .....	6,032
* * Ares (constructive total loss) .....	7,187
Aretl .....	5,028
Aristefs .....	5,270
Astir .....	7,240
* * Athamas (now Cyprot) .....	7,282
* * Carnation (sold Spanish breakers) .....	5,925
Claire .....	7,297
Cris .....	5,103
Dimos .....	9,357
* * E. Myrtilotissa (aground, trips to Cuba under ex-name, Kalliopti D. Lemos—Lebanese) .....	7,176
* * Free Trader (now Cyprot) .....	7,145
Georgios M. II .....	7,255
Giannis .....	7,254
Giorgos Tsakiroglou .....	7,203
Granikos .....	7,124
Ilena .....	4,383
Ioannis Asplotis .....	6,782
* * Kalliopti D. Lemos (now E. Myrtilotissa—Lebanese) .....	9,307
Katerina .....	7,296
Leftic .....	7,251
Malou .....	7,070
Mantric .....	
* * Maria Despina (broken in two) .....	
Maria Renee .....	
Marichristina .....	
* * Marymark (sold German shipbreakers) .....	
Mersinid .....	
Mousse .....	
Nictic .....	
Noelle .....	
* * Noemi (aground) .....	

FLAG OF REGISTRY AND NAME OF SHIP	Gross Tonnage
Lebanese—Continued	
* * Olga (now Greek) .....	7,199
Panagos .....	7,133
Parmarina .....	6,721
* * Razani (broken up) .....	7,253
* * Reneka (now San Carlo—Panamanian) .....	7,250
Rio .....	7,194
* * St. Anthony (broken up) .....	5,349
St. Nicolas .....	7,165
San Spyridon .....	7,260
* * Sheik Boutros (trips to Cuba under ex-name, Cavtat—Yugoslav) .....	7,066
Stevo .....	7,349
Taxiarhis .....	7,045
Tertric .....	7,198
Theodoros Lemos .....	7,176
Tony .....	6,426
Toula .....	7,243
Troyan .....	7,192
Vassiliki .....	6,751
Vastric .....	6,339
Vergollvada .....	10,051
Yanxilas .....	257,190
Greek (34 ships) .....	
Agios Therapon .....	5,617
* * Akastos (now Cyprot) .....	7,189
Alice .....	8,600
* * Ambassade (sold Hongkong shipbreakers) .....	7,104
Americana .....	7,359
Anacreon .....	6,712
* * Anatoli (now Sunrise—Cyprot) .....	9,744
* * Andromachi (previous trips to Cuba under ex-name, Penelope—Greek) .....	7,216
* * Antonia (now Amfilthea—Cyprot) .....	7,084
Apollon .....	7,249
Athanassios K .....	8,418
Barbarino .....	10,865
Calliopti Michalos .....	7,244
* * Embassy (broken up) .....	7,282
* * E. Evangelia (trips to Cuba under ex-name, Redbrook—British) .....	7,128
Eftychia .....	7,232
* * Flora M. (now Liberian) .....	7,275
* * Gloria (now Helen—Greek) .....	5,032
* * Helen (previous trips to Cuba under ex-name, Gloria—Greek) .....	6,888
Irena .....	7,245
Istros II .....	7,147
* * Kapetan Kostis (broken up) .....	7,369
* * Kyra Harikila (broken up) .....	7,282
* * Maria Theresa (now Ingrid Anne—South African) .....	7,199
* * Marigo (now Amfitriti—Cyprot) .....	7,176
* * Maroudio (now Thalie—Panamanian) .....	7,131
* * Mastro-Stelios II (now Wendy H.—South African) .....	7,144
* * Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek) .....	10,820
* * Nicolaos Frangistas (now Nicolaos F.—Greek) .....	5,911
Nikolis M .....	10,608
* * Ogla (trips to Cuba—Lebanese) .....	7,239
Pantanassa .....	7,030
Paxol .....	7,303
* * Penelope (now Andromachi—Greek) .....	
* * Presvia (broken up) .....	
Redestos .....	
Roula Maria (tanker) .....	
* * Seirios (broken up) .....	
Sophia .....	
* * Stylianos N. Vlassopoulos (now Antonia II—Cyprot) .....	
* * Timios Stavros (formerly British flag—now Maltese) .....	



FLAG OF REGISTRY AND NAME OF SHIP		FLAG OF REGISTRY AND NAME OF SHIP		FLAG OF REGISTRY AND NAME OF SHIP	
	Gross Tonnage		Gross Tonnage		Gross Tonnage
Greek—Continued		Italian—Continued		Monaco (1 ship)-----	
Tina-----	7,362	**Graziella Zeta (trips to Cuba under ex-name, Montiron—Italian).		Saint Lys-----	7,314
Western Trader-----	9,268	**Mariasusanna (now Geremia—Italian).		Guinean:	
Polish (18 ships)-----	136,680	**Montiron (now Graziella Zeta—Italian)-----	1,595	**Drame Oumar (trip to Cuba under ex-name, Neve—French).	
Baltyk-----	6,963	Nazareno-----	7,173	Haitian:	
Bialystok-----	7,173	Nino Bixio-----	8,427	**Newgrove (now Cypriot).	
Bytom-----	5,967	San Francesco-----	9,284	Liberian:	
Chopin-----	9,148	San Nicola (tanker)-----	12,461	**Flora M. (trips to Cuba—Greek).	
Chorzow-----	7,237	Santa Lucia-----	9,278	Nationalist Chinese:	
Energetyk-----	10,843	**Somalia (now Chenchang—Nationalist Chinese)-----	3,352	**Chenchang (trip to Cuba under ex-name, Somalia—Italian).	
Huta Florian-----	7,258	Yugoslav (9 ships)-----	60,800	Pakistani:	
Huta Labedy-----	7,221	Bar-----	7,233	**Haringhata (trip to Cuba under ex-name, Ardpatrick—British).	
Huta Ostrowiec-----	7,175	**Cavtat (now Sheik Boutros—Lebanese)-----	7,266	Panamanian:	
Huta Zgoda-----	6,840	Cetinje-----	7,200	**Agate (trips to Cuba under ex-name, Dairien—British).	
Hutnik-----	10,897	Dugi Otok-----	6,997	**Bali Mariner (trips to Cuba under ex-name, Dagmar—Swedish).	
Kopalnia Bobrek-----	7,221	Kolasin-----	7,217	**Cathay Trader (trips to Cuba under ex-name, Suva Breeze—British).	
Kopalnia Czladz-----	7,252	Mojkovic-----	7,125	**Fortune Sea (trips to Cuba under ex-name, Al Amin—Lebanese).	
Kopalnia Miechowice-----	7,223	Plod-----	3,657	**Jezreel (trip to Cuba under ex-name, Tine—Norwegian—wrecked).	
Kopalnia Siemianowice-----	7,165	Promina-----	6,960	**San Carlo (trip to Cuba under ex-name, Reneka—Lebanese—broken up).	
Kopalnia Wujek-----	7,033	Trebisnjica (wrecked)-----	7,145	**Thalie (trip to Cuba under ex-name, Maroudio—Greek).	
Piast-----	3,184	French (9 ships)-----	48,758	**Tynlee (trip to Cuba under ex-name, Ardenode—British).	
Transportowice-----	10,880	Arsinoe (tanker—sunk)-----	10,426	South African:	
Cypriot (19 ships)-----	129,385	Avranches-----	7,282	**Wendy H. (trip to Cuba under ex-name, Mastro-Stelios II—Greek).	
Acme-----	7,159	Circe-----	2,874	**Ingrid Anne (trip to Cuba under ex-name, Maria Theresa—Greek).	
Adelphos Petrakis-----	7,170	Enee-----	1,232		
**Akamas (previous trips to Cuba—Lebanese)-----	7,285	Foulaya-----	3,739		
**Akastos (previous trip to Cuba—Greek)-----	7,331	Mungo-----	4,820		
**Aktor (sunk)-----	6,993	Nelee-----	2,874		
Amfali-----	7,110	**Neve (now Drameoumar—Guinean)-----	852		
**Amfithea (previous trip to Cuba under ex-name, Antonia—Greek)-----	5,171	Senanque (tanker)-----	14,659		
**Amfitriti (trip to Cuba under ex-name, Marigo—Greek).		Moroccan (5 ships)-----	35,828		
Amon-----	7,299	Atlas-----	10,392		
**Antonia II (trip to Cuba under ex-name, Stylianos N. Vlasopoulos—Greek).		**Banora (sunk)-----	3,082		
Artemida-----	7,247	Marrakech-----	3,214		
**Athamas (trips to Cuba—Lebanese).		Mauritanie-----	10,392		
El Toro-----	5,949	Toubkal-----	8,748		
**Free Enterprise (previous trips to Cuba—British)-----	6,807	Maltese (5 ships)-----	33,788		
**Free Merchant (previous trips to Cuba—British)-----	5,237	**Amalia (previous trips to Cuba—British)-----	7,304		
**Free Navigator (previous trips to Cuba under ex-name, Newdene—British)-----	7,181	Ispahan-----	7,156		
**Free Trader (previous trips to Cuba—Lebanese)-----	7,067	**St. Antonio (broken up, previous trip to Cuba—British)-----	6,704		
**Kallithea (previous trips to Cuba under ex-name, Swift River—British)-----	7,251	**Soclyve (previous trips to Cuba—British)-----	7,291		
**Newforest (previous trips to Cuba—British)-----	7,185	Timios Stavros (previous trips to Cuba—British and Greek)-----	5,333		
**Newgrove (previous trips to Cuba—British and Haitian)-----	7,172	Finnish (4 ships)-----	32,919		
**Newmeadow (previous trips to Cuba—British)-----	5,654	Augusta Paulin-----	7,096		
**Sunrise (previous trips to Cuba under ex-name, Anatoli—Greek)-----	7,187	**Hermia (trip to Cuba under ex-name, Amfred—Swedish).			
Italian (15 ships)-----	123,058	Margrethe Paulin-----	7,251		
Achille-----	6,950	Ragni Paulin-----	6,823		
Agostino Bertani-----	8,380	Sword (tanker)-----	11,749		
**Andrea Costa (tanker—broken up)-----	10,440	Netherlands (2 ships)-----	999		
**Aspromonte (broken up)-----	7,154	Meike-----	500		
Capra-----	7,189	Tempo-----	499		
Elia (tanker)-----	11,377	Norwegian (2 ships)-----	10,002		
**Geremia (previous trips to Cuba under ex-name, Mariasusanna—Italian)-----	2,479	Ole Bratt-----	5,252		
Giuseppe Giulietti (tanker)-----	17,519	**Tine (now Jezreel—Panamanian flag—wrecked)-----	4,750		
		Swedish (2 ships)-----	9,318		
		**Amfred (now Hermia—Finnish)-----	2,828		
		**Dagmar (now Bali Mariner—Panamanian)-----	6,490		

\*\*Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance: (a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

## FLAG OF REGISTRY AND NAME OF SHIP

	Gross Tonnage
a. Since last report:	
British (2 ships)	
Nils Amelon (now Compass Spirit—Liberian)-----	6,281
Stanwear (now Lady Era—British)-----	8,108



## FLAG OF REGISTRY AND NAME OF SHIP

	Number of ships
b. Previous reports:	
Flag of registry (total) .....	96
British .....	39
Cypriot .....	2
Danish .....	1
Finnish .....	2
French .....	1
German (West) .....	1
Greek .....	26
Israeli .....	1

Italian .....	5
Japanese .....	1
Kuwaiti .....	1
Lebanese .....	5
Norwegian .....	4
Spanish .....	6
Swedish .....	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through November 2, 1966.

Flag of registry	Number of trips								Total
	1963	1964	1965	1966					
				Jan.-June	July	Aug.	Sept.	Oct.	
British.....	133	180	126	58	11	7	8	2	525
Lebanese.....	64	91	58	18	2	1	1		235
Greek.....	99	27	23	16	3	3	1		172
Italian.....	16	20	24	7		1	2		70
Yugoslav.....	12	11	15	6	2	1			47
Cypriot.....		1	17	20	1		1	2	42
French.....	8	9	9	1	1	1	4		33
Spanish.....	8	17							25
Norwegian.....	14	10							24
Moroccan.....	9	13	1						23
Finnish.....	1	4	5	6	1		1		18
Maltese.....		2	6	1					9
Netherlands.....		4	2						6
Swedish.....	3	3							6
Kuwaiti.....		2	1						3
Israeli.....			2						2
Danish.....	1								1
German (West).....	1								1
Haitian.....			1						1
Japanese.....	1								1
Monaco.....				1					1
Subtotal.....	370	394	290	134	21	14	18	4	1,245
Polish.....	18	16	12	6	1		1		54
Grand Total.....	388	410	302	140	22	14	19	4	1,299

NOTE: Trip totals in this section exceed ship totals in secs. 1 and 2 because some of the ships made more than 1 trip to Cuba. Monthly totals subject to revision as additional data become available.

By order of the Acting Maritime Administrator.

Dated: November 8, 1966.

JAMES S. DAWSON, Jr.,  
Secretary.

[F.R. Doc. 66-12436; Filed, Nov. 15, 1966; 8:50 a.m.]

## National Bureau of Standards NATIONAL BUREAU OF STANDARDS RADIO STATION

### Notice of U.S. Standard Frequency and Time Broadcasts

In accordance with the National Bureau of Standards policy of giving notice regarding changes of phases in seconds pulses, notice is hereby given that there will be an adjustment in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo. On December 15, 1966, the clock at the station will be retarded by 114.7638 ms at 0000 hours UT (7 p.m., e.s.t. of Dec. 14, 1966). The carrier frequency of station WWVB is 60 kHz and is broadcast without offset. The successive time pulses emitted are therefore one second apart.

This phase adjustment will insure that the emitted pulses from station WWVB will remain within approximately 100 ms of UT2 and at the same time differ from the atomic time scale maintained by the National Bureau of Standards by an integral multiple of 200 ms. The adjustment will also facilitate inter-compari-

son of the broadcast time scale with those of other laboratories.

Dated: November 9, 1966.

A. V. ASTIN,  
Director.

[F.R. Doc. 66-12473; Filed, Nov. 15, 1966;  
10:27 a.m.]

## CIVIL AERONAUTICS BOARD

### ALLSTATES AIR CARGO, INC.

#### Notice of Application for Tariff- Filing Authority Pickup and Deliv- ery Zone

NOVEMBER 10, 1966.

In accordance with Part 222 (14 CFR Part 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 17927, from Allstates Air Cargo, Inc., Post Office Box 2128, Newark, N.J. 07114, for authority to provide true pickup and delivery service of air freight

shipments between Newark, N.J., and the points hereinafter named:

Adelphia.	Hackettstown.
Allenwood.	Hamburg.
Alpha.	High Bridge.
Asbury Park.	Hightstown.
Atlantic Highlands.	Jamestown.
Belmar.	Lambertville.
Belvidere.	Long Branch.
Bloomsbury.	Milford.
Brielle.	Millbrook.
Cranbury.	Monmouth Junction.
Eatontown.	Newton.
Farmingdale.	Oxford.
Flemington.	Perrineville.
Franklin.	Phillipsburg.
Freehold.	Riegelsville.
Frenchtown.	Spotswood.
Glen Gardner.	Washington.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and 19 copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12381; Filed, Nov. 15, 1966;  
8:46 a.m.]

[Docket No. 17677; Order No. E-24385]

### CANNON AVIATION CO., INC.

#### Order To Show Cause; Final Service Rate for Transportation of Mail

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of November 1966.

Cannon Aviation Co., Inc. (Cannon), an air taxi company operating under the provisions of Part 298 of the Board's Economic Regulations, by petition filed September 1, 1966, has requested the Board to establish a final service mail rate of \$21 per trip in each direction (\$42 per round trip) for the proposed air transportation of mail on Tulsa-Muskogee-McAlester and McAlester-Muskogee-Tulsa flights.

In its petition requesting establishment of this final service mail rate, Cannon states it considers its proposed rate to be fair and reasonable for the services to be performed. Although the Post Office has not filed an answer in this docket, its answer in support of Cannon's application for authority to provide this service (Docket 17612) requested the establishment of the same final service mail rate that Cannon has requested. The Post Office answer also sets forth the conditions of the services to be performed which include, among other things, delivery to the designated air carriers or other designated points at Tulsa and exchange of mails with Post Office mail messengers near plane side at Muskogee and McAlester. The maximum mail load limit on any leg of any route will be 1,000



pounds, and mail will be given priority over other cargo.

In Docket 17612 the Board determined to permit Cannon to provide the proposed air transportation of mail for a period of 2 years. Since no mail rate is presently in effect for this carrier it is necessary to fix and determine the fair and reasonable rate of compensation to be paid to Cannon by the Postmaster General for the air transportation of mail.

Therefore, upon consideration of Cannon's exemption application in Docket 17612, the Postmaster General's answer thereto including his petition for the establishment of the proposed rate, the petition of Cannon for the establishment of a final service mail rate, and the matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions:

1. That the fair and reasonable final service mail rate to be paid to Cannon Aviation Co., Inc., pursuant to section 406 of the Federal Aviation Act of 1958 for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith on Tulsa-Muskogee-McAlester flights shall be \$21 per trip in each direction on and after the effective date of Order E-24384; and

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302,

*It is ordered, That:*

1. All interested persons and particularly Cannon Aviation Co., Inc., the Postmaster General, and Central Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above as the fair and reasonable rate of compensation to be paid to Cannon Aviation Co., Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in deter-

mining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Cannon Aviation Co., Inc., Central Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12382; Filed, Nov. 15, 1966;  
8:46 a.m.]

[Docket No. 17655]

## LINEAS AEREAS COSTARRICENSES, S.A. (LACSA)

### Notice of Prehearing Conference

Application of Lineas Aereas Costarricense, S.A. (LACSA) for renewal and extension of its temporary foreign air carrier permit authorizing it to engage in foreign air transportation with respect to persons, property and mail as follows: (a) Between the terminal point San Jose, Costa Rica, the intermediate points Managua, Nicaragua, and Cayman Islands, British West Indies, and the terminal point Miami, Fla. (b) Between the terminal point San Jose, Costa Rica, the intermediate point Panama, Republica de Panama, and the terminal point San Juan, P.R. (c) Charter trips, subject to applicable terms, conditions, and limitations.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on November 29, 1966, at 10 a.m. e.s.t. in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., November 9, 1966.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 66-12383; Filed, Nov. 15, 1966;  
8:46 a.m.]

## CIVIL SERVICE COMMISSION EMPLOYMENT COUNSELORS

### Minimum Educational Requirements

In accordance with 5 U.S.C. 3308, the Civil Service Commission has decided that minimum educational requirements are necessary for positions of Counselor (Employment) in the Social Science Series, GS-101. These requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

Counselor (Employment)  
Supervisory Counselor (Employment)  
GS-101  
(All positions GS-5/15)

**Minimum educational requirements.** For all positions, applicants must have successfully completed a full 4-year course of study leading to a bachelor's or higher degree from an accredited college or university. This study must have included or been supplemented by 24 semester hours in pertinent behavioral or social science or related courses. Of the required 24 semester hours, at least 12 must have been in counseling and/or psychology; the remainder of the 24 hours must have been in one or both of these fields and/or sociology, cultural or social anthropology, or allied fields.

**Duties.** The duties of these positions involve counseling, or supervising the counseling of applicants for employment who require specialized individual assistance on vocational, education, or social-adjustment problems affecting their employability or satisfactory job adjustment. Counselors use various instruments of appraisal in making individual assessments. They aid counselees to make realistic self-assessments of their abilities, experience, training, aptitudes, etc.; facilitate their understanding of their assets and liabilities in relation to occupational fields or individual jobs; and assist them in evaluating their needs and circumstances, in selecting suitable vocational goals, and in developing suitable vocational, educational, or rehabilitative plans necessary to attain such goals. Counselors develop and maintain cooperative working relationships with representatives of pertinent occupations in numerous other organizations and agencies at Federal, State, and local levels, including representatives of industry and labor, and of education, training, and health and other community resources. They consult with representatives of and make referrals for specialized services when needed. They maintain followup on counselee progress during training and/or placement.

**Reasons for the requirements.** The work of these positions requires the application of professional knowledge of those areas of the behavioral and social sciences pertinent to the field of guidance and counseling. Applicants must be able to apply this knowledge in making appraisals and diagnosing problems and needs of counselees, in assisting them toward solution of their problems, in interpreting the pertinency of and applying research results affecting the counseling field, and in determining need for and adapting or innovating different approaches in dealing with individual problems. The duties cannot be performed successfully without formalized training which provided an appropriate base for professional development in the field of counseling. As a minimum this training includes the basic academic foundation provided by a full 4-year course of study in an institution of higher education and specified course work in the behavioral or



social sciences. This training can only be obtained through directed study in an accredited college or university which provided library and laboratory facilities and thoroughly trained instructors who can give professionally competent training, guidance and evaluation.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Acting Executive Assistant to the Commissioners.

[F.R. Doc. 66-12378; Filed, Nov. 15, 1966;  
8:46 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14251, etc.; FCC 66-1005]

### AMERICAN TELEPHONE & TELEGRAPH CO. AND ASSOCIATED BELL SYSTEM COMPANIES

#### Memorandum Opinion and Order Amending Issues

In the matter of American Telephone & Telegraph Co., regulations and charges for TELPAK service and channels, Docket No. 14251; American Telephone & Telegraph Co. and the Associated Bell System Companies, charges for interstate and foreign communication service, Docket No. 16258; American Telephone & Telegraph Co., charges, practices, classifications, and regulations for and in connection with teletypewriter exchange service, Docket No. 15011.

1. The Commission has before it (1) its tentative decision herein (38 F.C.C. 371); (2) its memorandum opinion and order of December 23, 1964 (37 F.C.C. 1111) substantially adopting the tentative decision; (3) its memorandum opinion and order of May 3, 1965 (38 F.C.C. 761) substantially denying reconsideration of the preceding memorandum opinion and order; and (4) the decision of the U.S. Court of Appeals for the District of Columbia Circuit affirming the three preceding documents, together with the order of that Court terminating its injunction as of October 18, 1966, which stayed the effect of the Commission order of December 23, 1964, pending determination of the appeal. Since the Commission's order was to have taken effect on September 1, 1965, it appears that it should be superseded by a current order giving effect to the above-enumerated opinions as well as subsequent developments affecting this proceeding.

2. Our previous order provided that:

*It is ordered*, That on or before September 1, 1965, A.T. & T. shall file on 30 days' notice revised tariff schedules which will eliminate the unlawful discrimination found to exist between TELPAK A and B classifications on the one hand and private line rates on the other so as to unify the rates for the separate tariffs at levels indicated to be appropriate by the results of its cost studies now in progress in connection with Docket No. 14650, together with data to support the revised tariff schedules;

*It is further ordered*, That on or before September 1, 1965, A.T. & T. shall submit for the record in this proceeding additional cost data on the basis of which the Commission may determine whether or not the existing rates for TELPAK C and D are compensatory, together with such revised tariff schedules as may be indicated by such data;

3. On October 27, 1965, we instituted an investigation into the lawfulness of the charges of American Telephone & Telegraph Co. and the Associated Bell System companies for interstate and foreign communication service. In addition to issues relating to the overall level of Bell System earnings, that proceeding also raises questions relating to the relevant rate making principles and factors which shall control in the distribution of the Bell System's total revenue requirements among its principal rate classifications. However, the Commission's order, while enumerating the other principal classifications of service offered by the Bell System, specifically excluded TELPAK because of the pendency of the proceeding in our Docket No. 14251 which was then before the Court of Appeals. It is accordingly appropriate to place the surviving TELPAK services into the scope of Docket No. 16258 and, upon the filing of tariffs unifying TELPAK A and B into the private line service, to terminate Docket No. 14251.

4. The purpose of Docket No. 16258, as we stated in our memorandum opinion and order of January 26, 1966 (FCC 66-71) is, among other things, to deal with variations in the level of earnings of different classes of service and not with individual rate components within rate classifications. We recognize, however, that when respondents comply with our order herein originally issued in Docket No. 14251, adjustments of rates for TELPAK A and B services and/or existing private line rates could result and this may raise specific and detailed rate issues. Further, respondents' additional cost data as to TELPAK C and D, being required to be filed in Docket No. 16258, may be accompanied by proposed changes in those rates. We do not wish such specific rate issues to become part of the more general issues of Docket No. 16258. Accordingly, when such tariff filings are made, if need therefor arises, it is expected that those issues will be examined in a separate docket.

5. Accordingly, it is ordered, That, within 60 days from the date of this order, A.T. & T. shall file revised tariff schedules, effective on 30 days' notice, which will eliminate the unlawful discrimination which has been found to exist between TELPAK A and B classifications on the one hand and private line rates on the other so as to unify the rates for the separate tariffs at appropriate levels, together with data to support the revised tariff schedules;

*It is further ordered*, That, upon the filing of such tariff schedules and supporting data in compliance herewith, the proceedings in Docket No. 14251 shall be deemed terminated;

*It is further ordered*, That the Commission's order of October 27, 1965, in Docket No. 16258 (FCC 65-959) is

amended so that Issue No. 3 therein shall read as follows:

3. Whether the charges for (1) message toll telephone service, (2) WATS, (3) TWX, (4) private line telephone grade service, (5) private line telegraph grade service, (6) TELPAK C, (7) TELPAK D, and (8) all other service are or will be just and reasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended;

*It is further ordered*, That the record in Docket No. 14251 is incorporated by reference in the record of Docket No. 16258.

Adopted: November 9, 1966.

Released: November 10, 1966.

FEDERAL COMMUNICATIONS COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12400; Filed, Nov. 15, 1966;  
8:48 a.m.]

[Docket No. 16943; FCC 66M-1517]

### ASSOCIATED BELL SYSTEM COMPANIES

#### Order Continuing Hearing

In the matter of the Associated Bell System Companies, Docket No. 16943; tariffs for channel service for use by community antenna television system.

As a result of an agreement reached on the record of a prehearing conference held in the above-entitled matter on November 9, 1966: *It is ordered*, This 10th day of November 1966, that a further prehearing conference will be held at 10 a.m., December 19, 1966, in the Commission's offices in Washington, D.C., and

*It is further ordered*, That the hearing now scheduled for December 19, 1966 is postponed to a date to be determined at the further prehearing conference.

Released: November 10, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12401; Filed, Nov. 15, 1966;  
8:48 a.m.]

[Docket No. 16969]

### BEAVERHEAD BROADCASTING CO.

#### Memorandum Opinion and Order Designating Application for Hearing on Stated Issues; Correction

In re application of Beaverhead Broadcasting Co., Dillon, Mont.; Docket No. 16969, File No. BP-16651; Requests: 1240 kc, 250 w, 1 kw-LS, U, Class IV; for construction permit.

In the fourth ordering paragraph on page 4 of the memorandum opinion and order, in the above-captioned matter, released November 7, 1966 (FCC 66-976,

<sup>1</sup> Commissioner Wadsworth absent.



Mimeo No. 90279), the words "Issue No. 1" are corrected to read "Issue No. 3".

Released: November 9, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12402; Filed, Nov. 15, 1966;  
8:48 a.m.]

[Docket No. 16969; FCC 66M-1513]

### BEAVERHEAD BROADCASTING CO.

#### Order Scheduling Hearing

In re application of Beaverhead Broadcasting Co., Dillon, Mont., Docket No. 16969, File No. BP-16651; For construction permit:

*It is ordered*, This 7th day of November 1966, that H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 28, 1966, at 10 a.m.; and that a prehearing conference shall be held on November 30, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: November 9, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12403; Filed, Nov. 15, 1966;  
8:48 a.m.]

### FM BROADCAST STATIONS; GOLDSBORO AND ROANOKE RAPIDS, N.C.

#### Order Extending Time for Filing Response to Opposition

In the matter of amendment of § 73.202, *Table of assignments*, FM broadcast stations (Goldsboro and Roanoke Rapids, N.C.); RM-1034.

1. On September 13, 1966, the Commission received a petition requesting rule making from the Halifax Broadcasting Co., Inc., looking to the substitution of Channel 273 for 272A at Roanoke Rapids, N.C., by deleting Channel 272A at Goldsboro, N.C. On October 20, 1966, George G. Beasley and James Harrelson filed an opposition to the above petition. The time for filing replies to this opposition expired on November 4, 1966.

2. The Commission has before it for consideration a request from Halifax Broadcasting Co. for an extension of time until November 15, 1966, to file a reply to the Beasley and Harrelson opposition. Halifax states that the attorney who is principally responsible for this matter has recently returned from an extended business trip and that the requested extension is needed for this reason. We are of the view that the requested extension should be granted and accordingly: *It is ordered*, This 8th day of November 1966, that the time for filing responses to the opposition filed by

Beasley and Harrelson is extended to November 15, 1966.

3. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Released: November 9, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12404; Filed, Nov. 15, 1966;  
8:48 a.m.]

[Docket Nos. 16965, 16966; FCC 66M-1512]

### DU PAGE COUNTY BROADCASTING CO., INC., AND CENTRAL DU PAGE COUNTY BROADCASTING CO.

#### Order Scheduling Hearing

In re applications of Du Page County Broadcasting, Inc., Elmhurst, Ill., Docket No. 16965, File No. BP-16292; Howard L. Enstrom and Stanley G. Enstrom, doing business as Central Du Page County Broadcasting Co., Wheaton, Ill., Docket No. 16966, File No. BP-16465; for construction permits:

*It is ordered*, This 7th day of November 1966, that Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 28, 1966, at 10 a.m.; and that a prehearing conference shall be held on November 30, 1966, commencing at 9 a.m.: *and, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: November 9, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12405; Filed, Nov. 15, 1966;  
8:48 a.m.]

[Docket No. 16709; FCC 66M-1503]

### ISLAND BROADCASTING SYSTEM (WRIV), INC.

#### Order Regarding Procedural Dates

In re application of Island Broadcasting System (WRIV), Inc., Riverhead, N.Y., Docket No. 16709, File No. BPCT-3475; for construction permit (channel 55).

The Hearing Examiner having under consideration the motion for continuance of procedural dates filed on October 31, 1966 by Island Broadcasting System, Inc.;

It appearing, that the Broadcast Bureau, the other party in the proceeding, has consented to immediate consideration and grant of the said motion and good cause for a grant is set forth:

*It is ordered*, This 4th day of November 1966 that the said motion is granted and; (a) The date for preliminary exchange of all exhibits to be offered into evidence

is continued from October 31, 1966, to December 1, 1966;

(b) The date for final exchange of all exhibits to be offered into evidence is continued from November 10, 1966, to December 12, 1966;

(c) The date for giving notification of witnesses to be called for cross-examination is continued from November 14, 1966, to December 16, 1966; and

(d) The date for hearing is continued from November 22, 1966, to January 3, 1967, commencing at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: November 8, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12406; Filed, Nov. 15, 1966;  
8:48 a.m.]

[Docket Nos. 16606, 16970; FCC 66M-1510]

### KANSAS STATE NETWORK, INC., AND TOPEKA TELEVISION, INC.

#### Order Scheduling Hearing

In re applications of Kansas State Network, Inc., Topeka Kans., Docket No. 16606, File No. BPCT-3537; Topeka Television, Inc., Topeka, Kans., Docket No. 16970, File No. BPCT-3662; for construction permit for new television broadcast station (Channel 43):

*It is ordered*, This 7th day of November 1966, that Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 29, 1966, at 10 a.m.; and that a prehearing conference shall be held on November 29, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: November 9, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12407; Filed, Nov. 15, 1966;  
8:48 a.m.]

[Docket Nos. 16924-16926; FCC 66M-1511]

### SUNSET BROADCASTING CORP., ET AL.

#### Order Regarding Procedural Dates

In re applications of Sunset Broadcasting Corp., Yakima, Wash., Docket No. 16924, File No. BPCT-3478; Apple Valley Broadcasting, Inc., Yakima, Wash., Docket No. 16925, File No. BPCT-3648; Northwest Television & Broadcasting Co. (a joint venture), Yakima, Wash., Docket No. 16926, File No. BPCT-3672; For construction permit for new television broadcast station at Yakima, Washington.

A prehearing conference having been held on November 8, 1966, at which cer-



tain agreements were reached and certain rulings were made:

*It is ordered*, This 8th day of November 1966 that:

(1) The parties' direct affirmative cases may be presented in the form of sworn, written exhibits, and/or oral testimony;

(2) On or before February 1, 1967, the parties shall exchange copies of their exhibits, together with a list of witnesses who shall testify orally and a brief statement as to the scope of the testimony of each witness;

(3) On February 13, 1967 at 10 a.m. in the offices of the Commission at Washington, D.C., hearing shall convene for the purpose of offering into evidence, and hearing objection to, the parties' exhibits;

(4) On or before February 16, 1967, any party wishing the production of any individual for cross-examination shall give notification thereof; and

(5) On March 6, 1967, at 10 a.m., hearing shall reconvene in the offices of the Commission at Washington, D.C.

Released: November 9, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12408; Filed, Nov. 15, 1966;  
8:49 a.m.]

## FEDERAL MARITIME COMMISSION

[Docket No. 66-59]

### SEA-LAND SERVICE, INC.

#### Order of Investigation and Suspension Regarding Increased Rates on Plywood in West Coast/Virgin Islands Trade

There have been filed with the Federal Maritime Commission by Sea-Land Service, Inc., tariff schedules setting forth new increased rates and charges, and/or new rules, regulations and practices affecting such rates, and charges, to become effective November 15, 1966, designated as follows:

SEA-LAND SERVICE, INC. TARIFF FMC-F No. 11

4th Revised Page 16 (Item No. 730).

5th Revised Page 16 (Item No. 730).

Upon consideration of the said schedules and protests thereto, there is reason to believe that the above designated rate items if permitted to become effective would be unjust, unreasonable or otherwise unlawful under sections 18(a) and 22 of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933 and good cause appearing therefore:

*It is ordered*, That pursuant to the authority of section 22, Shipping Act, 1916 and section 3 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the rates and charges contained in the aforementioned rate items and rules and regulations affecting such rates and charges,

with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is changed, amended or reissued upon termination of the suspension period before the investigation has been concluded, such changed, amended, or reissued matter will be included in this investigation.

*It is further ordered*, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the said rate items is suspended and the use thereof be deferred to and including March 14, 1967, unless otherwise ordered by this Commission.

*It is further ordered*, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said schedules under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

*It is further ordered*, That there shall be filed immediately with the Commission by Sea-Land Service, Inc., a consecutively numbered supplement to the aforesaid schedules which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until March 15, 1967, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

*It is further ordered*, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission;

*It is further ordered*, That the Sea-Land Service, Inc., be named as respondent in this proceeding, and that the Virgin Islands Government be designated as "complainant" in accordance with the Commission's Rule 3(a), 46 CFR 502.41;

*It is further ordered*, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

*It is further ordered*, That (I) a copy of this order shall forthwith be served the respondent and complainant herein; (II) the said respondent and complainant be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon the respondent and complainant.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an

interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) with a copy to the respondent and complainant.

By the Commission, November 10, 1966.

[SEAL]

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12384; Filed, Nov. 15, 1966;  
8:46 a.m.]

### GLOBAL STEAMSHIP TRANSPORT, LTD., ET AL.

#### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Edward P. Cotter, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.

Agreement 9587, between Global Steamship Transport, Ltd., Aris Steamship Co., Ltd., Adrian Maritime Co., Ltd., and Arger Navigation Co., Ltd., will establish a joint cargo liner service under the name of "Global Joint Services" for the movement of cargo between United States Atlantic, Gulf and Pacific coast ports and ports in the Mediterranean, Red Sea, Gulf of Aden, Persian Gulf, Pakistan, Ceylon, India, Indonesia, South Vietnam, and the Philippine Islands. The "Service" will be under the general management of Astoria Steamship Agency, Inc., which will have authority to fix rates, allocate tonnage furnished by the parties, space vessel sailings, appoint and remove agents, settle cargo claims, and perform such other duties as may be necessary in accordance with the terms and conditions set forth in the agreement.

Dated: November 9, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12385; Filed, Nov. 15, 1966;  
8:46 a.m.]



**HOLLAND-AMERICA LINE, ET AL.****Notice of Agreement Filed for Approval**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the *FEDERAL REGISTER*. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Holland-America Line, Swedish American Line, Swedish Transatlantic Line, Wallenius Line.

Notice of agreement filed for approval by:

Mr. George F. Galland, Galland, Kharasch, Calkins & Lippman, 1824 R Street NW., Washington, D.C. 20009.

Agreement 9498-1 modifies the basic agreement, a cooperative working arrangement in the trades between Europe and U.S. East Coast ports, to add the French Line as a party thereto.

Dated: November 10, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12386; Filed, Nov. 15, 1966; 8:46 a.m.]

**BLACK DIAMOND STEAMSHIP CORP. AND SEATRAN LINES, INC.****Notice of Agreement Filed for Approval**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication

of this notice in the *FEDERAL REGISTER*. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Harvey M. Flitter, Assistant Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J.

Agreement 9592, between Black Diamond Steamship Corp. and Seatrain Lines, Inc., establishes a through billing arrangement in the trade from Holland, Belgium, and Germany to ports in Puerto Rico, with transshipment at the port of New York, N.Y., in accordance with the terms and conditions set forth in the agreement.

Dated: November 10, 1966.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12387; Filed, Nov. 15, 1966; 8:46 a.m.]

**HAMBURG-AMERIKA LINIE, ET AL.****Notice of Agreement Filed for Approval**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the *FEDERAL REGISTER*. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement 9594 is a cooperative working arrangement between Hamburg-Amerika Linie, Norddeutscher Lloyd and United States Lines Co., operating in the trades between ports in Europe and United States Atlantic ports. In order to provide for the facilitation and coordination of the transportation of cargo in containers, the parties agree (1) to discuss terms and conditions in areas of mutual interest in these trades, and (2) to use or operate, directly or through other companies, common container or other terminals, agents, stevedores, tally

clerks, consolidation sheds, and feeder barge companies.

Dated: November 10, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12388; Filed, Nov. 15, 1966; 8:47 a.m.]

**DEPARTMENT OF THE INTERIOR****Geological Survey****CALIFORNIA ET AL.****Definitions of Known Geologic Structures of Producing Oil and Gas Fields**

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the *FEDERAL REGISTER* dated December 31, 1948, is hereby supplemented by the addition of the following list of defined structures effective as of the dates shown:

Name of field, effective date, acreage

**(5) CALIFORNIA**

Vernalis; October 3, 1966; 5,000.

**(31) NEW MEXICO**

Grama Ridge; March 18, 1966; 3,855.

North Mason (revision); July 1, 1966; 4,705.

**(34) NORTH DAKOTA**

Antelope (revision); May 22, 1966; 11,081.

Charlson-Hofflund-Capa (Consolidation and revision, some lands deleted); June 1, 1966; 31,425.

Fryburg-Scoria (revision); May 24, 1966; 18,107.

**(44) UTAH**

Monument Butte; September 28, 1966; 5,670.

Pariette Bench; October 3, 1966; 1,800.

San Arroyo (revision); September 29, 1966; 18,922.

**(50) WYOMING**

Coyote Creek South (revision); August 17, 1966; 5,262.

North Ant Hills (revision); June 9, 1966; 638.

Rozet East; September 27, 1966; 1,200.

Schrader Flats (revision); September 16, 1966; 360.

Tipps; September 14, 1966; 317.

Dated: November 8, 1966.

R. H. LYDDAN,  
Acting Director.

[F.R. Doc. 66-12373; Filed, Nov. 15, 1966; 8:45 a.m.]

**FEDERAL POWER COMMISSION**

[Docket No. G-11861 etc.]

**MOBIL OIL CORP. ET AL.****Findings and Order**

NOVEMBER 7, 1966.

Mobil Oil Corp. (Operator), et al. and other applicants listed herein, Docket Nos. G-11861, et al.



Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificate, substituting respondent, redesignating proceeding, accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from the Permian Basin area of New Mexico and Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

George R. Brown, Applicant in Docket No. G-20223, proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to Herman Brown Estate FPC Gas Rate Schedule No. 7. Herman Brown Estate's rate schedule will be redesignated as George R. Brown FPC Gas Rate Schedule No. 20. Herman Brown Estate has filed for an increase in rate under said rate schedule which increase is suspended in Docket No. RI60-82<sup>1</sup> and not made effective. Accordingly, Applicant will be substituted in lieu of Herman Brown Estate as respondent in the proceeding pending in Docket No. RI60-82 and the proceeding will be redesignated.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on November 3, 1966, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for

ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-11861, G-16218, G-18977, G-20223, CI61-276, CI61-295, CI61-843, CI61-1348, CI63-576, CI64-23, CI64-90, CI64-1066, and CI65-1321 should be amended as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	New certificates
G-3806 -----	CI67-390
G-3808 -----	CI67-390
G-4268 -----	CI67-390
CI61-1820 -----	CI67-232
CI62-286 -----	CI67-390
CI63-96 -----	CI67-323
CI63-1407 -----	CI67-390

(7) The sale of natural gas proposed to be abandoned by Applicant in Docket No. CI67-336, as hereinbefore described, all as more fully described in the tabulation herein and in the application is subject to the requirements of subsection (b) of section 7 of the Natural Gas Act and such abandonment should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate of public convenience and necessity heretofore issued in Docket No. CI63-1425 relating to the abandonment hereinafter per-

mitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that George R. Brown should be substituted in lieu of Herman Brown Estate as respondent in the proceeding pending in Docket No. RI60-82 and that said proceeding should be redesignated accordingly.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the ap-

<sup>1</sup> Consolidated with Docket No. AR61-1, et al.



plicable dates, as indicated by footnotes 1 and 10 in the attached tabulation.

(E) The initial rate for the sale authorized in Docket No. CI67-206 shall be the applicable base area rate prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality, or the contract rate, whichever is lower; and no increase in rate in excess of said initial rate shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicant in Docket No. CI67-206 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however*, That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate.

(G) Within 90 days from the date of initial delivery Applicant in Docket No. CI67-206 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468-A.

(H) The certificate issued herein in Docket No. CI67-304 involving the sale of gas by Southern Union Production Co. to its affiliate, Southern Union Gathering Co., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any future rate proceeding involving either company.

(I) The certificates heretofore issued in Docket Nos. G-11861, G-16218, CI61-276, CI63-576, and CI64-1066 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(J) The certificate heretofore issued in Docket No. G-18977 is amended to include the sale of natural gas from the additional acreage conditioned to a rate of 17.0 cents per Mcf at 14.65 p.s.i.a., subject to proportional upward or downward B.t.u. adjustment from a 1,000 B.t.u. base.

(K) The certificate heretofore issued in Docket No. CI64-23 is amended to include the sale of natural gas from the additional acreage conditioned to the area ceiling rate of 15.0 cents per Mcf at 14.65 p.s.i.a.

(L) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	New certificates
G-3806	CI67-390
G-3808	CI67-390
G-4268	CI67-390
CI61-1820	CI67-232
CI62-286	CI67-390
CI63-96	CI67-323
CI63-1407	CI67-390

(M) The certificates heretofore issued in Docket Nos. G-20223, CI61-295, CI61-843, CI61-1348, CI64-90, and CI65-1321 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(N) Permission for and approval of the abandonment of service by Applicant in Docket No. CI67-336, as hereinbefore described, all as more fully described in the tabulation herein and in the application, is granted.

(O) The certificate heretofore issued in Docket No. CI63-1425 is terminated.

(P) George R. Brown is substituted in lieu of Herman Brown Estate as respondent in the proceeding pending in Docket No. RI60-82 and said proceeding is redesignated accordingly.<sup>2</sup>

(Q) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.

<sup>2</sup> George R. Brown.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-11861 C 5-3-66 <sup>1</sup>	Mobil Oil Corp. (Operator), et al.	Cities Service Gas Co., Hardtner Field, Barber County, Kans.	Agreement 12-1-65 Agreement 2-17-66 <sup>2,3</sup>	5 5	9 10
G-16218 D 8-23-66	Gulf Oil Corp., (Operator), et al.	Transwestern Pipeline Co., acreage in Harper County, Okla.	Letter of agreement 7-26-66, <sup>4,5</sup>	196	42
G-18977 C 9-20-66 <sup>1</sup>	Gulf Oil Corp.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Supplemental agreement 8-22-66, <sup>6</sup>	168	17
G-20223 E 8-12-66	George R. Brown (successor to Herman Brown Estate).	El Paso Natural Gas Co., Headlee Field, Ector County, Tex.	Herman Brown Estate, FPC GRS No. 7	20	-----
			Supplement Nos. 1-5 Notice of succession 8-9-66.	20	1-5
			Assignment 12-30-64 <sup>6</sup> Effective date: 12-31-64	20	6
			Notice of partial cancellation (undated), <sup>7</sup>	1	2
CI61-276 D 9-15-66	Amox Petroleum Corp. (partial abandonment).	Louie Star Gas Co., South Alma Field, Stephens, County, Okla.	United Penn Oil & Gas Co., FPC GRS No. 1	1	-----
CI61-295 E 9-14-66	Robert Lindholm, et al. (successor to United Penn Oil & Gas Co.).	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Supplement Nos. 1-2 Notice of succession, 8-23-66.	1	1-2
			Assignment 8-27-65 <sup>8</sup>	1	3
			Assignment 9-10-65 <sup>9</sup>	1	4
			Assignment 1-10-66 <sup>9</sup>	1	5
CI61-843 E 9-14-66	do	Consolidated Gas Supply Corp., Court House Dist., Lewis County, W. Va.	Effective date: 8-27-65 United Penn Oil & Gas Co., FPC GRS No. 2	2	-----
			Supplement No. 1 Notice of succession 8-23-66.	2	1
			Assignment 8-27-65 <sup>8</sup>	2	2
			Assignment 9-10-65 <sup>9</sup>	2	3
			Assignment 1-10-66 <sup>9</sup>	2	4
CI61-1348 E 9-14-66	do	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Effective date: 8-27-65 United Penn Oil & Gas Co., FPC GRS No. 3	3	-----
			Supplement Nos. 1-2 Notice of succession 8-23-66.	3	1-2
			Assignment 8-27-65 <sup>8</sup>	3	3
			Assignment 9-10-65 <sup>9</sup>	3	4
			Assignment 1-10-66 <sup>9</sup>	3	5
CI63-576 C 9-9-66 <sup>10</sup>	Atlantic Richfield Co.	Montana-Dakota Utilities Co., Riverton Dome Field, Fremont County, Wyo.	Effective date: 8-27-65 Amendatory agreement 8-4-66, <sup>11</sup>	277	4
CI64-23 C 8-5-66 <sup>1</sup>	Pan American Petroleum Corp.	Arkansas Louisiana Gas Co., Star Field, Blaine County, Okla.	Amendment 6-1-66 Compliance 9-26-66 <sup>12</sup>	380 380	8 9
CI64-90 E 9-16-66	W. & J. Oil & Gas Producers (successor to Parker Petroleum).	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Parker Petroleum, FPC GRS No. 1	1	-----
			Notice of succession 9-14-66.		
CI64-1066 D 9-22-66	Tenneco Oil Co.	United Gas Pipe Line Co., Emma Haynes Field, Gollad County, Tex.	Assignment 5-11-66 Effective date: 5-11-66 Notice of partial cancellation 9-19-66, <sup>13</sup>	1 110	1 5

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

See footnotes at end of table.



Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
C165-1321 E 9-16-66	Hugh K. Spencer (successor to Tuscarora Oil & Gas Corp., et al.).	Consolidated Gas Supply Corp., Grant District, Doddridge County, W. Va.	Tuscarora Oil & Gas Corp., et al., FPC GRS No. 2. Notice of succession Assignment 4-7-66 <sup>11</sup> Assignment 4-7-66 <sup>11</sup> Assignment 4-14-66 <sup>11</sup> Effective date: 4-7-66 Contract 8-15-66 <sup>11</sup>	11	---
C167-208 A 8-22-66 <sup>17</sup>	Pauley Petroleum Inc. <sup>18</sup>	El Paso Natural Gas Co., Cotton Draw Unit Area, Lea and Eddy Counties, N. Mex.	Contract 5-22-66 <sup>11</sup> Assignment 8-17-66 <sup>11</sup> Effective date: 7-1-66	20	---
A C167-232 (C161-1820) F 8-22-66 10-3-66 <sup>18</sup>	Eagle Oil Co., Inc. (Operator), et al. (formerly El Dorado Petroleum Corp., Inc. (Operator), et al.).	Northern Natural Gas Co., Bièvre Field, Edwards County, Kans.	Contract 8-31-64 <sup>11</sup> Amendment 9-21-65 Amendment 11-19-66 Assignment 8-17-66 <sup>11</sup> Effective date: 7-1-66	21	---
C167-281 A 9-8-66 <sup>19</sup>	Hays and Co., agent for J. S. Buck, et al.	Equitable Gas Co., West Union District, Doddridge County, W. Va.	Contract 6-5-61 <sup>11</sup> Supplemental agreement 3-2-64 Assignment 3-20-65 <sup>11</sup> Effective date: 4-1-65 Certification of merger 9-20-66 <sup>11</sup> Effective date: 9-20-66 Contract 5-5-66 <sup>11</sup>	1	---
C167-304 A 9-12-66 <sup>19</sup>	Southern Union Production Co.	Southern Union Gathering Co., Basu Dakota Field, San Juan County, N. Mex.	Contract 8-30-66 <sup>11</sup>	21	---
C167-320 A 9-15-66 <sup>19</sup>	Oil Industries Associates.	Equitable Gas Co., Clay District, Ritchie County, W. Va.	Contract 8-18-66 <sup>11</sup>	3	---
C167-322 A 9-16-66 <sup>19</sup>	Atlantic Richfield Co.	Panhandle Eastern Pipe Line Co., McQuiddy Ranch Area, Hemphill County, Tex.	Contract 8-1-66 <sup>11</sup> Contract 11-11-65 <sup>11</sup>	307	---
A C167-323 (C163-96) F 9-16-66	Pan American Petroleum Corp. (successor to Global Oils, Inc., et al.).	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	Contract 5-24-62 <sup>11</sup> Assignment 3-4-66 <sup>11</sup> Effective date: 3-1-66	448	---
C167-336 A 9-19-66 <sup>19</sup>	Gulf Oil Corp.	Panhandle Eastern Pipe Line Co., Feldman Douglas Field, Hemphill County, Tex.	Contract 8-5-66 <sup>11</sup>	322	---
C167-327 A 9-19-66 <sup>19</sup>	Quaker State Oil Refining Corp., et al.	United Fuel Gas Co., Jefferson District, Lincoln County, W. Va.	Contract 7-21-66 <sup>11</sup>	20	---
C167-328 A 9-19-66 <sup>19</sup>	Bentzen-Whittington Oil Co. (Operator), et al.	Texas Eastern Transmission Corp., East Gore Field, Bee County, Tex.	Contract 6-24-66 <sup>11</sup>	1	---
C167-330 A 9-16-66 <sup>19</sup>	Edwin L. Cox	Panhandle Eastern Pipe Line Co., acreage in Morton County, Kans.	Contract 8-1-66 <sup>11</sup>	67	---
C167-336 (C163-1425) B 9-19-66	MPS Production Co. (Operator), et al.	Texas Gas Transmission Corp., South Bell City Field, Calsieu Parish, La.	Notice of cancellation 9-18-66 <sup>11</sup>	6	1

See footnotes at end of document.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
A C167-390 F 9-7-66 <sup>21</sup> (G-3806)	W. B. Osborn, Jr. (Operator), et al. (successor to Sunray DX Oil Co.).	Colorado Interstate Gas Co., Ilugoton Field, Kearny County, Kans.	Contract 1-27-59 <sup>21</sup> Assignment 8-17-66 <sup>21</sup> Effective date: 7-1-66	19	---
(G-3808)		Platteau Natural Gas Co., Ilugoton Field, Kearny County, Kans.	Contract 5-22-59 <sup>21</sup> Assignment 8-17-66 <sup>21</sup> Effective date: 7-1-66	20	---
(G-4268)		Colorado Interstate Gas Co., Ilugoton Field, Kearny County, Kans.	Contract 8-31-64 <sup>21</sup> Amendment 9-21-65 Amendment 11-19-66 Assignment 8-17-66 <sup>21</sup> Effective date: 7-1-66	21	---
(C162-286)		Cities Service Gas Co., Ilugoton Field, Finney and Kearny Counties, Kans.	Contract 8-29-61 <sup>21</sup> Assignment 8-17-66 <sup>21</sup> Effective date: 7-1-66	22	---
(C163-1407)		Kansas-Nebbraska Natural Gas Co., Inc., Ilugoton Field, Hamilton County, Kans.	Contract 4-11-63 <sup>21</sup> Supplemental agreement 4-1-64 Letter agreement 4-10-65 Assignment 8-17-66 <sup>21</sup> Effective date: 7-1-66	23	---

1 July 1, 1967, moratorium date pursuant to the Commission's statement of general policy No. 61-1, as amended.  
 2 Deletes redetermination and Favored Nation Provisions from basic contract with respect to the additional acreage.  
 3 Effective date: Date of initial delivery (Applicant should advise the Commission as to such date).  
 4 Production of gas no longer economically feasible.  
 5 Effective date: Date of this order.

6 Assigns Illegitimate Brown Estate's interest to George R. Brown.  
 7 Pertains only to low pressure gas well gas from well incapable of producing into buyer's line.  
 8 From United Penn to Robert Lindholm, et al.  
 9 Adds "et al." parties.

10 Jan. 1, 1968, moratorium date pursuant to the Commission's statement of general policy No. 61-1, as amended.  
 11 Provides for sale of residue gas obtained from additional sources of supply.  
 12 Accepts temporary certificate issued Sept. 29, 1966 and advises willingness to accept authorization for the additional acreage conditioned to a 15.0 cents rate.

13 Lease has expired and has been released.  
 14 From Tuscarora Oil & Gas Corp. to Talkington.  
 15 From Mann Oil Co. to Hugh K. Spencer.  
 16 From Talkington to Hugh K. Spencer.

17 Jan. 1, 1968, moratorium provided by Opinion No. 468.  
 18 By letter filed Sept. 14, 1966, Applicant agreed to accept a permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.

19 Contains indefinite pricing provisions similar to that discussed in the rulemaking proceeding in Docket No. R-238. Contract provides that this provision will be null and void if Docket No. R-238 is not adopted.

20 Reflects name change and also amends contract summary. Application originally filed by El Dorado Petroleum Corp., Inc., prior to name change.

21 Between Joseph E. Newman and Harvest Queen Mill and Elevator Co. and buyer, on file as Joseph E. Newman FPC GRS No. 3.

22 Conveys acreage from Joseph E. Newman to El Dorado Petroleum Corp., Inc.

23 Changes name from El Dorado Petroleum Corp., Inc., to Eagle Oil Co., Inc.

24 Adopts terms of Nov. 11, 1965 contract between buyer and Phillips Petroleum Co.

25 Contract between buyer and Global Oils, Inc., et al., on file as Global Oils, Inc. (Operator), et al., FPC GRS No. 6.

26 Assignment of acreage from Global Oils, Inc., et al., to applicant.

27 Source of gas depleted.

28 Joint application filed by W. B. Osborn, Jr., in Docket Nos. G-3806, G-3808, G-4268, C162-286, and C163-1407 was noticed as complete successions in said dockets. A review of the records reveals that W. B. Osborn, Jr., is partially succeeding Sunray in said dockets, therefore, the application reassigned Docket No. C167-390.

29 Between buyer and Sunray Mid-Continent Oil Co., et al., on file as Sunray DX Oil Co. FPC GRS No. 174.

30 Conveys acreage from Sunray DX Oil Co. to W. B. Osborn, Jr., et al.

31 Between Kansas-Colo-Colorado Utilities, Inc. (now Plateau Natural Gas Co.) and Sunray Mid-Continent Oil Co. on file as Sunray DX Oil Co. FPC GRS No. 180.

32 Between buyer and Mid-Continent Petroleum Corp., on file as Sunray DX Oil Co. FPC GRS No. 102.

33 Between buyer and Sunray Mid-Continent Oil Co., on file as Sunray DX Oil Co. FPC GRS No. 220.

34 Between buyer and Sunray DX Oil Co., on file as Sunray DX Oil Co. FPC GRS No. 242.

[F.R. Doc. 66-12324; Filed, Nov. 15, 1966; 8:45 a.m.]



[Docket Nos. CS66-48 etc.]

## RODMAN & LATE ET AL.

### Findings and Order

NOVEMBER 7, 1966.

Rodman & Late, Docket No. CS66-48; Rodman Oil Co., Docket No. CS66-49; E. G. Rodman, Docket No. CS66-50; E. G. Rodman (Operator), et al., Docket No. CS66-51; Rodman Petroleum Corp. (Operator), et al., Docket No. CS66-52.

Findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, severing and terminating proceedings, canceling FPC gas rate schedules, and dismissing applications.

Each Applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications and in the Appendix hereto.

All Applicants have heretofore been authorized to sell natural gas from the Permian Basin area; and, therefore, the small producer certificates issued to them shall be effective on the date of this order. The certificates heretofore issued to Applicants shall be terminated and the related rate schedules cancelled.

The applications herein state that E. G. Rodman or Rodman Petroleum Corp., of which E. G. Rodman is president and director, owns a major interest in each Applicant and that E. G. Rodman owns a 45 percent interest in and is vice president and director of West Texas Gathering Co., a natural gas pipeline company subject to the jurisdiction of the Commission. On July 21, 1966, Applicants filed a request for waiver of § 157.40(a) (1) of the regulations under the Natural Gas Act so that small producer certificates could be issued to them notwithstanding their affiliation with West Texas Gathering Co. The certificates issued hereinafter shall be conditioned to prescribe sales pursuant thereto to West Texas Gathering Co.

Applicants have heretofore filed increases in rate which have been suspended and, in some cases, have been made effective subject to refund. Each of the rate proceedings has been consolidated in the initial proceeding in Docket No. AR61-1, et al., or in the proceeding on the order to show cause issued August 5, 1965, in Docket No. AR61-1, et al. The proposed increased rate suspended in Docket No. RI65-419 has not been made effective, and so said proceeding will be terminated. The other rate proceedings shall remain pending.

After due notice no petition to intervene or protest to the granting of the applications has been received. A notice of intervention was filed and withdrawn in all of the subject dockets by the Public Utilities Commission of the State of California. No further notices of intervention have been received.

At a hearing held on November 3, 1966, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is engaged in the sale of natural gas in interstate commerce for ultimate consumption subject to the jurisdiction of the Commission and is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein and in the Appendix hereto, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Applicants are independent producers of natural gas who are affiliated with West Texas Gathering Co. and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefore should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants for sales of natural gas from the Permian Basin, which sales will be continued pursuant to small producer certificates issued hereinafter, should be terminated, and the related FPC gas rate schedules should be canceled. The pending certificate application in Docket No. CI61-111 and the pending petition to amend in Docket No. CI63-525 should be dismissed as moot.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding pending in Docket No. RI65-419 should be terminated.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by Applicants from the Permian

Basin area of Texas and New Mexico, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the Appendix hereto and in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission, and particularly,

(a) The subject certificates shall be applicable only to all previous and all future "small producer sales", as defined in § 157.40(a) (3) of the regulations under the Natural Gas Act, from the Permian Basin area, except that no sales shall be made pursuant to the subject certificates to West Texas Gathering Co.,

(b) Sales shall not be at rates in excess of those set forth in § 157.40(b) (1) of the regulations under the Natural Gas Act, and

(c) Applicant shall file annual statements pursuant to § 154.104 of the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because Applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the term of the certificates. Upon such termination Applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms and conditions of this order is observed, the small producer certificates will still be effective as to those sales already included thereunder.

(D) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.



(E) The certificates issued herein shall be effective on the date of this order.

(F) The certificates heretofore issued to Applicants for sales proposed to be continued under small producer certificates are terminated and the related FPC gas rate schedules are canceled. The pending certificate application in Docket No. CI61-111 is severed from the proceeding on the order to show cause issued August 5, 1965, in Docket No. AR61-1, et al., and dismissed as moot. The petition to amend filed October 5, 1965, in Docket No. CI63-525 is dismissed as moot.

(G) The rate proceeding pending in Docket No. RI65-419 is severed from the proceeding on the order to show cause issued August 5, 1965, in Docket No. AR61-1, et al., and terminated.

(H) The issuance and termination of certificates and the cancellation of rate

schedules herein shall not relieve Applicants from compliance with any orders which have been or may hereafter be issued in Applicants' pending rate proceedings and in the proceedings in Docket No. AR61-1, et al., including refund obligations, and from the submission of refund reports for sales made at rates in excess of the applicable area base rates between September 1, 1965, and the date of this order; nor shall any action taken herein be construed to relieve Applicant in Docket No. CS66-52 from the obligation of making refunds for sales commenced pursuant to the unconditioned temporary certificate issued in Docket No. CI61-111 if the Commission finds that such refunds are required.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.

#### APPENDIX

Docket No.	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate proceeding docket No.	Rate proceeding not terminated docket No.
CS66-48	Rodman and Lat.	1	G-14752		G-19952.1
CS66-49	Rodman Oil Co.	2	C165-396		
		3	C165-460		
CS66-50	E. G. Rodman	6	G-14459		R160-6.1
		32	CI63-525		
CS66-51	E. G. Rodman (Operator), et al.	1	G-14518		G-19994.1
		2	G-14519		
		4(4)	(G-19081) 1		R160-7.1
		1	G-14458		G-19996.1
CS66-52	Rodman Petroleum Corp. (Operator), et al.	2	CI61-111 2	R165-419 2	

<sup>1</sup> Consolidated in the initial proceeding in Docket No. AR61-1, et al.

<sup>2</sup> Designated as an FPC gas rate schedule of E. G. Rodman and W. D. Noel.

<sup>3</sup> Consolidated in the proceeding on the order to show cause issued Aug. 5, 1965, in Docket No. AR61-1, et al.

<sup>4</sup> O. F. & R. Oil Co. has filed an application in Docket No. G-19081 to continue the sales authorized in said docket effective as of Aug. 1, 1963. Therefore, the certificate issued in said docket and the related rate schedule are not terminated and canceled.

<sup>5</sup> Temporary certificate.

[F.R. Doc. 66-12325, Filed, Nov. 15, 1966; 8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

### NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 10, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. T-681, Sub 24, filed November 6, 1966. Applicant: HELMS

MOTOR EXPRESS, INC., North Second Street, Albemarle, N.C. Applicant's representative: Bailey, Dixon and Wooten, 1012 Insurance Building, Raleigh, N.C. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities*, including property the transportation of which does not require special vehicles or special equipment for hauling, loading, or unloading or any special or unusual service in connection therewith, serving the plantsite of B. F. Goodrich Co., located approximately 6½ miles west of Lumberton, N.C., on or near North Carolina Highway 72, as an official vehicles or special equipment for route point.

HEARING: January 17, 1967, at 10 a.m., Hearing Room, North Carolina Utilities Commission, State Library Building, Raleigh, N.C. 27602. Requests for procedural information, including the time for filing protests concerning this application, should be addressed to the North Carolina Utilities Commission, State Library Building, Raleigh, N.C. 27602.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12422; Filed, Nov. 15, 1966; 8:49 a.m.]

### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 10, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

#### APPLICATIONS ASSIGNED FOR ORAL HEARING

##### MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

##### SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 409 (Sub-No. 29) (Amendment), filed May 19, 1966, published FEDERAL REGISTER issue of June 23, 1966, amended October 3, 1966, republished, as amended FEDERAL REGISTER issue of October 20, 1966, and being republished as amended, this issue. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: All com-



mercial chemicals and fertilizers in bulk and in bag, from points in Woodbury County, Iowa, and Dakota County, Nebr., to points in Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Wyoming, Montana, and Colorado. NOTE: The purpose of this republication is to add in bulk and in bag to the commodity description and to add Iowa as a destination State.

HEARING: January 23, 1967, at the Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

No. MC 2392 (Sub-No. 50) (Amendment), filed May 19, 1966, published FEDERAL REGISTER issue of June 23, 1966, amended October 26, 1966 and October 27, 1966, and republished as amended, this issue. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 432, Genoa, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commercial chemicals, feed, urea, fertilizer, and fertilizer ingredients, including but not limited to anhydrous ammonia, in bulk, from points in Woodbury County, Iowa, including the Port Neal Industrial District, located south of Sioux City, Iowa, and points in Dakota County, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: The purpose of this republication is to add points in Dakota County, Nebr., as an origin point and Iowa as a destination State, and to reflect the hearing information.

HEARING: January 23, 1967, at the Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

No. MC 107010 (Sub-No. 25) (amendment), filed July 1, 1966, published FEDERAL REGISTER issue of July 21, 1966, amended October 28, 1966, and republished as amended, this issue. Applicant: D & R BULK CARRIERS, INC., Post Office Box 106, Auburn, Nebr. 68305. Applicant's representative: L. W. Richling, Post Office Box 106, Auburn, Nebr. 68305. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commercial chemicals, acids, fertilizers, in bulk, in tank vehicles and dry fertilizer, from points in Woodbury County, Iowa, and points in Dakota County, Nebr., to points in North Dakota, South Dakota, Nebraska, Minnesota, Wisconsin, Wyoming, Colorado, Kansas, Missouri, Illinois, and Iowa. NOTE: The purpose of this republication is to broaden the scope of the application, and to reflect the hearing information.

HEARING: January 23, 1967, at the Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

No. MC 119489 (Sub-No. 11) (amendment), filed May 19, 1966, published FEDERAL REGISTER issue of June 16, 1966, amended October 4, 1966, and republished, as amended, FEDERAL REGISTER, issue of October 20, 1966, and republished, as amended, this issue. Appli-

cant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Norfolk, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: All commercial chemicals and fertilizers, in bulk and in bag, from points in Woodbury County, Iowa, and Dakota County, Nebr., to points in Iowa, Nebraska, North Dakota, Colorado, Minnesota, Montana, South Dakota, Wisconsin, and Wyoming. NOTE: The purpose of this republication is to add commodity description in bulk and in bag, and add Iowa as a destination State.

HEARING: January 23, 1967, at the Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12411; Filed, Nov. 15, 1966;  
8:49 a.m.]

[Notice 286]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 10, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 63973 (Sub-No. 10 TA), filed November 7, 1966. Applicant: HARRY KALER, doing business as Kaler Freight Line, 504 12th Street, SE., Mason City, Iowa 50401. Applicant's representative: Clayton L. Wornson, 206 Brick and Tile Building, Mason City, Iowa 50401. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, as follows: General commodities (with the usual exceptions), between Mason City, Iowa, and Thornton, Iowa, on shipments having a prior or subsequent out-of-State movement:

From Mason City, south over U.S. Highway 65 to Hampton, Iowa, thence west over Iowa Highway 3 to its Junction U.S. Highway 69, thence north over U.S. Highway 69 to Goodell, Iowa, thence east over unnumbered highway to Meservey, Iowa, thence east over unnumbered highway to Thornton, thence returning north over Iowa Highway 107 over Clear Lake and U.S. Highway 18 to Mason City. Serving all intermediate points (except Clear Lake) and the off-route points of Hansell, Dumont, Bristow, Geneva, Faulkner, Bradford, Latimar, Coulter, Dows, Popejoy, Galt, Alexander, Rowan, and Swaledale, and Alden, Iowa, for 180 days. Supporting shippers: The application is supported by statements from 23 shippers which may be examined here at the Interstate Commerce Commission, Washington, D.C. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 111485 (Sub-No. 12 TA), filed November 8, 1966. Applicant: PASHALL TRUCK LINES, INC., R.F.D. No. 4, Murray, Ky. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, as follows: General commodities (with the usual exceptions), between points and over the routes as follows: Between Louisville and Calvert City, Ky.: From Louisville over Interstate Highway 65 to Munfordville, Ky., thence over U.S. Highway 31W to Bowling Green, Ky., and thence U.S. Highway 68 to the junction of Kentucky Highway 95, at or near Palma, Ky., and thence Kentucky Highway 95 to Calvert City, and return over the same routes, serving the intermediate point of Draftinville, Ky., for joinder and points within 5 miles of Calvert City, as off-route points. Between Louisville, Ky., and Fulton, Ky.: Over Interstate Highway 65 to Munfordville, thence over U.S. Highway 31W to Bowling Green, thence over U.S. Highway 68 to Aurora, thence Kentucky Highway 80 to Mayfield, thence U.S. Highway 45 to Fulton, and return over the same routes, serving the intermediate point of Mayfield, Ky., and points within 5 miles thereof and points within 5 miles of Fulton, as off-route points. Between Nashville, Tenn., and Calvert City, Ky.: From Nashville over Alternate U.S. Highway 41 to Clarksville, thence over U.S. Highway 79 to Paris, and thence U.S. Highway 641 to the junction of Kentucky Highway 95 and thence over Kentucky Highway 95 to Calvert City and return over the same route, serving the intermediate point of Hardin for purpose of joinder, and serving the intermediate points of Hazel, Murray, and Benton, Ky., and points within 5 miles thereof as off-route points. Alternate routes for operating convenience only: Between Aurora, Ky., and Murray, Ky.: From Aurora over Kentucky Highway 94 to Murray, and return over the same route. Between



Murray, Ky., and Fulton, Ky.: From Murray, Ky., over Kentucky Highway 121 to Mayfield, and return over the same route. Between Murray, Ky., and Fulton, Ky.: From Murray over Kentucky Highway 94 to the junction of Kentucky Highway 129, and thence over Kentucky Highway 129 to Fulton, and return over the same routes. Between Murray, Ky., and the junction of Tennessee 119 and U.S. 79: From Murray over Kentucky Highway 121 to the Tennessee-Kentucky State line and thence over Tennessee Highway 119 to the junction of Tennessee Highway 119 and U.S. Highway 79, and return over the same routes. Between Hopkinsville, Ky., and the junction of Alternate U.S. Highway 41 and U.S. Highway 79: From Hopkinsville over Alternate U.S. Highway 41 to junction of U.S. Highway 41 and U.S. Highway 79 and return over the same route, for 180 days. Supporting shippers: The application is supported by statements from 28 shippers which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: W. W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 390, Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103. Note: Applicant proposes to tack the several segments of authority sought so as to render service to and from the points of Fulton, Mayfield, Murray, Hazel, Benton, and Calvert City, Ky., and the points within 5 miles thereof, on traffic moving to and from Nashville, Tenn., and Louisville, Ky.

No. MC 112113 (Sub-No. 7 TA), filed November 8, 1966. Applicant: GYPSUM HAULAGE, INC., 2301 South Newkirk Street, Baltimore, Md. 21224. Applicant's representative: George W. Hanky (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Building materials, gypsum rock and lime, other than liquid commodities*, in bulk, in tank vehicles, from the site of the National Gypsum Co.'s plant, located approximately 3 miles from Burlington, N.J., to points in Albany, Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Tioga, Tompkins, Warren, Washington, Wayne, Wyoming, and Yates Counties, N.Y., and Armstrong, Beaver, Butler, Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Tioga, Venango, and Warren Counties, Pa., for 150 days. Supporting shipper: National Gypsum Co., Executive Offices, Gold Bond Building, Buffalo, N.Y. 14202. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 103 South Gay Street, Baltimore, Md. 21202.

No. MC 112750 (Sub-No. 229 TA), filed November 8, 1966. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Commercial papers, documents, and written instruments* (except coin, currency, and negotiable instruments) as are used in the conduct of banks and banking institutions, between Columbus, Ohio, on the one hand, and, on the other, Williamstown, W. Va.; between points in Marinette County, Wis., on the one hand, and, on the other, Chicago, Ill., for 180 days. Supporting shippers: The Huntington National Bank, Columbus, Ohio; Peshtigo State Bank, Peshtigo, Wis.; The First National Bank of Niagara, Niagara, Wis. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 118755 (Sub-No. 5 TA), filed November 8, 1966. Applicant: S. S. CIEUTAT, doing business as CIEUTAT PRODUCE COMPANY, Route 1, Box 147A, Riverdale, Ga. 30274. Applicant's representative: Raymond A. Cunningham, Suite 201, Trust Building, 545 North McDonough Street, Decatur, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Bananas*, from Jacksonville, Fla., to Atlanta, Ga., for 180 days. Supporting shippers: Fidelity Fruit & Produce Co., State Farmers Market, Forest Park, Ga.; Harrison & Logan Produce Co., Inc., State Farmers Market, Forest Park, Ga.; LeRoy Davis, Inc., State Farmers Market, Forest Park, Ga. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 115311 (Sub-No. 63 TA), filed November 8, 1966. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Corn cob grit*, between Kingsland and Seals, Ga., on the one hand, and Thikol, Ga., on the other, restricted to traffic having an immediately prior or subsequent movement by rail, for 180 days. Supporting shipper: Thikol Chemical Corp., Space Booster Division, Brunswick, Ga. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 128606 (Sub-No. 1 TA), filed November 9, 1966. Applicant: WILMA F. GEHRON, doing business as FROSTY'S DELIVERY SERVICE, 114 West Leona Street, Celina, Ohio. Appli-

cant's representative: James F. Bell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Computerized output records* described as accounting records, parts inventory control records, leasing management reports and byproducts thereof, over irregular routes, (a) between Reynolds & Reynolds Co. plants in Celina, Ohio, and Dayton, Ohio, on the one hand, and, on the other, Reynolds & Reynolds Co. plants in East Paterson, N.J., Chicago, Ill., Atlanta, Ga., Dallas, Tex., Detroit, Mich., Pittsburgh, Pa., Indianapolis, Ind., and Fort Wayne, Ind.; (b) between Reynolds & Reynolds Co. plants in Celina, Ohio, and Dayton, Ohio, on the one hand, and, on the other, Dayton Municipal Airport at Vandalla, Ohio, and post offices located in Dayton, Ohio, at which air freight service or parcel post and/or airmail is used to accommodate part of the transportation of the above commodities. Restricted to apply only when the total weight tendered for transportation at one time to be transported in one trip and in one vehicle, from or to, as the case may be, the plants of Reynolds & Reynolds Co. is not more than 4,000 pounds. The operations authorized herein, are limited to a transportation service to be performed under a continuing contract, or contracts, with the Reynolds & Reynolds Co. of Dayton, Ohio. Supporting shippers: The Reynolds & Reynolds Co., Dayton, Ohio 45401. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 128665 (Sub-No. 1 TA), filed November 8, 1966. Applicant: THOMAS E. SCOTT, JR., doing business as HUMPHRY'S AUTO LIVERY, Lakeside Drive, Post Office Box 484, Ridgefield, Conn. Applicant's representative: Attorney L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Passengers and their baggage and express*, in the same vehicle with passengers, in charter operations, restricted to the transportation of not more than six passengers in any one vehicle, not including the driver, between points in Fairfield County, Conn., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, and Massachusetts, for 180 days. Supporting shipper: There are 21 supporting shippers to this instant application, and their letters of support may be reviewed at the Hartford and Washington Offices of this Commission. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations and Compliance, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 128684 TA, filed November 9, 1966. Applicant: CENTRAL BUSLINE INC., 914 South Holyoke Avenue



Wichita, Kans. 67218. Applicant's representative: Chauncy Zimmerman, Schweiter Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, as follows: *Passengers, baggage of passengers, express, and newspapers* in the same vehicle, from Wichita, Kans., to Enid, Okla., over U.S. Highway 81 serving all intermediate points, returning from Enid, Okla., to Wichita, Kans., over U.S. Highway 81 serving all intermediate points except no service northbound from South Haven and Wellington, Kans., for 150 days. Supporting shippers: Andrews-Beham Motors, 109-15 South Main, Caldwell, Kans.; Craig's Cafe Enterprises, Inc., Caldwell, Kans.; Kans.-Okla Auto Supply, Caldwell, Kans.; Hospital District No. 1, Sumner County, Kans., Caldwell, Kans.; Enid Chamber of Commerce, Enid, Okla.; Oklahoma Northwest, Inc., Post Office Box 907, Enid, Okla.; Chamber of Commerce, Medford, Okla.; Selective Service System, Local Board No. 27, Grant County, Medford, Okla.; The Wichita Chamber of Commerce, 300 Miller Building, Wichita, Kans. Send protests to: District Supervisor M. E. Taylor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12412; Filed, Nov. 15, 1966;  
8:49 a.m.]

[Notice 421]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 10, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successfully filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

### MOTOR CARRIERS OF PROPERTY

No. MC 1074 (Deviation No. 4) ALLEGHENY FREIGHT LINES, INC., Post Office Box 601, Winchester, Va. 22601, filed November 2, 1966. Carrier's rep-

resentative: C. F. Germelman (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Waynesburg, Pa., over Pennsylvania Highway 218 to the Pennsylvania-West Virginia State line, near Blacksville, W. Va., thence over West Virginia Highway 7 to junction unnumbered highway at Core, W. Va., thence over unnumbered highway running in a southeasterly direction to junction U.S. Highway 19 at Arnettville, W. Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Waynesburg, Pa., and Arnettville, W. Va., over U.S. Highway 19.

No. MC 2202 (Deviation No. 91), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, filed November 4, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 21 and Ohio Highway 340, over Ohio Highway 340 to junction Ohio Highway 146, thence over Ohio Highway 146 to junction U.S. Highway 21, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Cambridge, Ohio, and Marietta, Ohio, over U.S. Highway 21.

No. MC 65580 (Deviation No. 4) MUSHROOM TRANSPORTATION COMPANY, INC., H Street and Hunting Park Avenue, Philadelphia, Pa. 19124, filed November 2, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Philadelphia, Pa., over U.S. Highway 309 to junction U.S. Highway 22 (Interstate Highway 78), thence over U.S. Highway 22 (Interstate Highway 78), to junction Pennsylvania Turnpike Northeast Extension, thence over the Pennsylvania Turnpike Northeast Extension to Exit 35, thence over Interstate Highway 80 to junction U.S. Highway 15, south of Williamsport, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Philadelphia, Pa., over U.S. Highway 30 to Lancaster, Pa., thence over U.S. Highway 230 to Harrisburg, Pa., thence over U.S. Highway 11 to junction U.S. Highway 15, thence over U.S. Highway 15 to Williamsport, Pa., and return over the same route.

### MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 339) (Cancels Deviation No. 269), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed October 31, 1966. Car-

rier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and U.S. Highway 101 (Santa Rita Junction, Calif.), over U.S. Highway 101 to junction unnumbered highway (Sherwood Park Junction, Salinas, Calif.), (2) from junction unnumbered highway and U.S. Highway 101 (North Gonzales Junction, Calif.), over U.S. Highway 101 to junction unnumbered highway (South Gonzales Junction), and (3) from junction unnumbered highway and U.S. Highway 101 (North Bradley Junction, Calif.) over U.S. Highway 101 to junction unnumbered highway (Camp Roberts Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From San Francisco, Calif., over U.S. Highway 101 to junction unnumbered highway (Santa Rita Junction), thence over unnumbered highway to junction U.S. Highway 101 (Sherwood Park Junction, Salinas), thence over U.S. Highway 101 to junction unnumbered highway (North Gonzales Junction), thence over unnumbered highway via Gonzales to junction U.S. Highway 101 (South Gonzales Junction), thence over U.S. Highway 101 to San Luis Obispo, Calif., and return over the same route.

No. MC 1515 (Deviation No. 340) (Cancels Deviation No. 138-A), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed November 4, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Albany, N.Y., over Interstate Highway 87 to the United States-Canada boundary line, near Champlain, N.Y., (2) from Saratoga Springs, N.Y., over New York Highway 9P to junction Interstate Highway 87, (3) from Lake George, N.Y., over New York Highway 9N to junction Interstate Highway 87, (4) from Warrensburg, N.Y., over Diamond Point Road to junction Interstate Highway 87, (5) from Chertown, N.Y., over New York Highway 8 to junction Interstate Highway 87, (6) from Schroon Lake, N.Y., over New York Highway 73 to junction Interstate Highway 87, (7) from Elizabethtown, N.Y., over New York Highway 9N to junction Interstate Highway 87, (8) from Keeseville, N.Y., over New York Highway 9N to junction Interstate Highway 87, (9) from Plattsburgh, N.Y., over New York Highway 3 to junction Interstate Highway 87, and (10) also access and egress to Interstate Highway 87 where it junctions with regular route operations of carrier as follows: (a) Junction New York Highway 5 and Interstate Highway 87, north of Albany, N.Y., (b) junction New York Highway 7 and Interstate Highway 87, west of Latham, N.Y., (c) junction U.S.



Highway 9 and Interstate Highway 87, approximately 6 miles south of Glens Falls, N.Y., (d) junction U.S. Highway 9 and Interstate Highway 87, northwest of Lake George, N.Y., (e) junction U.S. Highway 9 and Interstate Highway 87, south of Schroon Lake, N.Y.

(f) Junction U.S. Highway 9 and Interstate Highway 87, near Underwood, N.Y., (g) junction U.S. Highway 9 and Interstate Highway 87, south of Keeseville, N.Y., (h) junction New York Highway 22 and Interstate Highway 87, near South Plattsburgh, N.Y., (i) junction U.S. Highway 11 and Interstate Highway 87, near Champlain, N.Y., and (j) junction U.S. Highway 9 and Interstate Highway 87, near the United States-Canada boundary line, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Albany, N.Y., over New York Highway 5 to Schenectady, N.Y. (also from Albany over New York Highway 32 to Menands, N.Y., thence across the Hudson River over the Menands Bridge to junction U.S. Highway 4, thence over U.S. Highway 4 to Troy, N.Y., thence over New York Highway 7 to Schenectady), (2) from Mooers, N.Y., over U.S. Highway 11 to Champlain, N.Y., (3) from Mooers, N.Y., over New York Highway 22 via Plattsburgh, N.Y., to Keeseville, N.Y., (4) from New York, N.Y., over U.S. Highway 9 via Albany, Saratoga Springs and Glens Falls, N.Y., to junction New York Highway 9B, thence over New York Highway 9B to the United States-Canada boundary line, (5) from Schenectady, N.Y., over New York Highway 50 to Saratoga Springs, N.Y., and (6) from Plattsburgh, N.Y., over New York Highway 22 to junction New York Highway 348, thence over New York Highway 348 to Chazy, N.Y., and return over the same routes.

No. MC 45626 (Deviation No. 21) (Cancels Deviations Nos. 3, 8, 12, 17, and 20), VERMONT TRANSIT CO., INC., Burlington, Vt. 05402, filed November 2, 1966. Carrier proposes to operate as a common carrier, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: Between White River Junction, Vt., and Northampton, Mass., over Interstate Highway 91, including access roads intermediate thereto, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between White River Junction, Vt., and Northampton, Mass., over U.S. Highway 5.

No. MC 45626 (Deviation No. 22), VERMONT TRANSIT CO., INC., Burlington, Vt. 05402, filed November 2, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: From White River Junction, Vt., over Interstate Highway 89 to junction U.S.

Highway 4, west of Enfield, N.H., including access roads thereto, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: Between White River Junction, Vt., and Concord, N.H., over U.S. Highway 4.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12413; Filed, Nov. 15, 1966;  
8:49 a.m.]

[Notice 989]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 10, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the *FEDERAL REGISTER* issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

### APPLICATIONS ASSIGNED FOR ORAL HEARING

#### MOTOR CARRIERS OF PROPERTY

No. MC 111625 (Sub-No. 14), filed October 7, 1966, published in *FEDERAL REGISTER* issue October 20, 1966, and republished this issue. Applicant: BERMAN'S MOTOR EXPRESS, INC., Post Office Box 1209, Binghamton, N.Y. 13902. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, and steel and iron products*, from points in Broome County, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. NOTE: Applicant states no duplicating authority sought. The purpose of this republication is to reflect the hearing information.

HEARING: December 5, 1966, at the Federal Building, Syracuse, N.Y., before Examiner James I. Carr.

#### NOTICES OF FILING OF PETITIONS

No. MC 228 (Sub-No. 31) (Notice of filing of petition to modify certificate), filed October 14, 1966. Petitioner: HUDSON TRANSIT LINES, INC., Mahwah, N.J. 07430. Petitioner's representative: James F. X. O'Brien, 17 Franklin Turnpike, Mahwah, N.J. 07430. Petitioner states it holds authority in MC 228 (Sub-No. 31) to transport passengers, their baggage, and express and newspapers in the same vehicle, "Between

Ramsey, N.J., and Ridgewood, N.J., serving all intermediate points: From junction South Franklin Turnpike and Lake Street in Ramsey, over Lake Street to junction East Crescent Avenue, thence over Lake Street to junction East Saddle River Road, in Upper Saddle River, N.J., thence over East Saddle River Road to junction East Allendale Avenue, in Saddle River, N.J., thence over East Allendale Avenue, to junction East Saddle River Road, thence over East Saddle River Road to junction New Jersey Highway 17, in Ridgewood, and return over the same route; between Upper Saddle River, N.J., and Waldwick, N.J., serving all intermediate points: From junction Lake Street and West Saddle River Road, in Upper Saddle River, N.J., over West Saddle River Road to junction Sheridan Avenue in Waldwick and Saddle River, N.J., thence over Sheridan Avenue to junction New Jersey Highway 17, in Waldwick, and return over the same route. Restriction: The authority granted herein is restricted against traffic moving on the above-described routes to and from New York, N.Y., by way of the George Washington Bridge." By the instant petition, petitioner requests that in the public interest the restriction imposed on the above-named routes, be removed. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the *FEDERAL REGISTER*.

No. MC 107906 (Sub-No. 18) (Notice of filing of amendment to petition for modification of certificate) filed September 13, 1966, published *FEDERAL REGISTER*, issue of October 19, 1966, and republished as amended and corrected this issue. Petitioner: TRANSPORT MOTOR EXPRESS, INC., Meyer Road, Post Office Box 958, Fort Wayne, Ind. 46801. Petitioner's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Petitioner states that it holds authority in MC 107906 (Sub-No. 18) to transport, among other things, *classes A, B, and C explosives*, serving the site of the terminal of Roy Cartage Co., located on Caton Road approximately one-half mile west of Alternate U.S. Highway 66, north of the city limits of Joliet, Ill., as an off-route point in connection with carrier's regular-route operations between Chicago, Ill., and Terre Haute, Ind., authorized in said certificate, and restricted to the transportation of traffic received from or delivered to connecting common motor carriers. By the instant petition, petitioner seeks to modify the above portion of its certificate MC 107906 (Sub-No. 18) by allowing it to serve sites located at 2150 Moen Avenue, and 2200 Moen Avenue, both in Rockdale, Ill., a suburb located adjacent to the city limits of the city of Joliet, Ill., and a point in the Joliet, Ill., commercial zone, for interchange of explosive traffic, in lieu of the site of the terminal of Roy Cartage Co., which terminal has been closed as a result of an ordinance enacted by the city of Joliet. Any person desiring to participate may file an original and six



copies of his written representations, views or argument in support of, or against the petition within 30 days of publication in the FEDERAL REGISTER.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-9575. Authority sought for control by FREDERICK P. MAHR, 1439 Route 5, South Windsor, Conn., of (1) F.P. & M. TRANSPORTATION, INC., and (2) MAHR FREIGHT LINES, INC., both of 1439 Route 5, South Windsor, Conn. Applicants' attorney: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. Operating rights sought to be controlled: (1) (The following operating rights were granted by report and order, by the Commission, Operating Rights Review Board No. 1, September 12, 1966, provided the person in control of both (1) and (2) above, obtained approval of such common control) precast architectural and structural concrete products, as a contract carrier, over irregular routes, from the plantsite of Allied Casting Corp., located at Manchester, Conn., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, and Maryland, and damaged, refused, and rejected shipments on return; and (2) *general commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Cambridge, Mass., and Holyoke, Mass., between Cambridge, Mass., and Worcester, Mass., between Cambridge, Mass., and Haverhill, Mass., between Cambridge, Mass., and Lawrence, Mass., serving all intermediate points, between Boston, Mass., and Stamford, Conn., between Providence, R.I., and New Haven, Conn., serving all intermediate and certain off-route points; *washing compound, paper, and latex*, except in bulk, in tank vehicles, over irregular routes, from Boston, Mass., to Amsterdam, N.Y.; *groceries, drugs, rugs, and batteries*, from Boston, Mass., to Albany, N.Y.; and *brick*, from the plantsite of Kelsey Ferguson Brick Co., at Middleboro, Mass., to points in Connecticut. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9577. Authority sought for control by ALASKA STEAMSHIP COMPANY, Pier 42, Seattle, Wash. 98134, of AAA TRANSFER, INC., 558 Occidental Avenue South, Seattle, Wash. 98134, and for acquisition by SKINNER CORPORATION, 711 Skinner Building, Seattle, Wash., of control of AAA TRANSFER, INC., through the acquisition by ALASKA STEAMSHIP COMPANY. Applicants' attorney: Edward G. Dobrin, 14th Floor Norton Building, Seattle, Wash. Operating rights sought to be controlled:

*General commodities*, excepting, among others, household goods, but not excepting commodities in bulk, as a *common carrier*, over irregular routes, between points within 3 miles of Seattle, Wash., including Seattle. ALASKA STEAMSHIP COMPANY holds no authority from this Commission. However, it owns all of the stock of KETCHIKAN WHARF COMPANY, Pier 42, Seattle, Wash., which is authorized to operate as a *common carrier* in Alaska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9578. Authority sought for purchase by EMSLEY TRUCK RENTALS, INC., R.F.D. No. 3, Box 592-A, Williamstown, N.J., of the operating rights of A. B. DISTRIBUTORS, INC., 218 Washington Street, Carlstadt, N.J., and for acquisition by WILLIAM EMSLEY and MARTHA EMSLEY, both also of Williamstown, N.J., of control of such rights through the purchase. Applicants' attorney: Harry Ross, 848 Warner Building, Washington, D.C. Operating rights sought to be transferred: *Bakery goods*, as a *contract carrier*, over irregular routes, from Phoenixville, Pa., to certain specified points in New Jersey; from Phoenixville, Pa., to points in Maryland, Delaware, and Virginia; with restrictions; *potato chips, pretzels, salted nuts, and bakery goods*, from the site of the Food Fair Stores' baking plant and warehouse in Philadelphia, Pa., to certain specified points in New Jersey; from Philadelphia, Pa., to points in Maryland, Delaware, and Virginia; from the plant and warehouse of Food Fair Stores, Inc., located at Pennsville, N.J., to points in Delaware, Maryland, Pennsylvania, Virginia, and the District of Columbia; with restrictions; and *returned shipments* of the commodities specified above, and *containers* used in the outbound transportation of said commodities, from certain specified points in New Jersey, to the site of the Food Fair Stores' baking plant and warehouse in Philadelphia, Pa., with restriction. Vendee is authorized to operate as a *contract carrier* in New Jersey, Connecticut, Massachusetts, Pennsylvania, Rhode Island, and Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9579. Authority sought for purchase by WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa. 19512, of the operating rights of CHARLES E. MILLER, 86 Hamlin Avenue, Telford, Pa. 18969, and for acquisition by WINFIELD A. WEST, also of Boyertown, Pa., of control of such rights through the purchase. Applicants' attorney: Paul Coyle, 5631 Utah Avenue NW., Washington, D.C. 20415. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Pennsylvania within 5 miles of Souderton, Pa., including Souderton, Pa. Vendee is authorized to operate as a *common carrier* in New York, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, New Jersey, Virginia, West

Virginia, Ohio, Pennsylvania, South Carolina, Georgia, North Carolina, Illinois, Indiana, Michigan, Vermont, New Hampshire, Colorado, Iowa, Kansas, Minnesota, Missouri, Tennessee, Alabama, Arkansas, Florida, Kentucky, Louisiana, Maine, Mississippi, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9580. Authority sought for control by SANBORN'S MOTOR EXPRESS, INC., 550 Forest Avenue, Portland, Maine 04101, of (1) J. A. GARVEY TRANSPORTATION, INC., 845 William T. Morrissey Boulevard, Dorchester, Mass. 02122, and (2) GARVEY TRANSPORTATION CO., INC., 845 William T. Morrissey, Boulevard, Dorchester, Mass. 02122, and for acquisition by HOWARD L. SANBORN, H. BLAINE SANBORN, and DWIGHT L. SANBORN, all also of Portland, Maine, of control of J. A. GARVEY TRANSPORTATION, INC., and GARVEY TRANSPORTATION CO., INC., through the acquisition by SANBORN'S MOTOR EXPRESS, INC. Applicants' attorney and representatives: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108, William C. Smith, 465 Congress Street, Portland, Maine 04111, and Harold M. Linsky, 10 Tremont Street, Boston, Mass. 02108. Operating rights sought to be controlled: (1) *General commodities*, excepting, among others, household goods, and commodities in bulk, as a *common carrier*, over regular routes, from Sanford, Maine, to Boston, Mass., serving the intermediate and off-route points of North Berwick and South Berwick, Maine, and Rochester, N.H., from Boston, Mass., to Limerick, Maine, serving certain intermediate and off-route points, between Boston, Mass., and Milford, Mass., serving all intermediate and certain off-route points between Milford, Mass., and New York, N.Y., serving the intermediate and off-route points in Massachusetts within 12 miles of Milford and those in New York, N.Y., commercial zone, as defined by the Commission, between Boston, Mass., and Providence, R.I., serving all intermediate and certain off-route points, between Boston, Mass., and West Medway, Mass., serving all intermediate points; one alternate route for operating convenience only; *general commodities*, except those of unusual value, class A and B explosives, alcoholic beverages, livestock, silk furs, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between New York, N.Y., and Boston, Mass., serving the intermediate point of Providence, R.I., intermediate and off-route points within 20 miles of Boston, and certain off-route points, one alternate route for operating convenience only.

*General commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Portsmouth, N.H., on the one hand, and, on the other, points within 25 miles of Portsmouth in Maine, New Hampshire, and Massachusetts, between Boston, Mass., on the one hand, and, on



the other, points in Essex County, Mass., and points in Massachusetts within 25 miles of the State House, Boston, Mass., between points in the New York, N.Y., commercial zone, as defined by the Commission, between Ashland, Worcester, and Boston, Mass., and points in the Boston, Mass., commercial zone, on the one hand, and, on the other, points in Massachusetts; *machinery*, from Ansonia, Conn., to Milford, Mass.; *rubber products*, from Milford, Mass., to New York, N.Y., and points in New Jersey within 25 miles of New York; *materials and supplies*, used in the manufacture of rubber products, from New York, N.Y., to points in New Jersey within 25 miles of New York, to Milford, Mass.; *rubber products*, and *cotton piece goods*, between Milford, Mass., on the one hand, and, on the other, certain specified points in Connecticut; *household goods* as defined by the Commission, between Milford, Mass., and points within 12 miles thereof, on the one hand, and, on the other, points in Rhode Island, Connecticut, and New York, between Boston, Mass., and points within 10 miles of Boston, on the one hand, and, on the other, points in Rhode Island, Connecticut, and New York; *agricultural commodities*, between points in York County, Maine, on the one hand, and, on the other, certain specified points in New Hampshire; and (2) *general commodities*, excepting, among others, household goods and commodities in bulk, as a common carrier, over irregular routes, between Freehold, N.J., and points in New Jersey within 30 miles of Freehold, N.J., on the one hand, and, on the other, Newark and Jersey City, N.J., New York, N.Y., and Philadelphia, Pa., between New York, N.Y., and Philadelphia, Pa. SANBORN'S MOTOR EXPRESS, INC., is authorized to operate as a common carrier in Maine, New Hampshire, and Massachusetts. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12414; Filed, Nov. 15, 1966;  
8:49 a.m.]

[Notice 992]

### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

NOVEMBER 10, 1966.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-9581. Authority sought for control by COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J., of JONES TRANSFER CO., 412 18th Avenue, Rockford, Ill. 61108, and for acquisition by R. E. COOPER, JR., also of

Orange, N.J., of control of JONES TRANSFER CO., through the acquisition by COOPER-JARRETT, INC. Applicants' attorneys: Irving Klein, 280 Broadway, New York, N.Y. 10007, and Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a common carrier, over regular routes, between Freeport, Ill., and Chicago, Ill., serving all intermediate points; and serving the intermediate and off-route points in Illinois, within the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673, between Rockford, Ill., and De Kalb, Ill., between Rockford, Ill., and Madison, Wis., serving all intermediate points. COOPER-JARRETT, INC., is authorized to operate as a common carrier in Missouri, Nebraska, Massachusetts, Illinois, Ohio, Pennsylvania, New York, Rhode Island, Connecticut, Iowa, Kansas, New Jersey, Maryland, Delaware, Oklahoma, Tennessee, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9582. Authority sought for purchase by NORTHEASTERN TRUCKING COMPANY, 2508 Starita Road, Post Office Box 1493, Charlotte, N.C. 28201, of the operating rights and property of G. & V. TRUCKING COMPANY, INC., 505 Highway 29, Concord, N.C. 28025, and for acquisition by JOHN F. GUIGNARD, also of Charlotte, N.C., of control of such rights and property through the purchase. Applicants' attorneys: John H. Williams, Post Office Box 827, Concord, N.C. 28025, and H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: Under a certificate of registration in docket No. MC-120696, Sub 1, covering the transportation of general commodities, as a common carrier, over irregular routes, in intrastate commerce, within the State of North Carolina. Vendee is authorized to operate as a common carrier in Illinois, New York, New Jersey, Pennsylvania, South Carolina, North Carolina, Maryland, Florida, Connecticut, New Hampshire, Massachusetts, and Rhode Island. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-64112, Sub 34, is a matter directly related.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12415; Filed, Nov. 15, 1966;  
8:49 a.m.]

[S.O. 981, Pfahler's Car Distribution  
Direction No. 13; Amdt. 3]

### LOUISVILLE & NASHVILLE RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

#### Boxcar Distribution

Upon further consideration of Pfahler's Car Distribution Direction No.

13 (Louisville & Nashville Railroad Co. and Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

*It is ordered, That:*

Pfahler's Car Distribution Direction No. 13 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 4, 1966, unless otherwise modified, changed or suspended by order of this Commission.

*It is further ordered,* That this direction shall become effective at 11:59 p.m., November 13, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of Federal Register.

Issued at Washington, D.C., November 10, 1966.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 66-12416; Filed, Nov. 15, 1966;  
8:49 a.m.]

[S.O. 981, Pfahler's Car Distribution  
Direction No. 14; Amdt. 3]

### KANSAS CITY SOUTHERN RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

#### Boxcar Distribution

Upon further consideration of Pfahler's Car Distribution Direction No. 14 (Kansas City Southern Railway Co. and Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

*It is ordered, That:*

Pfahler's Car Distribution Direction No. 14 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 4, 1966, unless otherwise modified, changed or suspended by order of this Commission.

*It is further ordered,* That this direction shall become effective at 11:59 p.m., November 13, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of Federal Register.

Issued at Washington, D.C., November 10, 1966.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 66-12417; Filed, Nov. 15, 1966;  
8:49 a.m.]



[S.O. 981, Pfahler's Car Distribution Direction No. 15; Amdt. 3]

**PENNSYLVANIA RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.**

**Boxcar Distribution**

Upon further consideration of Pfahler's Car Distribution Direction No. 15 (The Pennsylvania Railroad Co. and Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:  
*It is ordered, That:*

Pfahler's Car Distribution Direction No. 15 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 4, 1966, unless otherwise modified, changed or suspended by order of this Commission.

*It is further ordered,* That this direction shall become effective at 11:59 p.m., November 13, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of Federal Register.

Issued at Washington, D.C., November 10, 1966.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
*Agent.*

[SEAL]

[F.R. Doc. 66-12418; Filed, Nov. 15, 1966; 8:49 a.m.]

[S.O. 981, Pfahler's Car Distribution Direction No. 16; Amdt. 3]

**ERIE-LACKAWANNA RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.**

**Boxcar Distribution**

Upon further consideration of Pfahler's Car Distribution Direction No. 16 (Erie-Lackawanna Railroad Co. and Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

*It is ordered, That:*

Pfahler's Car Distribution Direction No. 16 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 4, 1966, unless otherwise modified, changed or suspended by order of this Commission.

*It is further ordered,* That this direction shall become effective at 11:59 p.m., November 13, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 10, 1966.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
*Agent.*

[SEAL]

[F.R. Doc. 66-12419; Filed, Nov. 15, 1966; 8:50 a.m.]

[S.O. 981, Pfahler's Car Distribution Direction No. 17, Amdt. 2]

**CENTRAL RAILROAD CO. OF NEW JERSEY AND LEHIGH VALLEY RAILROAD CO.**

**Boxcar Distribution**

Upon further consideration of Pfahler's Car Distribution Direction No. 17 (The Central Railroad Co. of New Jersey and Lehigh Valley Railroad Co.) and good cause appearing therefor:

*It is ordered, That:*

Pfahler's Car Distribution Direction No. 17 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 4, 1966, unless otherwise modified, changed or suspended by order of this Commission.

*It is further ordered,* That this direction shall become effective at 11:59 p.m., November 13, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 10, 1966.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
*Agent.*

[SEAL]

[F.R. Doc. 66-12420; Filed, Nov. 15, 1966; 8:50 a.m.]

[S.O. 981, Pfahler's Car Distribution Direction No. 18; Amdt. 2]

**LEHIGH VALLEY RAILROAD CO. AND NORFOLK & WESTERN RAILWAY CO.**

**Boxcar Distribution**

Upon further consideration of Pfahler's Car Distribution Direction No. 18 (Lehigh Valley Railroad Co. and Norfolk & Western Railway Co.) and good cause appearing therefor:

*It is ordered, That:*

Pfahler's Car Distribution Direction No. 18 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 4, 1966, unless otherwise modified, changed or suspended by order of this Commission.

*It is further ordered,* That this direction shall become effective at 11:59 p.m.,

November 13, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 10, 1966.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
*Agent.*

[SEAL]

[F.R. Doc. 66-12421; Filed, Nov. 15, 1966; 8:50 a.m.]

[S.O. 981, Pfahler's Car Distribution Direction No. 19; Amdt. 2]

**NORFOLK & WESTERN RAILWAY CO. AND ILLINOIS CENTRAL RAILROAD CO.**

**Boxcar Distribution**

Upon further consideration of Pfahler's Car Distribution Direction No. 19 (Norfolk & Western Railway Co. and Illinois Central Railroad Co.) and good cause appearing therefor:

*It is ordered, That:*

Pfahler's Car Distribution Direction No. 19 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 4, 1966, unless otherwise modified, changed or suspended by order of this Commission.

*It is further ordered,* That this direction shall become effective at 11:59 p.m., November 13, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 10, 1966.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
*Agent.*

[SEAL]

[F.R. Doc. 66-12422; Filed, Nov. 15, 1966; 8:50 a.m.]

## Title 2—THE CONGRESS

### ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under Title 2—The Congress. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 89th Congress, Second Session.



**Approved November 13, 1966**

H.R. 13103----- Public Law 89-809

An Act to provide equitable tax treatment for foreign investment in the United States, to establish a presidential election campaign fund to assist in financing the costs of presidential election campaigns, and for other purposes.

H.R. 15857----- Public Law 89-810

An Act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries of officers and members of the Metropolitan Police force and the Fire Department, to amend the District of Columbia Teachers' Salary Act of 1955 to increase the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, and for other purposes.

**Approved November 11, 1966**

S. 2770----- Public Law 89-807

An Act to amend title 18 of the United States Code so as to prohibit the use of likenesses of the great seal of the United States falsely to indicate Federal agency, sponsorship, or approval.

H.R. 14929----- Public Law 89-808

An Act to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes.



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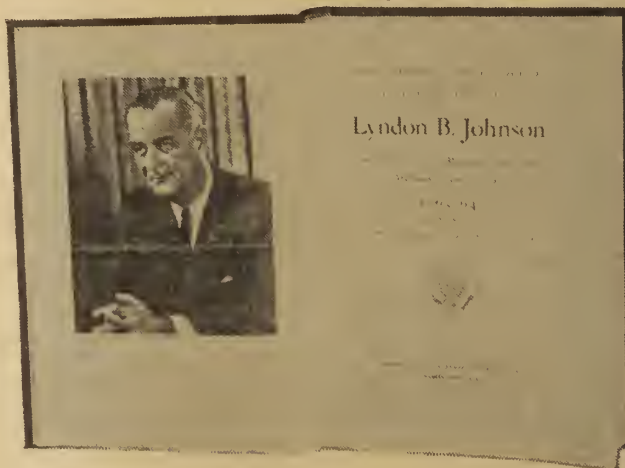
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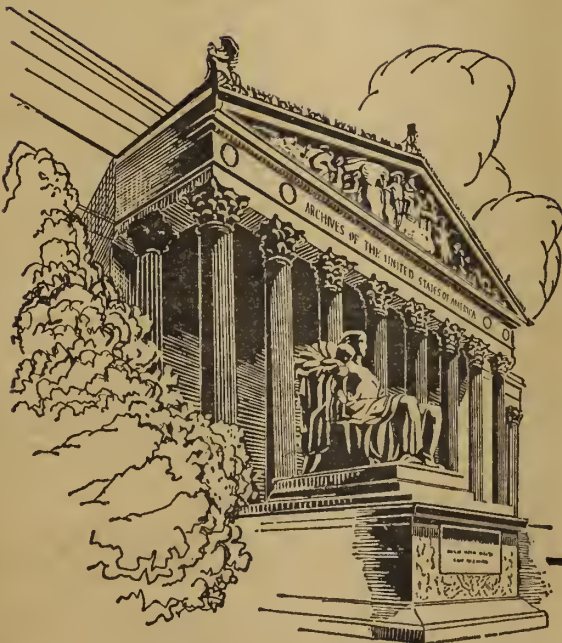
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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Treasury Department

Section 213.3305 is amended to show that the position of Confidential Assistant to the Assistant to the Secretary (Public Affairs) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (26) is added to paragraph (a) of § 213.-3305 as set out below.

##### § 213.3305 Treasury Department.

(a) *Office of the Secretary.* \* \* \*

(26) One Confidential Assistant to the Assistant to the Secretary (Public Affairs).

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Acting Executive Assistant to the Commissioners.

[F.R. Doc. 66-12463; Filed, Nov. 16, 1966; 8:48 a.m.]

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

#### MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

#### PART 316a—RESIDENCE, PHYSICAL, PRESENCE AND ABSENCE

Paragraph (c) of § 316a.21 *Application for benefits with respect to absences; appeal* is amended to read as follows:

§ 316a.21 *Application for benefits with respect to absences; appeal.*

(c) The applicant shall be notified of the approval of the application on Form N-472 and, if the application is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

#### PART 324—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: WOMEN WHO HAVE LOST U.S. CITIZENSHIP BY MARRIAGE

The words "averment 15" in the third sentence of § 324.11 *Former citizen at birth or by naturalization* are amended to read "averment 13."

#### PART 327—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WHO LOST U.S. CITIZENSHIP THROUGH SERVICE IN ARMED FORCES OF FOREIGN COUNTRY DURING WORLD WAR II

The words "averment 15 a Form N-405" in the third sentence of § 327.1 *Petition* is amended to read: "averment 13 of Form N-405."

#### PART 332a—OFFICIAL FORMS

Paragraph (e) of § 332a.13 *Alteration of forms of petitions or applications for naturalization* is amended and a new paragraph (i) is added to read as follows:

§ 332a.13 *Alteration of forms of petitions or applications for naturalization.*

(e) *Supplemental affidavits filed with petition for naturalization.* Whenever a supplemental affidavit is filed with the petition, by inserting in allegation (19) on Form N-405 the form number thereof.

(i) *Benefits of section 328(d) or 330(a), Immigration and Nationality Act claimed.* Whenever residence and physical presence benefits are claimed, by inserting an allegation (14): I claim the benefits of section 328(d) (or 330(a)), Immigration and Nationality Act.

#### PART 499—NATIONALITY FORMS

The following form and description thereto is added in numerical sequence to the list of forms in § 499.1 *Prescribed forms*:

Form No.	Title and description
N-472	Approval of application to preserve residence for naturalization purposes.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) as to notice of proposed rule making and de-

layed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: November 10, 1966.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[F.R. Doc. 66-12449; Filed, Nov. 16, 1966; 8:47 a.m.]

## Title 12—BANKS AND BANKING

### Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

#### PART 1—INVESTMENT SECURITIES REGULATION

##### Export-Import Bank Portfolio Fund Participation Certificates

##### § 1.176 Export-import bank portfolio fund participation certificates.

(a) *Request.* The Comptroller of the Currency has been requested to rule that participation certificates in Export-Import Bank of Washington Portfolio Funds are public securities eligible for purchase, dealing in, and unlimited holding by national banks pursuant to paragraph seven of 12 U.S.C. 24.

(b) *Opinion.* (1) The Export-Import Bank is authorized by law to issue participation certificates representing interests in Portfolio Funds, each fund consisting of a pool of maturities falling due over a number of years. The certificates carry the unconditional guaranty of the Export-Import Bank as to payments of principal and interest.

(2) In an opinion of September 30, 1966, addressed to the Secretary of the Treasury, the Attorney General of the United States ruled that guaranties contained in Export-Import Bank's participation certificates are valid general obligations of the United States.

(c) *Ruling.* It is accordingly our conclusion that participation certificates in Export-Import Bank of Washington Portfolio Funds are public securities as defined in § 1.3(c) of the Investment Securities Regulation (12 CFR 1.3(c)) issued pursuant to paragraph seven of 12 U.S.C. 24 and are, therefore, eligible for purchase, dealing in, and unlimited holding by national banks.

Dated: November 14, 1966.

[SEAL] JAMES J. SAXON,  
Comptroller of the Currency.

[F.R. Doc. 66-12453; Filed, Nov. 16, 1966; 8:48 a.m.]



**PART 7—INTERPRETATIONS****National Banks; Purchase Without Limitations of Participation Certificates Issued and Guaranteed by the Export-Import Bank of Washington**

Part 7, Chapter I, Title 12 is hereby amended by rescinding § 7.4, which has been superseded by § 1.176 of Part 1 of this chapter.

Dated: November 14, 1966.

[SEAL] JAMES J. SAXON,  
Comptroller of the Currency.

[F.R. Doc. 66-12454; Filed, Nov. 16, 1966;  
8:48 a.m.]

**Title 14—AERONAUTICS AND SPACE****Chapter I—Federal Aviation Agency**

[Airspace Docket No. 66-WE-47]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Control Zone**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Grant County, Wash., control zone by amending its description.

In the original designation of the control zone which was published in the FEDERAL REGISTER (31 F.R. 10024) on July 23, 1966, and became effective on September 15, 1966, the coordinates of the Moses Lake RBN were erroneously issued as latitude 47°16'57" N., longitude 119°16'23" W. These coordinates should read latitude 47°06'57" N., longitude 119°16'23" W.

Since the change effected by this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists to make this amendment effective immediately upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, § 71.171 (31 F.R. 2065) is amended effective immediately by deleting " \* \* \* (latitude 47°16'57" N., longitude 119°16'23" W.), \* \* \* " in the description of the Grant County, Wash., control zone contained in 31 F.R. 10024 and substituting " \* \* \* (latitude 47°06'57" N., longitude 119°16'23" W.), \* \* \* " therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on November 7, 1966.

JOSEPH H. TIPPETS,  
Director, Western Region.

[F.R. Doc. 66-12428; Filed, Nov. 16, 1966;  
8:45 a.m.]

[Airspace Docket No. 66-CE-87]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Control Zone**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations

is to alter the control zone at the Detroit City Airport, Detroit, Mich.

The Detroit City Airport, Detroit, Mich., control zone is presently designated as follows:

Within a 5-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), within 2 miles each side of the Detroit City Airport ILS localizer NW course extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport, Runway 15; within 2 miles each side of the Windsor, Ontario, Canada RR NW course, extending from the 5-mile radius zone to the United States/Canadian Border, and within 2 miles each side of the Windsor, Ontario, Canada VOR 320° radial extending from the 5-mile radius zone to the United States/Canadian Border.

On November 24, 1966, the Canadian Department of Transportation will convert the Windsor, Ontario, Canada low frequency radio range to a nondirectional radio beacon. Concurrent with this conversion, the low frequency range approach procedure to Detroit City Airport that is predicated on this facility will be canceled. The present control zone airspace dimensions will remain the same in order to protect the VOR approach procedure to Detroit City Airport that is predicated on the Windsor, Ontario, Canada VOR. However, that portion of the control zone description which refers to the Windsor, Ontario, Canada low frequency radio range must be and is herein deleted.

Since the change to the control zone is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 24, 1966, as follows:

In § 71.171 (31 F.R. 2065), the Detroit City Airport, Detroit, Mich., control zone is amended to read:

DETROIT, MICH.

Within a 5-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), within 2 miles each side of the Detroit City Airport ILS localizer NW course extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport Runway 15; and within 2 miles each side of the Windsor, Ontario, Canada VOR 320° radial extending from the 5-mile radius zone to the United States/Canadian border.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on October 31, 1966.

DANIEL E. BARROW,  
Acting Director, Central Region.

[F.R. Doc. 66-12429; Filed, Nov. 16, 1966;  
8:45 a.m.]

[Airspace Docket No. 66-SW-48]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Control Zone and Transition Area**

The purpose of this amendment to Part 71 of the Federal Aviation Regula-

tions is to alter the description of the Clovis, N. Mex., control zone and transition area which includes reference to the Cannon AFB VOR. This controlled airspace is based, in part, on the existing Cannon VOR which the U.S. Air Force has tentatively scheduled for decommissioning on or about January 1, 1967. As this airspace is still required to provide protection for aircraft executing prescribed instrument procedures, action is taken herein to redescribe those portions of the Clovis, N. Mex., control zone and transition area by substituting the geographical coordinates of the Cannon VOR site; i.e., latitude 34°22'37" N., longitude 103°18'59" W., in lieu of reference to the Cannon (AFB) VOR, and substituting bearings from these geographical coordinates in lieu of VOR radials. Since this amendment imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (31 F.R. 2079) the Clovis, N. Mex., control zone is amended as follows:

CLOVIS, N. MEX.

Within a 6-mile radius of Cannon AFB, Clovis, N. Mex. (latitude 34°23'01" N., longitude 103°18'58" W.); within 2 miles each side of the Cannon AFB TACAN 219° radial, extending from the 6-mile radius zone to 9 miles SW of the TACAN; within 2 miles each side of a 227° bearing from latitude 34°22'37" N., longitude 103°18'59" W., extending from the 6-mile radius zone to 12 miles SW of latitude 34°22'37" N., longitude 103°18'59" W.; within 2 miles each side of the Cannon TACAN 232° radial, extending from the 6-mile radius zone to 9 miles SW of the TACAN, and within 2 miles each side of a 242° bearing from latitude 34°22'37" N., longitude 103°18'59" W., extending from the 6-mile radius zone to 8 miles SW of latitude 34°22'37" N., longitude 103°18'59" W.

In § 71.181 (31 F.R. 2172) the Clovis, N. Mex., transition area is amended as follows:

CLOVIS, N. MEX.

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Cannon AFB, Clovis, N. Mex. (latitude 34°23'01" N., longitude 103°18'58" W.); within 2 miles each side of the 217° bearing from the Cannon AFB RBN, extending from the 14-mile radius area to 12 miles SW of the RBN, within 2 miles each side of the 225° bearing from the Cannon AFB RBN, extending from the 14-mile radius area to 8 miles SW of the RBN; within a 5-mile radius of the Clovis, N. Mex., Municipal Airport (latitude 34°25'00" N., longitude 103°05'00" W.); within 2 miles each side of the Texico, Tex., VOR 255° radial extending from the 5-mile radius area to the Texico VOR; within 2 miles each side of the 057° bearing from the Clovis, N. Mex., RBN (latitude 34°27'30" N., longitude 103°01'30" W.) extending from the 5-mile radius area to 8 miles NE of the Clovis RBN; within 2 miles each side of the extended center line of the Clovis Municipal Airport NE-SW runway, extending from the 5-mile radius area to 7 miles NE of the airport; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Cannon AFB, extending clockwise from a 051° bearing to a 190° bearing from latitude 34°22'37" N., longitude



[Airspace Docket No. 66-AL-17]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**

**Designation of Federal Airway and Reporting Point**

On August 19, 1966, a notice of proposed rule making was published in the *FEDERAL REGISTER* (31 F.R. 11036) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a colored airway from Anchorage, Alaska, to Bethel, Alaska, and designate a low altitude reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

1. Section 71.101 (31 F.R. 2006) is amended by adding:

G-9 From Bethel, Alaska, RBN (Ident BET) via Sparrevohn, Alaska, RBN; INT Sparrevohn RBN 093° and Anchorage, Alaska, RR 266° bearings; to Anchorage RR.

2. Section 71.211 (31 F.R. 2289) is amended by adding:

Sparrevohn, Alaska, RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 9, 1966.

T. McCORMACK,  
*Acting Chief, Airspace and  
Air Traffic Rules Division.*

[F.R. Doc. 66-12432; Filed, Nov. 16, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-71]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**

**Designation of Transition Area**

On September 7, 1966, a notice of proposed rule making was published in the *FEDERAL REGISTER* (31 F.R. 11724) stating that the Federal Aviation Agency proposed to designate controlled airspace at Webster City, Iowa.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

The airport coordinates recited in the notice of proposed rule making have been changed slightly in this final rule. Since this change is minor in nature and imposes no additional burden on anyone, it is being incorporated in the rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations

is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the following transition area is added:

WEBSTER CITY, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Webster City Municipal Airport (latitude 42°26'15" N., longitude 93°52'15" W.), and within 2 miles each side of the 151° bearing from Webster City Municipal Airport, extending from the 5-mile radius area to 8 miles SE of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 151° bearing from Webster City Airport, extending from the airport to 12 miles SE, excluding the portion which overlies the Fort Dodge, Iowa, transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on November 1, 1966.

EDWARD C. MARSH,  
*Director, Central Region.*

[F.R. Doc. 66-12433; Filed, Nov. 16, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WE-7]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**

**PART 75—ESTABLISHMENT OF JET ROUTES**

**Revocation of Jet Route and Associated Controlled Airspace**

On July 28, 1966, a notice of proposed rule making was published in the *FEDERAL REGISTER* (31 F.R. 10199) stating that the Federal Aviation Agency was considering revocation of Jet Route No. 19 between Oakland, Calif., and Seattle, Wash., and revocation of its associated offshore controlled airspace.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. No objections to the proposal were received.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

1. In § 71.161 (31 F.R. 2049) "Jet Route No. 19 from Fortuna, Calif., to Hoquiam, Wash." is deleted.

2. In § 75.100 (31 F.R. 2346) Jet Route No. 19 is deleted.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on November 9, 1966.

T. McCORMACK,  
*Acting Chief, Airspace and  
Air Traffic Rules Division.*

[F.R. Doc. 66-12434; Filed, Nov. 16, 1966; 8:45 a.m.]

103°18'59" W.; within a 37-mile radius of Cannon AFB, extending clockwise from a 190° bearing to a 226° bearing from latitude 34°22'37" N., longitude 103°18'59" W., thence via a line to latitude 34°01'10" N., longitude 104°04'00" W., thence to latitude 31°09'55" N., longitude 104°03'40" W., thence to latitude 34°10'00" N., longitude 103°55'00" W., thence to latitude 34°42'15" N., longitude 103°55'00" W., thence to the point of beginning; that airspace E of Clovis within 10 miles N and 7 miles S of the Texico, Tex., VOR 093° and 273° radials, extending from the 30-mile radius area to 25 miles E of the VOR; within 5 miles each side of a 084° bearing from latitude 34°22'37" N., longitude 103°18'59" W., extending from the 30-mile radius area to 51 miles E of latitude 34°22'37" N., longitude 103°18'59" W.; and that airspace extending upward from 8,000 feet MSL NW of Clovis bounded by a line beginning at latitude 34°32'30" N., longitude 103°55'00" W., thence to latitude 34°28'30" N., longitude 104°05'15" W., thence to latitude 34°38'00" N., longitude 104°10'30" W., thence to latitude 34°46'40" N., longitude 104°05'25" W., thence to latitude 34°42'15" N., longitude 103°55'00" W., thence to the point of beginning. The portions of this transition area within R-5104 and R-5105 shall be used only after obtaining prior approval from the appropriate authority.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on November 4, 1966.

A. L. COULTER,  
*Acting Director, Southwest Region.*

[F.R. Doc. 66-12430; Filed, Nov. 16, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WE-36]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**

**Alteration of Federal Airway**

On August 11, 1966, a notice of proposed rule making was published in the *FEDERAL REGISTER* (31 F.R. 10695) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter a segment of VOR Federal airway No. 485.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

In § 71.123 (31 F.R. 2009) V-485 is amended by deleting "INT of Priest 331° and Oakland, Calif., 131° radials; to Oakland." and substituting "12 AGL INT of Priest 325° and San Jose, Calif., 137° radials; 12 AGL San Jose." therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 10, 1966.

T. McCORMACK,  
*Acting Chief, Airspace and  
Air Traffic Rules Division.*

[F.R. Doc. 66-12431; Filed, Nov. 16, 1966; 8:45 a.m.]



**Chapter II—Civil Aeronautics Board****SUBCHAPTER A—ECONOMIC REGULATIONS**

(Reg. ER-476)

**PART 296—CLASSIFICATION AND EXEMPTION OF INDIRECT AIR CARRIERS****Prohibition of Shipments Except in Accordance With Provisions of Tariffs of Direct Air Carriers**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of November 1966.

The Board by publication in 31 F.R. 12060 and by circulation of a notice of proposed rule making EDR-104, dated September 9, 1966, Docket 17700, gave notice that it had under consideration amendments to Part 296 of the Economic Regulations to prohibit interstate indirect air carriers from shipping property except in accordance with the rates, charges and other provisions of the tariffs of the direct air carriers.

Interested persons were afforded an opportunity to participate in the making of this rule. No comments in opposition to the proposed rule were received.<sup>1</sup> Therefore, the Board will now make final the rule as proposed.

In consideration of the foregoing, the Board hereby amends Part 296 of its Economic Regulations (14 CFR Part 296) effective December 17, 1966 as set forth below:

1. Amend the table of contents by adding a new § 296.46a as follows:

Sec.

296.46a Prohibition on operations unless tariffs are observed.

2. Add new § 296.46a to read as follows:

**§ 296.46a Prohibition on operations unless tariffs are observed.**

No indirect air carrier as defined in this part shall ship property in the capacity of an air freight forwarder or a cooperative shippers association in interstate air transportation except in accordance with the rates and charges and all applicable rules, regulations and other provisions for transporting such property as set forth in the currently effective tariff or tariffs of the direct air carrier transporting such property; and no such indirect air carrier shall demand, collect, accept, or receive, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, any portion of the rates or charges so specified in the tariffs of such direct air carrier, and shall not demand, accept, or receive, either directly or indirectly, any privilege, service or facility except those specified in the currently effective tariffs of such direct air carrier.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply secs. 101(3), 102, 403, 404, 407, 411, and 416; 72 Stat. 737, 49 U.S.C. 1301; 72 Stat. 740, 49 U.S.C. 1302; 72 Stat. 758, as amended by 74 Stat. 445, 49 U.S.C. 1373; 72

Stat. 760, 49 U.S.C. 1374; 72 Stat. 766, 49 U.S.C. 1377; 72 Stat. 769, 49 U.S.C. 1381; 72 Stat. 771, 49 U.S.C. 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
*Secretary.*

[F.R. Doc. 66-12457; Filed, Nov. 16, 1966; 8:47 a.m.]

[Reg. ER-477]

**PART 297—CLASSIFICATION AND EXEMPTION OF INTERNATIONAL AIR FREIGHT FORWARDERS****Prohibition of Shipments Except in Accordance With Provisions of Tariffs of Direct Air Carriers**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of November 1966.

The Board by publication in 31 F.R. 12060 and by circulation of a notice of proposed rule making EDR-104, dated September 9, 1966, Docket 17700, gave notice that it had under consideration amendments to Part 297 of the Economic Regulations to prohibit international (U.S.) air freight forwarders from shipping property in overseas or foreign air transportation except in accordance with the applicable provisions of the tariffs of the direct air carriers.

Interested persons were afforded an opportunity to participate in the making of this rule and no comments in opposition to the proposed rule were received.<sup>1</sup> Therefore, the Board will now make final the rule as proposed.

In consideration of the foregoing, the Board hereby amends Part 297 of its Economic Regulations (14 CFR Part 297) effective December 17, 1966, as set forth below:

1. Amend the title of the part to read as set forth above.

2. Amend § 297.39 to read as follows:

**§ 297.39 Prohibition on operations unless tariffs are observed.**

No holder of an operating authorization issued pursuant to this part shall ship property in the capacity of an international air freight forwarder in overseas or foreign air transportation except in accordance with the rates and charges and all applicable rules, regulations, and other provisions for transporting such property as set forth in the currently effective tariff or tariffs of the direct air carrier transporting such property; and no such forwarder shall demand, collect, accept, or receive, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, any portion of the rates or charges so specified in the tariffs of such direct air carrier, and shall not demand, accept, or receive, either directly or indirectly, any privilege, service, or facility except those specified in the currently effective tariffs of such direct air carrier.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply secs. 101(3), 102, 403, 404, 407, 411, and 416; 72 Stat. 737, 49 U.S.C. 1301; 72 Stat. 740, 49 U.S.C. 1302; 72 Stat. 758, as amended by 74 Stat. 445, 49 U.S.C. 1373; 72 Stat. 760, 49 U.S.C. 1374; 72 Stat. 766, 49 U.S.C. 1377; 72 Stat. 769, 49 U.S.C. 1381; 72 Stat. 771, 49 U.S.C. 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
*Secretary.*

[F.R. Doc. 66-12458; Filed, Nov. 16, 1966; 8:47 a.m.]

**Title 26—INTERNAL REVENUE****Chapter I—Internal Revenue Service, Department of the Treasury****SUBCHAPTER A—INCOME TAX**

[T.D. 6900]

**PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953****Charitable, etc., Contributions and Gifts**

On November 10, 1965, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 170, 381, 545, and 556 of the Internal Revenue Code of 1954 to conform the regulations to changes made by subsections (a), (c), (d), and (e) of section 209 of the Revenue Act of 1964 (78 Stat. 43), and for certain other purposes, was published in the FEDERAL REGISTER (30 F.R. 14158). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

Section 1.170-2, as set forth in paragraph (2) of the notice of proposed rule making, is changed by revising paragraph (b) (1) and (5) (iii) (c), and the portion of paragraph (g) (2) which precedes example (1) thereof and by adding a new subdivision (iii) to paragraph (g) (6).

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,  
*Commissioner of Internal Revenue.*

Approved: November 14, 1966.

STANLEY S. SURREY,  
*Assistant Secretary of  
the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 170, 381, 545, and 556 of the Internal Revenue Code of 1954 to subsections (a), (c), (d), and (e) of section 209 of the Revenue Act of 1964 (78 Stat. 43), and for certain other purposes, such regulations are amended as follows:

PARAGRAPH 1. Paragraphs (a) (1), (b), and (d) of § 1.170-1 are amended to read as follows:

<sup>1</sup> Delta Air Lines, Inc., which filed the only comment, supports the proposed amendments.



**§ 1.170-1 Charitable, etc., contributions and gifts; allowance of deduction.**

(a) *In general*—(1) *General rule.* Any charitable contribution (as defined in section 170(c)) actually paid during the taxable year is allowable as a deduction in computing taxable income, regardless of the method of accounting employed or when pledged. In addition, contributions by corporations may under certain circumstances be deductible even though not paid during the taxable year (see § 1.170-3), and subject to the provisions of section 170(b)(5) and paragraph (g) of § 1.170-2, certain excess charitable contributions made by individuals in taxable years beginning after December 31, 1963, shall be treated as paid in certain succeeding taxable years. The deduction is subject to the limitations of section 170(b) (see §§ 1.170-2 and 1.170-3) and is subject to verification by the district director. For rules relating to the determination of, and the deduction for, amounts paid to maintain certain students as members of the taxpayer's household and treated under section 170(d) as paid for the use of an organization described in section 170(c)(2), (3), or (4), see paragraph (f) of § 1.170-2. For a special rule relating to the computation of the amount of the deduction with respect to a contribution of section 1245 or section 1250 property, see section 170(e).

(b) *Time of making contribution.* Ordinarily a contribution is made at the time delivery is effected. In the case of a check, the unconditional delivery (or mailing) of a check which subsequently clears in due course will constitute an effective contribution on the date of delivery (or mailing). If a taxpayer unconditionally delivers (or mails) a properly endorsed stock certificate to a charitable donee or the donee's agent, the gift is completed on the date of delivery (or mailing, provided that such certificate is received in the ordinary course of the mails). If the donor delivers the certificate to his bank or broker as the donor's agent, or to the issuing corporation or its agent, for transfer into the name of the donee, the gift is completed on the date the stock is transferred on the books of the corporation. For rules relating to a contribution consisting of a future interest in tangible personal property, see paragraph (d)(2) of this section.

(d) *Transfers of income and future interests*—(1) *In general.* A deduction may be allowed for a contribution of an interest in the income from property or an interest in the remainder (but see subparagraph (2) of this paragraph for rules relating to transfers, after December 31, 1963, of future interests in tangible personal property). The income or remainder interest shall be valued according to the tables referred to in paragraph (d) of § 1.170-2. For rules with respect to certain transfers to a trust, see paragraph (d) of § 1.170-2.

(2) *Future interests in tangible personal property.* (i) Except as other-

wise provided in subdivision (iii) of this subparagraph, a contribution consisting of a transfer, after December 31, 1963, in a taxable year ending after such date, of a future interest in tangible personal property shall be treated as made only when—

(a) All intervening interests in, and rights to the actual possession or enjoyment of, the property have expired, or

(b) Are held by persons other than the taxpayer or those standing in a relationship to the taxpayer described in section 267(b) and the regulations thereunder (relating to losses, expenses, and interest with respect to transactions between related taxpayers).

Section 170(f) and this subparagraph have no application in respect of a transfer of an undivided present interest in property. For example, a contribution of an undivided one-quarter interest in a painting with respect to which the donee is entitled to possession during three months of each year shall be treated as made upon the receipt by the donee of a formally executed and acknowledged deed of gift. Section 170(f) and this subparagraph have no application in respect of a transfer of a future interest in intangible personal property or in real property. However, a fixture which is intended to be severed from real property shall be treated as tangible personal property. For example, a contribution of a future interest in a chandelier which is attached to a building is considered a contribution which consists of a future interest in tangible personal property if the transferor intends that it be detached from the building at or prior to the time when the charitable organization's right to possession or enjoyment of the chandelier is to commence. For purposes of section 170(f) and this subparagraph, the term "future interest" has generally the same meaning as it has when used in section 2503, relating to taxable gifts, see § 25.2503-3 of Part 25 of this chapter (Gift Tax Regulations), and such term includes reversions, remainders, and other interests or estates, whether vested or contingent, and whether or not supported by a particular interest or estate, which are limited to commence in use, possession or enjoyment at some future date or time. The term "future interest" includes situations in which a donor purports to give tangible personal property to a charitable organization, but has an understanding, arrangement, agreement, etc. (whether written or oral) with the charitable organization which has the effect of reserving to, or retaining in, such donor a right to the use, possession, or enjoyment of the property.

(ii) The provisions of subdivision (i) of this subparagraph may be illustrated by the following examples:

*Example (1).* On December 31, 1964, A, an individual who reports his income on the calendar year basis, conveys by deed of gift to a museum title to a painting, but reserves to himself the right to the use, possession, and enjoyment of the painting during his lifetime. At the time of the gift the value of the painting is \$90,000.

Since the contribution consists of a future interest in tangible personal property in which the donor has retained an intervening interest, no contribution is considered as having been made in 1964.

*Example (2).* Assume the same facts as in example (1) except that on December 31, 1965, A relinquishes all of his right to the use, possession, and enjoyment of the painting and delivers the painting to the museum. Assuming that the value of the painting has increased to \$95,000, A is treated as having made a charitable contribution of \$95,000 in 1965.

*Example (3).* Assume the same facts as example (1) except A dies without relinquishing his right to the use, possession, and enjoyment of the painting. Since A did not relinquish his right to the use, possession, and enjoyment of the property during his life, A is treated as not having made a charitable contribution of the painting for income tax purposes.

*Example (4).* Assume the same facts as in example (1) except A, on December 31, 1965, transfers his interest in the painting to his son, B. Since the relationship between A and B is one described in section 267(b), no contribution of the remainder interest in the painting is considered as having been made in 1965.

*Example (5).* Assume the same facts as in example (4). Also assume that on December 31, 1966, B conveys the interest measured by A's life to the museum. B has made a charitable contribution of the present interest in the painting conveyed to the museum (i.e., the life interest measured by A's life expectancy in 1966 valued according to paragraph (f), Table 1, of § 20.2031-7 of Part 20 of this chapter (Estate Tax Regulations)). In addition, since all intervening interests in, and rights to the actual possession or enjoyment of the property, have expired, a charitable contribution of the remainder interest is treated as having been made by A in 1966. Such remainder interest shall also be valued according to paragraph (f), Table 1, of § 20.2031-7 of Part 20 of this chapter (Estate Tax Regulations).

(iii) Section 209(f)(3) of the Revenue Act of 1964 (78 Stat. 47) provides an exception to the rule set forth in section 170(f). Pursuant to the exception, section 170(f) and subdivision (i) of this subparagraph shall not apply in the case of a transfer of a future interest in tangible personal property made after December 31, 1963, and before July 1, 1964, where—

(a) The sole intervening interest or right is a nontransferable life interest reserved by the donor, or

(b) In the case of a joint gift by husband and wife, the sole intervening interest or right is a nontransferable life interest reserved by the donors which expires not later than the death of whichever of such donors dies later.

For purposes of the preceding sentence, the right to make a transfer of the reserved life interest to the donee of the future interest shall not be treated as making a life interest transferable.

**PAR. 2.** Section 1.170-2 is amended by revising paragraph (b)(1), by redesignating paragraph (b)(5) as paragraph (b)(6), by adding a subparagraph (5) to paragraph (b), and by adding a paragraph (g) at the end of such section. These revised, redesignated, and added provisions read as follows:



# § 1.170-2 Charitable deductions by individuals: limitations.

(b) *Additional 10-percent deduction—*  
 (1) *In general.* In addition to the deduction which may be allowed for contributions subject to the general 20-percent limitation, an individual may deduct charitable contributions made during the taxable year to the organizations specified in section 170(b)(1)(A) to the extent that such contributions in the aggregate do not exceed 10 percent of his adjusted gross income (computed without regard to any net operating loss carryback to the taxable year under section 172). The additional 10-percent deduction may be allowed with respect to contributions to—

(i) A church or a convention or association of churches.

(ii) An educational organization referred to in section 503(b)(2) and defined in subparagraph (3)(i) of this paragraph.

(iii) A hospital referred to in section 503(b)(5) and defined in subparagraph (4)(i) of this paragraph.

(iv) Subject to certain conditions and limitations set forth in subparagraph (4)(ii) of this paragraph, and for taxable years beginning after December 31, 1955, a medical research organization referred to in section 503(b)(5).

(v) Subject to certain limitations and conditions set forth in subparagraph (3)(ii) of this paragraph, and for taxable years beginning after December 31, 1960, an organization referred to in section 503(b)(3) which is organized and operated for the benefit of certain State and municipal colleges and universities.

(vi) For taxable years beginning after December 31, 1963, a governmental unit referred to in section 170(c)(1), and

(vii) Subject to certain limitations and conditions set forth in subparagraph (5) of this paragraph, and for taxable years beginning after December 31, 1963, an organization referred to in section 170(c)(2).

To qualify for the additional 10-percent deduction the contributions must be made "to", and not merely "for the use of", one of the specified organizations. A contribution to an organization referred to in section 170(c)(2) (other than an organization specified in subdivisions (i) through (vi) of this subparagraph) which, for taxable years beginning after December 31, 1963, is not "publicly supported" under the rules of subparagraph (5) of this paragraph will not qualify for the additional 10-percent deduction even though such organization makes the contribution available to an organization which is specified in section 170(b)(1)(A). The computation of this additional deduction is not necessary unless the total contributions paid during the taxable year are in excess of the general 20-percent limitation. Where the total contributions exceed the 20-percent limitation, the taxpayer should first ascertain the amount of charitable contributions subject to the 10-percent limitation, and any excess over the 10-percent limitation should then be added

to all other contributions and limited by the 20-percent limitation. For provisions relating to a carryover of certain charitable contributions made by individuals, see paragraph (g) of this section.

(5) *Corporation, trust, or community chest, fund, or foundation—*(i) *In general.* (a) For taxable years beginning after December 31, 1963, gifts made to a corporation, trust, or community chest, fund, or foundation, referred to in section 170(c)(2) (other than an organization specified in subparagraph (1) (i) through (vi) of this paragraph), may be taken into account in computing the additional 10-percent limitation, provided the organization is a "publicly supported" organization. For purposes of this subparagraph, an organization is "publicly supported" if it normally receives a substantial part of its support from a governmental unit referred to in section 170(c)(1) or from direct or indirect contributions from the general public.

(b) An important factor in determining whether an organization normally receives a substantial part of its support from "direct or indirect contributions from the general public" is the extent to which the organization derives its support from or through voluntary contributions made by persons representing the general public. Except in unusual situations (particularly in the case of newly created organizations), an organization is not "publicly supported" if it receives contributions only from the members of a single family or from a few individuals.

(ii) *Special rules and meaning of terms.* (a) For purposes of this subparagraph, the term "support", except as otherwise provided in (b) of this subdivision (ii), means all forms of support including (but not limited to) contributions received by the organization, investment income (such as, interest, rents, royalties, and dividends), and net income from unrelated business activities whether or not such activities are carried on regularly as a trade or business.

(b) The term "support" does not include—

(1) Any amounts received from the exercise or performance by an organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501(a). In general, such amounts include amounts received from any activity the conduct of which is substantially related to the furtherance of such purpose or function (other than through the production of income).

(2) Any gain upon the sale or exchange of property which would be considered under any section of the Code as gain from the sale or exchange of a capital asset.

(3) Contributions of services for which a deduction is not allowable.

(c) The term "support from a governmental unit" includes—

(1) Any amounts received from a governmental unit including donations or contributions and amounts received in

connection with a contract entered into with a governmental unit for the performance of services or in connection with a government research grant, provided such amounts are not excluded from the term "support" under (b) of this subdivision (ii). For purposes of (b)(1) of this subdivision (ii), an amount paid by a governmental unit to an organization is not received from the exercise or performance of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501(a) if the purpose of the payment is to enable the organization to provide a service to, or maintain a facility for, the direct benefit of the public, as, for example, the maintenance of library facilities which are open to the public.

(2) Tax revenues levied for the benefit of the organization and either paid to or expended on behalf of the organization.

(3) The value of services or facilities (exclusive of services or facilities generally furnished, without charge, to the public) furnished by a governmental unit to the organization without charge, as, for example, where a city pays the salaries of personnel used to guard a museum, art gallery, etc., or provides, rent free, the use of a building. However, the term does not include the value of any exemption from Federal, State, or local tax or any similar benefit.

(d) The term "indirect contributions from the general public" includes contributions received by the organization from organizations which normally receive a substantial part of their support from direct contributions from the general public.

(iii) *Determination of whether organization is "publicly supported"—*(a) *In general.* No single test which would be appropriate in every case may be prescribed for determining whether a corporation, trust, or community chest, fund, or foundation, referred to in section 170(c)(2), is "publicly supported". For example, since the statutory test is whether the organization normally receives a substantial part of its support from the prescribed sources, a test which would be appropriate in the case of an organization which has been in operation for a number of years would not necessarily be appropriate in the case of a newly established organization. The determination of whether an organization is "publicly supported" depends on the facts and circumstances in each case. Thus, although a "mechanical test" is set forth in (b) of this subdivision (iii), such test is not an exclusive test. Accordingly, an organization which does not qualify as a "publicly supported" organization by application of the "mechanical test" may qualify as a "publicly supported" organization on the basis of the facts and circumstances in its case. For provisions relating to the facts and circumstances test, see (c) of this subdivision (iii).

(b) *Mechanical test.* An organization will be considered to be a "publicly supported" organization for its current taxable year and the taxable year im-



mediately succeeding its current year, if, for the four taxable years immediately preceding the current taxable year, the total amount of the support which the organization receives from governmental units, from donations made directly or indirectly by the general public, or from a combination of these sources equals 33 1/3 percent or more of the total support of the organization for such four taxable years. The rule in the preceding sentence does not apply if there are substantial changes in the organization's character, purposes, or methods of operation in the current year, and does not apply in respect of the immediately succeeding taxable year if such changes occur in such year. In determining whether the 33 1/3-percent-of-support test is met, contributions by an individual, trust, or corporation shall be taken into account only to the extent that the total amount of the contributions by any such individual, trust, or corporation during the four-taxable-year period does not exceed 1 percent of the organization's total support for such four taxable years. In applying the 1-percent limitation, all contributions made by a donor and by any person or persons standing in a relationship to the donor which is described in section 267(b) and the regulations thereunder shall be treated as made by one person. The 1-percent limitation shall not apply to support from governmental units referred to in section 170(c) (1) or to contributions from "publicly supported" organizations. A national organization which carries out its purposes through local chapters with which it has an identity of aims and purposes may, for purposes of determining whether the organization and the local chapters meet the mechanical test, make the computation on an aggregate basis.

*Example.* For the years 1964 through 1967, X, an organization referred to in section 170(c) (2), received support (as defined in subdivision (ii) of this subparagraph) of \$600,000 from the following sources:

Investment income.....	\$300,000
City Y (a governmental unit referred to in section 170(c) (1)) ..	40,000
United Fund (an organization referred to in section 170(c) (2) which is "publicly supported") ..	40,000
Contributions.....	220,000
<b>Total support.....</b>	<b>\$600,000</b>

For the years 1964 through 1967, X received in excess of 33 1/3 percent of its support from a governmental unit referred to in section 170(c) (1) and from direct and indirect contributions from the general public computed as follows:

33 1/3 percent of total support.....	\$200,000
Support from a governmental unit referred to in section 170(c) (1) ..	40,000
Indirect contributions from the general public (United Fund) ..	40,000
Contributions by various donors (no one donor having made contributions which total in excess of \$6,000—1 percent of total support) ..	50,000
12 contributions (each in excess of \$6,000—1 percent of total support) 12 x \$6,000.....	72,000
<b>\$202,000</b>	

Since the amount of X's support from governmental units referred to in section 170(c) (1) and from direct and indirect contributions from the general public in the years 1964 through 1967 is in excess of 33 1/3 percent of X's total support for such four taxable years, X is considered a "publicly supported" organization with respect to contributions made to it during 1968 and 1969 without regard to whether X receives 33 1/3 percent of its support during 1968 or 1969 from such sources (assuming that there are no substantial changes in X's character, purposes, or methods of operation).

(c) *Facts and circumstances test.*

(1) A corporation, trust, or community chest, fund or foundation referred to in section 170(c) (2) which does not qualify as a "publicly supported" organization under the mechanical test described in (b) of this subdivision (iii) (including an organization which has not been in existence for a sufficient length of time to make such test applicable) may be a "publicly supported" organization on the basis of the facts and circumstances in its case.

(2) The facts and circumstances which are relevant and the weight to be accorded such facts and circumstances may differ in certain cases depending, for example, on the nature of the organization and the period of time it has been in existence. However, under no circumstances will an organization which normally receives substantially all of its contributions (directly or indirectly) from the members of a single family or from a few individuals qualify as a "publicly supported" organization.

(3) For purposes of the facts and circumstances test the most important consideration is the organization's source of support. An organization will be considered a "publicly supported" organization if it is constituted so as to attract substantial support from contributions, directly or indirectly, from a representative number of persons in the community or area in which it operates. In determining what is a "representative number of persons," consideration must be given to the type of organization and whether or not the organization limits its activities to a special field which can be expected to appeal to a limited number of persons. An organization is so constituted if, for example, it establishes that it does in fact receive substantial support from contributions from a representative number of persons; that pursuant to its organizational structure and method of operation it makes bona fide solicitations for broad based public support, or, in the case of a newly created organization, that its organizational structure and method of operation are such as to require bona fide solicitations for broad based public support; that it receives substantial support from a community chest or similar public federated fund raising organization, such as a United Fund or United Appeal; or that it has a substantial number of members (in relation to the community it serves, the nature of its activities, and its total support) who pay annual membership dues.

(4) Although primary consideration will be given to the source of an organization's support, other relevant factors

may be taken into account in determining whether or not the organization is of a public nature, such as:

(i) Whether the organization has a governing body (whether designated in the organization's bylaws, certificate of incorporation, deed of trust, etc., as a Board of Directors, Board of Trustees, etc.) which is comprised of public officials, of individuals chosen by public officials acting in their capacity as such, or of citizens broadly representative of the interests and views of the public. This characteristic does not exist if the membership of an organization's governing body is such as to indicate that it represents the personal or private interests of a limited number of donors to the organization (or persons standing in a relationship to such donors which is described in section 267(b) and the regulations thereunder), rather than the interests of the community or the general public.

(ii) Whether the organization annually or more frequently makes available to the public financial reports or, in the case of a newly created organization, is constituted so as to require such reporting. For this purpose an information or other return made pursuant to a requirement of a governmental unit shall not be considered a financial report. An organization shall be considered as making financial reports of its operations available to the public if it publishes a financial report in a newspaper which is widely circulated in the community in which the organization operates or if it makes a bona fide dissemination of a brochure containing a financial report.

(iii) If the organization is of a type which generally holds open to the public its buildings (as in the case of a museum) or performances conducted by it (as in the case of a symphonic orchestra), whether the organization actually follows such practice, or, in the case of a newly created organization, is so organized as to require that its facilities be open to the public.

(5) The application of this subdivision (c) may be illustrated by the following examples:

*Example (1).* M, a community trust, is an organization referred to in section 170(c) (2). In 1950, M was organized in the X Community by several leading trusts and financial institutions with the purpose of serving permanently the educational and charitable needs of the X Community by providing a means by which the public may establish funds or make gifts of various amounts to established funds which are administered as an aggregate fund with provision for distribution of income and, in certain cases, principal for educational or charitable purposes by a single impartial committee. The M Organization, by distribution of pamphlets to the public through participating trustee banks, actively solicits members of the X Community and other concerned parties to establish funds within the trust or to contribute to established funds within the trust. Under the declaration of trust, a contributor to a fund may suggest or request (but not require) that his contribution be used in respect of his preferred charitable, educational, or other benevolent purpose, and distributions of the income from the fund, and in certain cases the principal, will be made by the Distribu-



tion Committee with regard to such request unless changing conditions make such purpose unnecessary, undesirable, impractical, or impossible in which case income and (where the contributor has so specified) principal will be distributed by the Distribution Committee in order to promote the public welfare more effectively. Where a contributor has not expressed a desire as to a charitable, educational, or other benevolent purpose, the Distribution Committee will distribute the entire annual income from the fund to such a purpose agreed upon by such committee. The Distribution Committee is composed of representatives of the community chosen one each by the X Bar Association, the X Medical Society, the mayor of X Community, the judge of the highest X Court, and the president of the X College, and two representatives chosen by the participating trustee banks. There are a number of separate funds within the trust administered by several participating banks. M has consistently distributed or used its entire annual income for projects with purposes described in section 170(c)(2)(B) from which members of the public may benefit or to other organizations described in section 170(b)(1)(A) which so distribute or use such income. Through its participating trustee banks, M annually makes available to the public a brochure containing a financial statement of its operations including a list of all receipts and disbursements. Under the facts and circumstances, M is a "publicly supported" organization.

*Example (2).* Assume the same facts as in example (1) except that M has been in existence for only one year and only two contributors have established funds within the trust. The Distribution Committee has been chosen and is required by the governing declaration of trust to make annual distribution of the entire income of the trust to projects with purposes described in section 170(c)(2)(B) from which members of the public may benefit or to other organizations described in section 170(b)(1)(A) which so distribute or use such income. The declaration of trust and other governing instruments require (1) that the M Community Trust actively solicit contributions from members of the X Community through dissemination of literature and other public appeals, and (2) that it make available to the members of the X Community, annual financial reports of its operations. Under the facts and circumstances, M is a "publicly supported" organization.

*Example (3).* N, an art museum, is an organization referred to in section 170(c)(2). In 1930, N was founded in Y City by the members of a single family to collect, preserve, interpret, and display to the public important works of art. N is governed by a self-perpetuating Board of Trustees limited by the governing instruments to a maximum membership of 20 individuals. The original board consisted almost entirely of members of the founding family. Since 1945, members of the founding family or persons standing in a relationship to the members of such family described in section 267(b) have annually constituted less than one-fifth of the Board of Trustees. The remaining board members are citizens of Y City from a variety of professions and occupations who represent the interests and views of the people of Y City in the activities carried on by the organization rather than the personal or private interests of the founding family. N solicits contributions from the general public and for each of its four most recent taxable years has received total contributions in small sums (less than \$100) in excess of \$10,000. For N's four most recent taxable years, investment income from several large endow-

ment funds has constituted 75 percent of its total support. N normally expends a substantial part of its annual income for purposes described in section 170(c)(2)(B). N has, for the entire period of its existence, been open to the public and more than 300,000 people (from the Y City and elsewhere) have visited the museum in each of its four most recent taxable years. N annually publishes a financial report of its operation in the Y City newspaper. Under the facts and circumstances, N museum is a "publicly supported" organization.

*Example (4).* In 1960, the O Philharmonic Orchestra was organized in Z City through the combined efforts of a local music society and a local women's club to present to the public a wide variety of musical programs intended to foster music appreciation in the community. O is an organization referred to in section 170(c)(2). The orchestra is composed of professional musicians who are paid by the association. Twelve performances, open to the public, are scheduled each year. The admission charge for each of these performances is \$3. In addition, several performances are staged annually without charge. In each of its four most recent taxable years, O has received separate contributions of \$10,000 from A, B, C, and D (not members of a single family) and support of \$5,000 from the Z Community Chest, a public federated fund raising organization operating in Z City. O is governed by a Board of Directors comprised of five individuals. A faculty member of a local col-

lege, the president of a local music society, the head of a local banking institution, a prominent doctor, and a member of the governing body of the local Chamber of Commerce currently serve on the Board and represent the interests and views of the community in the activities carried on by O. O annually files a financial report with Z City which makes such report available for public inspection. Under the facts and circumstances, O is a "publicly supported" organization.

*Example (5).* P is a newly created organization of a type referred to in section 170(c)(2). P's charter requires that its governing body be selected by public officials and by public organizations representing the community in which it operates. Pursuant to P's charter, a continuing fund raising campaign which will encompass the entire community has been planned. P's charter requires that its entire annual income be distributed to or used for projects with purposes described in section 170(c)(2)(B) and that it make available to the public annual financial reports of its operations. By reason of the express provisions of P's charter relating to its organizational structure and prescribed methods of operation, P is a "publicly supported" organization.

(6) *Examples.* The application of the special 10-percent limitation and the general 20-percent limitation on contributions by individuals may be illustrated by the following examples:

*Example (1).* A, an individual, reports his income on the calendar year basis and for the year 1957 has an adjusted gross income of \$10,000. During 1957 he made the following charitable contributions:

1. Contributions qualifying for the additional 10-percent deduction under section 170(b)(1)(A)-----	\$2,400	
2. Other charitable contributions-----	700	
3. Total contributions paid-----	3,100	
		Deductible contributions
4. Contributions qualifying for the additional 10-percent deduction under section 170(b)(1)(A)-----	2,400	
5. Special limitation under section 170(b)(1)(A): 10 percent of adjusted gross income-----	1,000	
6. Deductible amount: line 4 or line 5, whichever is the lesser-----		\$1,000
7. Excess of line 4 over line 5-----	1,400	
8. Add: Other charitable contributions-----	700	
9. Contributions subject to the general 20-percent limitation under section 170(b)(1)(B)-----	2,100	
10. Limitation under section 170(b)(1)(B): 20 percent of the adjusted gross income-----	2,000	
11. Deductible amount: line 9 or line 10, whichever is the lesser-----		2,000
12. Contributions not deductible-----	100	
13. Total deduction for contributions-----		3,000

*Example (2).* B, an individual, reports his income on the calendar year basis and for the year 1957 has an adjusted gross income of \$10,000. During 1957 he made the following charitable contributions:

1. Contributions qualifying for the additional 10-percent deduction under section 170(b)(1)(A)-----	\$700	
2. Other charitable contributions-----	2,400	
3. Total contributions paid-----	3,100	
4. Contributions qualifying for the additional 10-percent deduction under section 170(b)(1)(A)-----	700	
5. Limitation described in section 170(b)(1)(A): 10 percent of the adjusted gross income-----	1,000	
6. Deductible amount: line 4 or line 5, whichever is the lesser-----		\$700



7. Excess of line 4 over line 5-----	\$0
8. Add: Other charitable contributions-----	2,400
9. Contributions subject to the general 20-percent limitation under section 170(b)(1)(B)-----	2,400
10. Limitation under section 170(b)(1)(B): 20 percent of the adjusted gross income-----	2,000
11. Deductible amount: line 9 or line 10, whichever is the lesser-----	\$2,000
12. Contributions not deductible-----	400
13. Total deduction for contributions-----	2,700

(g) *Charitable contributions carry-over of individuals*—(1) *Computation of excess charitable contributions made in contribution year.* Subject to certain conditions and limitations, the excess of—

(i) The amount of the charitable contributions made by an individual in a taxable year beginning after December 31, 1963 (hereinafter in this paragraph referred to as the "contribution year"), to organizations specified in section 170(b)(1)(A) (see paragraph (b) of this section), over

(ii) Thirty percent of his adjusted gross income (computed without regard to any net operating loss carryback to such year under section 172) for such contribution year,

shall be treated as a charitable contribution paid by him to an organization specified in section 170(b)(1)(A) and paragraph (b) of this section, relating to the additional 10-percent deduction, in each of the 5 taxable years immediately succeeding the contribution year in order of time. (For provisions requiring a reduction of such excess, see subparagraph (5) of this paragraph.) The provisions of this subparagraph apply even though the taxpayer elects under section 144 to take the standard deduction in the contribution year instead of itemizing the deductions (other than those specified in sections 62 and 151) allowable in computing taxable income for the contribution year. No excess charitable contribution carryover shall be allowed with respect to contributions "for the use of" rather than "to" organizations described in section 170(b)(1)(A) and paragraph (b) of this section or with respect to contributions made "to" or "for the use of" organizations which are not described in such sections. The provisions of section 170(b)(5) and this paragraph are not applicable in the case of estates or trusts, see section 642(c), relating to deductions for amounts paid or permanently set aside for a charitable purpose, and the regulations thereunder. The provisions of this subparagraph may be illustrated by the following examples:

*Example (1).* Assume that H and W (husband and wife) have adjusted gross income for 1964 of \$50,000 and for 1965 of \$40,000 and file a joint return for each year. Assume further that in 1964 they contribute \$16,500 to a church and \$1,000 to X (an organization not referred to in section 170(b)(1)(A))

and in 1965 contribute \$11,000 to the church and \$400 to X. They may claim a charitable contribution deduction of \$15,000 in 1964, and the excess of \$16,500 (contribution to the church) over \$15,000 (30 percent of adjusted gross income) or \$1,500 constitutes a charitable contribution carryover which shall be treated as a charitable contribution paid by them to an organization referred to in section 170(b)(1)(A) in each of the 5 succeeding taxable years in order of time. No carryover is allowed with respect to the \$1,000 contribution made to X in 1964. Since 30 percent of their adjusted gross income for 1965 (\$12,000) exceeds the charitable contributions of \$11,000 made by them in 1965 to organizations referred to in section 170(b)(1)(A) (computed without regard to section 170(b)(5) and this paragraph) the portion of the 1964 carryover equal to such excess of \$1,000 (\$12,000 minus \$11,000) is treated, pursuant to the provisions of subparagraph (2) of this paragraph, as paid to a section 170(b)(1)(A) organization in 1965; the remaining \$500 constitutes an unused charitable contribution carryover. No carryover is allowed with respect to the \$400 contribution made to X in 1965.

*Example (2).* Assume the same facts as in example (1) except that H and W have adjusted gross income for 1965 of \$42,000. Since 30 percent of their adjusted gross income for 1965 (\$12,600) exceeds by \$1,600 the charitable contribution of \$11,000 made by them in 1965 to organizations referred to in section 170(b)(1)(A) (computed without regard to section 170(b)(5) and this paragraph), the full amount of the 1964 carryover of \$1,500 is treated, pursuant to the provisions of subparagraph (2) of this paragraph, as paid to a section 170(b)(1)(A) organization in 1965. They may also claim a charitable contribution of \$100 (\$12,600 — \$12,500 (\$11,000 + \$1,500)) with respect to the gift to X in 1965. No carryover is allowed with respect to the \$300 (\$400 — \$100) of the contribution to X which is not deductible in 1965.

(2) *Determination of amount treated as paid in taxable years succeeding contribution year.* Notwithstanding the provisions of subparagraph (1) of this paragraph, the amount of the excess computed in accordance with the provisions of subparagraphs (1) and (5) of this paragraph which is to be treated as paid in any one of the 5 taxable years immediately succeeding the contribution year to an organization specified in section 170(b)(1)(A) shall not exceed the lesser of the amount computed under subdivision (i) or (ii) of this subparagraph:

(i) The amount by which (a) 30 percent of the taxpayer's adjusted gross income for such succeeding taxable year

(computed without regard to any net operating loss carryback to such succeeding taxable year under section 172) exceeds (b) the sum of (1) the charitable contributions actually made (computed without regard to the provisions of section 170(b)(5) and this paragraph) by the taxpayer in such succeeding taxable year to organizations referred to in section 170(b)(1)(A), and (2) the charitable contributions made to organizations referred to in section 170(b)(1)(A) in taxable years (excluding any taxable year beginning before January 1, 1964) preceding the contribution year which, pursuant to the provisions of section 170(b)(5) and this paragraph, are treated as having been paid to an organization referred to in section 170(b)(1)(A) in such succeeding year.

(ii) In the case of the first taxable year succeeding the contribution year, the amount of the excess charitable contribution in the contribution year, computed under subparagraphs (1) and (5) of this paragraph. In the case of the second, third, fourth, and fifth succeeding taxable years, the portion of the excess charitable contribution in the contribution year (computed under subparagraphs (1) and (5) of this paragraph) which has not been treated as paid to a section 170(b)(1)(A) organization in a year intervening between the contribution year and such succeeding taxable year.

If a taxpayer, in any one of the four taxable years succeeding a contribution year, elects under section 144 to take the standard deduction in the amount provided for in section 141 instead of itemizing the deductions (other than those specified in sections 62 and 151) allowable in computing taxable income, there shall be treated as paid (but not allowable as a deduction) in the standard deduction year the amount determined under subdivision (i) or (ii) of this subparagraph, whichever is the lesser. The provisions of this subparagraph may be illustrated by the following examples:

*Example (1).* Assume that B has adjusted gross income for 1966 of \$20,000 and for 1967 of \$30,000. Assume further that in 1966 B contributed \$8,000 to a church and in 1967 he contributes \$7,500 to the church. B may claim a charitable contribution deduction of \$6,000 in 1966, and the excess of \$8,000 (contribution to the church) over \$6,000 (30 percent of B's adjusted gross income) or \$2,000 constitutes a charitable contribution carryover which shall be treated as a charitable contribution paid by B to an organization referred to in section 170(b)(1)(A) in the 5 taxable years succeeding 1966 in order of time. (B made no excess contributions in 1964 or 1965 which should be treated as paid in years succeeding 1964 or 1965.) B may claim a charitable contribution deduction of \$9,000 in 1967. Such \$9,000 consists of the \$7,500 contribution to the church in 1967 and \$1,500 carried over from 1966 and treated as a charitable contribution paid to a section 170(b)(1)(A) organization in 1967. The \$1,500 contribution treated as paid in 1967 is computed as follows:



1966 excess contributions.....	\$2,000
30 percent of B's adjusted gross income for 1967.....	9,000
Less:	
Contributions actually made in 1967 to section 170(b)(1)(A) organizations.....	\$7,500
Contributions made to section 170(b)(1)(A) organizations in taxable years prior to 1966 treated as having been paid in 1967.....	0
	7,500
	1,500
Amount of 1966 excess treated as paid in 1967—the lesser of \$2,000 (1966 excess contributions) or \$1,500 (30 percent of adjusted gross income for 1967 (\$9,000) over the section 170(b)(1)(A) contributions actually made in 1967 (\$7,500) and the section 170(b)(1)(A) contributions made in years prior to 1966 treated as having been paid in 1967 (0)).....	1,500

If the excess contributions made by B in 1966 had been \$1,000 instead of \$2,000, then, for purposes of this example, the amount of the 1966 excess treated as paid in 1967 would be \$1,000 rather than \$1,500.

**Example (2).** Assume the same facts as in example (1), and, in addition, that B has adjusted gross income for 1968 of \$10,000 and for 1969 of \$20,000. Assume further with respect to 1968 that B elects under section 144 to take the standard deduction in computing taxable income and that his actual contributions to organizations specified in section 170(b)(1)(A) are \$300. Assume further with respect to 1969, that B itemizes his deductions which include a \$5,000 contribution to a church. B's deductions for 1968 are not increased by reason of the \$500 available as a charitable contribution carryover from 1966 (excess contributions made in 1966 (\$2,000) less the amount of such excess treated as paid in 1967 (\$1,500)) since B elected to take the

standard deduction in 1968. However, for purposes of determining the amount of the excess charitable contributions made in 1966 which is available as a carryover to 1969, B is required to treat such \$500 as a charitable contribution paid in 1968—the lesser of \$500 or \$2,700 (30 percent of adjusted gross income (\$3,000) over contributions actually made in 1968 to section 170(b)(1)(A) organizations (\$300)). Therefore, even though the \$5,000 contribution made by B in 1969 to a church does not amount to 30 percent of B's adjusted gross income for 1969 (30 percent of \$20,000=\$6,000), B may claim a charitable contribution deduction of only the \$5,000 actually paid in 1969 since the entire excess charitable contribution made in 1966 (\$2,000) has been treated as paid in 1967 (\$1,500) and 1968 (\$500).

**Example (3).** Assume the following factual situation for C who itemizes his deductions in computing taxable income for each of the years set forth in the example:

	1964	1965	1966	1967	1968
Adjusted gross income.....	\$10,000	\$7,000	\$15,000	\$10,000	\$9,000
Contributions to section 170(b)(1)(A) organizations (no other contributions).....	4,000	3,000	5,000	1,000	1,500
Allowable charitable contributions deductions computed without regard to carryover of contributions.....	3,000	2,100	4,500	1,000	1,500
Excess contributions for taxable year to be treated as paid in succeeding taxable years.....	1,000	900	500	0	0

Since C's contributions in 1967 and 1968 to section 170(b)(1)(A) organizations are less than 30 percent of his adjusted gross income for such years, the excess contributions for 1964, 1965, and 1966 are treated as having been paid to section 170(b)(1)(A) organizations in 1967 and 1968 as follows:

Contribution year	Total excess	Less: Amount treated as paid in year prior to 1967	Available charitable contribution carryovers
1964.....	\$1,000	0	\$1,000
1965.....	900	0	900
1966.....	500	0	500
			2,400
30 percent of B's adjusted gross income for 1967.....			3,000
Less: Charitable contributions made in 1967 to section 170(b)(1)(A) organizations.....			1,000
			2,000

Amount of excess contributions treated as paid in 1967—the lesser of \$2,400 (available carryovers to 1967) or \$2,000 (excess of 30 percent of adjusted gross income (\$3,000) over contributions actually made in 1967 to section 170(b)(1)(A) organizations (\$1,000)).....

Contribution year	Total excess	Less: Amount treated as paid in year prior to 1968	Available charitable contribution carryovers
1964.....	\$1,000	\$1,000	0
1965.....	900	900	0
1966.....	500	100	\$400
1967.....	0	0	0
			400
30 percent of B's adjusted gross income for 1968.....			2,700
Less: Charitable contributions made in 1968 to section 170(b)(1)(A) organizations.....			1,500
			1,200
Amount of excess contributions treated as paid in 1968—the lesser of \$400 (available carryovers to 1968) or \$1,200 (30 percent of adjusted gross income (\$2,700) over contributions actually made in 1968 to section 170(b)(1)(A) organizations (\$1,500)).....			400

(3) **Effect of net operating loss carryback to contribution year.** The amount of the excess contribution for a contribution year (computed as provided in subparagraphs (1) and (5) of this para-

graph) shall not be increased because a net operating loss carryback is available as a deduction in the contribution year. In addition, in determining (under the provisions of section 172(b)(2)) the amount of the net operating loss for any year subsequent to the contribution year which is a carryback or carryover to taxable years succeeding the contribution year, the amount of contributions made to organizations referred to in section 170(b)(1)(A) shall be limited to the amount of such contributions which did not exceed 30 percent of the donor's adjusted gross income (computed without regard to any net operating loss carryback or any of the modifications referred to in section 172(d)) for the contribution year.

(4) **Effect of net operating loss carryback to taxable years succeeding the contribution year.** The amount of the charitable contribution from a preceding taxable year which is treated as paid (as provided in subparagraph (2) of this paragraph) in a current taxable year (hereinafter referred to in this subparagraph as the "deduction year") shall not be reduced because a net operating loss carryback is available as a deduction in the deduction year. In addition, in determining (under the provisions of section 172(b)(2)) the amount of the net operating loss for any year subsequent to the deduction year which is a carryback or carryover to taxable years succeeding the deduction year, the amount of contributions made to organizations referred to in section 170(b)(1)(A) in the deduction year shall be limited to the amount of such contributions which were actually made in such year and those which were treated as paid in such year which did not exceed 30 percent of the donor's adjusted gross income (computed without regard to any net operating loss carryback or any of the modifications referred to in section 172(d)) for the deduction year.

(5) **Reduction of excess contributions.** An individual having a net operating loss carryover from a prior taxable year which is available as a deduction in a contribution year must apply the special rule of section 170(b)(5)(B) and this subparagraph in computing the excess described in subparagraph (1) of this paragraph for such contribution year. In determining the amount of excess charitable contributions that shall be treated as paid in each of the 5 taxable years succeeding the contribution year, the excess charitable contributions described in such subparagraph (1) must be reduced by the amount by which such excess reduces taxable income (for purposes of determining the portion of a net operating loss which shall be carried to taxable years succeeding the contribution year under the second sentence of section 172(b)(2)) and increases the net operating loss which is carried to a succeeding taxable year. In reducing taxable income under the second sentence of section 172(b)(2), an individual



who has made charitable contributions in the contribution year to both organizations specified in section 170(b)(1)(A) (see paragraph (b) of this section) and to organizations not so specified must first deduct contributions made to the section 170(b)(1)(A) organizations from his adjusted gross income computed without regard to his net operating loss deduction before any of the contributions made to organizations not specified in section 170(b)(1)(A) may be deducted from such adjusted gross income. Thus, if the excess of the contributions made in the contribution year to organizations specified in section 170(b)(1)(A) over the amount deductible in such contribution year is utilized to reduce taxable income (under the provisions of section 172(b)(2)) for such year, thereby serving to increase the amount of the net operating loss carryover to a succeeding year or years, no part of the excess charitable contributions made in such contribution year shall be treated as paid in any of the 5 immediately succeeding taxable years. If only a portion of the excess charitable contributions is so used, the excess charitable contributions will be reduced only to that extent. The provisions of this subparagraph may be illustrated by the following examples:

*Example (1).* B, an individual, reports his income on the calendar year basis and for the year 1964 has adjusted gross income (computed without regard to any net operating loss deduction) of \$50,000. During 1964 he made charitable contributions in the amount of \$20,000 all of which were to organizations specified in section 170(b)(1)(A). B has a net operating loss carryover from 1963 of \$50,000. In the absence of the net operating loss deduction B would have been allowed a deduction for charitable contributions of \$15,000. After the application of the net operating loss deduction, B is allowed no deduction for charitable contributions, and there is (before applying the special rule of section 170(b)(5)(B) and this subparagraph) a tentative excess charitable contribution of \$20,000. For purposes of determining the net operating loss which remains to be carried over to 1965, B computes his taxable income for his prior taxable year, 1964, under section 172(b)(2) by deducting the \$15,000 charitable contribution. After the \$50,000 net operating loss carryover is applied against the \$35,000 of taxable income for 1964 (computed in accordance with section 172(b)(2), assuming no deductions other than the charitable contribution deduction are applicable in making such computation), there remains a \$15,000 net operating loss carryover to 1965. Since the application of the net operating loss carryover of \$50,000 from 1963 reduces the 1964 adjusted gross income (for purposes of determining 1964 tax liability) to zero, no part of the \$20,000 of charitable contributions in that year is deductible under section 170(b)(1). However, in determining the amount of the excess charitable contributions which shall be treated as paid in taxable years 1965, 1966, 1967, 1968, 1969, the \$20,000 must be reduced by the portion thereof (\$15,000) which was used to reduce taxable income for 1964 (as computed for purposes of the second sentence of section 172(b)(2)) and which thereby served to increase the net operating loss carryover to 1965 from zero to \$15,000.

*Example (2).* Assume the same facts as in example (1), except that B's total con-

tributions of \$20,000 made during 1964 consisted of \$15,000 to organizations specified in section 170(b)(1)(A) and \$5,000 to organizations not so specified. Under these facts there is a tentative excess charitable contribution of \$15,000, rather than \$20,000 as in example (1). For purposes of determining the net operating loss which remains to be carried over to 1965, B computes his taxable income for his prior taxable year, 1964, under section 172(b)(2) by deducting the \$15,000 of charitable contributions made to organizations specified in section 170(b)(1)(A). Since the excess charitable contribution of \$15,000 determined in accordance with subparagraph (1) of this paragraph was used to reduce taxable income for 1964 (as computed for purposes of the second sentence of section 172(b)(2)) and thereby served to increase the net operating loss carryover to 1965 from zero to \$15,000, no part of such excess charitable contributions made in the contribution year shall be treated as paid in any of the five immediately succeeding taxable years. No carryover is allowed with respect to the \$5,000 of charitable contributions made in 1964 to organizations not specified in section 170(b)(1)(A).

(6) *Change in type of return filed—*

(i) *From joint return to separate returns.* If a husband and wife—

(a) Make a joint return for a contribution year and compute an excess charitable contribution for such year in accordance with the provisions of subparagraphs (1) and (5) of this paragraph, and

(b) Make separate returns for one or more of the 5 taxable years immediately succeeding such contribution year,

any excess charitable contribution for the contribution year which is unused at the beginning of the first such taxable year for which separate returns are filed shall be allocated between the husband and wife. For purposes of the allocation, a computation shall be made of the amount of any excess charitable contribution which each spouse would have computed in accordance with subparagraphs (1) and (5) of this paragraph if separate returns (rather than a joint return) had been filed for the contribution year. The portion of the total unused excess charitable contribution for the contribution year allocated to each spouse shall be an amount which bears the same ratio to such unused excess charitable contribution as such spouse's excess contribution (based on the separate return computation) bears to the total excess contributions of both spouses (based on the separate return computation). To the extent that a portion of the amount allocated to either spouse in accordance with the foregoing provisions of this subdivision is not treated in accordance with the provisions of subparagraph (2) of this paragraph as a charitable contribution

paid to an organization specified in section 170(b)(1)(A) in the taxable year in which a separate return or separate returns are filed, each spouse shall for purposes of subparagraph (2) of this paragraph treat his respective unused portion as the available charitable contributions carryover to the next succeeding taxable year in which the joint excess charitable contribution may be treated as paid in accordance with subparagraph (1) of this paragraph. If such husband and wife make a joint return in one of the five taxable years immediately succeeding the contribution year with respect to which a joint excess charitable contribution is computed and following the first succeeding year in which such husband and wife filed a separate return or separate returns, the amounts allocated to each spouse in accordance with this subdivision for such first year reduced by the portion of such amounts treated as paid to an organization specified in section 170(b)(1)(A) in such first year and in any taxable year intervening between such first year and the succeeding taxable year in which the joint return is filed shall be aggregated for purposes of determining the amount of the available charitable contributions carryover to such succeeding taxable year. The provisions of this subdivision (i) may be illustrated by the following example:

*Example.* H and W file joint returns for 1964, 1965, and 1966, and in 1967 they file separate returns. In each such year H and W itemize their deductions in computing taxable income. Assume the following factual situation with respect to H and W for 1964:

	1964		
	H	W	Joint return
Adjusted gross income.....	\$50,000	\$40,000	\$90,000
Contributions to section 170(b)(1)(A) organization (no other contributions)....	27,000	20,000	47,000
Allowable charitable contribution deductions.....	15,000	12,000	27,000
Excess contributions for taxable year to be treated as paid in 5 succeeding taxable years.....	12,000	8,000	20,000

The joint excess charitable contribution of \$20,000 is to be treated as having been paid to a section 170(b)(1)(A) organization in the five succeeding taxable years. Assume that in 1965, the portion of such excess treated as paid by H and W is \$3,000 and that in 1966, the portion of such excess treated as paid is \$7,000. Thus, the unused portion of the excess charitable contribution made in the contribution year is \$10,000 (\$20,000 less \$3,000 (amount treated as paid in 1965) and \$7,000 (amount treated as paid in 1966)). Since H and W file separate returns in 1967, \$6,000 of such \$10,000 is allocable to H and \$4,000 is allocable to W. Such allocation is computed as follows:

\$12,000 (excess charitable contributions made by H (based on separate return computation) in 1964)	×\$10,000=\$6,000
\$20,000 (total excess charitable contributions made by H and W (based on separate return computation) in 1964)	
\$8,000 (excess charitable contributions made by W (based on separate return computation) in 1964)	×\$10,000=\$4,000
\$20,000 (total excess charitable contributions made by H and W (based on separate return computation) in 1964)	



In 1967 H has adjusted gross income of \$70,000 and he contributes \$14,000 to an organization specified in section 170(b)(1)(A). In 1967 W has adjusted gross income of \$50,000, and she contributes \$10,000 to an organization specified in section 170(b)(1)(A). H may claim a charitable contribution deduction of \$20,000 in 1967, and W may claim a charitable contribution deduction of \$14,000 in 1967. H's \$20,000 deduction consists of the \$14,000 contribution to the section 170(b)(1)(A) organization in 1967 and \$6,000 carried over from 1964 and treated as a charitable contribution paid to a section 170(b)(1)(A) organization in 1967. W's \$14,000 deduction consists of the \$10,000 contribution made to a section 170(b)(1)(A) organization in 1967 and \$4,000 carried over from 1964 and treated as a charitable contribution paid to a section 170(b)(1)(A) organization in 1967. The \$6,000 contribution treated as paid in 1967 by H, and the \$4,000 contribution treated as paid in 1967 by W are computed as follows:

	H	W
Available charitable contribution carryover (see computations above).....	\$6,000	\$4,000
30-percent of adjusted gross income.....	21,000	15,000
Contributions made in 1967 to section 170(b)(1)(A) organization (no other contributions).....	14,000	10,000
Amount of allowable deduction unused.....	7,000	5,000
Amount of excess contributions treated as paid in 1967—the lesser of \$6,000 (available carryover of H to 1967) or \$7,000 (excess of 30 percent of adjusted gross income (\$21,000) over contributions actually made in 1967 to section 170(b)(1)(A) organizations (\$14,000)).....	6,000	
The lesser of \$4,000 (available carryover of W to 1967) or \$5,000 (excess of 30 percent of adjusted gross income (\$15,000) over contributions actually made in 1967 to section 170(b)(1)(A) organizations (\$10,000)).....		4,000

(ii) *From separate returns to joint return and remarried taxpayers.* If in the case of a husband and wife—

(a) Either or both of the spouses make a separate return for a contribution year and compute an excess charitable contribution for such year in accordance with the provisions of subparagraphs (1) and (5) of this paragraph, and

(b) Such husband and wife make a joint return for one or more of the taxable years immediately succeeding such contribution year,

the excess charitable contribution of the husband and wife for the contribution year which is unused at the beginning of the first taxable year for which a joint return is filed shall be aggregated for purposes of determining the portion of such unused charitable contribution which shall be treated in accordance with subparagraph (2) of this paragraph as a charitable contribution paid to an organization specified in section 170(b)(1)(A). The provisions of this subdivision are also applicable in the case of two single individuals who are subsequently married and file a joint return. A remarried taxpayer who filed a joint return with a former spouse in a contribution year with respect to which an excess charitable contribution was computed and who in any one of the five taxable years immediately succeeding such contribution year files a joint return with his (or her) present spouse shall treat the unused portion of such

excess charitable contribution allocated to him (or her) in accordance with subdivision (i) of this subparagraph in the same manner as the unused portion of an excess charitable contribution computed in a contribution year in which he filed a separate return for purposes of determining the amount which in accordance with subparagraph (2) of this paragraph shall be treated as paid to an organization specified in section 170(b)(1)(A) in such succeeding year.

(iii) *Unused excess charitable contribution of deceased spouse.* In case of the death of one spouse, any unused portion of an excess charitable contribution which is allocable (in accordance with subdivision (i) of this subparagraph) to such spouse shall not be treated as paid in the taxable year in which such death occurs or in any subsequent taxable year except on a separate return made for the deceased spouse by a fiduciary for the taxable year which ends with the date of death or on a joint return for the taxable year in which such death occurs. The application of this subdivision may be illustrated by the following example:

*Example.* Assume the same facts as in the example in subdivision (i) of this subparagraph except that H dies in 1966 and W files a separate return for 1967. W made a joint return for herself and H for 1966. In that example, the unused excess charitable contribution as of January 1, 1967, was \$10,000, \$6,000 of which was allocable to H and \$4,000 to W. No portion of the \$6,000 allocable to H may be treated as paid by W or any other person in 1967 or any subsequent year.

(7) *Information required in support of a deduction of an amount treated as paid.* If, in a taxable year, a deduction is claimed in respect of an excess charitable contribution which, in accordance with the provisions of subparagraph (2) of this paragraph, is treated (in whole or in part) as paid in such taxable year, the taxpayer shall attach to his return a statement showing:

(i) The year (or years) in which the excess charitable contributions were made (the contribution year or years),

(ii) The excess charitable contributions made in each contribution year,

(iii) The portion of such excess (or each such excess) treated as paid in accordance with subparagraph (2) of this paragraph in any taxable year intervening between the contribution year and the taxable year for which the return is made, and

(iv) Such other information as the return or the instructions relating thereto may require.

PAR. 3. Paragraph (c) of § 1.170-3 is amended to read as follows:

§ 1.170-3. Contributions or gifts by corporations.

(c) *Charitable contributions carryover of corporations.*—(1) *Contributions made in taxable years beginning before January 1, 1962.* Subject to the rules set forth in subparagraph (3) of this paragraph, any contributions made by a corporation in a taxable year (hereinafter in this paragraph referred to as the contribution year) subject to the Code

beginning before January 1, 1962, in excess of the amount deductible in such contribution year under the 5-percent limitation of section 170(b)(2) are deductible in each of the two succeeding taxable years in order of time, but only to the extent of the lesser of the following amounts:

(i) The excess of the maximum amount deductible for the succeeding year under the 5-percent limitation of section 170(b)(2) over the contributions made in that year; and

(ii) In the case of the first taxable year succeeding the contribution year, the amount of the excess contributions; and, in the case of the second taxable year succeeding the contribution year, the portion of the excess contributions not deductible in the first succeeding taxable year.

The application of the rules in this subparagraph may be illustrated by the following example:

*Example.* A corporation which reports its income on the calendar year basis makes a charitable contribution of \$10,000 in June 1961, anticipating taxable income for 1961 of \$200,000. Its actual taxable income (without regard to any deduction for charitable contributions) for 1961 is only \$50,000 and the charitable deduction for that year is limited to \$2,500 (5 percent of \$50,000). The excess charitable contribution not deductible in 1961 (\$7,500) represents a carryover potentially available as a deduction in the two succeeding taxable years. The corporation has taxable income (without regard to any deduction for charitable contributions) of \$150,000 in 1962 and makes a charitable contribution of \$2,500 in that year. For 1962, the corporation may deduct as a charitable contribution the amount of \$7,500 (5 percent of \$150,000). This amount consists first of the \$2,500 contribution made in 1962, and \$5,000 of the \$7,500 carried over from 1961. The remaining \$2,500 carried over from 1961 and not allowable as a deduction in 1962 because of the 5-percent limitation may be carried over to 1963. The corporation has taxable income (without regard to any deduction for charitable contributions) of \$100,000 in 1963 and makes a charitable contribution of \$3,000. For 1963, the corporation may deduct under section 170 the amount of \$5,000 (5 percent of \$100,000). This amount consists first of the \$3,000 contributed in 1963, and \$2,000 of the \$2,500 carried over from 1961 to 1963. The remaining \$500 of the carryover from 1961 is not allowable as a deduction in any year because of the 2-year limitation with respect to excess contributions made in taxable years beginning before January 1, 1962.

(2) *Contributions made in taxable years beginning after December 31, 1961.*

Subject to the rules set forth in subparagraph (3) of this paragraph, any contributions made by a corporation in a taxable year (hereinafter in this paragraph referred to as the contribution year) beginning after December 31, 1961, in excess of the amount deductible in such contribution year under the 5-percent limitation of section 170(b)(2) are deductible in each of the five succeeding taxable years in order of time, but only to the extent of the lesser of the following amounts:

(i) The excess of the maximum amount deductible for such succeeding taxable year under the 5-percent limita-



tion of section 170(b) (2) over the sum of the contributions made in that year plus the aggregate of the excess contributions which were made in taxable years before the contribution year and which are deductible under this paragraph in such succeeding taxable year; or

(ii) In the case of the first taxable year succeeding the contribution year, the amount of the excess contributions, and in the case of the second, third, fourth, or fifth taxable years succeeding the contribution year, the portion of the excess contributions not deductible under this subparagraph for any taxable year intervening between the contribution year and such succeeding taxable year.

The application of the rules of this subparagraph may be illustrated by the following example:

*Example.* A corporation which reports its income on the calendar year basis makes a charitable contribution of \$20,000 in June 1964, anticipating taxable income for 1964 of \$400,000. Its actual taxable income (without regard to any deduction for charitable contributions) for 1964 is only \$100,000 and the charitable deduction for that year is limited to \$5,000 (5 percent of \$100,000). The excess charitable contribution not deductible in 1964 (\$15,000) represents a carryover potentially available as a deduction in the five succeeding taxable years. The corporation has taxable income (without regard to any deduction for charitable contributions) of \$150,000 in 1965 and makes a charitable contribution of \$5,000 in that year. For 1965 the corporation may deduct as a charitable contribution the amount of \$7,500 (5 percent of \$150,000). This amount consists first of the \$5,000 contribution made in 1965, and \$2,500 carried over from 1964. The remaining \$12,500 carried over from 1964 and not allowable as a deduction for 1965 because of the 5-percent limitation may be carried over to 1966. The corporation has taxable income (without regard to any deduction for charitable contributions) of \$200,000 in 1966 and makes a charitable contribution of \$5,000. For 1966, the corporation may deduct the amount of \$10,000 (5 percent of \$200,000). This amount consists first of the \$5,000 contributed in 1966, and \$5,000 of the \$12,500 carried over from 1964 to 1966. The remaining \$7,500 of the carryover from 1964 is available for purposes of computing the charitable contributions carryover from 1964 to 1967, 1968, and 1969.

(3) *Reduction of excess contributions.* A corporation having a net operating loss carryover (or carryovers) must apply the special rule of section 170(b) (3) and this subparagraph before computing under subparagraph (1) or (2) of this paragraph the charitable contributions carryover for any taxable year subject to the Internal Revenue Code of 1954. In determining the amount of charitable contributions that may be deducted in accordance with the rules set forth in subparagraph (1) or (2) of this paragraph in taxable years succeeding the contribution year, the excess of contributions made by a corporation in the contribution year over the amount deductible in such year must be reduced by the amount by which such excess reduces taxable income (for purposes of determining the net operating loss carryover under the second sentence of section 172 (b) (2)) and increases a net operating

loss carryover to a succeeding taxable year. Thus, if the excess of the contributions made in a taxable year over the amount deductible in the taxable year is utilized to reduce taxable income (under the provisions of section 172(b) (2)) for such year, thereby serving to increase the amount of the net operating loss carryover to a succeeding year or years, no charitable contributions carryover will be allowed. If only a portion of the excess charitable contributions is so used, the charitable contributions carryover will be reduced only to that extent. The application of the rules of this subparagraph may be illustrated by the following example:

*Example.* A corporation which reports its income on the calendar year basis makes a charitable contribution of \$10,000 during the taxable year 1960. Its taxable income for 1960 is \$80,000 (computed without regard to any net operating loss deduction and computed in accordance with section 170(b) (2) without regard to any deduction for charitable contributions). The corporation has a net operating loss carryover from 1959 of \$80,000. In the absence of the net operating loss deduction the corporation would have been allowed a deduction for charitable contributions of \$4,000 (5 percent of \$80,000). After the application of the net operating loss deduction the corporation is allowed no deduction for charitable contributions, and there is a tentative charitable contribution carryover of \$10,000. For purposes of determining the net operating loss carryover to 1961 the corporation computes its taxable income for its prior taxable year 1960 under section 172(b) (2) by deducting the \$4,000 charitable contribution. Thus, after the \$80,000 net operating loss carryover is applied against the \$76,000 of taxable income for 1960 (computed in accordance with section 172(b) (2)), there remains a \$4,000 net operating loss carryover to 1961. Since the application of the net operating loss carryover of \$80,000 from 1959 reduces the taxable income for 1960 to zero, no part of the \$10,000 of charitable contributions in that year is deductible under section 170(b) (2). However, in determining the amount of the allowable charitable contributions carryover to the taxable years 1961 and 1962, the \$10,000 must be reduced by the portion thereof (\$4,000) which was used to reduce taxable income for 1960 (as computed for purposes of the second sentence of section 172(b) (2)) and which thereby served to increase the net operating loss carryover to 1961 from zero to \$4,000.

(4) *Year contribution is made.* For purposes of this paragraph, contributions made by a corporation in a contribution year include contributions which, in accordance with the provisions of section 170(a) (2) and paragraph (b) of this section, are considered as paid during such contribution year.

(5) *Effect of net operating loss carryback to contribution year.* The amount of the excess contribution for a contribution year (computed as provided in this paragraph) shall not be increased because a net operating loss carryback is available as a deduction in the contribution year. In addition, in determining (under the provisions of section 172(b) (2)) the amount of the net operating loss for any year subsequent to the contribution year which is a carryback or carryover to taxable years succeeding

the contribution year, the amount of contributions shall be limited to the maximum amount deductible under the 5-percent limitation of section 170(b) (2) (computed without regard to any net operating loss carryback or any of the modifications referred to in section 172 (d)) for the contribution year.

(6) *Effect of net operating loss carryback to taxable years succeeding the contribution year.* The amount of the charitable contribution from a preceding taxable year which is deductible (as provided in this paragraph) in a current taxable year (hereinafter referred to in this subparagraph as the "deduction year") shall not be reduced because a net operating loss carryback is available as a deduction in the deduction year. In addition, in determining (under the provisions of section 172 (b) (2)) the amount of the net operating loss for any year subsequent to the deduction year which is a carryback or a carryover to taxable years succeeding the deduction year, the amount of contributions shall be limited to the maximum amount deductible under the 5-percent limitation of section 170(b) (2) (computed without regard to any net operating loss carryback or any of the modifications referred to in section 172(d)) for the deduction year.

PAR. 4. Paragraph (a) (3) (ii) of § 1.172-5 is amended by revising the portion thereof which precedes example (1) to read as follows:

§ 1.172-5 Taxable income which is subtracted from net operating loss to determine carryback or carryover.

(a) *Taxable year subject to the Internal Revenue Code of 1954.* \* \* \*

(3) *Modifications applicable to all taxpayers.* \* \* \*

(ii) *Recomputation of percentage limitations.* Unless otherwise specifically provide in this subchapter, any deduction which is limited in amount to a percentage of the taxpayer's taxable income or adjusted gross income shall be recomputed upon the basis of the taxable income or adjusted gross income, as the case may be, determined with the modifications prescribed in this paragraph. Thus, in the case of an individual the deduction for medical expenses would be recomputed after making all the modifications prescribed in this paragraph, whereas the deduction for charitable contributions would be determined without regard to any net operating loss carryback but with regard to any other modifications so prescribed. See, however, the regulations under paragraph (g) of § 1.170-2 (relating to charitable contributions carryover of individuals) and paragraph (c) of § 1.170-3 (relating to charitable contributions carryover of corporations) for special rules regarding charitable contributions in excess of the percentage limitations which may be treated as paid in succeeding taxable years.

PAR. 5. Section 1.381(c) (19) is amended to read as follows:



**§ 1.381(c)(19) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; charitable contributions in excess of prior years' limitation.**

Sec. 381. Carryovers in certain corporate acquisitions. \* \* \*

(c) Items of the distributor or transferor corporation. The items referred to in subsection (a) are:

(19) Charitable contributions in excess of prior years' limitations. Contributions made in the taxable year ending on the date of distribution or transfer and the 4 prior taxable years by the distributor or transferor corporation in excess of the amount deductible under section 170(b)(2) for such taxable years shall be deductible by the acquiring corporation for its taxable years which begin after the date of distribution or transfer, subject to the limitations imposed in section 170(b)(2). In applying the preceding sentence, each taxable year of the distributor or transferor corporation beginning on or before the date of distribution or transfer shall be treated as a prior taxable year with reference to the acquiring corporation's taxable years beginning after such date.

[Sec. 381(c)(19) as amended by sec. 209(d)(2), Rev. Act 1964 (78 Stat. 46)]

PAR. 6. Section 1.381(c)(19)-1 is amended by revising paragraph (a), paragraph (b)(3), paragraph (c), and paragraph (d). These revised provisions read as follows:

**§ 1.381(c)(19)-1 Charitable contribution carryovers in certain acquisitions.**

(a) Carryover requirement. Section 381(c)(19) provides that, in computing taxable income for its taxable years which begin after the date of distribution or transfer to which section 381(a) applies, the acquiring corporation shall take into account any charitable contributions made by a distributor or transferor corporation during the taxable year ending on the date of distribution or transfer, and in certain immediately preceding taxable years, which are in excess of the maximum amount deductible for those taxable years under section 170(b)(2) in the following manner:

(1) If the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins before January 1, 1962, the acquiring corporation shall, in computing taxable income for its first 2 taxable years which begin after the date of such distribution or transfer, take into account the excess contributions made by the distributor or transferor corporation in the taxable year ending on the date of distribution or transfer and in the immediately preceding taxable year;

(2) If the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins after December 31, 1961, the acquiring corporation shall, in computing taxable income for certain taxable years which begin after the date of distribution or transfer, take into account the excess contributions made by the distributor or transferor corporation in the taxable year ending on such date of distribution

or transfer and in any of the four taxable years immediately preceding such taxable year but excluding any taxable year beginning before January 1, 1962 (see paragraph (c)(3) of this section). Notwithstanding the preceding sentence, if the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins after December 31, 1961, and before January 1, 1963, the acquiring corporation shall, in computing taxable income for its first taxable year which begins after the date of distribution or transfer, also take into account the excess contributions made by the distributor or transferor corporation in the taxable year immediately preceding the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer (see paragraph (c)(2) of this section).

To determine the amount of excess contributions made by a distributor or transferor corporation and to integrate them with contributions made by the acquiring corporation for the purpose of determining the charitable contributions deductible by the acquiring corporation for its taxable years beginning immediately after the date of distribution or transfer, it is necessary to apply the provisions of section 170(b)(2) and § 1.170-3 in accordance with the conditions and limitations of section 381(c)(19) and this section.

(b) Manner of computing excess charitable contribution carryovers. \* \* \*

(3) The excess charitable contributions made by a distributor or transferor corporation in its taxable year ending on the date of distribution or transfer and in certain immediately preceding taxable years (see paragraph (c) of this section) which are not deductible by the distributor or transferor corporation because of the 5-percent limitation of section 170(b)(2) shall be available to the acquiring corporation without diminution by reason of the fact that the acquiring corporation does not acquire 100 percent of the assets of the distributor or transferor corporation. Thus, if a parent corporation owning 80 percent of all classes of stock of its subsidiary corporation were to acquire its share of the assets of the subsidiary corporation upon a complete liquidation described in paragraph (b)(1)(i) of § 1.381(a)-1, then, subject to the conditions and limitations of this section, 100 percent of the excess contributions made by the subsidiary corporation would be available to the acquiring corporation.

(c) Taxable years to which carryovers apply and amount deductible—(1) Taxable years beginning before January 1, 1962. If the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins before January 1, 1962:

(i) The excess charitable contributions made by a distributor or transferor corporation in its taxable year immediately preceding that ending on the date of distribution or transfer, to the extent not deductible by it because of the limitations of section 170(b)(2) in its taxable year ending on that date, shall be

deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) in its first taxable year beginning after the date of distribution or transfer. Any portion of such excess which is not deductible under this section by the acquiring corporation in such first taxable year shall not be deducted by that corporation in any other taxable year.

(ii) The excess charitable contributions made by a distributor or transferor corporation in its taxable year ending on the date of distribution or transfer shall first be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) and this section in its first taxable year beginning after that date and then, to the extent prescribed by section 170(b)(2) and this section, in its second taxable year beginning after that date. Any portion of such excess which is not deductible under this section by the acquiring corporation in such first and second taxable years shall not be deducted by that corporation in any other taxable year.

(2) Taxable years beginning in 1962. If the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins after December 31, 1961, and before January 1, 1963:

(i) The excess charitable contributions made by a distributor or transferor corporation in its taxable year immediately preceding that ending on the date of distribution or transfer, to the extent not deductible by it because of the limitations of section 170(b)(2) in its taxable year ending on that date, shall be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) in its first taxable year beginning after the date of distribution or transfer. Any portion of such excess which is not deductible under this section by the acquiring corporation in such first year shall not be deducted by that corporation in any other taxable year.

(ii) The excess charitable contributions made by a distributor or transferor corporation in its taxable year ending on the date of distribution or transfer and beginning after December 31, 1961, and before January 1, 1963, shall first be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) and this section in its first taxable year beginning after that date and then, to the extent prescribed by section 170(b)(2) and this section, in its second, third, fourth, and fifth taxable year, in order of time, beginning after that date. Any portion of such excess which is not deductible under this section by the acquiring corporation in such 5 taxable years shall not be deducted by that corporation in any other taxable year.

(3) Taxable years beginning after December 31, 1962. (i) If the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins after December 31, 1962, the excess charitable contributions made by a distributor or transferor corporation in its taxable year ending on the date of distribution or transfer and in each of its 4 immediately preceding



taxable years (excluding any taxable year beginning before January 1, 1962), to the extent not deductible by it because of the limitations of section 170(b)(2) in its taxable year ending on the date of distribution or transfer or its prior taxable years, shall be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) and subdivision (ii) of this subparagraph, in its taxable years which begin after the date of distribution or transfer. However, any portion of the excess charitable contributions made by a distributor or transferor corporation in a particular taxable year (to which this subparagraph is applicable) which is not deductible under this section within the 5 taxable years immediately following the taxable year in which the contribution was paid by the distributor or transferor corporation shall not be deductible by the acquiring corporation in any other taxable year.

(ii) For purposes of determining the 5 taxable years in which the excess contributions may be deducted, all taxable years of the distributor or transferor corporation subsequent to the taxable year in which the excess contribution was made, including the taxable year ending on the date of distribution or transfer shall be treated as taxable years of the acquiring corporation.

(iii) The provisions of this subparagraph may be illustrated by the following example:

*Example.* X Corporation and Y Corporation both compute taxable income on the calendar year basis. X Corporation has excess charitable contributions for 1962 and 1964. On December 31, 1966, X Corporation distributes all its assets to Y Corporation in a complete liquidation to which section 381(a) applies. The excess 1962 charitable contributions of X Corporation (to the extent not deductible by X because of the limitations of section 170(b)(2) in its taxable years 1963 through 1966) may be deducted by Y Corporation only in 1967. Y Corporation's taxable year 1967 is the fifth taxable year succeeding the taxable year 1962 (the year in which the excess contributions were made), and the portion of such excess contributions which is not deductible in the 5 taxable years immediately succeeding 1962 (1963 through 1967) is not deductible by Y Corporation in any other taxable year. Any excess charitable contributions for 1964 to which Y Corporation may be entitled must be deducted by Y Corporation (if deductible at all) in 1967, 1968, and 1969 since such years are the third, fourth, and fifth taxable years succeeding the taxable year 1964 (the year in which the excess contributions were paid).

(4) *General rules.* No excess charitable contributions made by a distributor or transferor corporation shall be deductible by the acquiring corporation in its taxable year which includes the date of distribution or transfer. In addition, an excess charitable contribution made by a distributor or transferor corporation in a taxable year prior to the taxable year of the transfer is only deductible by the distributor or transferor corporation, subject to the limitations of section 170(b)(2), in its subsequent taxable years which begin on or before the date of distribution or transfer, and by the acquiring corporation in its taxable year

(or years) beginning after the date of distribution or transfer.

(d) *Rules governing amounts deductible by acquiring corporations.* (1) In applying the provisions of section 170(b)(2) for the purpose of determining the amount of excess charitable contributions which are deductible by the acquiring corporation in its taxable years beginning after the date of distribution or transfer, all taxable years of the distributor or transferor and acquiring corporations which, with respect to a particular taxable year beginning after the date of distribution or transfer, constitute the same numbered preceding taxable year shall together be considered as one taxable year even though the taxable years involved may not end on the same date. Thus, for example, all taxable years of the distributor or transferor and acquiring corporations which, with respect to the first taxable year of the acquiring corporation beginning after the date of distribution or transfer, constitute the second preceding taxable year shall together be considered as one taxable year even though the taxable years involved may not end on the same date. Any excess charitable contributions carried over from preceding taxable years which are considered as one taxable year shall be taken into account by the acquiring corporation as one amount, without regard to the extent to which the contributions were made by a distributor or transferor corporation or the acquiring corporation.

(2) For purposes of this paragraph, each taxable year of the distributor or transferor corporation beginning on or before the date of distribution or transfer shall be treated as a preceding taxable year with reference to the acquiring corporation's taxable years beginning after such date. For example, the taxable year of a distributor or transferor corporation which ends on the date of distribution or transfer shall be considered a first preceding taxable year with reference to the acquiring corporation's first taxable year beginning after that date, a second preceding taxable year with reference to the acquiring corporation's second taxable year beginning after that date, and so forth with respect to succeeding taxable years of the acquiring corporation. Also, for example, the taxable year of a distributor or transferor corporation which immediately precedes its taxable year ending on the date of distribution or transfer shall be considered a second preceding taxable year with reference to the acquiring corporation's first taxable year beginning after that date.

PAR. 7. Section 1.545 is amended by revising section 545(b)(1) and (2), and by revising the historical note. These revised provisions read as follows:

§ 1.545 Statutory provisions; undistributed personal holding company income.

Sec. 545. Undistributed personal holding company income. \* \* \*

(b) *Adjustments to taxable income.* \* \* \*

(1) *Taxes.* There shall be allowed as a deduction Federal income and excess profits taxes (other than the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code of 1939 for taxable years beginning after December 31, 1940) and income, war profits and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 275(a)(4)), accrued during the taxable year or deemed to be paid by a domestic corporation under section 902(a)(1) or 960(a)(1)(C) for the taxable year, but not including the accumulated earnings tax imposed by section 531, the personal holding company tax imposed by section 541, or the taxes imposed by corresponding sections of a prior income tax law. A taxpayer which, for each taxable year in which it was subject to the tax imposed by section 500 of the Internal Revenue Code of 1939, deducted Federal income and excess profits taxes when paid for the purpose of computing subchapter A net income under such Code, shall deduct taxes under this paragraph when paid, unless the taxpayer elects, in its return for a taxable year ending after June 30, 1954, to deduct the taxes described in this paragraph when accrued. Such an election shall be irrevocable and shall apply to the taxable year for which the election is made and to all subsequent taxable years.

(2) *Charitable contributions.* The deduction for charitable contributions provided under section 170 shall be allowed, but in computing such deduction the limitations in section 170(b)(1)(A) and (B) shall apply, and section 170(b)(2) and (5) shall not apply. For purposes of this paragraph, the term "adjusted gross income" when used in section 170(b)(1) means the taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170(b)(2) and (5) and without deduction of the amount disallowed under paragraph (8) of this subsection.

[Sec. 545 as amended by sec. 32, Technical Amendments Act 1958 (72 Stat. 1631); sec. 9(d)(2), Rev. Act 1962 (76 Stat. 1001); secs. 207(b)(5) and 209(c)(2), Rev. Act 1964 (78 Stat. 42, 46)]

PAR. 8. Paragraph (b) of § 1.545-2 is amended by revising subparagraphs (1) and (2) to read as follows:

§ 1.545-2 Adjustments to taxable income.

(b) *Charitable contributions.* (1) Section 545(b)(2) provides that, in computing the deduction for charitable contributions for purposes of determining undistributed personal holding company income of a corporation, the limitations in section 170(b)(1)(A) and (B) (relating to charitable contributions by individuals) shall apply and section 170(b)(2) and (5) (relating to charitable contributions by corporations and carryover of certain excess charitable contributions made by individuals, respectively) shall not apply.

(2) Although the limitations of section 170(b)(1)(A) and (B) are 10 and 20 percent, respectively, of the individual's adjusted gross income, the limitations are applied for purposes of section 545(b)(2) by using 10 and 20 percent, respectively, of the corporation's taxable income as adjusted for purposes of



section 170(b)(2) (that is, the same amount of taxable income to which the 5-percent limitation applied). Thus, the term "adjusted gross income" when used in section 170(b)(1) means the corporation's taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170(b)(2). However, a further adjustment for this purpose is that the taxable income shall also be computed without the deduction of the amount disallowed under section 545(b)(8) (relating to expenses and depreciation applicable to property of the taxpayer). The carryover of charitable contributions made in a prior year, otherwise allowable as a deduction in computing taxable income to the extent provided in section 170(b)(2) and, with respect to contributions paid in taxable years beginning after December 31, 1963, in section 170(b)(5), shall not be allowed as a deduction in computing undistributed personal holding company income for any taxable year.

PAR. 9. Section 1.556 is amended by revising section 556(b)(1) and (2), and by revising the historical note. These revised provisions read as follows:

**§ 1.556 Statutory provisions: undistributed foreign personal holding company income.**

Sec. 556. *Undistributed foreign personal holding company income*—

(b) *Adjustments to taxable income.*

(1) *Taxes.* There shall be allowed as a deduction Federal income and excess profits taxes (other than the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code of 1939 for taxable years beginning after December 31, 1940) and income, war profits, and excess-profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 275(a)(4)), accrued during the taxable year, but not including the accumulated earnings tax imposed by section 531, the personal holding company tax imposed by section 541, or the taxes imposed by corresponding sections of a prior income tax law. A taxpayer which, for each taxable year in which it was subject to the provisions of supplement P of the Internal Revenue Code of 1939, deducted Federal income and excess profits taxes when paid for the purpose of computing undistributed supplement P net income under such code, shall deduct taxes under this paragraph when paid, unless the corporation elects, under regulations prescribed by the Secretary or his delegate, after the date of enactment of this title to deduct the taxes described in this paragraph when accrued. Such election shall be irrevocable and shall apply to the taxable year for which the election is made and to all subsequent taxable years.

(2) *Charitable contributions.* The deduction for charitable contributions provided under section 170 shall be allowed, but in computing such deduction the limitations in section 170(b)(1)(A) and (B) shall apply, and section 170(b)(2) and (5) shall not apply. For purposes of this paragraph, the term "adjusted gross income" when used in section 170(b)(1) means the taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170(b)(2) and (5) and without the deduction of the amounts disallowed under paragraphs (5) and (6) of this subsection or the inclusion in gross

income of the amounts includible therein as dividends by reason of the application of the provisions of section 555(b) (relating to the inclusion in gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another company in which it is a shareholder).

[Sec. 556 as amended by sec. 33, Technical Amendments Act 1958 (72 Stat. 1632); secs. 207(b)(6) and 209(c)(2), Rev. Act 1964 (78 Stat. 42, 46)]

PAR. 10. Paragraph (b) of § 1.556-2 is amended by revising subparagraphs (1) and (2) to read as follows:

**§ 1.556-2 Adjustments to taxable income.**

(b) *Charitable contributions.* (1) Section 556(b)(2) provides that, in computing the deduction for charitable contributions for purposes of determining the undistributed foreign personal holding company income of a corporation, the limitations in section 170(b)(1)(A) and (B) (relating to charitable contributions by individuals) shall apply and section 170(b)(2) and (5) (relating to charitable contributions by corporations and carryover of certain excess charitable contributions made by individuals, respectively) shall not apply.

(2) Although the limitations of section 170(b)(1)(A) and (B) are 10 and 20 percent, respectively, of the individual's adjusted gross income, the limitations are applied for purposes of section 556(b)(2) by using 10 and 20 percent, respectively, of the corporation's taxable income as adjusted for purposes of section 170(b)(2) (that is, the same amount of taxable income to which the 5-percent limitation applied). Thus, the term "adjusted gross income" when used in section 170(b)(1) means the corporation's taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170(b)(2). However, a further adjustment for this purpose is that the taxable income shall also be computed without the deduction of the amount disallowed under section 556(b)(5) (relating to expenses and depreciation applicable to property of the taxpayer), and section 556(b)(6) (relating to taxes and contributions to pension trusts), and without the inclusion of the amounts includible as dividends under section 555(b) (relating to the inclusion in gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another company in which it is a shareholder). The carryover of charitable contributions made in a prior year, otherwise allowable as a deduction in computing taxable income to the extent provided in section 170(b)(2) and, with respect to contributions paid in taxable years beginning after December 31, 1963, in section 170(b)(5), shall not be allowed as a deduction in computing undistributed foreign personal holding company income for any taxable year.

[F.R. Doc. 66-12456; Filed, Nov. 16, 1966; 8:47 a.m.]

## Title 29—LABOR

### Chapter X—National Mediation Board

#### PART 1207—ESTABLISHMENT OF SPECIAL ADJUSTMENT BOARDS

On pages 13946 and 13947 of the FEDERAL REGISTER of November 1, 1966, there was published a notice of proposed rule making to issue rules governing the establishment of special adjustment boards upon the request of either representatives of employees or of carriers to resolve disputes otherwise referable to the National Railroad Adjustment Board. Interested persons were given an additional ten (10) days to submit written comments, suggestions, or objections regarding the proposed rules which had first appeared at pages 10697 and 10698 of the FEDERAL REGISTER of August 11, 1966, and had then appeared subsequently in the FEDERAL REGISTER of October 12, 1966 at pages 13176 and 13177.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

*Effective date.* These regulations shall become effective upon their publication in the FEDERAL REGISTER.

THOMAS A. TRACY,  
Executive Secretary.

- Sec.  
1207.1 Establishment of special adjustment boards (PL Boards).  
1207.2 Requests for Mediation Board action.  
1207.3 Compensation of neutrals.  
1207.4 Designation of PL Boards, filing of agreements, and disposition of records.

*AUTHORITY:* The provisions of this Part 1207 issued under the Railway Labor Act, as amended (45 U.S.C. 151-163).

**§ 1207.1 Establishment of special adjustment boards (PL Boards).**

Public Law 89-456 (80 Stat. 208) governs procedures to be followed by carriers and representatives of employees in the establishment and functioning of special adjustment boards, hereinafter referred to as PL Boards. Public Law 89-456 requires action by the National Mediation Board in the following circumstances:

(a) *Designation of party member of PL Board.* Public Law 89-456 provides that within thirty (30) days from the date a written request is made by an employee representative upon a carrier, or by a carrier upon an employee representative, for the establishment of a PL Board, an agreement establishing such a Board shall be made. If, however, one party fails to designate a member of the Board, the party making the request may ask the Mediation Board to designate a member on behalf of the other party. Upon receipt of such request, the Mediation Board will notify the party which failed to designate a partisan member for the establishment of a PL Board of the receipt of the request. The Mediation Board will then designate a representative on behalf of the party upon whom



the request was made. This representative will be an individual associated in interest with the party he is to represent. The designee, together with the member appointed by the party requesting the establishment of the PL Board, shall constitute the Board.

(b) *Appointment of a procedural neutral to determine matters concerning the establishment and/or jurisdiction of a PL Board.* (1) When the members of a PL Board constituted in accordance with paragraph (a) of this section, for the purpose of resolving questions concerning the establishment of the Board and/or its jurisdiction, are unable to resolve these matters, then and in that event, either party may ten (10) days thereafter request the Mediation Board to appoint a neutral member to determine these procedural issues.

(2) Upon receipt of this request, the Mediation Board will notify the other party to the PL Board. The Mediation Board will then designate a neutral member to sit with the PL Board and resolve the procedural issues in dispute. When the neutral has determined the procedural issues in dispute, he shall cease to be a member of the PL Board.

(c) *Appointment of neutral to sit with PL Boards and dispose of disputes.* (1) When the members of a PL Board constituted by agreement of the parties, or by the appointment of a party member by the Mediation Board, as described in paragraph (a) of this section, are unable within ten (10) days after their failure to agree upon an award to agree upon the selection of a neutral person, either member of the Board may request the Mediation Board to appoint such neutral person and upon receipt of such request, the Mediation Board shall promptly make such appointment.

(2) A request for the appointment of a neutral under paragraph (b) of this section or this paragraph (c) shall:

- (i) Show the authority for the request—Public Law 89-456, and
- (ii) Define and list the proposed specific issues or disputes to be heard.

#### § 1207.2 Requests for Mediation Board action.

(a) Requests for the National Mediation Board to appoint neutrals or party representatives should be made on NMB Form 5.

(b) Those authorized to sign request on behalf of parties:

(1) The "representative of any craft or class of employees of a carrier," as referred to in Public Law 89-456, making request for Mediation Board action, shall be either the General Chairman, Grand Lodge Officer (or corresponding officer of equivalent rank), or the Chief Executive of the representative involved. A request signed by a General Chairman or Grand Lodge Officer (or corresponding officer of equivalent rank) shall bear the approval of the Chief Executive of the employee representative.

(2) The "carrier representative" making such a request for the Mediation Board's action shall be the highest car-

rier officer designated to handle matters arising under the Railway Labor Act.

(c) Docketing of PL Board agreements: The National Mediation Board will docket agreements establishing PL Board, which agreements meet the requirements of coverage as specified in Public Law 89-456. No neutral will be appointed under § 1207.1(c) until the agreement establishing the PL Board has been docketed by the Mediation Board.

#### § 1207.3 Compensation of neutrals.

(a) *Neutrals appointed by the National Mediation Board.* All neutral persons appointed by the National Mediation Board under the provisions of § 1207.1 (b) and (c) will be compensated by the Mediation Board in accordance with legislative authority. Certificates of appointment will be issued by the Mediation Board in each instance.

(b) *Neutrals selected by the parties.*

(1) In cases where the party members of a PL Board created under Public Law 89-456 mutually agree upon a neutral person to be a member of the Board, the party members will jointly so notify the Mediation Board, which Board will then issue a certificate of appointment to the neutral and arrange to compensate him as under paragraph (a) of this section.

(2) The same procedure will apply in cases where carrier and employee representatives are unable to agree upon the establishment and jurisdiction of a PL Board, and mutually agree upon a procedural neutral person to sit with them as a member and determine such issues.

#### § 1207.4 Designation of PL Boards, filing of agreements, and disposition of records.

(a) *Designation of PL Boards.* All special adjustment boards created under Public Law 89-456 will be designated PL Boards, and will be numbered serially, commencing with No. 1, in the order of their docketing by the National Mediation Board.

(b) *Filing of agreements.* The original agreement creating the PL Board under Public Law 89-456 shall be filed with the National Mediation Board at the time it is executed by the parties. A copy of such agreement shall be filed by the parties with the Administrative Officer of the National Railroad Adjustment Board, Chicago, Ill.

(c) *Disposition of records.* Since the provisions of section 2(a) of Public Law 89-456 apply also to the awards of PL Boards created under this Act, two copies of all awards made by the PL Boards, together with the record of proceedings upon which such awards are based, shall be forwarded by the neutrals who are members of such Boards, or by the parties in case of disposition of disputes by PL Boards without participation of neutrals, to the Administrative Officer of the National Railroad Adjustment Board, Chicago, Ill., for filing, safekeeping, and handling under the provisions of section 2(q), as may be required.

[F.R. Doc. 66-12451; Filed, Nov. 16, 1966; 8:47 a.m.]

## Title 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### PART 96—AIR TRANSPORTATION

##### Subpart F—Military Ordinary Mail

On September 21, 1965, a notice of proposed rule making was published in the *FEDERAL REGISTER* (30 F.R. 12038), affording to interested persons an opportunity to present data, views, or arguments for consideration in formulating regulations setting forth the principles and procedures to be applicable in the future to the dispatch and division of military ordinary mail in overseas and foreign air commerce. Set forth in the aforementioned notice were tentative regulations constituting a proposed new Subpart F to Title 39, Code of Federal Regulations, and consisting of § 96.55, as follows:

§ 96.55 *Dispatch and division.* (a) Military ordinary mail may not be dispatched on an aircraft unless the air carrier has first provided fully for the needs of the postal service for the transportation of airmail and air parcel post on that aircraft, and (in the case of a service offering passenger transportation) has also first provided fully for the passenger requirements on that flight.

(b) Military ordinary mail shall be dispatched by the most expeditious service to the airport of destination to the extent that space is available on a flight under the conditions set forth in paragraph (a) of this section.

(c) Military ordinary mail for competitive points shall be divided equally between competitive flights as nearly as practicable if such flights are scheduled to arrive at the airport of destination within 2 hours of each other. When one carrier operates multiple competitive flights scheduled to arrive at an airport within 2 hours of a competitive flight or flights of another carrier, the military ordinary mail shall be divided equally between air carriers rather than between flights. For each application of these principles the time period of 2 hours shall start with the first scheduled arrival of a flight or flights not included in an earlier division. A divided share of military ordinary mail will not be subject to further division.

(d) Military ordinary mail will be divided on a weight basis which, to the extent practicable, reflects an equitable division of types of such mail having different space requirements.

(e) The use of a flight or flights may be suspended in the event of cancellation, unduly delayed departure, frequent failure of schedule performance, abnormal mail backlog, or other unusual or unanticipated condition which would otherwise delay the dispatch of military ordinary mail or impair the service to be accorded such mail.

On the basis of representations made in behalf of Seaboard World Airlines, Inc. (hereinafter Seaboard), dates specified in the original notice of proposed rule making for submission of initial and rebuttal comments, October 21, and November 5, 1965, respectively, were extended to January 19, and February 3, 1966 (30 F.R. 13265), were further extended to April 20, and May 5, 1966 (31 F.R. 712), and were finally extended to June 20, and July 6, 1966 (31 F.R. 5665).

As a result of these notices, the matter of regulations applicable to the dispatch and division of military ordinary



mail to be transported in overseas and foreign air commerce has been the subject of extensive rule making procedures, involving submission to the Post Office Department (hereinafter Department) of initial and rebuttal comments by interested persons. The information thus developed in the course of the rule making proceeding affords a sound and adequate basis on which to determine the action to be taken with respect to the subject matter and issues involved. Accordingly, it appears that further public rule making proceedings are unnecessary.

*Basis and purpose.* Military ordinary mail, as described in the Civil Aeronautics Board's Order Nos. E-15182, May 4, 1960 (Atlantic Service); E-15463, June 29, 1960, as amended (Pacific Service); and E-16012, November 10, 1960 (Latin-American Service), consists of "all classes of U.S. Mail other than airmail and air parcel post, including official and personal letters and parcels, addressed to or from military post offices outside the United States," selected for air transportation by the Department of Defense, which is transported subject to the condition that an air carrier may not accept military ordinary mail for movement in an aircraft unless such carrier has first provided fully for the needs of the postal service for the transportation of airmail and air parcel post in such aircraft and (in the case of an aircraft accommodating passengers) has also first provided fully for passenger requirements in such aircraft.

Initially the Department limited tenders of military ordinary mail to all-cargo flights pursuant to the request of the Department of Defense. On March 20, 1964, the Secretary of Defense requested the Department to provide military ordinary mail the best possible commercial air service, advising further that the Department of Defense did not wish the movement of this mail to be delayed for the purpose of favoring any civil air line or type of aircraft. The Department of Defense reaffirmed this position in February 1965, in a communication to the Assistant Postmaster General, Bureau of Transportation and International Services.

The basis of the proposed regulations, as described in a staff statement submitted by the Director, International Services Division, of the Department's Bureau of Transportation and International Services, is the "need for clear and definite guidelines in the principles and procedures to be applicable in the future to the dispatch and division of military ordinary mail . . . . At present there are no published rules or regulations for dispatch and division of military ordinary mail. These have been governed by administrative directives issued from time to time. The substantial growth in volume of this mail, and the increase in schedule availability of transportation points up the necessity for clear and definite rules, uniformly applied, for the benefit of the Post Office Department, the Department of Defense, and the international air carriers."

Proposed paragraph (a) of § 69.55 simply restates the conditions imposed by the Civil Aeronautics Board in rate orders applicable to military ordinary mail. Proposed paragraph (b) makes it clear and unequivocal that "the most expeditious service" is determined by scheduled arrival time at the destination airport to which military ordinary mail is dispatched.

Proposed paragraph (c) is intended to provide practicable and equitable principles for dividing mail among competitive flights without unduly delaying the mail involved. Flights are considered to be competitive, and thus eligible for a division of mail, if they are scheduled to arrive at the same destination "within 2 hours of each other." If one carrier operates multiple flights scheduled to arrive at the same destination within 2 hours of the competitive flight or flights of another carrier, mail would be divided among carriers rather than among flights.

It is not contemplated that a precisely equal division of mail will be effected for each dispatch subject to division, because, in actual practice, mail subject to division consists of not only that which has accumulated at the point of origin for dispatch to a particular destination at the time of division, but also the additional mail which accumulates between the time the division has been made and the earlier departing schedule has left, and the time when the later departing schedule participating in the division will acquire its mail dispatch. To achieve equity, the mail volume on hand at the time of division must be increased by an estimate of the further accumulation anticipated before dispatch to the later departing schedule participating in the same division. Such estimates, in turn, are based upon experienced volumes for such flights for the recent past.

It is not intended that divided mail volume be subdivided. Paragraph (c) provides that, for the purposes of division, "the time period of 2 hours shall start with the first scheduled arrival of a flight or flights not included in an earlier division." This provision is intended to make clear to postal employees that if three flights of three carriers, A, B, and C, are scheduled to arrive at the same destination within a span of 3 hours, the flights of Carriers A and B arriving within the same 2-hour period, but the flight of Carrier C arriving more than 2 hours after the flight of Carrier A but less than 2 hours after the flight of Carrier B, there would be a division of mail between the flights of Carriers A and B, but there would be no division of mail between the flights of Carriers B and C.

Since military ordinary mail, unlike airmail, is not accorded a priority over all other traffic, proposed paragraph (c) must be modified in one respect. Under this tentative provision, as it now reads, "the time period of 2 hours [for division of mail] shall start with the first scheduled arrival of a flight or flights not included in an earlier division." Since, as pointed out in the staff statement,

a division between otherwise eligible flights may not be effected, in some instances because an eligible flight may be unable to accommodate military mail, a flight having the earliest scheduled arrival could be excluded from a division solely because of lack of available capacity. Under tentative paragraph (c), such a schedule would start the running of the 2-hour period, but this provision could be erroneously construed when applied to schedules which departed without the capacity to accommodate a divided share of the mail. To obviate such a misinterpretation, which would result in delay to the mail, the Department has concluded that the penultimate sentence in this paragraph should be changed to read as follows:

For each application of these principles the time period of 2 hours shall begin with the first scheduled arrival of a flight or flights not included in an earlier division, whether or not such flight or flights actually carry any military ordinary mail.

Paragraph (d) is intended to insure that divided mail volumes will be approximately equal in density. If weight alone is considered, a resultant division would provide one carrier with pouches of letter mail requiring a small amount of space and the remaining carrier with an equal weight of pouches containing parcels, which because of low density, would need a disproportionately larger space in the aircraft. Since compensation is based solely on the weight of the mail dispatched, elementary fairness requires that division be made with allowance for the varying densities of different classes of mail.

Paragraph (e) restates principles which, for many years, have been embodied in instructions to field personnel, and under which the use of particular flights has been suspended due to cancellations, delayed departures, or other unusual circumstances which would otherwise delay dispatch of military ordinary mail. A similar provision applies to the dispatch of international and military airmail. See 39 CFR 96.45(d) (4).

*Statement of considerations.* On March 20, 1964, in a letter to the Postmaster General, the Secretary of Defense stated:

It is my desire that all Defense Department overseas mail both airmail and military ordinary mail be provided the best possible commercial air service. We do not wish the movement of this mail to be delayed for the purpose of favoring any civil air line or type of aircraft.

After publication of the proposed rules for the dispatch and division of military ordinary mail in the FEDERAL REGISTER, the Deputy Assistant Secretary for Defense (Logistics Services) on October 12, 1965, submitted a statement to the Department reflecting the Department of Defense's support of the proposed rules as compatible with the request of the Secretary of Defense, quoted above, for improved mail service. Initial comments were received from Pan American World Airways, Inc. (hereinafter Pan American), Trans World Airlines, Inc. (hereinafter Trans World), and Seaboard



World Airlines, Inc., all of which submitted rebuttal comments. In addition to the staff statement already mentioned, which was submitted as an initial comment, the procedural file also includes a staff statement submitted as a rebuttal comment by the Assistant Director, Division of International Services. Trans World supported the proposed rules on the ground that they provided a clear and uniform basis of administering the dispatch and division of military ordinary mail. This carrier did suggest, however, that paragraphs (a) and (b) of the proposed rules be amended to make clear that the priority of military ordinary mail is equal to, but not greater than, the priority accorded to air freight. The Department believes that the most appropriate method for describing the priority accorded to military ordinary mail is to employ the language in the Civil Aeronautics Board's rate order, which is embodied in proposed paragraph (a). Pan American's initial comment reflected unqualified support for the proposed rules on the ground that: (1) They were responsive to the needs of the Department of Defense; (2) they were reasonable and necessary in maintaining service standards; (3) they would subject the dispatch and division of mail to an objective rule; and, (4) they would minimize the effect of the later canceled flights and thus permit improved local distribution of the mail at destination.

Seaboard World, in its initial comment, alleged that the notice of proposed rule making was procedurally defective since it failed to include "the requisite explanation of the necessity for, and purpose of, the proposed rule changes, and an explanation of exactly how such rule changes are expected by the Post Office Department to improve the transportation of MOM, together with appropriate factual documentation thereof." Since the Administrative Procedure Act's provisions governing rule making notices require only "(1) a statement of the time, place, and nature of public rule making proceedings; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved," this allegation is considered to be without merit.

The balance of Seaboard World's initial comment was limited to the criticism that the proposed rules would not continue the existence of the present practice of limiting military ordinary mail dispatches to all-cargo schedules, when such service is available. Seaboard World contended that the abandonment of this restriction would be unwarranted because (1) of changed circumstances since the Secretary of Defense's letter of March 20, 1964; (2) the proposed rules would not improve transatlantic military ordinary mail service; (3) lack of an all-cargo restriction would require military ordinary mail to be moved at the higher rate applicable to airmail transportation; (4) the defense capability of the country would be adversely affected; and (5) Seaboard World would sustain a reduction in

annual revenues of something in excess of \$1 million.

The first changed circumstance alleged by Seaboard World was a vast improvement in transatlantic all-cargo service. This contention is supported by the same data as the contention that adoption of the proposed rules will not improve military ordinary mail service. These contentions are supported by a time-channel argument. Seaboard World divides the day into six 4-hour time channels, contending that, while in 1964 all-cargo flights departed only during the midnight (2301-0300) and the afternoon (1101-1500) time channels, all-cargo schedules now depart during three time channels (2301-0300, 0701-1100, and 1901-2300) in comparison with passenger schedules departing only during two time channels (0701-1100 and 1901-2300).

First, of course, it is not the departure times but the arrival times of scheduled flights which would be significant in the dispatch of military ordinary mail. Second, Seaboard World's presentation is limited only to transatlantic service, whereas the proposed rules would also apply to transpacific and Latin American service, where the time-channel contention, even if valid, would not have the same application. Third, the time-channel argument does not, however, support Seaboard World's contentions. It may very well be that one or more all-cargo schedules depart within a 4-hour time block, but far more passenger schedules depart within the same time block. The proposed rules would permit the Department to select the most expeditious service from all the flights, both all-cargo and passenger, departing within a given 4-hour period. In addition, as disclosed in the rebuttal comment of Pan American, the retention of the all-cargo restriction would deny to military ordinary mail earlier arrival times varying from 1 to 13½ hours if passenger schedules are used. For these reasons, such contentions are deemed to lack merit.

Another changed circumstance which Seaboard World offers as a basis for retaining the all-cargo restriction is the alleged existence of an investigation of military ordinary mail rates being presently conducted by the Civil Aeronautics Board. While it is true that an informal discussion of the military ordinary mail rate level was initiated by staff members of the Board, no formal proceeding has been initiated. In any event, the question of the rate level would have no effect upon the issue of what proposed rules should be adopted for application to the dispatch and division of this mail.

The final changed circumstance cited by Seaboard World is the commencement of a supposed Congressional "investigation of the entire international military mail transportation system, including MOM". The only Congressional action the Department can associate with this allegation is the passage by the House of Representatives of H.R. 13448, relating to Armed Forces mailing privileges. The House Committee on Post Office and Civil Service, in reporting this bill, stated:

One proposal advanced was that this lower priority military airlift mail should be transported by air with preference to all cargo flights in accordance with a long-established policy of the Department of Defense.<sup>1</sup>

This proposal was not included in H.R. 13448. In view of the provisions in that bill, under which the mail to which it refers would enjoy air transportation only on a space-available basis, the Department cannot accept the contention that the Congress is investigating the air transportation of military ordinary mail which, including as it does official mail matter, enjoys an equal priority with other traffic on the aircraft after passengers and priority mail have been accommodated. The mail to which H.R. 13448 relates would be entitled to air transportation only after all other available traffic of every class had been accommodated, if unused capacity still remained available.

Seaboard World contends that failure to retain the all-cargo restriction would require the Civil Aeronautics Board to equalize rates for military ordinary mail to the level of rates applicable to the transportation of airmail, since the justification for lower rates would no longer exist.

In its order to show cause,<sup>2</sup> which led to the establishment of the military ordinary mail rate for transatlantic service, the Civil Aeronautics Board proposed to establish the present rate, and the conditions which have been described above. In justification, it recited that:

2. Petitioning air carriers [including Seaboard World] allege, and their Form 41 reports to the Board tend to confirm, that they normally have capacity available on regularly scheduled flights to accommodate substantial amounts of military mail service.

3. At least initially, the air carriers performing military mail service will not add flight capacities incident to such service and the added operating cost in performing such service will therefore be minimal and substantially below the ton-mile rate of 27.3 cents proposed.<sup>3</sup> (Italics supplied.)

In view of these facts, and the absence of any reference in the relevant rate orders to an all-cargo restriction, the Department cannot accept any contention that adoption of the proposed rules would automatically require Board action to increase military ordinary mail rates, particularly since such mail is on a par with freight in respect to priority of shipment, whereas airmail enjoys priority over all other traffic to be enplaned, including passengers. See 39 CFR 96.47(b).

Seaboard World contends that the defense capability of the country would be adversely affected by adoption of the proposed rules. This contention rests on an argument that there is presently "a severe shortage of all-cargo airlift in the civil augmentation mobilization base". The Department does not possess the expertise and factual data on which to evaluate either the proposed rules or

<sup>1</sup> House of Representatives Rept. No. 1332, to accompany H.R. 13448 (89th Cong., 2d Sess.), p. 4.

<sup>2</sup> Order No. E-15124, in Dockets 11083, 11106, and 11131.

<sup>3</sup> Id. at p. 3.



Seaboard World's contentions as they relate to the defense capability of the country. On this issue, the Department believes that it has no course but to credit the statements of qualified judges of this issue, i.e., officials of the Department of Defense, who have clearly indicated unqualified support for the proposed rules, which implicitly reflects their judgment that the adoption of such rules would not adversely affect the national defense capability of the country.

Finally, Seaboard World contends that the Department cannot abandon the existing all-cargo restriction because this would cause a revenue loss to Seaboard World in excess of \$1 million a year. The Postmaster General is not charged with responsibility for the economic well being of air carriers. This function is discharged by the Civil Aeronautics Board. See 49 U.S.C. sec. 1376(b). Mail compensation paid to air carriers by the Department includes no subsidy. See 49 U.S.C. sec. 1376(c). Nevertheless, the Department has considered this allegation, and has determined that there is no basis for such a contention. Under the proposed rules, Seaboard World would be removed from participation in some division situations prevailing at present, according to Seaboard World's published schedules, but would be eligible to participate in other divisions. The Department is satisfied that adoption of the proposed rules would have no substantial impact upon Seaboard World's mail revenues. In any event, the Department has concluded that the probability of an adverse financial effect upon one or more air carriers of rules setting forth equitable principles of dividing mail among competitive flights would not warrant a rejection or modification of such rules which would impair the attainment of expeditious service to the nation's Armed Forces overseas.

On the basis of its consideration of all data, views, and arguments presented in writing, including matters described above, the Department has concluded that the proposed rules, as modified for the reasons explained above, are sound, reasonable and proper; and that their adoption is consistent with a proper discharge of the responsibility of the Postmaster General to provide for the safe and expeditious carriage of military ordinary mail by aircraft.

Therefore, under the authority contained in R.S. 161, as amended (5 U.S.C. 22, 1964 ed.); 39 U.S.C. 501, 6301; and section 405 (a), (d) of the Federal Aviation Act of 1958, 72 Stat. 760, 761 (49 U.S.C. 1375 (a), (d), 1964 ed.), Part 96, Title 39, Code of Federal Regulations is hereby amended to include a new Subpart F as set forth below:

#### Subpart F—Military Ordinary Mail

##### § 96.55 Dispatch and division.

(a) Military ordinary mail may not be dispatched on an aircraft unless the air carrier has first provided fully for the needs of the postal service for the transportation of airmail and air parcel post on that aircraft, and (in the case of a

service offering passenger transportation) has also first provided fully for the passenger requirements on that flight.

(b) Military ordinary mail shall be dispatched by the most expeditious service to the airport of destination to the extent that space is available on a flight under the conditions set forth in paragraph (a) of this section.

(c) Military ordinary mail for competitive points shall be divided equally between competitive flights as nearly as practicable if such flights are scheduled to arrive at the airport of destination within 2 hours of each other. When one carrier operates multiple competitive flights scheduled to arrive at an airport within 2 hours of a competitive flight or flights of another carrier, the military ordinary mail shall be divided equally between air carriers rather than between flights. For each application of these principles the time period of 2 hours shall begin with the first scheduled arrival of a flight or flights not included in an earlier division, whether or not such flight or flights actually carry any military ordinary mail. A divided share of military ordinary mail will not be subject to further division.

(d) Military ordinary mail will be divided on a weight basis which, to the extent practicable, reflects an equitable division of types of such mail having different space requirements.

(e) The use of a flight or flights may be suspended in the event of cancellation, unduly delayed departure, frequent failure of schedule performance, abnormal mail backlog, or other unusual or unanticipated condition which would otherwise delay the dispatch of military ordinary mail or impair the service to be accorded such mail.

The amendment set forth above shall become effective thirty (30) days after publication in the FEDERAL REGISTER. The period of time available prior to this effective date will afford interested air carriers adequate notice of the amendment and an opportunity for the Department to issue appropriate notices and instructions to its field personnel prior to this effective date.

TIMOTHY J. MAY,  
General Counsel.

[F.R. Doc. 66-12450; Filed, Nov. 16, 1966;  
8:47 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 33—SPORT FISHING

##### Tewaukon National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

#### § 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

##### NORTH DAKOTA

##### TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,400 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 16, 1966, through March 27, 1967, daylight hours only. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 27, 1967.

JAMES F. GILLET, JR.,  
Refuge Manager, Tewaukon National Wildlife Refuge, Cayuga, N. Dak.

NOVEMBER 10, 1966.

[F.R. Doc. 66-12443; Filed, Nov. 16, 1966;  
8:46 a.m.]

#### PART 33—SPORT FISHING

##### Upper Souris National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

#### § 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

##### NORTH DAKOTA

##### UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprise 7,000 acres and are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport Fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 15, 1966, to the close of the North Dakota winter fishing season in March 1967. Fishing during daylight hours only.

(2) The use of minnows, fish, or parts thereof, for bait (except perch eyes) is prohibited north of the Lake Darling Dam. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through the



close of the North Dakota State winter fishing season in March 1967.

JOHN M. DAHL,  
Refuge Manager, Upper Souris  
National Wildlife Refuge,  
Foxholm, N. Dak.

NOVEMBER 8, 1966.

[F.R. Doc. 66-12444; Filed, Nov. 16, 1966;  
8:46 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 9—Atomic Energy Commission

#### PART 9-1—GENERAL

#### PART 9-2—PROCUREMENT BY FORMAL ADVERTISING

#### PART 9-3—PROCUREMENT BY NEGOTIATION

#### PART 9-7—CONTRACT CLAUSES

#### PART 9-9—PATENTS AND COPYRIGHTS

#### PART 9-15—CONTRACT COST PRIN- CIPLES AND PROCEDURES

#### PART 9-16—PROCUREMENT FORMS

#### Miscellaneous Amendments

1. Section 9-1.105-1, *Publication*, and § 9-1.105-2, *Copies*, are revised to read as follows:

#### § 9-1.105-1 Publication.

The AEC Procurement Regulations appear in the Code of Federal Regulations as Chapter 9 of Title 41, Public Contracts and Property Management, and are published in the daily issues of the FEDERAL REGISTER, in cumulated form in the Code of Federal Regulations, and in separate loose-leaf volume form.

#### § 9-1.105-2 Copies.

Copies of the AEC Procurement Regulations in the FEDERAL REGISTER and the Code of Federal Regulations form may be purchased by Federal Agencies and the public, at nominal cost, from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

2. Section 9-1.302-1, *General*, is revised to read as follows:

#### § 9-1.302-1 General.

*Procurement from Government sources.* Procurement of certain supplies and services may be effected by orders on Government sources referred to in FPR 1-1.302. It is the policy of the AEC that such methods of procurement be utilized to the fullest extent practicable, in accordance with applicable laws and regulations. Procurement by the AEC under the Economy Act of June 30, 1932, as amended (31 U.S.C. 686), shall conform to the requirements of that Act and applicable regulations of the General Accounting Office. Procedures to be fol-

lowed in procuring from Government sources are set forth in AECPR 9-5.

3. Section 9-1.305-3, *Deviations from Federal Specifications*, is revised to read as follows:

#### § 9-1.305-3 Deviations from Federal Specifications.

Subject to the requirements of FPR 1-1.305-3, Managers of Field Offices, Heads of Divisions and Offices, Headquarters, or their representatives specifically designated for this purpose, may authorize deviations from Federal Specifications in connection with AEC direct procurement. In those cases where use of Federal Specifications are required under § 9-1.305-1 above, information required by FPR 1-1.305-3(b) (5) with respect to deviations shall be forwarded through channels to the Director, Division of Contracts.

#### §§ 9-1.350-2, 9-1.356 [Deleted]

4. Section 9-1.350-2, *AEC Design Criteria*, and § 9-1.356, *Direct contracting for architect-engineer and construction contracts*, are deleted.

5. Section 9-1.352, *Department of Defense Index of Specifications and Standards*, is revised to read as follows:

#### § 9-1.352 Department of Defense Index of Specifications and Standards.

These indexes may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of Specifications and Standards are ordered from the cognizant Military activity developing each particular specification or standard.

6. Section 9-1.507-1, *Form prescribed*, is revised to read as follows:

#### § 9-1.507-1 Form prescribed.

Each Standard Form 119 completed in connection with an AEC direct contract, together with other relevant information shall be reviewed by the Office of the General Counsel (or the Office of the Chief Counsel in the field) prior to the initiation of appropriate action. An information copy of each such form, together with a record of action taken, shall be forwarded to the Director, Division of Contracts, Headquarters.

7. Section 9-1.1101, *Procurement of qualified products*, the second paragraph is revised to read as follows:

#### § 9-1.1101 Procurement of qualified products.

Whenever procurement of qualified products is to be made by formal advertising, AEC contracting officers shall insert in invitations for bids the provision contained in FPR 1-1.1101(b). This provision may be modified by AEC contracting officers with the advice of Counsel for use in requests for proposals.

8. Section 9-1.5007, *Surety bonds*, is revised to read as follows:

#### § 9-1.5007 Surety bonds.

Additional performance bond protection in connection with and consent of surety to change orders and supplement-

tal agreements to fixed-price contracts shall be obtained when they are determined to be appropriate on the basis of AECPR 9-10.

9. Section 9-2.406-4, *Disclosure of mistakes after award*, is revised to read as follows:

#### § 9-2.406-4 Disclosure of mistakes after award.

Pursuant to FPR 1-2.406-4(d), the Director, Division of Contracts, Headquarters, is delegated authority to make the determinations under FPR 1-2.406-4. Mistakes in bids after award shall be submitted to the Director, Division of Contracts, Headquarters, accompanied by the data set forth in FPR 1-2.406-4(f).

10. Section 9-3.000-50, *Policy, cost-type contractor procurement*, is revised to read as follows:

#### § 9-3.000-50 Policy, cost-type contractor procurement.

The following portions of the Federal Procurement Regulations Part 3 and this AECPR Part 3 constitute specific provisions which the contracting officer shall bring to the attention of cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices, in order to carry out the basic AEC procurement policy set forth in AECPR § 9-1.5203.

Section or subpart FPR:	Subject
1-3.1701(b) (4) and (c).	General requirements for negotiation.
1-3.102	Factors to be considered in negotiating contracts.
1-3.103(b) and (c).	Dissemination of procurement information.
1-3.4 (all)	Types of Contracts.
1-3.601	Purpose.
1-3.602	Policy.
1-3.603	Competition.
1-3.606	Blanket purchase arrangements.
1-3.8 (all)	Price Negotiation Policies and Techniques.
AECPR:	
9-3.103	Dissemination of procurement information.
9-3.4 (all)	Types of Contracts.
9-3.600	Scope of subpart.
9-3.603-2	Data to support small purchases.
9-3.8 (all)	Price Negotiation Policies and Techniques.

#### §§ 9-3.404-5, 9-3.404-7, 9-3.404-51 [Amended]

11. Section 9-3.404-5, *Prospective price redetermination at a stated time or times during performance*; § 9-3.404-7, *Retroactive price redetermination after completion*; and in § 9-3.404-51, *Fixed-price contracts with provision for redetermination*, paragraph (b) and subparagraph (1) under paragraph (h), the reference is changed from "9-7.5006-34" to "9-7.5007-5".

#### § 9-3.604 [Deleted]

12. Section 9-3.604, *Imprest funds (petty cash) method*, is deleted and reserved.



## § 9-3.604-3 [Deleted]

13. Section 9-3.604-3, *Agency responsibilities*, is deleted.

14. Section 9-3.804, *Conduct of negotiations*, paragraph (b) is revised to read as follows:

## § 9-3.804 Conduct of negotiations.

(b) Preliminary information as to prior contract actions, if any, and AEC offices involved, as reported on Form AEC 328, can generally be obtained from Headquarters. Inquiries in this regard should be addressed to the Director, Division of Contracts, Atomic Energy Commission, Washington, D.C. 20545.

15. Section 9-3.805, *Selection of offerors for negotiation and award*, paragraph (a) is revised to read as follows:

## § 9-3.805 Selection of offerors for negotiation and award.

(a) As indicated in FPR 1-3.805-1, the procedures set forth in paragraphs (a), (b), (c), and (d) of § 1-3.805-1 may not be applicable in certain cases. See AECPR 9-56 for specific instructions to be followed for selection of contractors by board process.

16. Section 9-3.805-50, *Negotiation of architect-engineer and cost-plus-a-fixed-fee contracts*, paragraph (b), *Conclusion of negotiations*, is revised to read as follows:

## § 9-3.805-50 Negotiation of architect-engineer and cost-plus-a-fixed-fee contracts.

(b) *Conclusion of negotiations.* Negotiations relative to contract and fee shall be concluded at as early a date as possible. When the information required by paragraph (a) of this section has been obtained, reviewed, and revised to the extent necessary, and mutually acceptable terms of contract, estimate of cost, and estimate of time of performance have been agreed to, the fixed fee should be negotiated. Except as indicated in AECPR § 9-3.408(b), negotiations relative to the fee shall be successfully concluded prior to making commitment on final selection. A complete record shall be maintained of all matters agreed to during negotiations. Should it be evident in the course of negotiations that no hope exists for a meeting of the minds within the previously determined maximum allowable (ceiling) fee, then consideration should be given to terminating negotiations and entering into a similar action with the next best qualified contractor. On conclusion of the foregoing steps, the formal contract should be prepared and executed by the parties, subject to the limitations in delegated authority and AEC requirements for Headquarters consideration of contract actions.

17. Section 9-3.807-1, *General*, is revised to read as follows:

## § 9-3.807-1 General.

FPR 1-3.807-1(b)(1)(ii)(C) provides that price competition may not be presumed to be adequate even though conditions (A) through (D) in 1-3.807-1(b)(1)(i) are met when the lowest final price is not reasonable and the contracting officer supports such finding by an enumeration of the facts upon which it is based. This situation is likely to exist when complex nonstandard items are being procured competitively, since cost experience necessary to close pricing is usually not available and the quoted prices include significant cost projections as well as provisions for contingency. Accordingly, it is particularly important in such procurement to perform thorough price analysis in order to establish that the proposed price is reasonable and that, therefore, cost analysis is not required.

18. Section 9-3.807-50, *Justification and documentation of procurement actions*, is revised to read as follows:

## § 9-3.807-50 Justification and documentation of procurement actions.

The justification for negotiated procurements (see AECPR § 9-55.102) shall include an explanation of why cost or pricing data was or was not required, and if it was not required in the case of any price negotiation in excess of \$100,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public or prices set by law or regulation.

19. Section 9-3.808-51, *Limitation on profits and fees*, paragraph (c) is revised to read as follows:

## § 9-3.808-51 Limitation on profits and fees.

(c) The profit included in hourly rates for time and material contracts should be held to a reasonable level. No profit shall be allowed on materials (see FPR 1-3.406-1). Time and material contracts providing for a profit in excess of 10 percent of the estimated cost exclusive of material cost shall be submitted to the Field Office Managers concerned for approval. These limitations are consistent with the normal risk attached to this method of contracting.

20. Section 9-7.5006-1, *Accounts, records and inspection* paragraphs (d), *Disposition of records*, are revised to read as follows:

## § 9-7.5006-1 Accounts, records and inspection.

(d) *Disposition of records.* Except as agreed upon by the Government and the contractor, all financial and cost reports, books of account and supporting documents, and other data evidencing costs allowable and revenues and other applicable credits under this contract, shall be the property of the Government, and shall be delivered to the Government or otherwise disposed of by the contractor either as the Contracting Officer may from time to time direct during the progress of the work or, in any event, as the

Contracting Officer shall direct upon completion or termination of this contract and final audit of all accounts hereunder. All other records in the possession of the contractor relating to this contract shall be preserved by the contractor for a period of three (3) years after final payment under this contract or otherwise disposed of in such manner as may be agreed upon by the Government and the contractor.

NOTE: Delete paragraph (d) and substitute the following if contract is with a cost-type contractor using privately-owned facilities whose accounts are not integrated with those of AEC:

"(d) *Disposition of records.* Except as agreed upon by the Government and the contractor, all financial and cost reports, books of account and supporting documents and other data evidencing costs allowable and revenues and other applicable credits under this contract in the possession of the contractor relating to this contract shall be preserved by the contractor for a period of three (3) years after final payment under this contract or otherwise disposed of in such manner as may be agreed upon by the Government and the contractor."

21. Section 9-9.5013, *Foreign patent rights*, is revised to read as follows:

## § 9-9.5013 Foreign patent rights.

Under the contract articles set forth in AECPR § 9-9.5003 through § 9-9.5005, AEC has the right to determine whether and where a patent application shall be filed. AEC thereby is in a position subject to AECPR § 9-9.5006(b) to comply with Executive Order 9865 of June 14, 1947, which requires all Government agencies, wherever practicable, to acquire the right to file foreign patent applications or inventions resulting from research conducted by the Government.

22. Section 9-9.5103, *Rights in copyrightable material under contracts*, paragraphs (d)(2) and (e)(2) are revised to read as follows:

## § 9-9.5103 Rights in copyrightable material under contracts.

## (d) \* \* \* COPYRIGHT

(2) The contractor agrees that it will not include any copyrighted material in any written or copyrightable material furnished or delivered under this contract, without a license as provided for in paragraph (1)(ii) hereof, or without the consent of the copyright owner, unless specific written approval of the contracting officer to the inclusion of such copyrighted material is secured.

## (e) \* \* \* COPYRIGHT

(2) The contractor agrees that it will not include any copyrighted material in any written or copyrightable material furnished or delivered under this contract, without a license as provided for in paragraph (1)(ii) hereof, or without the consent of the copyright owner, unless specific written approval of the contracting officer to the inclusion of such copyrighted material is secured.

23. Section 9-15.000-50, *Policy, cost-type contractor procurement*, is revised to read as follows:



**§ 9-15.000-50 Policy, cost-type contractor procurement.**

The following subpart of FPR 1-15 and this AECPR 9-15 constitute specific provisions which the contracting officer shall bring to the attention of Class A and Class B cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR § 9-1.5203:

Subpart or part	Subject
FPR 1-15.3	Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Educational Institutions.
AECPR 9-15	Contract Cost Principles and Procedures.

24. Section 9-15.5010-8, *Severance pay*, the unlettered paragraph after paragraph (b) is revised to read as follows:

**§ 9-15.5010-8 Severance pay.**

(b) \* \* \*

It will usually be acceptable to apportion severance payments on the basis of the ratio of total severance payments to a suitable base for the period established pursuant to (a) or (b) above, such as payrolls of all employees, direct salaries and wages, etc. The rate so determined shall be applied to the corresponding element of cost on the individual contracts. The rate should be determined on the basis of the operations of individual activities or other organizational units, such as departments, where such separate computations effect more accurate and equitable results. Severance pay should ordinarily not be considered

as directly applicable to any particular contract or contracts. The foregoing applies to cost-type supply and research contracts with commercial organizations. The subject of severance pay with reference to educational institutions is discussed in FPR 1-15.309-36.

25. Section 9-16.5002-4, *Outline of a cost-plus-a-fixed-fee construction contract, Article XXII—Labor*, is revised to read as follows:

**§ 9-16.5002-4 Outline of a cost-plus-a-fixed-fee construction contract.**

\* \* \*

*Article XXII—Labor.*

(a) *Davis-Bacon Act (Act of Mar. 3, 1931, as amended; 40 U.S.C. 276a and following)*—Insert contract clause set forth in Standard Form 19A with the modification necessary if AECPR § 9-12.103-51 applies.

(Note: This clause includes provisions required by regulations of the Department of Labor. Part 3, Title 29, Subtitle A, Code of Federal Regulations (7 F.R. 687 as amended) and Part 5, Title 29, Subtitle A, Code of Federal Regulations (16 F.R. 4430) as amended.)

(b) *Contract Work Hours Standards Act—Overtime Compensation.* Insert contract clause set forth in Standard Form 19A with the modification necessary if AECPR § 9-12.103-51 applies.

(c) *Apprentices*—Insert contract clause set forth in Standard Form 19A.

(d) *Payrolls and payroll records.* Insert contract clause set forth in Standard Form 19A.

(e) *Compliance with Copeland Regulations.* Insert contract clause set forth in Standard Form 19A.

(f) *Withholding of funds.* Insert contract clause set forth in Standard Form 19A.

(g) *Subcontracts.* Insert contract clause set forth in Standard Form 19A.

(h) *Equal opportunity.* Insert contract clause set forth in FPR 1-7.101-18.

(i) *Convict labor.* Insert contract clause set forth in FPR 1-12.203.

(j) *Contract termination—Debarment.* Insert contract clause set forth in Standard Form 19A.

\* \* \*

26. In § 9-16.5002-9, *Outline of cost-type contract for research and development with educational institutions, Article B-4—Accounts, Records, Inspection and Reports*, paragraph (d), *Disposition of records*, is revised to read as follows:

**§ 9-16.5002-9 Outline of cost-type contract for research and development with educational institutions.**

\* \* \*

ARTICLE B-4—ACCOUNTS, RECORDS, INSPECTION AND REPORTS

(d) *Disposition of records.* Except as agreed upon by the Government and the Contractor, all financial and cost reports, books of account and supporting documents, and other data evidencing cost allowable and revenues and other applicable credits under this contract in the possession of the Contractor relating to this contract shall be preserved by the Contractor for a period of three (3) years after final payment under this contract or otherwise disposed of in such manner as may be agreed upon by the Government and the Contractor.

\* \* \*

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

*Effective date.* These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 8th day of November 1966.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,  
Director, Division of Contracts.

[F.R. Doc. 66-12425; Filed, Nov. 16, 1966; 8:45 a.m.]



# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 130 ]

### NEW DRUGS

#### Applications and Experience Reporting; Extension of Time for Filing Comments on Proposal

The Commissioner of Food and Drugs has received requests to extend the time for filing comments on a notice published in the FEDERAL REGISTER of October 14, 1966 (31 F.R. 13347), proposing certain amendments to the new-drug regulations (21 CFR Part 130) regarding the new-drug application form and drug experience reporting. The proposal provided a period of 30 days for filing comments. Good reason therefor appearing, the time for filing comments on the subject proposal is extended to December 13, 1966.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052, as amended, 1055; 21 U.S.C. 355, 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008).

Dated: November 9, 1966.

R. E. DUGGAN,  
Acting Associate  
Commissioner for Compliance.

[F.R. Doc. 66-12466; Filed, Nov. 16, 1966;  
8:48 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 71 ]

[Airspace Docket No. 66-CE-86]

### CONTROL ZONE AND TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Iron Mountain, Mich., terminal area.

The Iron Mountain, Mich., control zone is presently designated as follows:

Within a 5-mile radius of Ford Airport, Iron Mountain, Mich. (latitude 45°49'00" N., longitude 88°07'00" W.); and within 2 miles each side of the Iron Mountain VOR 142° radial extending from the 5-mile radius zone to 8 miles SE of the VOR; and within 2 miles each side of the 182° bearing from Ford Airport, extending from the 5-mile radius zone to 8 miles S of the airport; and within 2 miles each side of the 276° bearing from Ford Airport extending from the 5-mile

radius zone to 8 miles W of the airport. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

The Iron Mountain, Mich. transition area is presently designated as follows:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ford Airport, Iron Mountain, Mich. (latitude 45°49'00" N., longitude 88°07'00" W.); and within 5 miles NE and 8 miles SW of the Iron Mountain VOR 142° radial extending from the VOR to 12 miles SE of the VOR; and within 5 miles W and 8 miles E of the 182° bearing from Ford Airport, extending from the airport to 12 miles S of the airport; and within 5 miles N and 8 miles S of the 276° bearing from Ford Airport, extending from the airport to 12 miles W of the airport.

A new public instrument approach procedure has been developed for the Ford Airport, Iron Mountain, Mich., and the VOR Runway 31 approach procedure at this airport has been altered by one degree. In addition, the Ford Airport coordinates have been modified slightly. As a result, and having completed a comprehensive review of airspace requirements at Iron Mountain, Mich., the Federal Aviation Agency proposes to alter the control zone and transition area at Iron Mountain, Mich., as follows:

(1) Redesignate the Iron Mountain, Mich., control zone as that airspace within a 5-mile radius of Ford Airport, Iron Mountain, Mich. (latitude 45°48'55" N., longitude 88°07'00" W.) and within 2 miles each side of the Iron Mountain VOR 141° and 193° radials extending from the 5-mile radius zone to 8 miles SE and S of the VOR; and within 2 miles each side of the 182° and 276° bearings from Ford Airport extending from the 5-mile radius zone to 8 miles S and W of the airport. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

(2) Redesignate the Iron Mountain, Mich., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Ford Airport, Iron Mountain, Mich. (latitude 45°48'55" N., longitude 88°07'00" W.); and within 5 miles NE and 8 miles SW of the Iron Mountain VOR 141° radial, within 5 miles W and 8 miles E of the VOR 193° radial extending from the VOR to 12 miles SE and S of the VOR; and within 5 miles W and 8 miles E of the 182° bearing from Ford Airport, within 5 miles N and 8 miles S of the 276° bearing from Ford Airport extending from the airport to 12 miles S and W of the airport.

During the times the proposed altered control zone is in effect, it will provide controlled airspace protection for aircraft executing the prescribed instru-

ment approach and departure procedures during descent below 1,000 feet above the surface and during climb to 700 feet above the surface.

The control zone will continue to be effective during the hours that North Central Airlines provides weather observations and dissemination of weather information, presently from 0800 to 2100 hours, local times daily. In the event of airline schedule changes, these hours may vary. When this occurs, notice will be given prior to any change by a Notice to Airmen and continuously published in the Airman's Information Manual.

The proposed transition area will provide controlled airspace protection for departing aircraft in their climb from 700 to 1,200 feet above the surface. It will also provide protection for aircraft executing the prescribed instrument approach procedures during descent to 1,000 feet above the surface, when the control zone is in effect, and during descent to 700 feet above the surface when the control zone is not in effect.

The floors of the airways that will traverse the transition area proposed herein will automatically coincide with the floor of the transition area.

Specific details of this proposal and any instrument approach procedures which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).



Issued at Kansas City, Mo., on October 31, 1966.

DANIEL E. BARROW,  
*Acting Director, Central Region.*

[F.R. Doc. 66-12437; Filed, Nov. 16, 1966;  
8:46 a.m.]

# [ 14 CFR Part 71 ]

[Airspace Docket No. 66-SW-25]

## FEDERAL AIRWAY

### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would raise the floor on the segment of V-17 between McAllen, Tex., and Laredo, Tex., as follows: "From McAllen to 29 miles northwest, 1,200 feet AGL; from that point, 34 miles at 2,500 feet MSL; thence 1,200 feet AGL to Laredo."

The 1,200 feet AGL floor NW of McAllen is required for climb to minimum en route altitude. The 1,200 feet AGL segment SE of Laredo is proposed for aeronautical chart legibility as a floor of 500 feet below the minimum en route altitude would provide a negligible amount of additional uncontrolled airspace.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 9, 1966.

T. McCORMACK,  
*Acting Chief, Airspace and Air  
Traffic Rules Division.*

[F.R. Doc. 66-12438; Filed, Nov. 16, 1966;  
8:46 a.m.]

# [ 14 CFR Part 71 ]

[Airspace Docket No. 66-SO-83]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the

Federal Aviation Regulations that would alter the Birmingham, Ala., transition area.

The Birmingham transition area, described in § 71.181 (31 F.R. 2149 and 7559), would be altered by redesignating the 700-foot portion as:

That airspace extending upward from 700 feet above the surface within a 17-mile radius of the Birmingham Municipal Airport radar antenna site (latitude 33°34'24" N., longitude 86°45'25" W.).

The portion of the transition area extending upward from 1,200 feet above the surface would not be changed.

The proposed amendment would provide additional controlled airspace required for the protection of IFR aircraft departing Birmingham Municipal Airport during climb from 700 to 1,200 feet above the surface, and for aircraft being radar vectored at and above 1,000 feet above the surface. Additionally, the amended transition area would provide for the protection of aircraft executing published instrument approach procedures during descent from 1,500 to 1,000 feet above the surface.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on November 4, 1966.

WILLIAM M. FLENER,  
*Acting Director, Southern Region.*

[F.R. Doc. 66-12439; Filed, Nov. 16, 1966;  
8:46 a.m.]

# [ 14 CFR Part 71 ]

[Airspace Docket No. 66-CE-84]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in

the Wisconsin Rapids, Wis., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Wisconsin Rapids, Wis., terminal area, as a result of the development of a public-use instrument approach procedure utilizing an "H" facility at the Alexander Field-South Wood County Airport as a navigational aid, proposes the following airspace action:

Designate the Wisconsin Rapids, Wis., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Alexander Field-South Wood County Airport (latitude 44°21'42" N., longitude 89°50'15" W.), and within 2 miles each side of the 191° bearing from Alexander Field-South Wood County Airport, extending from the 6-mile radius area to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 9 miles E of the 101° and 281° bearings from Alexander Field-South Wood County Airport extending from 7 miles N to 14 miles S of the airport.

The proposed 700-foot floor transition area will provide controlled airspace protection for aircraft executing prescribed instrument approach and departure procedures during descent from 1,500 to 700 feet above the surface and during climb from 700 to 1,200 feet above the surface. The proposed 1,200 foot floor transition area will provide controlled airspace protection for that portion of the instrument approach procedure executed at and above 1,500 feet above the surface. It will also provide this protection for the holding pattern at Wisconsin Rapids and for transitions from Stevens Point VOR and Victor Airway No. 255.

The proposed instrument approach procedure will be made effective concurrently with the designation of the proposed transition area.

The floor of the portion of the airway that would traverse the transition area proposed herein will automatically coincide with the floor of the transition area.

Specific details of this proposal and the approach procedure for which it was developed may be obtained by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data,



views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 31, 1966.

DANIEL E. BARROW,  
*Acting Director, Central Region.*

[F.R. Doc. 66-12440; Filed, Nov. 16, 1966;  
8:46 a.m.]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 66-EA-83]

### FEDERAL AIRWAY SEGMENT

#### Proposed Revocation

The Federal Aviation Agency (FAA) is considering an amendment to Part

71 of the Federal Aviation Regulations that would revoke VOR Federal airway No. 260 north alternate segment between Charleston, W. Va., and Rainelle, W. Va.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal

docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to revoke this north alternate segment of V-260 as it has been determined that it is no longer required for air traffic control purposes. The latest FAA peak day en route traffic survey showed only one aircraft movement on this alternate airway segment, therefore, it appears that V-260 north alternate segment from Charleston to Rainelle is unjustified as a continued assignment of controlled airspace.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 9, 1966.

T. McCORMACK,  
*Acting Chief, Airspace and  
Air Traffic Rules Division.*

[F.R. Doc. 66-12441; Filed, Nov. 16, 1966;  
8:46 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[Antidumping—ATS 643.3-b]

### CAST IRON SOIL PIPE AND FITTINGS FROM POLAND

#### Withholding of Appraisement Notice

NOVEMBER 10, 1966.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the purchase price is less or likely to be less than the constructed value of cast iron soil pipe and fittings imported from Poland as defined by sections 203 and 206, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 165).

In accordance with the provisions of § 14.9(a) of the Customs Regulations (19 CFR 14.9(a)), customs officers are being directed to withhold appraisement of cast iron soil pipe and fittings imported from Poland. All importations entered, or withdrawn from warehouse, for consumption, after the date of publication of this notice in the FEDERAL REGISTER are subject to this order.

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Antidumping Act was received in proper form on November 3, 1965. This information was the subject of an "Antidumping Proceeding Notice" which was published on page 15108 of the FEDERAL REGISTER of December 7, 1965, pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)).

This notice is published pursuant to § 14.6(e) of the Customs Regulations (19 CFR 14.6(e)).

[SEAL]

LESTER D. JOHNSON,  
Commissioner of Customs.

[F.R. Doc. 66-12455; Filed, Nov. 16, 1966; 8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### ARIZONA

#### Redelegation to Area Managers; Authority in General

In accordance with Bureau Order No. 701 of July 23, 1964, as amended, the Area Managers of the West Hurricane-Virgin and East Hurricane-Fredonia Resource Areas are redelegated the authority given to the Arizona Strip (St. George, Utah office) District Manager in Part III of the above order with the limitations and exceptions listed below:

Signing authority is not redelegated for land classifications, contracts, personnel actions or adverse decisions concerning the use of public lands. This restriction does not apply to trespass action.

The Area Managers have fiscal responsibility for their areas within the framework of the approved Annual Work Plan. Purchasing authority is limited to emergency purchases as specified in Bureau Manual 1510.

The district manager may at any time temporarily reserve, restrict or withhold any portion of the above delegated authority through the use of Form 1213-1, District Office Authority and Responsibility Guides.

This order will become effective upon publication in the FEDERAL REGISTER.

Dated: November 15, 1966.

VIRGIL L. HART,  
District Manager.

Approved:

FRED J. WEILER,  
State Director.

[F.R. Doc. 66-12445; Filed, Nov. 16, 1966; 8:46 a.m.]

[Serial No. N-279]

### NEVADA

#### Notice of Proposed Classification of Public Lands

NOVEMBER 8, 1966.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify the public lands below for retention for multiple use management. Publication of this notice segregates (a) all the public lands described in this notice from appropriation under the homestead, desert land, and Indian allotment laws (43 U.S.C., Chapter 7, 43 U.S.C., Chapter 9, and 25 U.S.C. 331); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421-27); from exchange under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g); from lease or sale under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-1 to 869-4); from lease or sale under the Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682a), and (b) the lands described in paragraph 4 of this notice from the mining laws.

2. The public lands proposed for classification are located within the Eastgate Hydrological Study Area and are shown on maps, designated as N-279, which are on file in the Carson City District Office, 807 North Plaza Street, Carson City, Nev.,

and the Land Office, Bureau of Land Management, Federal Building, 300 Booth Street, Reno, Nev.

3. The lands involved are described as follows:

#### MOUNT DIABLO MERIDIAN, NEVADA

- T. 16 N., R. 35 E., unsurveyed, Sec. 1.
- T. 17 N., R. 35 E., Secs. 25, 36.
- T. 15 N., R. 36 E., unsurveyed, Secs. 1, 2, 12.
- T. 16 N., R. 36 E., unsurveyed, Secs. 1 to 18, inclusive; Secs. 20 to 28, inclusive; Secs. 33 to 36, inclusive.
- T. 17 N., R. 36 E., Secs. 1 to 24, inclusive; Sec. 25, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ; Sec. 26, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ ; Sec. 27; Sec. 28, N $\frac{1}{2}$ , N $\frac{1}{2}$  S $\frac{1}{2}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ , S $\frac{1}{2}$  SE $\frac{1}{4}$ ; Secs. 29, 30, 31; Sec. 32, NE $\frac{1}{4}$  NE $\frac{1}{4}$ , W $\frac{1}{2}$  E $\frac{1}{2}$ , W $\frac{1}{2}$ , E $\frac{1}{2}$  SE $\frac{1}{4}$ ; Secs. 33 to 36, inclusive.
- T. 18 N., R. 36 E., unsurveyed, Secs. 1 to 17, inclusive; Secs. 20 to 29, inclusive; Secs. 32 to 36, inclusive.
- T. 19 N., R. 36 E., Sec. 15; Secs. 20 to 23, inclusive; Secs. 25 to 29, inclusive; Secs. 32 to 35, inclusive.
- T. 15 N., R. 37 E., unsurveyed, Secs. 1 to 10, inclusive; Secs. 11, 12, 14, lying within Churchill County; Secs. 15 to 18, inclusive; Sec. 21; Secs. 22, 23, lying within Churchill County.
- T. 16 N., R. 37 E., unsurveyed.
- T. 17 N., R. 37 E., unsurveyed, Sec. 1, lying within Churchill County; Secs. 2 to 11, inclusive; Secs. 12, 13, lying within Churchill County; Secs. 14 to 36, inclusive.
- T. 18 N., R. 37 E., Secs. 7, 18, 19; Sec. 20, N $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , W $\frac{1}{2}$ , S $\frac{1}{2}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ ; Secs. 23 to 36, inclusive.
- T. 15 N., R. 38 E., Secs. 6, 7, lying within Churchill County.
- T. 16 N., R. 38 E., Secs. 5, 6, lying within Churchill County; Sec. 7; Secs. 8, 16, 17, lying within Churchill County; Sec. 18; Sec. 19, NE $\frac{1}{4}$  NE $\frac{1}{4}$ , N $\frac{1}{2}$  N $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , W $\frac{1}{2}$  E $\frac{1}{2}$ , W $\frac{1}{2}$ , S $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  SE $\frac{1}{4}$ ; Secs. 29, 21, 29, lying within Churchill County.
- Sec. 30; Secs. 31, 32, lying within Churchill County.
- T. 17 N., R. 38 E., unsurveyed, Secs. 20, 21, 29, lying within Churchill County;
- T. 18 N., R. 38 E., partially unsurveyed, Sec. 30; Sec. 31, lying within Churchill County.

The area described above aggregates approximately 156,000 acres.

4. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the mining laws:



## MOUNT DIABLO MERIDIAN, NEVADA

T. 17 N., R. 37 E.,  
 Sec. 3, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 T. 18 N., R. 37 E.,  
 Sec. 29, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 30, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 33, S $\frac{1}{2}$ NW $\frac{1}{4}$ .

The area described above aggregates approximately 200 acres.

5. For a period of 60 days from the date of publication of this notice in the **FEDERAL REGISTER**, all persons who wish to submit comments, suggestions, or objection in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 807 North Plaza Street, Carson City, Nev.

6. A public hearing on the proposed classification will be held on November 28, 1966, at 10 a.m., in the Churchill County Courthouse, Fallon, Nev.

Nolan F. Keil,  
 State Director, Nevada.

By: MARTIN W. BUZAN,  
 Acting State Director.

[F.R. Doc. 66-12446; Filed, Nov. 16, 1966;  
 8:46 a.m.]

[New Mexico 435]

## NEW MEXICO

### Notice of Proposed Classification of Public Lands for Multiple Use Management

NOVEMBER 9, 1966.

Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within Las Cruces District Planning Units No. 3-01 through 3-10, more generally described below together with any lands therein that may become public lands in the future. Publication of this notice segregates the described lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from public sales under section 2455 R.S. (43 U.S.C. sec. 1171).

For a period of 60 days from the date of publication of this notice in the **FEDERAL REGISTER**, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Las Cruces District Manager, Bureau of Land Management, Post Office Box 1420, Las Cruces, N. Mex. 88001.

A public hearing on the proposed classification will be held on December 13, 1966, at 10 a.m., at the Las Cruces District Office, 1705 North Seventh Street, Las Cruces, N. Mex.

The lands proposed to be classified are within the general area located as follows:

Unit 03-01 is bounded on the west by the Arizona State line, on the north by the Gila National Forest, on the east by a line ex-

tending north and south from a point 10 miles due east of Lordsburg, N. Mex., and on the south by the north line of T. 30 S.

Unit 03-02 is generally bounded on the south by the Republic of Mexico, on the west by the Playas Valley, on the north by U.S. Highway 70-80 and on the east by State Highway 11.

Unit 03-03 is divided into two segments. The north segment is generally the Cooks Mountain Range which is centered 15 miles north of the city of Deming. The south segment is an area south of U.S. Highway 70-80, generally the Florida Mountain Range which is centered approximately 15 miles southeast of the city of Deming.

Unit 03-04 is bounded on the south by Mexico, on the west by the range line between Rs. 5 and 6 W., on the north by U.S. Highway 70-80 and on the east by the Mesilla Valley.

Unit 03-05 is bounded on the east by the Rio Grande Valley, on the south by U.S. Highway 70-80, on the west by a line running north and south through a point 18 miles east of Deming, N. Mex., and on the north by State Highway 26.

Unit 03-06 is generally bounded on the east by the Rio Grande Valley, on the south by State Highway 26, on the west by an irregular line generally the range line between Rs. 6 and 7 W., on the north by the Cibola National Forest and follows the north line of the District boundary.

Unit 03-07 is generally bounded on the east by White Sands Missile Range, on the south by the Jornada Range Experiment Station, on the west by the Rio Grande Valley and on the north by the Armendariz Grant No. 33.

Unit 03-08 is generally bounded on the east by White Sands Missile Range, on the south by the Texas State line, on the west by the Dona Ana Land Grant and on the north by the Jornada Range Experiment Station.

Unit 03-09 is in two parcels divided by the McGregor Range. The north parcel is bounded on the west by White Sands Missile Range, on the south and east by the McGregor Range, and on the north by U.S. Highway 70. The southern parcel is bounded on the east by the Sacramento Division of the Lincoln National Forest, and on the south by the Texas State line, on the west by the McGregor Range and on the north by the Sacramento Division of the Lincoln National Forest and the district boundary.

Unit 03-10 is bounded on the east generally by the Sacramento Division of the Lincoln National Forest, the Mescalero Apache Indian Reservation and an irregular line running northwest and north from near the northwest corner of the Mescalero Reservation to a point in T. 3 S., R. 10 E. The north boundary is the south line of the Cibola National Forest and across T. 3 S., Rs. 8, 9, and 10 E. The south boundary is the south line of T. 15 S. and on the west by White Sands Missile Range.

The lands proposed to be classified are shown in detail on resource area maps designated 30-03-01, 30-03-02 and 30-03-03 on file in the Las Cruces District Office and at the Bureau of Land Management Office in Santa Fe, N. Mex.

The public lands in the areas described aggregate approximately 4,408,446 acres.

W. J. ANDERSON,  
 State Director.

[F.R. Doc. 66-12447; Filed, Nov. 16, 1966;  
 8:46 a.m.]

[N-293]

## NEVADA

### Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 10, 1966.

The Federal Aviation Agency has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws.

The applicant desires the land for the construction and operation of a VHF/UHF Air to Ground Communications Facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the **FEDERAL REGISTER**. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 4 N., R. 68 E.,  
 Sec. 6, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ .

The area described contains 161.35 acres.

Daniel P. Baker,  
 Manager.

By: ROBERT T. WEBB,  
 Acting Manager.

[F.R. Doc. 66-12448; Filed, Nov. 16, 1966;  
 8:47 a.m.]



[N-300]

## NEVADA

Notice of Proposed Withdrawal and  
Reservation of Lands

NOVEMBER 10, 1966.

The Federal Aviation Agency has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws.

The applicant desires the land for the continued operation and maintenance of an existing Air Route Surveillance Radar Facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 29 N., R. 45 E.,  
Sec. 12, NW $\frac{1}{4}$ .

The area described contains 160 acres.

Daniel P. Baker,  
Manager.

By: ROBERT T. WEBB,  
Acting Manager.

[F.R. Doc. 66-12452; Filed, Nov. 16, 1966;  
8:47 a.m.]

## NOTICES

[N-294]

## NEVADA

Notice of Proposed Withdrawal and  
Reservation of Lands

NOVEMBER 10, 1966.

The Federal Aviation Agency has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws.

The applicant desires the land for a clear zone to protect the proper operation of the existing Mount Wilson VORTAC site which is located on private land.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 5 N., R. 68 E.,  
Sec. 32, W $\frac{1}{2}$ W $\frac{1}{2}$ .

The area described contains 160 acres.

Daniel P. Baker,  
Manager.

By: ROBERT T. WEBB,  
Acting Manager.

[F.R. Doc. 66-12471; Filed, Nov. 16, 1966;  
8:50 a.m.]

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service  
SOUTH MISSISSIPPI LIVESTOCK  
MARKET ET AL.

## Proposed Posting of Stockyards

The Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

South Mississippi Livestock Market, Hattiesburg, Miss.

Boone Livestock Market, Boone, N.C.  
Cookeville Livestock Company, Inc., Cookeville, Tenn.

Havard's Horse Sale, Nacogdoches, Tex.  
Jacksonville Livestock Commission, Jacksonville, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such time and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 9th day of November 1966.

CHARLES G. CLEVELAND,  
Chief, Registrations, Bonds and  
Reports Branch, Packers and  
Stockyards Division, Con-  
sumer and Marketing Service.

[F.R. Doc. 66-12426; Filed, Nov. 16, 1966;  
8:45 a.m.]

FRESH PEACHES GROWN IN  
GEORGIA

## Order for Referendum

Pursuant to the applicable provisions of Marketing Agreement No. 99, as amended, and Order No. 918, as amended (7 CFR Part 918), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), it is hereby directed that a referendum be



conducted among the growers who, during the calendar year 1966 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in Georgia, in the production of peaches for market to determine whether such growers favor the termination of the said amended marketing agreement and order. M. F. Miller of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Post Office Box 9, Lakeland, Fla. 33802, is designated as the referendum agent to conduct said referendum.

The procedure for the conduct of the referendum shall be the procedure (30 F.R. 15414) for the conduct of referenda regarding marketing orders for fruits, vegetables, and nuts.

Dated: November 14, 1966.

GEORGE L. MEHREN,  
Assistant Secretary.

[F.R. Doc. 66-12467; Filed, Nov. 16, 1966;  
8:48 a.m.]

### Office of the Secretary GEORGIA AND NORTH CAROLINA Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Georgia and North Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

#### GEORGIA

Baker.	Mitchell.
Calhoun.	Montgomery.
Carroll.	Murray.
Chattooga.	Polk.
Clay.	Quitman.
Dougherty.	Randolph.
Early.	Schley.
Emanuel.	Seminole.
Floyd.	Stewart.
Gordon.	Sumter.
Haralson.	Taylor.
Heard.	Telfair.
Houston.	Terrell.
Jenkins.	Toombs.
Liberty.	Treutlen.
Long.	Webster.
Macon.	Wheeler.
Marion.	Whitfield.
Miller.	

#### NORTH CAROLINA

Craven.	Jones.
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Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of November, 1966.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 66-12427; Filed, Nov. 16, 1966;  
8:45 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration CORVEL, INC.

#### Notice of Withdrawal of Petition for Food Additives Dihydrostreptomycin and Tylosin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Corvel, Inc., a subsidiary of Eli Lilly & Co., 1124 Harney Street, Omaha, Nebr. 68102, has withdrawn its petition (FAP 5C1564), notice of which was published in the FEDERAL REGISTER of October 14, 1965 (30 F.R. 13103), proposing that § 121.217 *Tylosin* be amended to provide for the safe use of a bolus containing dihydrostreptomycin and tylosin for the treatment of scours in calves.

The withdrawal of this petition is without prejudice to a future filing.

Dated: November 8, 1966.

R. E. DUGGAN,  
Acting Associate  
Commissioner for Compliance.

[F.R. Doc. 66-12464; Filed, Nov. 16, 1966;  
8:48 a.m.]

[Docket No. FDC-D-97; NDA No. 31-406V]

### CENTRAL SOYA CO.

#### Master Mix Broiler Concentrate "A" 377A-13C; Notice of Opportunity for Hearing

Notice is hereby given to Central Soya Co., McMillan Feed Division, Fort Wayne, Ind. 46802, that in the matter of the supplement dated February 15, 1965, to new-drug application No. 31-406V, and subsequently amended, providing for production and direct marketing to consumers of Master Mix Broiler Concentrate "A" 377A-13C (0.0175 percent di-nestrol diacetate), the Commissioner proposes to refuse to approve the supplement under section 505(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 505(d)) on the ground that:

On the basis of the information submitted to the Food and Drug Administration as part of the supplemental application, the application does not contain tissue residue studies by methods reasonably applicable to assure safe use of the drug if it is fed directly without the recommended dilution, and there is insufficient information to determine whether the drug will be safe for use under the conditions proposed. Specifically the tissue residue data submitted or otherwise available are insufficient to demonstrate that, if the drug is fed as the sole ration to chickens in the concentration marketed, it will not result in unsafe residues of the drug or metabolites of the drug in edible tissues of the animals.

In accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations appearing in Part 130, Title 21, Code of Federal Regulations, the Commissioner will give the applicant named above an opportunity for a hearing at which time the applicant may produce evidence and arguments on the question of whether the subject supplement dated February 15, 1965, received February 19, 1965, as amended, is approvable.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail itself of the opportunity for a hearing; or
2. Not to avail itself of the opportunity for a hearing.

If the applicant elects not to avail itself of the opportunity for a hearing, the Commissioner without further notice will enter a final order refusing to approve the supplemental application. Failure of the applicant to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by the applicant not to avail itself of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public, except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the applicant specifies otherwise in his appearance.

If the applicant elects to avail itself of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued under the authority contained in the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052, as amended; 21 U.S.C. 355) and delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008).

Dated: November 7, 1966.

JAMES L. GODDARD,  
Commissioner of Food and Drugs.

[F.R. Doc. 66-12465; Filed, Nov. 16, 1966;  
8:48 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. PRM-102-B]

### NATIONAL COAL POLICY CONFERENCE, INC., ET AL.

#### Filing of Petition for Rule Making

Notice is hereby given that the National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.; the



National Coal Association, 1130 17th Street NW., Washington, D.C.; and the United Mine Workers of America, 900 15th Street NW., Washington, D.C.; have filed a petition, dated October 14, 1966, requesting that the Commission issue a rule pursuant to section 102 of the Atomic Energy Act of 1954, as amended, finding that boiling light water reactors and pressurized light water reactors are types of utilization or production facilities that have been sufficiently developed to be of practical value for industrial or commercial purposes.

The petition also requests that the Commission (1) publish a notice of proposed rule making, setting forth the terms of the rule requested, (2) set the matter down for public hearing, and (3) accord the petitioners certain procedural rights in connection with the hearing.

A copy of the petition is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 14th day of November 1966.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary.

[F.R. Doc. 66-12462; Filed, Nov. 16, 1966;  
8:48 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 17672]

### CATHAY PACIFIC AIRWAYS, LTD.

#### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on November 21, 1966, at 9:15 a.m., e.s.t., in Room 211, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., November 14, 1966.

[SEAL] JOSEPH L. FITZMAURICE,  
Hearing Examiner.

[F.R. Doc. 66-12459; Filed, Nov. 16, 1966;  
8:47 a.m.]

[Docket No. 17930; Order No. E-24393]

### TRANS WORLD AIRLINES, INC.

#### Order of Investigation; Reduced Westbound Transatlantic Rate for Multicharter Cargo Flights

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of November, 1966.

By tariff revision filed September 19, 1966, and effective October 19, 1966, Trans World Airlines, Inc. (TWA), established a charter rate of \$3.50 per charter statute mile for westbound transatlantic flights of cargo in B-707-373C/331C aircraft. This rate applies

to 10 or more cargo charters by the same charterer from any point in Europe to any point in the continental United States during the period October 19, 1966, through December 31, 1967, inclusive. The charterer is required to execute a single charter flight agreement prior to the first flight: *Providing*, That, if fewer than 10 charter flights are flown during the foregoing period, the rate for each flight flown will be the charge for single charters, \$4.25 per charter statute mile.

The charge for ferry service is \$2.65 per statute mile. The ferry charge is the same for both single and multi-charter services.

A complaint requesting rejection or suspension of TWA's filing was submitted by the Flying Tiger Line, Inc. (Tiger).<sup>1</sup> This complaint claims that the tariff fails to meet the requirements of the Board's tariff filing regulations in that (1) no provision is made in case of failure by the charterer to use all of the 10 flights and (2) the rate is allegedly not stated clearly and explicitly since it is based on a combination of miles and number of charters. Tiger also declares that if the charterer is obliged to pay for 10 charters, the tariff contains one of the elements of blocked-space tariffs (which combination carriers are not authorized to file), viz, a guarantee of a certain number of shipments within a given time period. Finally, the carrier states that the tariff is discriminatory since no data showing cost savings have been submitted.

In its answer to Tiger's complaint, TWA declares that the tariff clearly indicates the rate applicable if fewer than 10 charters are used, that the tariff is totally different from a blocked-space tariff, that the principle of a reduced rate in the direction opposite to the predominant traffic flow for charters has been approved by the Board, and that the proposal will result in obtaining traffic now moving via ocean vessel. TWA claims that no discrimination exists since the requirement of a minimum of 10 flights will facilitate operational and related planning, reduce administrative costs in handling charter arrangements, and decrease dilution of existing charter revenues. The carrier also asserts that Tiger does not provide transatlantic scheduled service or show any adverse financial impact because of the filing.

Upon consideration of all relevant factors, the Board finds that TWA's rate may be unjustly discriminatory, unduly preferential, or unduly prejudicial, and should be investigated. The rate involves a lower charge per charter mile for 10 or more charter flights than is in effect for single charter flights without any adequate support therefor. The only cost justification presented by TWA for the lower 10 charter rate is the statement that certain costs will be reduced as

<sup>1</sup> This complaint related to an earlier tariff involving the same provisions, which was rejected for technical reasons. Inasmuch as the current tariff is identical in substance, the Board will consider the complaint as directed to the current filing.

compared to a single charter rate but no data are presented to show a basis for this alleged cost reduction. We do not consider this statement sufficient in view of the inherent discrimination issue involved in a rate lower for an aggregate of a number of separate transactions. The proposal obviously prejudices users of charters below 10 in number and prefers users of 10 charters or more. The prejudice and preference are aggravated by the fact that the reduced rate is applicable to charters from any point in Europe to any point in the United States. Thus, the rate for two charters from London to New York, for example, would be different if one of them was used by a charterer who had signed an agreement to use nine additional charters from European points to U.S. points regardless of the points involved. The preference and prejudice have not been justified.

Inasmuch as the transportation involved is in foreign air transportation, the Board was not authorized to suspend the tariff revision when proposed. Nor was there a valid basis for rejecting the tariff for not complying with our tariff publication rules. The tariff is significantly different from blocked-space tariffs. Consequently, the Board permitted the rate to become effective, but is setting it for investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

*It is ordered, That:*

1. An investigation be instituted to determine whether the provisions of Rule 2(G)(2) on Original Page 4-B and 13th Revised Page 5, and the charter rates in section IV, paragraph (B)(2)(b), on 24th Revised Page 25, of Trans World Airlines, Inc.'s tariff CAB No. 13, including subsequent revisions and reissues thereof, and rules, regulations, or practices affecting such rates and provisions, are, or will be, unjustly discriminatory, unduly preferential, or unduly prejudicial, and if found to be unjustly discriminatory, unduly preferential, or unduly prejudicial, to alter the same to the extent necessary to correct such discrimination, preference or prejudice and to order the carrier to discontinue demanding, collecting, or receiving any such discriminatory, preferential, or prejudicial rates or enforcing any such discriminatory, preferential, or prejudicial rule, regulation, or practice.

2. The complaint of the Flying Tiger Line, Inc., in Docket 17587 is dismissed except to the extent granted herein; and

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12460; Filed, Nov. 16, 1966;  
8:47 a.m.]



[Docket No. 17719]

**UNION SPEDITIONS-GESELLSCHAFT  
m.b.H.****Notice of Hearing**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on December 15, 1966, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on October 27, 1966, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 10, 1966.

[SEAL] MILTON H. SHAPIRO,  
Hearing Examiner.

[F.R. Doc. 66-12461; Filed, Nov. 16, 1966;  
8:48 a.m.]

**FEDERAL MARITIME COMMISSION****AMERICAN PRESIDENT LINES, LTD.  
AND SEA-LAND SERVICE, INC.****Notice of Agreement Filed for  
Approval**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street N.W., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. Hilger, Jr., Assistant to General Traffic Manager, Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement 9595, between American President Lines, Ltd. and Sea-Land Service, Inc., provides for the establishment of a through billing arrangement be-

tween the parties for the movement of general cargo from ports in Puerto Rico to ports in South Viet Nam with transshipment at New York, N.Y., and Baltimore, Md., in accordance with the terms and conditions set forth in the agreement.

Dated: November 14, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12468; Filed, Nov. 14, 1966;  
8:48 a.m.]

[Independent Ocean Freight Forwarder  
License 1044]

**DORANCO, INC.****Revocation of License**

Whereas, Doranco, Inc., Pier 2, Berth 54, Long Beach, Calif. 90802, has ceased to operate as an independent ocean freight forwarder; and

Whereas, Doranco, Inc. has returned its Independent Ocean Freight Forwarder License No. 1044 to the Commission for cancellation.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1, section 6.03;

It is ordered, That the Independent Ocean Freight Forwarder License No. 1044 of Doranco, Inc. be and is hereby revoked, effective this date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JAMES E. MAZURE,  
Director,

Bureau of Domestic Regulation.

[F.R. Doc. 66-12469; Filed, Nov. 16, 1966;  
8:49 a.m.]

**GEORGE CO. ET AL.****Independent Ocean Freight Forwarder  
Licenses and Applications  
Therefor**

Notice is hereby given of the cancellation of the following independent ocean freight forwarder licenses.

**LICENSEES**

George Co. (George Leslie Miller, d.b.a.), Pier A, Berth 7, Long Beach, Calif. 90802; License No. 1039, canceled October 5, 1966.

Church Purchasing & Service Agency (Charles A. Pinkham, d.b.a.), 417 Market Street, San Francisco, Calif.; License No. 302, canceled October 11, 1966.

Afro-Asian Forwarding Co., Inc., 20 Pearl Street, New York, N.Y. 10004; License No. 473, canceled October 20, 1966.

Patrick & Graves (L. H. Graves, d.b.a.), 3611 Gulf Freeway, Post Office Box 578, Houston, Tex.; License No. 1020, canceled October 27, 1966.

Dixie Forwarding Co., Inc., 3611 Gulf Freeway, Post Office Box 578, Houston, Tex.; License No. 1019, canceled October 27, 1966.

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses filed pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

**GRANDFATHER APPLICANT**

Kenal Peninsula Public Utility District No. 1, City of Homer, Post Office Box 335; Application No. 68, dismissed October 4, 1966.

**NEW APPLICANT**

Gollott's Freight Forwarding Co., 1255 Callavet Street, Post Office Box 468, Biloxi, Miss. 39530; Application dismissed October 3, 1966.

Notice is hereby given of changes in the following independent ocean freight forwarder licenses.

**ADDRESS CHANGE**

Hilton & Son, Inc., 26 Beaver Street, New York, N.Y. 10004; License No. 45.

**CHANGE OF OFFICERS**

A. J. DeMay & Co., Inc., 28 Water Street, New York, N.Y.; License No. 833; Carole M. Rozniak, president, Jane B. Macchione, vice president and treasurer, Dominic Riviello, assistant vice president, Joseph Pitre, assistant vice president, Geraldine Kreutzer, secretary.

W. R. Zanes & Co., W. R. Zanes & Co. of Louisiana, Inc., 223 Tchoupitoulas Street, New Orleans, La. 70130; License No. 752; Warren Townsend, treasurer, Joseph Acosta, vice president, R. D. Hancock, Jr., vice president, H. T. Bowyer, director.

Enterprising Shipping Corp., 58 Sutter Street, San Francisco, Calif. 94104; License No. 1104; G. G. Gregory, president, V. M. Gregory, vice president, E. Perenchio, secretary and treasurer.

The Cottman Co., Canton House, Baltimore, Md. 21203; License No. 406; John Swinehart, treasurer, Oliver Reeder, director.

Unsworth & Co., Inc., 26 Broadway, New York, N.Y. 10004; License No. 541; Lawrence P. McGauley, secretary.

**CHANGE OF NAME**

D. C. Andrews & Co., Inc., to D. C. Andrews International, Inc., 327 South La Salle Street, Chicago, Ill. 60604; License No. 666. Alba Forwarding Co., Inc. (Illinois Corp.), to Alba Chicago, Inc. (Illinois Corp.), 327 South La Salle Street, Chicago, Ill. 60604; License No. 267.

**NEW APPLICANTS LICENSED**

October 1966

Reginald William Winter, 426 South Spring Street, Los Angeles, Calif. 90013; License No. 1131, Issued October 10, 1966.

Mario J. Macchione, 156 State Street, Boston, Mass. 02109; License No. 1132, Issued October 20, 1966.

Federal Warehouse Co., 800 Southwest Adams Street, Peoria, Ill. 61602; License No. 1133, Issued October 26, 1966.

**GRANDFATHER LICENSED**

Bernadine Shipping Co., Inc., 44 Whitehall Street, New York, N.Y.; License No. 844, Issued October 26, 1966.

Dated: November 10, 1966.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12470; Filed, Nov. 16, 1966;  
8:49 a.m.]



# INTERSTATE COMMERCE COMMISSION

[Notice 990]

## MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FOR- WARDER APPLICATIONS

NOVEMBER 10, 1966.

The following applications are governed by Special Rule 1.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended) published in the *FEDERAL REGISTER* issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the *FEDERAL REGISTER*. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the *FEDERAL REGISTER* issue of

May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 217 (Sub-No. 10) (Amendment), filed September 16, 1966, published in the *FEDERAL REGISTER* issue of September 29, 1966, amended November 1, 1966, and republished as amended, this issue. Applicant: POINT TRANSFER, INC., 174 Sandy Creek Road, Verona, Pa. 15147. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products, and steel mill equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between Burns Harbor and Portage, Ind., Chicago, Chicago Heights, Joliet, and Waukegan, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. Note: Applicant states that he intends to tack at authorized service points in Ohio to enable service to and from authorized West Virginia points. The purpose of this republication is to add Colorado and Wyoming as destination States. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 504 (Sub-No. 90), filed October 28, 1966. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's representative: Monty Schumacher, Suite 673, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Juices, beverages, or drinks* (other than citrus), not requiring refrigeration, and not moving in bulk, from points in Florida, to points in Michigan, Indiana (except Indianapolis), Illinois (except Chicago), Ohio (except Cincinnati), and points in that part of Wisconsin on and south of U.S. Highway 18, and St. Louis, Mo. Note: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Tampa or Jacksonville, Fla.

No. MC 2202 (Sub-No. 298), filed October 28, 1966. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority

sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) from Albany over U.S. Highway 82 to junction Georgia Highway 55, thence over Georgia Highway 55 to junction U.S. Highway 280, thence over U.S. Highway 280 to Columbus, Ga., and return over the same route, as an alternate route for operating convenience only, and (2) from Albany, Ga., over U.S. Highway 82 to junction Georgia Highway 257, thence over Georgia Highway 257 to junction U.S. Highway 41, thence over U.S. Highway 41 to Macon, Ga., and return over the same route, as an alternate route for operating convenience only. Note: Applicant is presently authorized to traverse the routes for which this instant application is made. The authority over these routes, however, is restricted to traffic moving from, to, and through Atlanta, Ga. The purpose of this application is to remove the restriction and to allow its traffic to move directly north from Albany, Ga., through Columbus and Macon, Ga., and thus bypass the city of Atlanta. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 2202 (Sub-No. 299), filed October 28, 1966. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between junction of Pennsylvania Highways 61 and 895 at Molino, Pa., and junction of Pennsylvania Highway 443 and U.S. Highway 309 near south Tamaqua, Pa., over junction of Pennsylvania Highway 61 and Pennsylvania Highway 895, over Pennsylvania Highway 895 to junction Pennsylvania Highway 443, thence over Pennsylvania Highway 443 to junction U.S. Highway 309 and return over the same route as an alternate route for operating convenience only. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 8948 (Sub-No. 74), filed October 31, 1966. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids*, in bulk, in specially designed tank trailers, from Baton Rouge, Lake Charles, and New Orleans, La., to Patrick Air Force Base and Cape Kennedy, Fla. Note: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

<sup>1</sup> Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.



No. MC 19311 (Sub-No. 10), filed October 26, 1966. Applicant: CENTRAL TRANSPORT, INC., 3399 East McNichols Road, Detroit, Mich. 48212. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between Saginaw, Mich., and Meredith, Mich., from Saginaw over Interstate Highway 75 to junction Michigan Highway 18, thence over Michigan Highway 18 to Meredith, and return over the same route, serving all intermediate points and the off-route points of Edenville, Hope, and Hoady. NOTE: Applicant states it proposes to tack the requested authority to its existing operating authority in MC 19311 and related subs, so as to provide a through service to and from the points that it is presently authorized to serve, all of which are located in Michigan. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 21170 (Sub-No. 246), filed November 2, 1966. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Lawton, Mich., to points in Illinois, Indiana, Kentucky, and Ohio. NOTE: Applicant states it would tack the proposed authority with its present authority from points in Illinois to points in Minnesota, Iowa, and Nebraska. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 30844 (Sub-No. 226), filed October 31, 1966. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities utilized by the Kitchens of Sara Lee located at Chicago and Deerfield, Ill., to points in Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 32562 (Sub-No. 25), filed October 21, 1966. Applicant: POINT EXPRESS, INC., 3535 Seventh Avenue, Charleston, W. Va. 25312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, fiberboard boxes, wooden and plastic bottle carriers, shipping devices, and accesso-*

*ries*, therefore, and *closures* for glass containers, from Huntington, W. Va., to Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 36832 (Sub-No. 22), filed October 28, 1966. Applicant: AMERICAN TRANSIT LINES, INC., 221 North La Salle Street, Chicago, Ill. 60601. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods and frozen foods*, between the plantsite of Kitchens of Sara Lee, Inc., Deerfield, Ill., on the one hand, and, on the other, points in Indiana, the Lower Peninsula of Michigan, Ohio, those in New York on and west of U.S. Highway 11, Louisville, Ky., Erie, and Pittsburgh, Pa., restricted to traffic originating at or destined to the plantsite of Kitchens of Sara Lee, Deerfield, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 50069 (Sub-No. 370), filed October 31, 1966. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation fuels*, in bulk, from Clermont, Ind., to points in Ohio and Michigan. NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 52926 (Sub-No. 6), filed October 31, 1966. Applicant: GREEN TRANSFER & STORAGE CO., a corporation, 2425 Northwest 23d Place, Portland, Ore. 97210. Applicant's representative: Earle V. White, 2130 Southwest Fifth Avenue, Portland, Ore. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Skamania, Clark, and Cowlitz Counties, Wash., and points in Clackamas, Multnomah, Washington, Columbia, Yamhill, Polk, Marion, Linn, Benton, and Lane Counties, Ore., to Portland, Ore., and Vancouver and Longview, Wash. NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 60879 (Sub-No. 4), filed October 31, 1966. Applicant: F. T. TRUCKING CO., INC., Post Office Box 33, Bremen Station, St. Louis, Mo. 63160. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between Rock Falls and Sterling, Ill., on the one hand, and, on the other, points in Missouri, Illinois, Indiana, Kansas, Oklahoma, Iowa, Wisconsin, and Michigan. NOTE: Applicant has pending in MC 128281 an application for contract carrier authority, therefore dual operations may be involved. If a

hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Springfield or Chicago, Ill.

No. MC 61592 (Sub-No. 74) (Amendment), filed May 18, 1966, published in the FEDERAL REGISTER issue of June 23, 1966, amended November 4, 1966, and republished as amended this issue. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those which because of size or weight require the use of special equipment), (1) from Cleveland, Ohio, Philadelphia, Pa., Baltimore, Md., and ports of entry on the international boundary line between the United States and Canada, located in Maine, to points in Pennsylvania, New York, West Virginia, Maryland, Ohio, Delaware, and New Jersey, and the District of Columbia; and (2) from Glenfield and Chester, Pa., to the States named as destination States in (1) above. NOTE: The purpose of this republication is to broaden the authority sought by adding (2) above, for the sole purpose of affording the shipper a storage in transit privilege. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 61592 (Sub-No. 81), filed October 31, 1966. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, trailer chassis, tractors, bodies, containers, materials, supplies, and parts thereof*, from points in Lee County, Iowa, and points in Dauphin County, Pa., to points in the United States (except Hawaii) and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 68539 (Sub-No. 23), filed October 31, 1966. Applicant: ROMANS MOTOR FREIGHT, INC., Ord, Nebr. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* from Cozad, Nebr., to points in Kansas, Colorado, Utah, Wyoming, South Dakota, and North Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 69833 (Sub-No. 87), filed November 4, 1966. Applicant: ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids, Mich. 49507. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture, uncrated office and store*



fixtures, uncrated household appliances, and uncrated pianos, between points in Ohio, Indiana, Michigan, points in Cook, Lake, and Du Page Counties, Ill., and Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 72243 (Sub-No. 20) (Amendment), filed September 13, 1966, published in FEDERAL REGISTER issue of September 29, 1966, amended November 3, 1966, and republished as amended this issue. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Road SE., Warren, Ohio 44482. Applicant's representatives: John P. McMahon and A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, materials, and supplies used in the manufacture of processing of iron and steel and iron and steel articles*, between Chicago Heights, Joliet, Waukegan, and Chicago, Ill. (including points in the Chicago, Ill., commercial zone), and Portage and Burns Harbor, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states it would tack the proposed authority with its present authority in Ohio to points in New York and West Virginia. The purpose of this republication is to add Burns Harbor, Ind., as a point in the base territory, and to change the commodity description, and to eliminate certain States. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 73165 (Sub-No. 227), filed October 31, 1966. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35207. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cotton gin machinery, parts and accessories for cotton gin machinery, equipment, materials, and supplies used in the construction, operation, and maintenance of cotton gin plants*, from Columbus, Ga., and Prattville, Ala., to points in Arizona, California, New Mexico, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Birmingham, Ala., or Nashville, Tenn.

No. MC 77424 (Sub-No. 24) (Amendment), filed May 19, 1966, published in FEDERAL REGISTER issues of June 30, 1966, August 11, 1966, and September 29, 1966, amended November 3, 1966, and republished as amended, this issue. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79th Street, Cleveland, Ohio 44104. Authority sought to oper-

ate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago, Ill., commercial zone, Chicago Heights, Joliet, Waukegan, Ill., Burns Harbor and Portage, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming. NOTE: The purpose of this republication is to add the State of Wyoming as a point in the radial area. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83539 (Sub-No. 200), filed October 31, 1966. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, cast iron meter boxes, manhole frames, and manhole covers* (except those which because of size or weight require use of special equipment, and except pipe and pipe fittings such as are described in the first findings of the Commission in *T. E. Mercer and G. E. Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459 and 543), from Tyler, Tex., to points in Idaho, Oregon, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Birmingham, Ala., or Washington, D.C.

No. MC 102567 (Sub-No. 115) filed October 30, 1966. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 641 Bettles Building, Houston, Tex. 77002. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Helena, Ark., to points in Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or New Orleans, La.

No. MC 106603 (Sub-No. 90) (Amendment), filed September 23, 1966, published in FEDERAL REGISTER issue of October 13, 1966, amended October 25, 1966, and republished as amended this issue. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street Southwest, Grand Rapids, Mich. 49508. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, material, and supplies used in the manufacture or processing of iron and steel*

articles, (1) between points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin, and (2) between the plantsite of Bethlehem Steel Corp., Burns Harbor Plant, located in Porter County, Ind., on the one hand, and, on the other, points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, South Dakota, and Wisconsin. NOTE: Applicant holds contract carrier authority in MC 46240 and Subs 12 and 13, therefore dual operations may be involved. The purpose of this republication is to add (2) above as an origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107107 (Sub-No. 379), filed November 2, 1966. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., Beardstown, Ill., to points in Alabama, Florida, and Georgia. NOTE: Applicant states that the above proposed operation is restricted to traffic originating at the plantsite of Oscar Mayer & Co., Inc. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107496 (Sub-No. 509), filed October 27, 1966. Applicant: R U A N TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst and processed clay*, in bulk, in tank or hopper-type vehicles, from Chicago, Ill., to El Dorado, Ark.; Indianapolis, East Chicago, and Mount Vernon, Ind.; McPherson, El Dorado, Arkansas City, Coffeyville, and Phillipsburg, Kans.; Louisville and Catlettsburg, Ky.; Norco, Meraux, and Baton Rouge, La.; Muskegon, Detroit, and Alma, Mich.; St. Paul Park and Pine Bend, Minn.; Pascagoula, Miss.; Sugar Creek, Mo.; Buffalo and North Tonawanda, N.Y.; and Canton, Toledo, and Lima, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107757 (Sub-No. 28), filed October 31, 1966. Applicant: M. C. SLATER, INC., 2200 West Chain of Rocks



Road, Granite City, Ill. 62041. Applicant's representative: B. W. LaTourette, Jr., 1230 Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and articles of unusual value), serving the plantsite of Hussman Refrigerator Co. located at St. Charles Rock Road and Taussig Road, Bridgeton (St. Louis County), Mo., as an off-route point in connection with applicant's presently authorized regular route authority. **NOTE:** Hussman Refrigerator Co. is in the process of relocating its plant and facilities from within the city of St. Louis, Mo., to the above plantsite, and has requested carriers presently serving it in St. Louis, Mo., to request authority as above so as to be able to continue service at its new facility. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 109637 (Sub-No. 312), filed October 31, 1966. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from rail-motor interchange points served by the Louisville & Nashville Railroad Co. in Jefferson County, Ky., to points in Illinois, Indiana, Kentucky, Ohio, Tennessee, and West Virginia, restricted to shipments having a prior movement by rail. **NOTE:** Common control may be involved. The applicant states that the authority sought could and might sometimes be tacked on to authorities presently held by applicant in MC 109637 (Sub-No. 165). If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 109637 (Sub-No. 313), filed October 31, 1966. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil and blends thereof*, in bulk, in tank vehicles, from Louisville, Ky., to points in New Jersey, New York, Delaware, Maryland, and the District of Columbia. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 110420 (Sub-No. 536), filed October 31, 1966. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Thorhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and blends thereof*, in bulk, in tank vehicles, from Louisville, Ky., to points in New Jersey, New York, Delaware, Maryland, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, appli-

cant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 111231 (Sub-No. 149) (Amendment), filed May 12, 1966, published in the FEDERAL REGISTER issue of June 9, 1966, amended November 4, 1966, and republished as amended, this issue. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished lumber, finished lumber, finished mill work, staves, treated and untreated posts and poles, pallets and pallet materials, blocking lumber, crating lumber, dimension lumber, wooden flooring, ties, wooden fencing materials, wooden boxes, wooden crates, wooden shapes, wooden windows, and wooden doors*, from points in Missouri, located on, west, and north of a line commencing at the Mississippi River at St. Louis, Mo., thence along U.S. Highway 50 to Jefferson City, Mo., thence along U.S. Highway 54 to Missouri-Kansas State line, to points in Illinois, Indiana, Arkansas, Kansas, Kentucky, Nebraska, Minnesota, Tennessee, Iowa, and Wisconsin. **NOTE:** The purpose of this republication is to add tacking information and to include Nebraska, Kansas, Wisconsin, and Minnesota, as destination points. Applicant states that it proposes to tack with its present authority in MC 111231 and Subs thereunder, wherein it is authorized to operate in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Louisiana, Kansas, Missouri, Mississippi, Nebraska, Oklahoma, Tennessee, Texas, and Washington. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111485 (Sub-No. 10), filed October 31, 1966. Applicant: PASCHALL TRUCK LINES, INC., Murray, Ky. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Louisville, Ky., and Calvert City, Ky., from Louisville over Interstate Highway 65 to Munfordville, Ky., thence over U.S. Highway 31W to Bowling Green, Ky., thence over U.S. Highway 68 to junction Kentucky Highway 95 at or near Palma, Ky., and thence over Kentucky Highway 95 to Calvert City, and return over the same route, serving points within 5 miles of Calvert City as intermediate and off-route points; and serving the intermediate point of Draffinville, Ky., for purposes of joinder only; (b) between Louisville, Ky., and Fulton, Ky., from Louisville over Interstate Highway 65 to Munfordville, Ky., thence over U.S. Highway 31W to Bowling Green, Ky., thence over U.S. Highway 68 to Aurora, Ky., thence over Kentucky Highway 80 to Mayfield, Ky., and thence over U.S. Highway 45 to Fulton, and return over the

same route, serving the intermediate point of Mayfield, Ky., and those within 5 miles of both Mayfield and Fulton as intermediate and off-route points, and serving the intermediate point of Hardin, Ky., for purposes of joinder only.

(c) between Nashville, Tenn., and Calvert City, Ky., from Nashville over Alternate U.S. Highway 41 to Clarksville, Tenn., thence over U.S. Highway 79 to Paris, Tenn., thence over U.S. Highway 641 to junction Kentucky Highway 95, and thence over Kentucky Highway 95 to Calvert City, and return over the same route, serving the intermediate points of Hazelton, Murray, and Benton, Ky., and points within 5 miles of each as intermediate and off-route points, and serving the intermediate point of Hardin, Ky., for purposes of joinder only; and (2) (a) between Aurora, Ky., and Murray, Ky., over Kentucky Highway 94; (b) between Murray, Ky., and Mayfield, Ky., over Kentucky Highway 121; (c) between Murray, Ky., and Fulton, Ky., from Murray over Kentucky Highway 94 to junction Kentucky Highway 129, thence over Kentucky Highway 129 to Fulton, and return over the same route; (d) between Murray, Ky., and junction Tennessee Highway 119 and U.S. Highway 79, from Murray over Kentucky Highway 121 to the Kentucky-Tennessee State line, thence over Tennessee Highway 119 to junction U.S. Highway 79, and return over the same route; (e) between Hopkinsville, Ky., and junction Alternate U.S. Highway 41 and U.S. Highway 79, over U.S. Highway 41; as alternate routes for operating convenience only in (2) (a), (b), (c), (d), and (e) above, serving no intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Paducah, Ky.

No. MC 111545 (Sub-No. 93), filed October 31, 1966. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers for air, gas, or liquids*; (2) *machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids*; and, (3) *parts, attachments, and accessories for use in the installation and operation of (1) and (2) above*, from the plant and warehouse facilities of The Trane Co. in Montgomery County, Tenn., to points in Arkansas, Illinois, Indiana, Louisiana, Missouri, Oklahoma, Texas, and points in Bibb, Blount, Cullman, Jefferson, St. Clair, Shelby, Talladega, Tuscaloosa, and Walker Counties, Ala. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112148 (Sub-No. 43), filed October 31, 1966. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa 50162. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by moto-



vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by American Beef Packers, Inc., located in Pottawattamie County, Iowa, to points in Michigan and Wisconsin, restricted to traffic originating at such plantsites and/or storage facilities. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 114334 (Sub-No. 7), November 3, 1966. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3263 Tulane Road, Memphis, Tenn. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal pipe*, from Memphis, Tenn., to points in Illinois, Indiana, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 115311 (Sub-No. 62), filed October 31, 1966. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products and accessories used in the installation of clay products*, between points in Richland County, S.C., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Maryland, North Carolina, Tennessee, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant does not specify any certain location.

No. MC 119422 (Sub-No. 43), filed October 31, 1966. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln Streets, East St. Louis, Ill. 62204. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt and road oil*, in bulk, in tank vehicles, from points in Madison County, Ill., to points in Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 119767 (Sub-No. 187), filed October 31, 1966. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Fige, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches, wooden or paper, in cartons or boxes, when in combined shipments with canned foodstuffs*, from Chicago and Northlake, Ill., to points in Wisconsin and Minnesota, restricted to shipments

originating at the plantsites and storage facilities utilized by Hunt Food Industries, Inc., located at Chicago and Northlake, Ill. NOTE: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 120981 (Sub-No. 5), filed October 31, 1966. Applicant: NORTH TENNESSEE FREIGHT LINE, INC., 606 Fifth Avenue South, Nashville, Tenn. 37203. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Bardstown, Ky., and Lexington, Ky., from Bardstown over U.S. Highway 62 to junction U.S. Highway 60, thence over U.S. Highway 60 to Lexington, and return over the same route, serving all intermediate points except Bloomfield, Ky., and Lawrenceburg, Ky., and their commercial zones, as defined by the Commission, but serving Lawrenceburg, Ky., for purposes of joinder only; (2) between Bardstown, Ky., and Danville, Ky., over U.S. Highway 150, serving all intermediate points; (3) between Lebanon, Ky., and Danville, Ky., over U.S. Highway 68, serving all intermediate points; (4) between Lebanon, Ky., and Springfield, Ky., over Kentucky Highway 55, serving all intermediate points; (5) between Perryville, Ky., and Harrodsburg, Ky., over U.S. Highway 68 serving all intermediate points; (6) between Danville, Ky., and Lawrenceburg, Ky., over U.S. Highway 127 serving all intermediate points, except Lawrenceburg, Ky., and its commercial zone, as defined by the Commission, but serving Lawrenceburg, Ky., for purposes of joinder only.

Restriction: The authority sought in routes (1) through (6) inclusive next above restricted against the handling of traffic originating at, destined to or interchanged at Louisville, Ky., and its commercial zone, as defined by the Commission. NOTE: Applicant states it holds authority under certificate No. MC 120981, Sub-No. 2, to operate over the routes, and between the points, for which authority is sought through this application. However, the applicant's present authority is restricted against service between points in Kentucky, except Elizabethtown, Ky., and Lexington, Ky. Further, the applicant's existing authority is restricted on service at Lexington, Ky., against handling of traffic originating at, or destined to points in North Carolina, South Carolina, that part of Tennessee on and east of U.S. Highway 127, and that part of Georgia on and north of Interstate Highway 20. Through this application, authority is sought to render service between points in Kentucky to the extent of the application, and further, to obtain authority to render service between Lexington, Ky., and those points set forth in the application on traffic originating at, or destined

to points in North Carolina, South Carolina, that part of Tennessee on and east of U.S. Highway 127, and that part of Georgia on and north of Interstate Highway 20. If a hearing is deemed necessary, applicant requests it be held at Louisville or Lexington, Ky.

No. MC 121060 (Sub-No. 3), filed October 20, 1966. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, Ala. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, iron and steel articles, and equipment, material and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, as defined by the Commission, Chicago Heights, Joliet, and Waukegan, Ill., and Portage, Ind., on the one hand, and, on the other, points in Alabama, Georgia, Florida, Mississippi, Louisiana, and Tennessee, and (2) *road building and excavating equipment, building and construction material, and supplies*, such as limestone, cement, lime, slag, sand, brick, construction steel, rock, tile, contractor's forms, tool houses, tool boxes, culverts, iron and steel construction articles, contractor's machinery, including boilers, plant machinery, railroad steel rails, and track materials and storage tanks, between Birmingham, Ala., on the one hand, and, on the other, points in Alabama on and north of Alabama Highway 12 from the Mississippi State line in an easterly direction to Grove Hill, thence in an easterly direction over U.S. Highway 84 to Enterprise, Ala., thence in a northeasterly direction over Alabama Highway 27 to Abbeville, thence in an easterly direction over Alabama Highway 10 to the Georgia State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124411 (Sub-No. 6), filed October 31, 1966. Applicant: SULLY TRANSPORT, INC., Sully, Iowa 50251. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in tank vehicles, from the plantsite and storage facilities of Southern Nitrogen Co., at or near Cordova, Ill., to points in Iowa, Minnesota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124534 (Sub-No. 2), filed October 31, 1966. Applicant: LLOYD R. CULLENY, doing business as DYOLL DELIVERY SERVICE, Post Office Box 391, Rockaway, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electronic instruments and parts*, uncrated, between Rockaway, N.J., on the one hand, and, on the other, West Conshohocken and



Avondale, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 124692 (Sub-No. 25), filed October 28, 1966. Applicant: MYRON SAMMONS, Post Office Box 933, Missoula, Mont. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, as described in appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 279, from points in Utah to points in Idaho, Montana, Oregon, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Seattle, or Spokane, Wash., or Portland, Oreg.

No. MC 125521 (Sub-No. 7), filed October 31, 1966. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, Ohio. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from South Bend, Ind., to Fostoria, Ohio, and on return trips *empty containers and other such incidental facilities* used in transporting such commodities, under contract with Cross Distributing Inc., and Hanson Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit and Lansing, Mich., or Columbus, Ohio.

No. MC 125708 (Sub-No. 63) (Amendment), filed September 29, 1966, published in the FEDERAL REGISTER issue of October 20, 1966, amended October 31, 1966, and republished as amended, this issue. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between Portage, Ind., and Chicago, Joliet, Waukegan, and Chicago Heights, Ill., and points within their respective commercial zones, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to broaden the authority sought by adding Portage, Ind., as an origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126307 (Sub-No. 1), filed October 31, 1966. Applicant: LEE C. COOK, doing business as LEE C. COOK, 347 East Fifth Street, Emporium, Pa. 15834. Ap-

plicant's representative: Donald E. Freeman, 172 East Green Street, Post Office Box 880, Westminster, Md. 21157. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wooden lumber mill byproducts*, from Emporium, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, and the District of Columbia under contract with Robert Mallery Lumber Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 127890 (Sub-No. 4), filed October 31, 1966. Applicant: GOVER BROS. CONSTRUCTION CO., INC., 261 Millbury Avenue, Millbury, Mass. 01527. Applicant's representative: Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chloride (rock salt)*, between points in Massachusetts. NOTE: Applicant states that rock salt originates at Retsof, N.Y., moves via rail to various localities in Massachusetts where applicant proceeds to unload the cars and transports the product to ordered destinations within Massachusetts. If a hearing is deemed necessary, applicant requests it be held at Boston, or Worcester, Mass.

No. MC 128673 (Sub-No. 1), filed October 31, 1966. Applicant: CRAIGSVILLE DISTRIBUTING CO., INC., Post Office Box 567, Chelyan, W. Va. Applicant's representative: Homer W. Hanna, Jr., 1201 Kanawha Valley Building, Charleston, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mine roof bolts and accessories*, (1) from Lebanon and Ambridge, Pa., and Marietta and Mingo Junction, Ohio, to Richwood, Henry, Bayard, Kingwood, Tioga, and Worth, W. Va., and (2) from Marietta and Mingo Junction, Ohio, and Huntington, W. Va., to Tire Hill, Pa., under contract with Maust Coal Co., Cherry River Coal & Coke Co., Summersville Coal Co., Birch Coal Co., North Branch Coal Co., Gauley Coal & Coke Co., Chapel Coal Co., and Bird Coal Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 19553 (Sub-No. 29), filed November 1, 1966. Applicant: KNOX MOTOR SERVICE, INC., Post Office Box 359, Rockford, Ill. 61105. Applicant's representative: Robert M. Kaske (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, and except livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, including bulk liquids, assembled automobiles, and heavy machinery requiring special equipment for handling), serving Havana, Ill., as an

off-route point in conjunction with its regular routes.

No. MC 55236 (Sub-No. 133) (Amendment correction), filed May 13, 1966, published in FEDERAL REGISTER issue of June 9, 1966, amended July 13, 1966, and republished as amended on October 20, 1966, corrected and again republished this issue. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer ingredients*, in bulk, (1) from Eaton and Thorntown, Ind., to points in Ohio; and (2) from Warsaw, Ind., to points in Illinois and Ohio. NOTE: The purpose of this republication is to correctly set forth the amended application.

No. MC 128672, filed October 27, 1966. Applicant: TIMBER TRUCKING CO., INC., Post Office Box 8188, Nitro, W. Va. 25143. Applicant's representative: Charles E. Anderson, 1421 Kanawha Valley Building, Charleston, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, timber, and wood products*, both treated and untreated, between the wood treatment plants of Burke-Parsons-Bowlby Corp. located in Roane County, W. Va., and Rockbridge County, Va., and points in West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Delaware, and Maryland, under contract with Burke-Parsons-Bowlby Corp.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12409; Filed, Nov. 16, 1966; 8:45 a.m.]

#### FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 7, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 40780—*Cement and related articles from North Little Rock, Ark.* Filed by Southwestern Freight Bureau agent (No. B-8911), for interested rail carriers. Rates on cement and related articles, in carloads, from North Little Rock, Ark., to points in southern territory, also Mississippi and Ohio River crossings.

Grounds for relief—Market competition.

Tariff—Supplement 1 to Southwestern Freight Bureau, agent, tariff ICC 470

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12514; Filed, Nov. 16, 1966; 8:50 a.m.]



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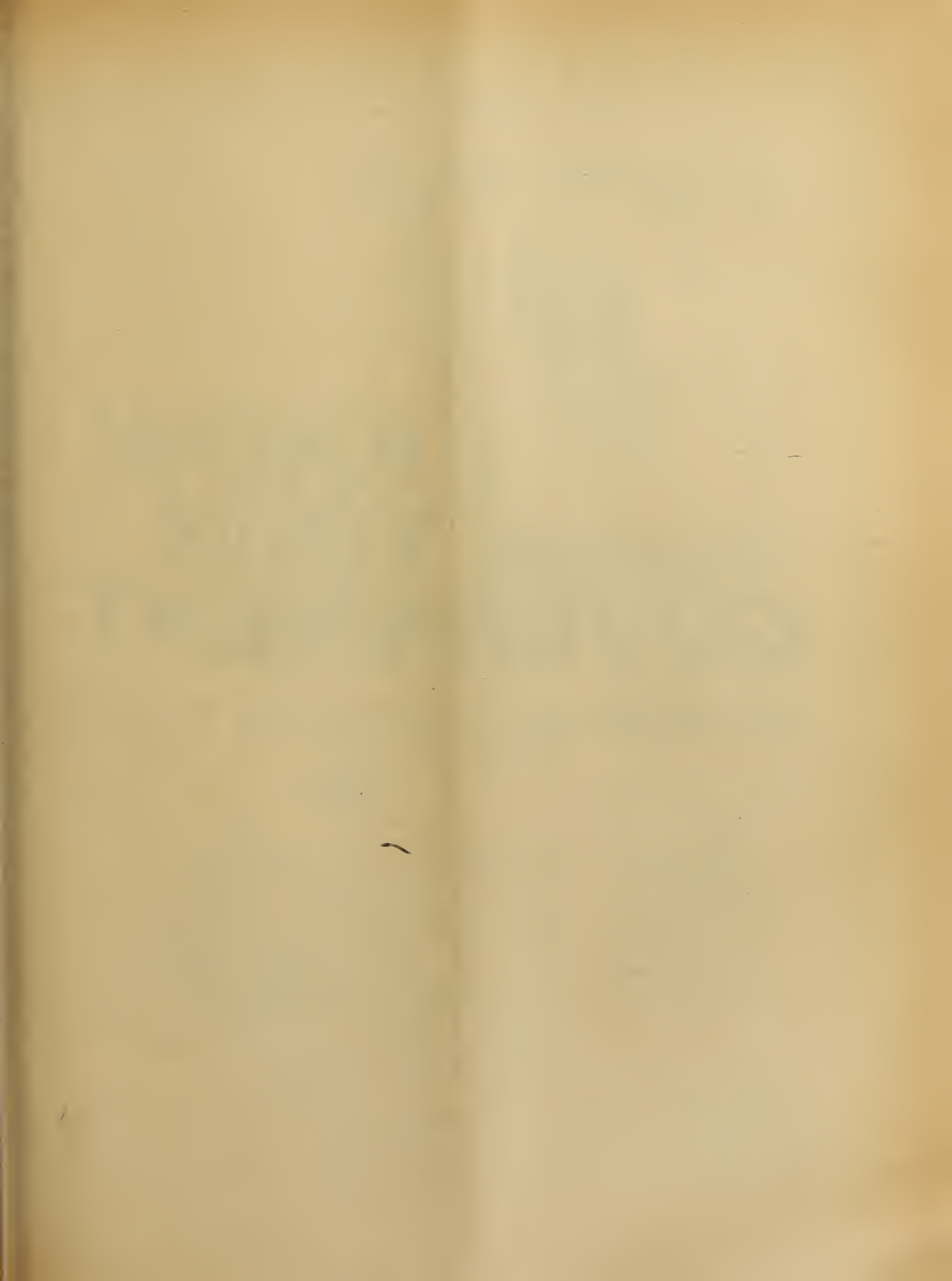




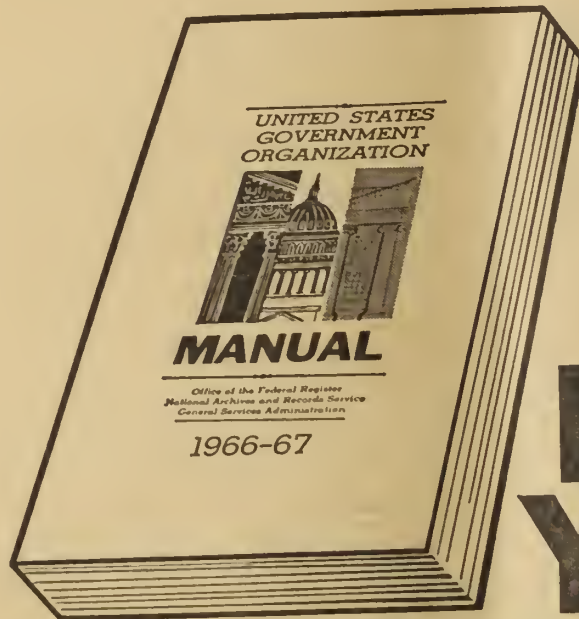












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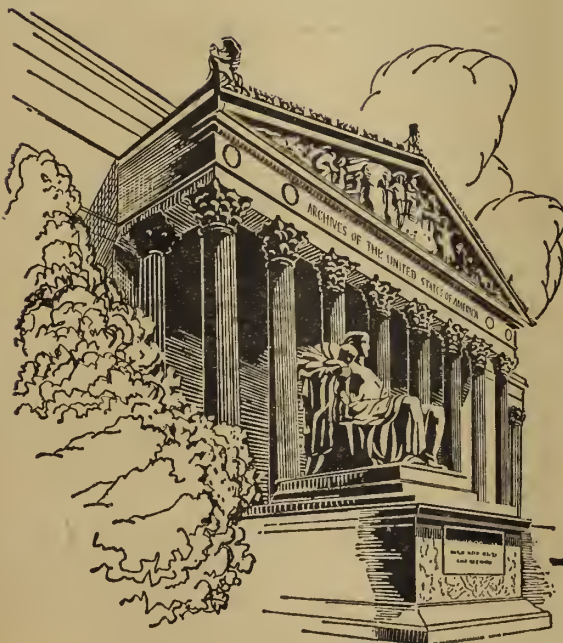
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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

#### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 11]

#### PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

##### Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

###### MISCELLANEOUS AMENDMENTS

*Basis and purpose.* Pursuant to authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) the amendments herein to the regulations governing the holding of referenda on marketing quotas are issued for the purpose of clarifying certain responsibilities of county and State committees in the case of referenda held by mail ballot and to make a correction in the section number of a previous amendment.

Since marketing quota referenda are to be held by mail ballot during the period December 5 through 9, 1966, to determine whether producers of some commodities subject to marketing quotas are in favor of marketing quotas for the 1967 crop, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and the 30-day effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impractical and contrary to the public interest, and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

1. In § 717.7, paragraph (d), the fourth sentence is changed to read as follows:

##### § 717.7 Manner of voting.

(d) *Challenged ballots.* \* \* \* In each case of a challenged ballot, the eligibility of the person to vote in the referendum shall be determined by the county committee as soon as may be possible after the polls are closed, or after canvassing of the ballots in the case of referenda held by mail ballot, and before the time for forwarding to the State committee the county summary of ballots on Form MQ-7. \* \* \*

2. In § 717.11, the third sentence of paragraph (a) and the second sentence of paragraph (b) are amended to read as follows:

##### § 717.11 County committee's canvass of ballots and record of results of the referendum.

(a) *Receiving and tabulating the results of the referendum.* \* \* \* The county committee shall meet and pass upon the challenged ballots as soon as may be reasonably possible after the challenged ballots are received from the community referendum committees, but not later than 4 calendar days after the day of the referendum for voting at the polls, or immediately following canvassing of the ballots for referenda held by mail ballot. \* \* \*

(b) *Record of the results of the referendum.* \* \* \* The county committee shall, as soon as may be reasonably possible, but in no event later than 4 calendar days after the date of the referendum, or in the case of mail balloting not later than 4 calendar days after canvassing of the ballots, have prepared and certified, the county summary of ballots on Form MQ-7. \* \* \*

3. In § 717.12, the second sentence of the paragraph is amended to read as follows:

##### § 717.12 State committee's record of the result of the referendum.

\* \* \* The county summaries of ballots on Forms MQ-7 shall be summarized on the State tabulation of ballots on Form MQ-8 as soon as possible, but in no event later than 7 calendar days next succeeding the date of the referendum, or the date of canvassing in the case of mail balloting, unless there is a dispute or challenge regarding the correctness of the summary for the county, in which case the State committee shall complete its investigation thereof, decide the dispute or challenge, and prepare the State tabulation accordingly within 14 calendar days next succeeding the date of the referendum or within 14 calendar days next succeeding the date of canvassing in the case of mail balloting. \* \* \*

4. The references to § 715.5 in amendment 8 to these regulations (31 F.R. 4193) are corrected to read 717.5.

(Secs. 312, 317, 336, 343, 344a, 354, 358, 375, 52 Stat. 46, 55, 56, 61, 66, as amended, 55 Stat. 88, 79, Stat. 66, 1197; 7 U.S.C. 1312, 1314c, 1336, 1343, 1344b, 1354, 1358, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 14, 1966.

H. D. GODFREY,  
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-12519; Filed, Nov. 17, 1966; 8:49 a.m.]

[Amdt. 5]

#### PART 728—WHEAT

##### Subpart—Regulations Pertaining to Acreage Allotments, Yields, Wheat Diversion and Wheat Certificate Programs for Crop Years 1966-1969

###### Correction

In F.R. Doc. 66-12118 appearing at page 14383 in the issue for Wednesday, November 9, 1966, in § 728.416a in the right hand column under Kentucky, the projected 1967 yield for Mason County which reads "38.0" should read "30.0".

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Small Business Administration

Section 213.3332 is amended to show that one position of Assistant Deputy Administrator for Financial Assistance and one position of Assistant Deputy Administrator for Management are no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (v) of § 213.3332 is amended as set out below.

##### § 213.3332 Small Business Administration.

(v) One Assistant Deputy Administrator for Financial Assistance.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Acting Executive Assistant to the Commissioners.

[F.R. Doc. 66-12506; Filed, Nov. 17, 1966; 8:48 a.m.]

#### PART 213—EXCEPTED SERVICE

##### Department of Housing and Urban Development

Section 213.3384 is amended to show that the number of Special Assistants to



the Secretary in Schedule C is increased from two to three. Effective on publication in the FEDERAL REGISTER, subparagraph (17) of paragraph (a) of § 213.3384 is amended as set out below.

**§ 213.3384 Department of Housing and Urban Development.**

- (a) *Office of the Secretary.* \* \* \*
- (17) Three Special Assistants to the Secretary.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
*Acting Executive Assistant to the Commissioners.*

[F.R. Doc. 66-12505; Filed, Nov. 17, 1966; 8:48 a.m.]

## Title 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Dept. Reg. 108.542]

#### PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

##### Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to extend the waiver of visa requirements provided by § 41.6(b) to nationals of Barbados, resident therein, who are proceeding to Puerto Rico or the Virgin Islands of the United States, or who are proceeding to the United States as agricultural workers.

Paragraph (b) of § 41.6 is amended to read as follows:

§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.

(b) *British, French, and Netherlands nationals, and nationals of certain adjacent islands of the Caribbean which are independent countries.* A visa is not required of a British, French, or Netherlands national or of a national of Jamaica, Trinidad, and Tobago, or Barbados, who has his residence in British, French, or Netherlands territory located in the adjacent islands of the Caribbean area, or in Jamaica, Trinidad, and Tobago, or Barbados, and who is proceeding to Puerto Rico or the Virgin Islands of the United States, or who is proceeding to the United States as an agricultural worker.

*Effective date.* The amendment to the regulation contained in this order shall become effective on November 30, 1966.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238;

5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulation contained herein involves foreign affairs functions of the United States.

PHILIP B. HEYMANN,  
*Acting Administrator, Bureau of Security and Consular Affairs, Department of State.*

NOVEMBER 3, 1966.

RAYMOND F. FARRELL,  
*Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.*

NOVEMBER 10, 1966.

[F.R. Doc. 66-12502; Filed, Nov. 17, 1966; 8:47 a.m.]

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

#### PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

##### Nonimmigrant Documentary Waivers

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Paragraph (b) of § 212.1 is amended to read as follows:

##### § 212.1 Documentary requirements for nonimmigrants.

(b) *British, French, and Netherlands nationals, and nationals of certain adjacent islands of the Caribbean which are independent countries.* A visa is not required of a British, French, or Netherlands national, or a national of Jamaica, Trinidad and Tobago, or Barbados, who has his residence in British, French, or Netherlands territory located in the adjacent islands of the Caribbean area, or in Jamaica, Trinidad and Tobago, or Barbados, for admission or stay in Puerto Rico, the Virgin Islands of the United States, or as an agricultural worker in the United States.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on November 30, 1966. Compliance with the requirements of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary and would serve no useful purpose in this instance because the persons

affected thereby will not require additional time to prepare for the effective date of the regulations.

Dated: November 10, 1966.

RAYMOND F. FARRELL,  
*Commissioner of Immigration and Naturalization.*  
[F.R. Doc. 66-12501; Filed, Nov. 17, 1966; 8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

#### SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-WE-20]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Designation of Control Zone

On April 13, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 5709) stating that the Federal Aviation Agency proposed to designate a control zone at Jefferson County Airport, Broomfield, Colo.

Subsequent to publication of the notice of proposed rule making, the name of the Jefferson County Airport has been changed to Jeffco Airport, Broomfield, Colo. In addition, the longitude of the Jeffco Airport was revised to 105°06'50" W., in lieu of 105°07'05" W. as published in the notice. Since these changes are editorial in nature, further notice and public procedure thereon are unnecessary and are reflected in the final rule.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 2, 1967, as hereinafter set forth:

In § 71.171 (31 F.R. 2065) the following control zone is added:

BROOMFIELD, COLO.

That airspace within a 5-mile radius of Jeffco Airport (latitude 39°54'30" N., longitude 105°06'50" W.). This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on November 14, 1966.

JOSEPH H. TIPPETS,  
*Director, Western Region.*

[F.R. Doc. 66-12474; Filed, Nov. 17, 1966; 8:45 a.m.]



## SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7718; Amdt. 510]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

## Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

## LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 8 DEC. 1966.

City, Minot; State, N. Dak.; Airport name, Minot International; Elev., 1723'; Fac. Class., BMRLZ; Ident., MT; Procedure No. 1, Amdt. 10; Eff. date, 29 Aug. 64; Sup. Amdt. No. 9; Dated, 4 Aug. 62

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

## ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Atlantic City VOR.....	LOM.....	Direct.....	1500	T-dn.....	300-1	300-1	200-1½
				C-dn.....	600-1	600-1	600-1½
				S-dn-13.....	600-1	600-1	600-1
				A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn S side of crs, 308° Ontbnd, 128° Inbnd, 1500' within 10 miles.

Minimum altitude over facility on final approach crs, 1300'.

Crs and distance, facility to airport, 128°—4.3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LOM, make a right-climbing turn, proceed direct to the LOM climbing to 1500'. Hold NW, 1-minute right turns, Inbnd crs, 128°.

MSA within 25 miles of facility: 000°-270°—1600'; 270°-360°—2100'.

City, Atlantic City; State, N.J.; Airport name, NAFEC/Atlantic City (Pomona); Elev., 76'; Fac. Class., LOM; Ident., AC; Procedure No. 1, Amdt. 4; Eff. date, 10 Dec. 66; Sup. Amdt. No. 3; Dated, 7 Dec. 63

ELX VOR.....	Milburg Int (final).....	Direct.....	2000	T-dn.....	300-1	300-1	200-1½
ELX VOR.....	BEH RBN.....	Direct.....	2000	C-dn*#.....	700-1	700-1	700-1½
SBN VOR.....	BEH RBN.....	Direct.....	2400	S-dn*#.....	700-1	700-1	700-1
				A-dn*#.....	800-2	800-2	800-2
				Minimums with ADF/VOR receivers:			
				C-dn*#.....	400-1	500-1	500-1½
				S-dn-27*#.....	400-1	400-1	400-1

Procedure turn N side of crs, 086° Ontbnd, 226° Inbnd, 2000' within 10 miles.

Minimum altitude over Milburg Int on final approach crs, 1342' (1442' when control zone not effective).

Crs and distance, Milburg Int to airport, 266°—3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of BEH RBN, climb to 2000' on 266° bearing, then proceed direct to BEH RBN, contact SBN approach control for further instructions.

NOTES: (1) Procedure effective from 0600 to 2400 local time. (2) Use South Bend altimeter setting when control zone not effective.

\*Circling and straight-in ceiling minimums are raised (100') and alternate minimums not authorized when control zone not effective.

\*These minimums apply at all times for air carriers with approved weather reporting service.

MSA within 25 miles of facility: 000°-090°—2200'; 090°-180°—2000'; 180°-270°—2100'; 270°-360°—1800'.

City, Benton Harbor; State, Mich; Airport name, Ross Field; Elev., 642'; Fac. Class., MHW; Ident., BEH; Procedure No. 1, Amdt. 2; Eff. date, 10 Dec. 66; Sup. Amdt. No. 1; Dated, 24 Oct. 64



## ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SBN VOR.....	BEH RBN.....	Direct.....	2400	T-dn.....	300-1	300-1	200-1½
ELX VOR.....	BEH RBN.....	Direct.....	2000	C-dn*#.....	600-1	600-1	600-1½
Musky Int.....	BEH RBN.....	Direct.....	2300	S-dn-9*#.....	600-1	600-1	600-1
Mermaid Int.....	BEH RBN.....	Direct.....	2300	A-dn*#.....	800-2	800-2	800-2

Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 1242'.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of BEH RBN, climb straight ahead to 2300' and proceed direct to ELX VOR, contact SBN approach control for further instructions, or when directed by ATC, climb straight ahead to 2000' and then return to BEH RBN.

NOTES: (1) Procedure authorized from 0600 to 2400 local time. (2) Use South Bend altimeter setting when control zone not effective.

\*Circling and straight-in ceiling minimums are raised (100') and alternate minimums not authorized when control zone not effective.

\*These minimums apply at all times for air carriers with approved weather reporting service.

MSA within 25 miles of facility: 000°-090°-2200'; 090°-180°-2000'; 180°-270°-2100'; 270°-360°-1800'.

City, Benton Harbor; State, Mich.; Airport name, Ross Field; Elev., 642'; Fac. Class., MHW; Ident., BEH; Procedure No. 2, Amdt. 2; Eff. date, 10 Dec. 66; Sup. Amdt. No. 1; Dated, 14 Nov. 64

Lawrence VOR.....	TOF RBN (final).....	Direct.....	1100	T-dn.....	300-1	300-1	300-1
Danvers Int.....	TOF RBN.....	Direct.....	1900	C-dn.....	500-1	500-1	500-1½
Ipswich Int.....	TOF RBN.....	Direct.....	1900	A-dn.....	NA	NA	NA
Bedford RBN.....	TOF RBN.....	Direct.....	1900				

Radar available.

Procedure turn N side of crs, 333° Outbnd, 153° Inbnd, 1900' within 10 miles.

Minimum altitude over facility on final approach crs, 1100'.

Crs and distance, facility to airport, 153°-2.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles after passing TOF RBN, make left-climbing turn to 1900', return to TOF RBN. Hold NW, 153° Inbnd, 1-minute left turns.

NOTES: (1) Use Boston altimeter setting. (2) Monitor Boston TRACON frequency until landing assured. (3) Approach from a holding pattern not authorized, procedure turn required. (4) State owned facility must be monitored aurally during approach.

MSA within 25 miles of facility: 000°-090°-1500'; 090°-180°-1500'; 180°-270°-2500'; 270°-360°-2000'.

City, Beverly; State, Mass.; Airport name, Beverly Municipal; Elev., 108'; Fac. Class., MHW; Ident., TOF; Procedure No. 1, Amdt. 4; Eff. date, 10 Dec. 66; Sup. Amdt. No. 3; Dated, 29 Oct. 66

Wolcottville Int.....	LOM.....	Direct.....	2100	T-dn.....	300-1	300-1	200-1½
Buffalo VOR.....	LOM.....	Direct.....	2000	C-dn.....	400-1	500-1	500-1½
				S-dn-23.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 1700'.

Crs and distance, facility to airport, 232°-4 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing LOM, climb to 2500' on 232° crs from LOM, intercept BUF VOR, R 250°, proceed to Crystal Beach Int. Hold W, 1-minute right turns, 070° Inbnd, or when directed by ATC, climb to 2000' on 232° crs from LOM, within 10 miles, make left turn, proceed direct to BU LOM. Hold NE, BU LOM, 1-minute right turns, 232° Inbnd.

MSA within 25 miles of facility: 000°-090°-2200'; 090°-270°-3900'; 270°-360°-2400'.

City, Buffalo; State, N. Y.; Airport name, Greater Buffalo International; Elev., 722'; Fac. Class., LOM; Ident., BU; Procedure No. 1, Amdt. 5; Eff. date, 10 Dec. 66; Sup. Amdt. No. 4; Dated, 13 Nov. 65

Clarion VOR.....	Franklin RBN.....	Direct.....	3200	T-dn.....	300-1	300-1	200-1½
Seneca Int.....	Franklin RBN.....	Direct.....	3200	C-dn.....	500-1	500-1	500-1½
Wesley Int.....	Franklin RBN.....	Direct.....	3200	S-dn.....	500-1	500-1	500-1½
				A-dn.....	800-2	800-2	800-2

Procedure turn N side of crs, 163° Outbnd, 283° Inbnd, 3200' within 10 miles.

Minimum altitude over facility on final approach crs, 2300'.

Crs and distance, facility to airport, 283°-3.5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing Franklin RBN, climb straight ahead to 3200' and return to Franklin RBN. Hold E, 1-minute right turns, 283° Inbnd.

MSA within 25 miles of facility: 000°-360°-3100'.

City, Franklin; State, Pa.; Airport name, Chess-Lamberton; Elev., 1540'; Fac. Class., MHW; Ident., FKL; Procedure No. 1, Amdt. 2; Eff. date, 10 Dec. 66; Sup. Amdt. No. 1; Dated, 7 Nov. 64

IIUT VOR.....	LOM.....	Direct.....	2900	T-dn*.....	300-1	300-1	200-1½
Sterling Int.....	LOM.....	Direct.....	3200	C-dn.....	500-1	500-1	500-1½
Buhler Int.....	LOM.....	Direct.....	4000	S-dn-13.....	500-1	500-1	500-1
Burton Int.....	LOM.....	Direct.....	4000	A-dn.....	800-2	800-2	800-2
Groveland Int.....	LOM.....	Direct.....	3200				

Procedure turn N side of crs, 309° Outbnd, 129° Inbnd, 2900' within 10 miles of LOM.

Minimum altitude over facility on final approach crs, 2700'.

Crs and distance, facility to airport, 129°-4 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing LOM, proceed to IIUT VOR climbing to 3000' via 129° bearing, LOM and R 053° of IIUT VOR.

CAUTION: \*When weather below 1800-2, IFR departures to NE, E, and SE, climb to 3500' before turning toward 3040' tower, 3.5 miles E of airport.

MSA within 25 miles of facility: 000°-090°-4000'; 090°-180°-4100'; 180°-360°-3100'.

City, Hutchinson; State, Kans.; Airport name, Hutchinson Municipal; Elev., 1542'; Fac. Class., LOM; Ident., IIU; Procedure No. 1, Amdt. 4; Eff. date, 10 Dec. 66; Sup. Amdt. No. 3; Dated, 13 Aug. 66



## ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ACO VOR.....	AKR RBN.....	Direct.....	2800	T-dn.....	300-1	300-1	NA
BSV VOR.....	AKR RBN.....	Direct.....	2800	C-dn.....	500-1	500-1	NA
				S-dn-01.....	500-1	500-1	NA
				A-dn.....	NA	NA	NA

Radar available.

Procedure turn E side of crs, 168° Outbnd, 348° Inbnd, 2800' within 10 miles.

Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to airport, 348°—4.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing AKR RBN, climb to 2000' on 348° crs, make right turn, climb to 3000', proceed to ACO VOR, hold E, 1-minute, right turns, 096° Inbnd.

NOTE: Use Akron, Ohio, altimeter setting.

MSA within 25 miles of facility: 000°-270°—2700'; 270°-360°—3000'.

City, Kent; State, Ohio; Airport name, Andrew W. Patton of Kent State; Elev., 1120'; Fac. Class., MIIW; Ident., AKR; Procedure No. 1, Amdt. Orig.; Eff. date, 10 Dec. 66

## PROCEDURE CANCELED, EFFECTIVE 10 DEC. 1966.

City, Martinsburg; State, Pa.; Airport name, Blair County; Elev., 1504'; Fac. Class., MHW; Ident., AOO; Procedure No. 1, Amdt. Orig.; Eff. date, 18 Aug. 66

Moultrie VOR.....	Tifton VHF Int/TMA RBN.....	Direct.....	2000	T-dn*.....	300-1	300-1	300-1
Albany VOR.....	Tifton VHF Int/TMA RBN.....	Direct.....	2000	C-dn.....	700-1	700-1	700-1½
				S-dn-33.....	700-1	700-1	700-1
				A-dn#.....	NA	NA	NA

Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 1800' within 10 miles.

Minimum altitude over facility on final approach crs, 1100'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of TMA RBN, make climbing left turn to 2000', return to TMA RBN. Hold SE, 142° Outbnd, 322° Inbnd, 1-minute right turns.

NOTES: (1) IFR flight plan must be closed with Valdosta approach control or Albany FSS when reaching VFR conditions or immediately after landing. (2) Circling not authorized to Runway 15.

CAUTION: 750' tower, 2 miles NW of airport; 539' tower, 1 mile N of airport; 523' tank, 1 mile S of airport.

\*Takeoff minimums of 300-1 authorized for Runways 9, 27, 15; takeoff on Runways 3, 21, 33 not authorized.

#No weather service available on field. Use Valdosta altimeter setting.

MSA within 25 miles of facility: 000°-090°—1800'; 090°-180°—1600'; 180°-270°—2400'; 270°-360°—1800'.

City, Tifton; State, Ga.; Airport name, Henry Tift Myers; Elev., 355'; Fac. Class., MIIW; Ident., TMA; Procedure No. 1, Amdt. Orig.; Eff. date, 8 Dec. 66

## 3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

## ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn.....	300-1	300-1	200-1½
				C-dn.....	800-1	800-1	800-1½
				A-dn.....	NA	NA	NA

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 2500' within 10 miles.

Minimum altitude over facility on final approach crs, 1800'.

Crs and distance, facility to airport, 140°—4.3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing ADM VOR, turn right, climb to 2300' on ADM, R 150° within 20 miles.

City, Ardmore; State, Okla.; Airport name, Downtown Ardmore; Elev., 840'; Fac. Class., L-BVORTAC; Ident., ADM; Procedure No. 1, Amdt. Orig.; Eff. date, 8 Dec. 66

R 326°, ELX VOR clockwise.....	R 086°, ELX VOR.....	Via 6-mile DME Arc.....	2300	T-dn.....	300-1	300-1	200-1½
R 206°, ELX VOR counterclockwise.....	R 086°, ELX VOR.....	Via 6-mile DME Arc.....	2300	C-dn.....	1000-3	1000-3	1000-3
				S-dn-27.....	1000-3	1000-3	1000-3
				A-dn#.....	1000-3	1000-3	1000-3
6-mile DME Fix, R 086°.....	ELX VOR (final).....	Direct.....	2300	Minimums with DME or Dual VOR receivers:			
				C-dn*#.....	400-1	500-1	500-1½
				S-dn-27*#.....	400-1	400-1	400-1

Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2300' within 10 miles.

Minimum altitude over facility on final approach crs, 2300'; over Zang Int, 1600'.

Crs and distance, facility to airport, 266°—13.2 miles; Zang Int to airport, 266°—3.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 13.2 miles after passing the ELX VOR, climb to 2300' on ELX VOR, R 266°, then proceed direct to ELX VOR and contact SBN approach control for further instructions.

NOTES: (1) Reduction not authorized for nonstandard REIL. (2) Use South Bend altimeter setting when control zone not effective.

#These minimums apply at all times for air carriers with approved weather reporting service.

\*Circling and straight-in ceiling minimums are raised (100') and alternate minimums not authorized when control zone not effective.

MSA within 25 miles of facility: 000°-090°—2300'; 090°-180°—2400'; 180°-270°—2100'; 270°-360°—2000'.

City, Benton Harbor; State, Mich.; Airport name, Ross Field; Elev., 642'; Fac. Class., L-BVORTAC; Ident., ELX; Procedure No. 1, Amdt. 5; Eff. date, 10 Dec. 66; Sup. Amdt. No. 4; Dated, 18 Dec. 65



RULES AND REGULATIONS

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 140°, DIIN VOR clockwise.....	R 154°.....	Via 10-mile DME Arc.	2000	T-dn.....	300-1	300-1	200-1½
				C-dn.....	500-1	500-1	500-1½
R 240°, DIIN VOR counterclockwise.....	R 154°.....	Via 10-mile DME Arc.	2000	A-dn.....	800-2	800-2	800-2
				If Shelly 2-miles DME/Radar Fix received, minimums become:			
				S-dn-36°.....	400-1	400-1	NA

Radars available.  
Procedure turn S side of crs, 154° Outbnd, 334° Inbnd, 2000' within 10 miles.  
Minimum altitude over facility on final approach crs, 1200' (900' if Shelly 2-miles DME/Radar Fix is received).  
Crs and distance, facility to airport, 334°—1.9 miles.  
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing DIIN VORTAC, turn right, climb to 2000' on R 019° of DIIN VORTAC within 20 miles.  
\*Reduction not authorized.  
MSA within 25 miles of facility: 000°-090°—2000'; 090°-180°—2600'; 180°-270°—1700'; 270°-360°—1800'.  
City, Dothan; State, Ala.; Airport name, Dothan; Elev., 395'; Fac. Class., L-BVORTAC; Ident., DIIN; Procedure No. 1, Amdt. 5; Eff. date, 10 Dec. 66; Sup. Amdt. No. 4; Dated, 30 Apr. 66

R 281°, FAR VOR counterclockwise.....	R 180°, FAR VOR.....	Via 6-mile DME Arc.	2500	T-dn.....	300-1	300-1	200-1½
				C-d.....	900-1	900-1	900-1½
R 101°, FAR VOR clockwise.....	R 180°, FAR VOR.....	Via 6-mile DME Arc.	2500	C-n.....	900-2	900-2	900-2
				A-dn.....	900-2	900-2	900-2
6-mile DME Fix, R 180°.....	FAR VOR (final).....	Direct.....	2500	Minimums with DME:			
				C-dn.....	500-1	500-1	500-1½
				S-dn-35°.....	500-1	500-1	500-1

Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2500' within 10 miles.  
Minimum altitude over facility on final approach crs, 2500'; over 6-mile DME Fix, 1800'.  
Crs and distance, facility to airport, 360°—9.4 miles; 6-mile DME Fix to airport, 360°—3.4 miles.  
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.4 miles after passing FAR VORTAC, climb to 2500' on R 360° within 20 miles, or when directed by ATC, make left-climbing turn to intercept R 281°, climb to 2500' on R 281° within 20 miles.  
\*500-½ authorized with operative ALS except for 4-engine turboprops.  
MSA within 25 miles of facility: 000°-090°—2400'; 090°-270°—2300'; 270°-360°—3200'.  
City, Fargo; State, N. Dak.; Airport name, Hector; Elev., 900'; Fac. Class., II-BVORTAC; Ident., FAR; Procedure No. 1, Amdt. 2; Eff. date, 10 Dec. 66; Sup. Amdt. No. 1; Dated, 29 Oct. 66

Mercer Int.....	FKL VOR.....	Direct.....	3200	T-dn.....	300-1	300-1	200-1½
Wesley Int.....	FKL VOR.....	Direct.....	3200	C-dn.....	500-1	500-1	500-1½
Bradley Int.....	FKL VOR.....	Direct.....	3200	S-dn-20.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 3200' within 10 miles.  
Minimum altitude over facility on final approach crs, 2500'.  
Crs and distance, facility to airport, 187°—3.4 miles.  
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing VOR, climb to 3200' on R 187°, make right turn to VOR; hold N, 1-minute right turns; Inbnd crs, 187°.  
MSA within 25 miles of facility: 000°-360°—3100'.  
City, Franklin; State, Pa.; Airport name, Chess-Lamberton; Elev., 1540'; Fac. Class., I-BVOR; Ident., FKL; Procedure No. 1, Amdt. 2; Eff. date, 10 Dec. 66; Sup. Amdt. No. 1; Dated, 6 July 63

R 116°, HUT VOR clockwise.....	R 213°, HUT VOR.....	Via 6-mile DME Arc.	3000	T-dn*.....	300-1	300-1	200-1½
				C-dn.....	500-1	500-1	500-1½
R 287°, HUT VOR counterclockwise.....	R 213°, HUT VOR.....	Via 6-mile DME Arc.	3000	S-dn-3.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2
6-mile DME Fix, R 213°, HUT VOR.....	HUT VOR (final).....	Direct.....	2800				

Procedure turn W side of crs, 213° Outbnd, 033° Inbnd, 3000' within 10 miles.  
Minimum altitude over facility on final approach crs, 2800'.  
Crs and distance, facility to airport, 033°—5 miles.  
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing VOR, climb to 4000' on R 033° within 20 miles, or when directed by ATC, make left turn, climb to 2900', proceed to HUT LOM.  
CAUTION: \*When weather below 1600-2, IFR departures to NE, E, and SE, climb to 3500' before turning toward 3049' tower, 3.5 miles E of airport.  
MSA within 25 miles of facility: 000°-090°—4100'; 090°-180°—3500'; 180°-270°—3100'; 270°-360°—3100'.  
City, Hutchinson; State, Kans.; Airport name, Hutchinson Municipal; Elev., 1542'; Fac. Class., L-BVORTAC; Ident., HUT; Procedure No. 1, Amdt. 11; Eff. date, 10 Dec. 66; Sup. Amdt. No. 10; Dated, 13 Aug. 66

				T-dn.....	300-1	300-1	NA
				C-d.....	900-1	900-1	NA
				C-n.....	900-2	900-2	NA
				A-dn.....	NA	NA	NA
				If Middlebury Int or 8-mile DME Fix, R 289° received, the following minimums apply:			
				C-d.....	500-1	500-1	NA
				C-n.....	500-2	500-2	NA

Radars available.  
Procedure turn N side of crs, 109° Outbnd, 289° Inbnd, 2800' within 10 miles.  
Minimum altitude over facility on final approach crs, 2800'; over Middlebury Int or 8-mile DME Fix, R 289°—2000'.  
Crs and distance, facility to airport, 289°—10 miles.  
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10 miles after passing ACO VOR, make right-climbing turn to 3900', return to ACO VOR. Hold E, 1-minute right turns, 096° Inbnd.  
NOTE: Use Akron, Ohio, altimeter setting.  
\*DME or ADF equipment required.  
MSA within 25 miles of facility: 000°-090°—2700'; 090°-180°—3000'; 180°-270°—2600'; 270°-360°—2800'.  
City, Kent; State, Ohio; Airport name, Andrew W. Patton of Kent State; Elev., 1120'; Fac. Class., L-BVORTAC; Ident., ACO; Procedure No. 1, Amdt. Orig.; Eff. date, 10 Dec. 66



## VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 266°, MCN VOR clockwise.....	R 324°, MCN VOR.....	Via 8-mile DME Orbit.	2000	T-dn.....	300-1	300-1	200-1 <sub>2</sub>
R 055°, MCN VOR counterclockwise.....	R 324°, MCN VOR.....	Via 8-mile DME Orbit.	2300	C-dn.....	600-1	600-1	600-1 <sub>2</sub>
				S-dn-13°.....	600-1	600-1	600-1
				A-dn.....	800-2	800-2	800-2
				If Frances Int or 3.5-mile DME Fix received minimums become:			
				C-dn.....	500-1	500-1	500-1 <sub>2</sub>
				S-dn-13°.....	500-1	500-1	500-1

Radar available.

Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000' within 10 miles.

Minimum altitude over Frances Int/3.5-mile DME Fix on final approach crs, 1200'.

Facility on airport, breakoff point to approach end of Runway 13, 129°—0.22 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VORTAC, turn right and climb to 2000' on ahead on the R 213° of the Altoona VOR to 4500' within 10 miles, return to AOO VOR, hold NE, 1-minute right turns, 213° Inbnd.

\*Reduction not authorized.

\*\*Reduction below ¾ mile not authorized.

MSA within 25 miles of facility: 000°—090°—2300'; 090°—180°—2600'; 180°—270°—1900'; 270°—360°—2100'.

City, Macon; State, Ga.; Airport name, Macon Municipal; Elev., 354'; Fac. Class., H-BVORTAC; Ident., MCN; Procedure No. 1, Amdt. Orig.; Eff. date, 10 Dec. 65

Huntingdon Int.....	AOO VOR.....	Direct.....	4100	T-dn.....	1000-1	1000-1	1000-1
				C-d.....	1000-1	1000-2	1000-2
				C-n.....	1000-2	1000-3	1000-3
				A-dn.....	1500-2	1500-3	1500-3

Procedure turn W side of crs, 033° Outbnd, 213° Inbnd, 3800' within 10 miles.

Minimum altitude over facility on final approach crs, 2800'.

Crs and distance, facility to airport, 213°—1.5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing the AOO VOR, climb straight ahead on the R 213° of the Altoona VOR to 4500' within 10 miles, return to AOO VOR, hold NE, 1-minute right turns, 213° Inbnd.

AIR CARRIER NOTES: Reduction in visibility not authorized below 1 mile for 65 knots or less aircraft; not authorized below 2 miles for aircraft of more than 65 knots.

MSA within 25 miles of facility: 270°—180°—3900'; 180°—270°—4200'.

City, Martinsburg; State, Pa.; Airport name, Blair County; Elev., 1504'; Fac. Class., T-VOR; Ident., AOO; Procedure No. 1, Amdt. 2; Eff. date, 10 Dec. 66; Sup. Amdt. No. 1; Dated, 4 Jan. 64

## PROCEDURE CANCELED, EFFECTIVE 8 DEC. 1966.

City, Minot; State, N. Dak.; Airport name, Minot International; Elev., 1723'; Fac. Class., BVOR; Ident., MOT; Procedure No. 1, Amdt. 4; Eff. date, 10 July 65; Sup. Amdt. No. 3; Dated, 29 Aug. 64

## PROCEDURE CANCELED, EFFECTIVE 8 DEC. 1966.

City, Minot; State, N. Dak.; Airport name, Minot International; Elev., 1723'; Fac. Class., BVOR; Ident., MOT; Procedure No. 2, Amdt. Orig.; Eff. date, 12 Sept. 64

				T-dn*.....	300-1	300-1	200-1 <sub>2</sub>
				C-d.....	700-1	700-1	700-1 <sub>2</sub>
				C-n.....	700-2	700-2	700-2
				A-dn.....	NA	NA	NA
				After passing Butler Int, or the 4.6-mile DME Fix, the following minimums apply:			
				C-dn.....	400-1	500-1	500-1 <sub>2</sub>

Radar available.

Procedure turn N side of crs, 048° Outbnd, 228° Inbnd, 2100' within 10 miles.

Minimum altitude over facility on final approach crs, 2100'.

Crs and distance, facility to airport, 228°—8.3 miles; Butler Int to airport, 228°—3.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.3 miles after passing PLB VOR (or 3.7 miles after passing Butler Int), make a left-climbing turn and return to Plattsburgh VOR at 2100'. Hold NE of PLB VOR, 1-minute right turns, 228° Inbnd.

NOTES: (1) Use Plattsburgh AFB altimeter setting. (2) Air carrier with weather service at the airport—Alternate minimums of 800-2 authorized. Use Plattsburgh altimeter setting.

\*300-1 required for takeoff Runway 1.

MSA within 25 miles of facility: 000°—090°—2500'; 090°—180°—3000'; 180°—270°—5000'; 270°—360°—4500'.

City, Plattsburgh; State, N.Y.; Airport name, Plattsburgh Municipal; Elev., 371'; Fac. Class., H-BVORTAC; Ident., PLB; Procedure No. 1, Amdt. 9; Eff. date, 10 Dec. 66; Sup. Amdt. No. 8; Dated, 27 Mar. 65

R 223°, MTS VOR clockwise.....	R 305°, MTS VOR.....	Via 10-mile DME Arc.	2600	T-dn.....	300-1	300-1	200-1 <sub>2</sub>
R 010°, MTS VOR counterclockwise.....	R 305°, MTS VOR.....	Via 10-mile DME Arc.	2600	C-dn.....	800-1	800-1	800-1 <sub>2</sub>
10-mile DME Fix, R 305°, MTS VOR.....	Weldon Int or 3.5-mile DME Fix R 305°, MTS VOR (final).	Direct.....	1262	A-dn.....	800-2	800-2	800-2
				Minimums with Dual VOR or DME:			
				C-dn.....	600-1	600-1	600-1 <sub>2</sub>

Radar available.

Procedure turn S side of crs, 305° Outbnd, 125° Inbnd, 2400' within 10 miles.

Minimum altitude over Weldon Int or 3.5-mile DME Fix R 305° on final approach crs, 1262'.

Crs and distance, facility to airport, 216°—1.1 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing MTS VOR, make right turn climbing to 2400' on R 272° within 10 miles, make left turn and return to MTS VOR.

NOTES: (1) Procedure not authorized when control zone not effective. (2) Approach from holding at MTS VOR not authorized. Procedure turn required.

MSA within 25 miles of facility: 090°—180°—2700'; 180°—090°—2200'.

City, St. Louis; State, Mo.; Airport name, Spirit of St Louis; Elev., 462'; Fac. Class., BVORTAC; Ident., MTS; Procedure No. 1, Amdt. Orig.; Eff. date, 8 Dec. 66



## 4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

## TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Meadows Int, the 5-mile DME or 5-mile Radar Fix.	ACY VOR (final).....	Direct.....	600	T-dn..... C-dn..... S-dn-4..... A-dn..... If Meadows Int, the 5-mile DME or 5-mile Radar Fix received, the following minimums apply: C-dn..... S-dn-4.....	300-1 600-1 600-1 800-2 500-1 500-1	300-1 600-1 600-1 800-2 500-1 500-1	200-½ 600-1½ 600-1 800-2 500-1½ 500-1

Radar available.

Procedure turn E side of crs, 229° Outbnd, 049° Inbnd, 1500' within 10 miles.

Minimum altitude over Meadows Int, the 5-mile DME or 5-mile Radar Fix, 676'.

Breakoff point to approach end of Runway, 038°—0.45 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of ACY VOR, turn left and climb to 1500' on CYN VOR, R 213° to Neseo Int. Hold E, 1-minute left turns, Inbnd crs, 284°.

CAUTION: Radar tower, 226°—0.7 mile SW approach end of Runway 4.

MSA within 25 miles of facility: 000°—270°—1400'; 270°—360°—1600'.

City, Atlantic City; State, N.J.; Airport name, NAFEC/Atlantic City (Pomona); Elev., 76'; Fac. Class., L-BVORTAC; Ident., ACY; Procedure No. TerVOR-4, Amdt. 6; Eff. date, 10 Dec. 66; Sup. Amdt. No. 5; Dated, 24 Apr. 65

Great Bay Int, the 5-mile DME Fix or 5-mile Radar Fix.	ACY VOR (final).....	Direct.....	500	T-dn..... C-dn..... S-dn-31..... A-dn..... If Great Bay Int, the 5-mile DME Fix, or the 5-mile Radar Fix received, the following minimums apply: C-dn..... S-dn-31.....	300-1 700-1 700-1 800-2 500-1 400-1	300-1 700-1 700-1 800-2 500-1 400-1	200-½ 700-1½ 700-1 800-2 500-1½ 400-1
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Radar available.

Procedure turn N side of crs, 121° Outbnd, 301° Inbnd, 1500' within 10 miles.

Minimum altitude over Great Bay Int, the 5-mile DME Fix, or the 5-mile Radar Fix on final approach crs, 776'. Breakoff point to runway, 307°—0.3 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of ACY VOR, turn right and climb to 1500' on CYN VOR, R 213° to Neseo Int. Hold E, 1-minute left turns, Inbnd crs, 284°.

CAUTION: Radar tower, 226°—0.7 mile SW approach end of Runway 4.

\*400'-34' authorized with operative high-intensity runway lights except for 4-engine turbojets.

MSA within 25 miles of facility: 000°—270°—1400'; 270°—360°—1600'.

City, Atlantic City; State, N.J.; Airport name, NAFEC/Atlantic City (Pomona); Elev., 76'; Fac. Class., L-BVORTAC; Ident., ACY; Procedure No. TerVOR-31, Amdt. 6; Eff. date, 10 Dec. 66; Sup. Amdt. No. 5; Dated, 24 Apr. 65

Hibbing VOR.....	Eveleth VOR.....	Direct.....	3100	T-dn..... C-d..... S-dn-17&S@..... S-dn-27..... A-dn.....	300-1 400-1 400-1½ 400-1 NA	300-1 500-1 500-1½ 400-1 NA	200-½ 500-1½ 500-1½ 400-1 NA
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Procedure turn N side of crs, 087° Outbnd, 267° Inbnd, 2900' within 10 miles.

Minimum altitude over facility on final approach crs, 1785'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing VOR, make left-ehhanging turn to 3100' on R 087° within 10 miles. Return to VOR and hold E on R 087°.

NOTE: Use Hibbing, Minn., altimeter setting.

CAUTION: Runways 5/23 unlighted.

MSA within 25 miles of facility: 000°—270°—3100'; 270°—360°—3500'.

City, Eveleth; State, Minn.; Airport name, Eveleth-Virginia Municipal; Elev., 1385'; Fac. Class., T-BVOR; Ident., EVM; Procedure No. TerVOR-27, Amdt. 2; Eff. date, 10 Dec. 66; Sup. Amdt. No. 1; Dated, 8 May 65

				T-dn*..... C-dn&S%..... S-dn-17&S@..... A-dn&S%..... Minimums with DME: C-dn&S%..... S-dn-17&S@.....	300-1 700-1 700-1 800-2 400-1 400-1	300-1 700-1 700-1 800-2 500-1 400-1	200-½ 700-1½ 700-1 800-2 500-1½ 400-1
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Procedure turn W side of crs, 014° Outbnd, 194° Inbnd, 4500' within 10 miles.

Minimum altitude over 4-mile DME Fix, R 014° on final approach crs, 3580' (3780' required when control zone not effective).

Facility on airport, breakoff point to runway, 169°—0.9 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LBL VOR, climb to 4500' on R 142° within 10 miles, make right turn and return to LBL VOR.

NOTE: Use Garden City, Kans., altimeter setting when control zone not effective.

CAUTION: Numerous towers to elevation of 3509' E of airport.

\*When weather below 700-2, IFR departures to NE, E, and SE, climb to 4500' on runway heading before turning toward 3509' tower, 1.9 miles E of airport.

%All circling approaches will be made to W of airport. Lights installed on Runways 35 and 17 only.

&These minimums apply at all times for air carriers with approved weather reporting service.

\$Circling and straight-in ceiling minimums are raised 200' and alternate minimums not authorized when control zone not effective.

@Reduction not authorized for nonstandard REIL.

MSA within 25 miles of facility: 000°—360°—4600'.

City, Liberal; State, Kans.; Airport name, Liberal Municipal; Elev., 2880'; Fac. Class., II-BVORTAC; Ident., LBL; Procedure No. TerVOR-17, Amdt. Orig.; Eff. date, 10 Dec. 66



## TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn*-----	300-1	300-1	200-1½
				C-dn&\$%-----	500-1	500-1	500-1½
				S-dn-35&\$@-----	500-1	500-1	500-1
				A-dn&-----	800-2	800-2	800-2
				Minimums with DME:			
				C-dn&\$%-----	400-1	500-1	500-1½
				S-dn-35&\$@-----	400-1	400-1	400-1

Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 4500' within 10 miles.

Minimum altitude over 4-mile DME Fix, R 142° on final approach crs, 4380' (4350' required when control zone not effective).

Facility on airport, breakoff point to runway 35, 349°—0.8 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LBL VOR, climb to 4500' on R 322° within 10 miles, make left turn and return to LBL VOR.

NOTE: Use Garden City, Kans., altimeter setting when control zone not effective.

CAUTION: Numerous towers to elevation of 3509' E of airport.

\*When weather below 700-2, IFR departures to NE, E, and SE, climb to 4500' on runway heading before turning toward 3509' tower, 1.9 miles E of airport.

%All circling approaches will be made to W of airport. Lights installed on Runways 35 and 17 only.

&These minimums apply at all times for air carriers with approved weather reporting service.

\$Circling and straight-in ceiling minimums are raised 200' and alternate minimums not authorized when control zone not effective.

@Reduction not authorized for nonstandard REIL.

MSA within 25 miles of facility: 000°-360°—4600'.

City, Liberal; State, Kans.; Airport name, Liberal Municipal; Elev., 2880'; Fac. Class., H-BVORTAC; Ident., LBL; Procedure No. TerVOR-35, Amdt. 5; Eff. date, 10 Dec. 66; Sup. Amdt. No. 4; Dated, 19 Nov. 66

R 305°, MOT VOR counterclockwise-----	R 247°, MOT VOR-----	Via 10-mile DME Arc-----	3200	T-dn%-----	300-1	300-1	200-1½
R 200°, MOT VOR clockwise-----	R 220°, MOT VOR-----	Via 10-mile DME Arc-----	4100	C-dn-----	700-1	700-1	700-1½
R 220°, MOT VOR clockwise-----	R 247°, MOT VOR-----	Via 10-mile DME Arc-----	3200	S-dn-8-----	700-1	700-1	700-1
10-mile DME Fix, R 247°-----	4-mile DME Fix, R 247° (final)-----	Direct-----	2423	A-dn-----	800-2	800-2	800-2
				Minimums with DME or radar:			
				C-dn-----	500-1	500-1	500-1½
				S-dn-8-----	500-1	500-1	500-1

Radar available.

Procedure turn S side of crs, 247° Outbnd, 067° Inbnd, 3200' within 10 miles.

Minimum altitude over 4-mile DME Fix, or Radar Fix on final approach crs, 2423'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MOT VOR, climb to 3200' on R 084° within 10 miles.

CAUTION: Runways 18/36 unlighted.

%When weather is less than 500-1, aircraft departing Runways 8 and 12, climb to 2700' on R 116° prior to proceeding southbound. Aircraft departing Runways 18 and 26, climb to 2700' on R 247° prior to proceeding southbound due to towers S of the airport.

MSA within 25 miles of the facility: 000°-090°—2800'; 090°-180°—4200'; 180°-270°—3700'; 270°-360°—3100'.

City, Minot; State, N. Dak.; Airport name, Minot International; Elev., 1723'; Fac. Class., L-BVOR; Ident., MOT; Procedure No. TerVOR-8; Amdt. Orig; Eff. date, 8 Dec. 66

R 151°, MOT VOR counterclockwise-----	R 084°, MOT VOR-----	Via 7-mile DME Arc-----	3400	T-dn%-----	300-1	300-1	200-1½
7-mile DME Fix, R 084°-----	MOT VOR (final)-----	Direct-----	2123	C-dn-----	500-1	500-1	500-1½
				S-dn-26-----	400-1	400-1	400-1
				A-dn-----	800-2	800-2	800-2

Radar available.

Procedure turn N side of crs, 084° Outbnd, 264° Inbnd, 3200' within 10 miles.

Minimum altitude over facility on final approach crs, 2123'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MOT VOR, climb to 3200' on R 247° within 10 miles.

CAUTION: Runways 18/36 unlighted.

%When weather is less than 500-1, aircraft departing Runways 8 and 12, climb to 2700' on R 116° prior to proceeding southbound. Aircraft departing Runways 18 and 26, climb to 2700' on R 247° prior to proceeding southbound due to towers S of the airport.

MSA within 25 miles of facility: 000°-090°—2800'; 090°-180°—4200'; 180°-270°—3700'; 270°-360°—3100'.

City, Minot; State, N. Dak.; Airport name, Minot International; Elev., 1723'; Fac. Class., L-BVOR; Ident., MOT; Procedure No. TerVOR-26, Amdt. Orig.; Eff. date, 8 Dec. 66

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

## VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 10 DEC. 1966.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., L-BVORTAC; Ident., BAL; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 5 Nov. 66; Sup. Amdt. No. 2; Dated, 15 May 65



## VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 220°, DIIN VOR clockwise.....	R 344°.....	Via 10-mile DME Arc.	2000	T-dn.....	300-1	300-1	200-1/2
R 060°, DIIN VOR counterclockwise.....	R 344°.....	Via 10-mile DME Arc.	2000	C-dn.....	500-1	500-1	500-1 1/2
				S-dn-18#.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn N side of crs, 344° Outbnd, 164° Inbnd, 2000' between 8 miles and 18 miles of VORTAC.

Minimum altitude over VIC/8-mile DME/Radar Fix on final approach crs, 2000'.

Crs and distance, VIC/8-mile DME/Radar Fix to airport, 164°—5.4 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at FAYE/3-mile DME/Radar Fix, climb to 2000', proceed direct to DIIN VORTAC, hold SE on R 150° DIIN VORTAC, 1-minute left turns.

#400-3/4 authorized with operative high-intensity runway lights except for 4-engine turbojets.

MSA within 25 miles of facility: 000°-090°—2000'; 090°-180°—2600'; 180°-270°—1700'; 270°-360°—1800'.

City, Dothan; State, Ala.; Airport name, Dothan; Elev., 395'; Fac. Class., L-BVORTAC; Ident., DIIN; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 10 Dec. 66; Sup. Amdt. No. Orig.; Dated, 13 Nov. 65

## PROCEDURE CANCELED, EFFECTIVE 10 DEC. 1966.

City, Macon; State, Ga.; Airport name, Macon Municipal; Elev., 354'; Fac. Class., BVORTAC; Ident., MCN; Procedure No. VOR/DME No. 1, Amdt. 6; Eff. date, 20 Aug. 66; Sup. Amdt. No. 5; Dated, 14 May 66

MOT VOR.....	3.3-mile DME Fix, R 116°.....	Direct.....	3300	T-dn%.....	300-1	300-1	200-1/2
R 151°, MOT VOR counterclockwise.....	R 116°, MOT VOR.....	Via 10-mile DME Arc.	3400	C-dn.....	500-1	500-1	500-1 1/2
R 080°, MOT VOR clockwise.....	R 116°, MOT VOR.....	Via 10-mile DME Arc.	3400	S-dn-30.....	400-1	400-1	400-1
10-mile DME Fix, R 116°.....	3.3-mile DME Fix, R 116° (final).....	Direct.....	2500	A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn E side of crs, 116° Outbnd, 296° Inbnd, 3300' between 3.3- and 13.3-mile DME Fixes, R 116°.

Minimum altitude over 3.3-mile DME Fix or Radar Fix on final approach crs, 2500'.

Crs and distance, 3.3-mile DME Fix to airport, 296°—2.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MOT VOR climb to 3400' on R 314° within 10 miles.

CAUTION: Runways 18/36 unlighted.

When weather is less than 500-1 aircraft departing Runways 8 and 12, climb to 2700' on R 116° prior to proceeding southbound. Aircraft departing Runways 18 and 26, climb to 2700' on R 247° prior to proceeding southbound due to towers S of the airport.

MSA within 25 miles of facility: 000°-090°—2800'; 090°-180°—3700'; 180°-270°—4200'; 270°-360°—3100'.

City, Minot; State, N. Dak.; Airport name, Minot International; Elev., 1723'; Fac. Class., L-BVOR; Ident., MOT; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 8 Dec. 66

MOT VOR.....	4-mile DME Fix, R 314°.....	Direct.....	3300	T-dn%.....	300-1	300-1	200-1/2
R 258°, MOT VOR clockwise.....	R 314°, MOT VOR.....	Via 11-mile DME Arc.	3800	C-dn.....	500-1	500-1	500-1 1/2
11-mile DME Fix, R 314°.....	4-mile DME Fix, R 314° (final).....	Direct.....	2700	S-dn-12.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn W side of crs, 314° Outbnd, 134° Inbnd, 3300' between 4- and 14-mile DME Fixes, R 314°.

Minimum altitude over 4-mile DME Fix or Radar Fix on final approach crs, 2700'. Crs and distance, 4-mile DME Fix to airport, 134°—3.5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MOT VOR, climb to 3300' on R 116° within 10 miles.

CAUTION: Runways 18/36 unlighted.

When weather is less than 500-1 aircraft departing Runways 8 and 12, climb to 2700' on R 116° prior to proceeding southbound. Aircraft departing Runways 18 and 26, climb to 2700' on R 247° prior to proceeding southbound due to towers S of the airport.

MSA within 25 miles of facility: 000°-090°—2800'; 090°-180°—4200'; 180°-270°—3700'; 270°-360°—3100'.

City, Minot; State, N. Dak.; Airport name, Minot International; Elev., 1723'; Fac. Class., L-BVOR; Ident., MOT; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. date, 8 Dec. 66

R 120°, MTS VOR clockwise.....	R 238°, MTS VOR.....	Via 12-mile DME Arc.	2600	T-dn.....	300-1	300-1	200-1/2
R 272°, MTS VOR counterclockwise.....	R 238°, MTS VOR.....	Via 12-mile DME Arc.	2600	C-dn.....	600-1	600-1	600-1 1/2
12-mile DME Fix, R 238°, MTS VOR.....	9-mile DME Fix, R 238°, MTS VOR.....	Direct.....	2400	S-dn-7@.....	500-1	500-1	500-1
9-mile DME Fix, R 238°, MTS VOR.....	6-mile DME Fix, R 238°, MTS VOR (final).....	Direct.....	1700	A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 2400' between 6- and 16-mile DME Fixes, R 238°.

Minimum altitude over 9-mile DME Fix, R 238° on final approach crs, 2400'; over 6-mile DME Fix, R 238°, 1700'.

Distance, 6-mile DME Fix to airport, 4.5 miles. Breakoff point to runway (2.5-mile DME Fix, R 238°) 074°—1 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right at 2.5-mile DME Fix (R 238°, MTS VOR) climbing to 2400' on R 238°, MTS VOR within 16 miles and hold on R 238° between 6- and 11-mile DME Fixes, right turns, 058° Inbnd.

NOTES: (1) Procedure not authorized when control zone not effective. (2) Approach from holding at 6-mile DME Fix not authorized. Procedure turn required.

@ 500-3/4 authorized with operative HIRL, except for 4-engine turbojets.

MSA within 25 miles of facility: 090°-180°—2700'; 180°-090°—2200'.

City, St. Louis; State, Mo.; Airport name, Spirit of St. Louis; Elev., 462'; Fac. Class., BVORTAC; Ident., MTS; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 8 Dec. 66



6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Atlantic City VOR.....	LOM.....	Direct.....	1500	T-dn.....	300-1	300-1	200-1/2
Millville VOR.....	NW crs, ILS (final).....	101°—9.4 miles.....	1700	C-dn.....	500-1	500-1	500-1/2
				S-dn-13.....	200-1/2	200-1/2	200-1/2
				A-dn.....	600-2	600-2	600-2

Radar available.

Procedure turn S side of crs, 308° Outbnd, 128° Inbnd, 1500' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 1400'.

Altitude of glide slope and distance to approach end of runway at OM, 1319'—4.3 miles; at MM, 272'—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing OM, make left-climbing turn, intercept CYN VOR R 213°, proceed to Nesco Int climbing to 1500'. Hold E, 1-minute left turns. Inbnd crs, 284°.

NOTE: Back crs unusable.

CAUTION: Radar Tower 226', 0.7 mile SW approach end Runway 4.

City, Atlantic City; State, N.J.; Airport name, NAFEC/Atlantic City (Pomona); Elev., 76'; Fac. Class., ILS; Ident., I-ACY; Procedure No. ILS-13, Amdt. 7; Eff. date, 10 Dec. 66; Sup. Amdt. No. 6; Dated, 7 Dec. 63

HUT VOR.....	LOM.....	Direct.....	2900	T-dn*.....	300-1	300-1	200-1/2
Sterling Int.....	LOM.....	Direct.....	3200	C-dn.....	500-1	500-1	500-1/2
Buhler Int.....	LOM.....	Direct.....	4000	S-dn-13@.....	200-1/2	200-1/2	200-1/2
Burton Int.....	LOM.....	Direct.....	4000	A-dn.....	600-2	600-2	600-2
Groveland Int.....	LOM.....	Direct.....	3200				

Procedure turn N side crs, 309° Outbnd, 129° Inbnd, 2900' within 10 miles of LOM.

Minimum altitude at glide slope interception Inbnd, 2900'.

Altitude of glide slope and distance to approach end of runway at OM, 2831'—4 miles; at MM, 1765'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed to HUT VOR, climbing to 3000' via the SE crs of HUT ILS and R 053° of HUT VOR.

CAUTION: \*When weather below 1600-2, IFR departures to NE, E, and SE climb to 3500' before turning toward 3049' tower, 3.5 miles E of airport.

@500-3/4 required when glide slope not utilized, 500-1/2 authorized with operative ALS, except for 4-engine turbojets.

City, Hutchinson; State, Kans.; Airport name, Hutchinson Municipal; Elev., 1542'; Fac. Class., ILS; Ident., I-HUT; Procedure No. ILS-13, Amdt. 5; Eff. date, 10 Dec. 66; Sup. Amdt. No. 4; Dated, 13 Aug. 66

HUT VOR.....	Storage Int.....	Direct.....	4000	T-dn*.....	300-1	300-1	200-1/2
				C-dn.....	500-1	500-1	500-1/2
				S-dn-31@.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

Procedure turn E side crs, 129° Outbnd, 309° Inbnd, 3300' within 10 miles of Storage Int.

Minimum altitude over Storage Int on final approach crs, 3000'.

Crs and distance, Storage Int to airport, 309°—4.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing Storage Int, climb on NW crs, HUT ILS to 2900' and proceed to LOM, or when directed by ATC, proceed to HUT VOR climbing to 3000' via the NW ILS crs to HUT LOM and thence via the 354° radial of HUT VOR.

NOTES: (1) Final approach from holding pattern at Storage Int not authorized. Procedure turn required. Maintain 4000' until established Outbnd SE of Storage Int. (2) Dual VOR receivers required.

CAUTION: \*When weather below 1600-2, IFR departures to NE, E, and SE climb to 3500' before turning toward 3049' tower, 3.5 miles E of airport.

@400-3/4 authorized with operative HIRL, except for 4-engine turbojets.

City, Hutchinson; State, Kans.; Airport name, Hutchinson Municipal; Elev., 1542'; Fac. Class., ILS; Ident., I-HUT; Procedure No. ILS-31 (back crs), Amdt. 5; Eff. date, 10 Dec. 66; Sup. Amdt. No. 4; Dated, 13 Aug. 66

RST VOR.....	LOM.....	Direct.....	2900	T-dn*.....	300-1	300-1	200-1/2
Bell Int.....	LOM (final).....	Direct.....	2600	C-dn.....	400-1	500-1	500-1/2
Byron Int.....	LOM.....	Direct.....	2800	S-dn-31#**.....	200-1/2	200-1/2	200-1/2
Granger Int.....	LOM.....	Direct.....	2900	A-dn.....	600-2	600-2	600-2
Preston Int.....	LOM.....	Direct.....	2900				

Procedure turn E side of crs, 127° Outbnd, 307° Inbnd, 2600' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2600'.

Altitude of glide slope and distance to approach end of runway at LOM, 2590'—4.2 miles; at LMM, 1502'—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing LOM, climb to 2600' on NW crs of ILS within 20 miles of LOM, or when directed by ATC, make left-climbing turn to 3000', proceed direct to RST VOR.

\*RVR 2400' authorized Runway 31.

#300-3/4 required when glide slope not utilized, and 300-1/2 authorized with operative ALS except for 4-engine turbojets.

\*\*RVR 2400'. Descent below 1516' not authorized unless approach lights are visible.

City, Rochester; State, Minn.; Airport name, Rochester Municipal; Elev., 1316'; Fac. Class., ILS; Ident., I-RST; Procedure No. ILS-31, Amdt. 5; Eff. date, 10 Dec. 66; Sup. Amdt. No. 4; Dated, 19 Nov. 66



Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakeport Int.	LOM (final).....	Direct.....	1800	T-dn*%.....	300-1	300-1	200-1½
Syracuse VOR.....	LOM.....	Direct.....	2000	C-dn.....	700-1	700-1	700-1½
Toni Int.....	LOM.....	Direct.....	2000	S-dn-28#.....	200-½	200-½	200-½
				A-dn.....	800-2	800-2	800-2
				With glide slope inoperative:			
				S-dn-28**.....	400-1	400-1	400-1

Radar available.  
Procedure turn N side of crs, 098° Outbnd, 278° Inbnd, 2000' within 10 miles.  
Minimum altitude at glide slope interception Inbnd, 1800'.  
Altitude of glide slope and distance to approach end of runway at OM, 1740'—3.9 miles; at MM, 642'—0.5 mile.  
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing SY LOM climb to 2000' on W crs of ILS to SYR RBN. Hold W of SYR RBN, 098° Inbnd, 1-minute left turns.  
AIR CARRIER NOTE: Neither sliding scale nor reduction in minimums authorized for takeoffs to the SE.  
CAUTION: 1220' terrain, 15 miles ESE of LOM. 836' antenna, 1.1 miles S of approach end of Runway 28. ILS point of touchdown approximately 1000' from approach end of Runway 28; 2549' antenna, 10.4 miles S of airport.  
\*600-1 required for takeoff on Runway 14.  
%RVR 2000' 4-engine turbojet, 1800' other aircraft authorized for Runway 28. Descent below 621' not authorized unless approach lights are visible.  
#RVR 2000' authorized for 4-engine turbojet; RVR 1800' authorized all other aircraft Runway 28. 400-½ authorized with operative ALS, except for 4-engine turbojets.  
\*400-¾ authorized with operative high-intensity runway lights except for 4-engine turbojets; 400-½ authorized with operative ALS, except for 4-engine turbojets.  
City, Syracuse; State, N.Y.; Airport name, Clarence E. Hancock; Elev., 421'; Fac. Class., ILS; Ident., I-SYR; Procedure No. ILS-28, Amdt. 20; Eff. date, 10 Dec. 66; Sup. Amdt. No. 19; Dated, 24 Apr. 65

These procedures shall become effective on the dates specified therein.  
(Secs. 307(c), 313(a), 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)  
Issued in Washington, D.C., on November 3, 1966.

W. E. ROGERS,  
Acting Director, Flight Standards Service.

[F.R. Doc. 66-12192; Filed, Nov. 17, 1966; 8:45 a.m.]

Title 31—MONEY AND  
FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER C—OFFICE OF THE TREASURER OF THE UNITED STATES  
[Dept. Circular 21 (Rev.); 5th Amdt.]

PART 360—INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON TREASURER OF THE UNITED STATES Deceased Payees

Part 360, Subchapter C, Chapter II, Title 31 of the Code of Federal Regulations of the United States (appearing also as Treasury Department Circular No. 21 (Revised), 11 F.R. 9848, Sept. 7, 1946, as amended) is hereby amended by revising paragraph (c) of § 360.4 to read as follows:

§ 360.4 Deceased payees.

(c) A Social Security benefit check issued jointly to two or more individuals of the same family shall, upon the death of one of the joint payees prior to the negotiation of such check, be returned to the Social Security District Office or to the Treasury Disbursing Office. Payment of the check to the surviving payee or payees may be authorized by the placement on the face of the check of a stamped legend signed by an official of the Social Security Administration or the Treasury Disbursing Office, redesignating such survivor or survivors as the payee of the check. A check bearing such stamped legend, signed as herein prescribed, may be indorsed and negotiated by the person or persons named as if such

check originally had been drawn payable to such payee or payees.

(Sec. 330, 79 Stat. 401; 42 U.S.C. 405(n))

Dated: November 14, 1966.

[SEAL] JOHN K. CARLOCK,  
Fiscal Assistant Secretary.

[F.R. Doc. 66-12513; Filed, Nov. 17, 1966; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury  
[T.D. 66-257]

PART 16—LIQUIDATION OF DUTIES Countervailing Duties; Sugar Content of Certain Articles From Australia

The following information is published pursuant to T.D. 54582 dated April 29, 1958 (23 F.R. 3034).

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the first 6 months of 1966 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

	Net amount of bounty per 2,240 lbs. of sugar content
January .....	A£44.1.0
February .....	38.10.0
March .....	42.3.0
April .....	Aus\$86.50
May .....	87.80
June .....	85.50

The net amounts of bounties or grants on the above-described commodities which are manufactured or produced in Australia are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the appropriate net amount of the bounty shown in the above table shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rates" in the column headed "Action." Since it has been determined that the retention of references to Treasury decisions publishing countervailing duty orders for a longer period than 1 year serves no real need (T.D. 56258, 29 F.R. 12961), the table is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 56454 in the column headed "Treasury Decision" and the words "New rates" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LESTER D. JOHNSON,  
Commissioner of Customs.

Approved: November 9, 1966.

TRUE DAVIS,  
Assistant Secretary of the Treasury.

[F.R. Doc. 66-12510; Filed, Nov. 17, 1966; 8:48 a.m.]



# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Bureau of Customs

[ 19 CFR Part 1 ]

### CUSTOMS PORTS OF ENTRY

#### Proposed Designation of Frontier, Wash., and Boundary, Wash., and Proposed Revocation of Northport, Wash.

NOVEMBER 9, 1966.

Commercial activities requiring customs services have increased rapidly in recent years at Frontier, Wash., and Boundary, Wash., which are located adjacent to the border between Canada and the United States. The nearest port of entry to Frontier and Boundary is at Northport, Wash., a distance of approximately 8 miles from the border. In order to provide better service in this area, it is proposed to establish ports of entry at Frontier and Boundary, Wash., and to include within the boundaries of the port of Frontier the present area of the port of Northport, Wash.

Accordingly, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), it is proposed to revoke the designation of Northport, Wash., as a customs port of entry in the customs district of Seattle, Wash., in Region VIII; to designate Frontier, Wash., and Boundary, Wash., as ports of entry in the customs district of Seattle, Wash., in Region VIII; and to include within the limits of the port of Frontier the present area of the port of Northport, Wash.

The geographical limits of the customs port of entry of Frontier, Wash., shall include the following territory in the county of Stevens, State of Washington:

Sections 3, 10, 11, 14, 23, and 24 in T. 40 N., R. 39 E., W.M.; sections 19, 30, and 31 in T. 40 N., R. 40 E., W.M.; section 4 in T. 39 N., R. 40 E., W.M.; section 5 in T. 39 N., R. 39 E., W.M.; and sections 35 and 36 in T. 40 N., R. 39 E., W.M.

The geographical limits of the customs port of entry of Boundary shall include sections 3 and 4 in T. 40 N., R. 41 E., W.M., in the county of Stevens, State of Washington.

Data, views, or arguments with respect to the proposed revocation and designations of the above-described customs

ports of entry may be addressed to the Commissioner of Customs, Washington, D.C. 20226. To insure consideration of such communications, they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL]

TRUE DAVIS,

*Assistant Secretary of the Treasury.*

[F.R. Doc. 66-12511; Filed, Nov. 17, 1966; 8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

National Park Service

[ 36 CFR Part 7 ]

### WRIGHT BROTHERS NATIONAL MEMORIAL, N.C.

#### First Flight Airstrip Operations

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southeast Region Order No. 4 (31 F.R. 8135), as amended, it is proposed to amend Part 7 of Title 36, Code of Federal Regulations, as is set forth below. Wright Brothers National Memorial, First Flight Airstrip, was constructed to provide a means whereby persons desiring to visit the Memorial may do so by air flight—the means of transportation which the Wright Brothers first made possible at this location. The purpose of this amendment is to limit the time during which aircraft may occupy the airstrip in order to insure the availability of the facilities for this purpose.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendments, to the Superintendent, Cape Hatteras National Seashore, Post Office Box 457, Manteo, N.C. 27954, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

A new § 7.76 is added to Part 7 to read as follows:

#### § 7.76 Wright Brothers National Memorial.

(a) *Designated airstrip.* Wright Brothers National Memorial Airstrip, located at Kill Devil Hills, N.C.

(b) *Use of airstrip.* Except in emergencies, no aircraft may be parked, stopped, or left unattended at the designated airstrip for more than 24 con-

secutive hours, or for more than a total of 48 hours during any 30-day period.

KARL T. GILBERT,

*Superintendent,*

*Cape Hatteras National Seashore.*

[F.R. Doc. 66-12492; Filed, Nov. 17, 1966; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[ 7 CFR Part 816 ]

[Sugar Reg. 816, Amdt. 2]

### MARKETING OF SUGAR AND LIQUID SUGAR

#### Requirements

Notice is hereby given that the Secretary of Agriculture pursuant to authority vested in him by the Sugar Act of 1948 as amended (61 Stat. 922, as amended), and as further amended by Public Law 89-331, approved November 8, 1965 (79 Stat. 1271), hereinafter referred to as the Act, is considering amendment of Sugar Regulation 816 (7 CFR 816.1-816.9; 23 F.R. 1943) in the manner hereinafter set forth.

In accordance with the rule making requirements of the Administrative Procedure Act (60 Stat. 237), all persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation may file the same in duplicate with the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 15 days after this notice is published in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

The proposed amendment is set forth in form and language appropriate for issuance, if adopted by the Secretary as follows:

*Basis and purpose and bases and considerations.* The purpose of this amendment is to provide that an exchange of sugar between two processors under an agreement transferring title to equivalent quantities of sugar to each other will not constitute a marketing by either processor until subsequent to such an exchange the sugar is delivered to another person not a party to the agreement. This change in the definition of "when a marketing occurs" is desirable since it will allow considerable freight savings by reduction of cross-hauls and provide for



orderly marketing procedures. This type of savings will result in higher net proceeds for processors and thereby also benefit growers of sugarbeets or sugarcane to the extent of their sharing in such net proceeds.

Pursuant to the provisions of section 403 of the Act (61 Stat. 932) the introductory language of paragraph (a) of § 816.4 is amended and a new paragraph (f) is added to read as follows:

**§ 816.4 When a marketing occurs.**

(a) Except as provided in paragraphs (b) through (f) of this section, mainland sugar or local sugar shall be deemed to be marketed whenever pursuant to a contract of sale, or by a gift, barter or exchange, other than an exchange for an equivalent quantity of sugar previously marketed by the processor, one of the following actions first occurs:

(f) Mainland sugar or local sugar which is subject to the same quota and which is physically exchanged and delivered between two processors, within a period of not to exceed 60 days, under an agreement transferring title to equivalent quantities of sugar from each such processor to the other, shall be deemed to be marketed by the processor to whom title to the sugar has or will be passed under such agreement when, after such agreement has been entered into, such sugar is first subjected to (1) any of the actions described in paragraph (a) of this section in a transaction with a person who is not a party to such agreement, or (2) the action described in paragraph (b) of this section.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or apply secs. 209, 212; 61 Stat. 928; 7 U.S.C. 1119, 1122)

Issued this 15th day of November 1966.

JOHN A. SCHNITTKER,  
*Under Secretary.*

[F.R. Doc. 66-12527; Filed, Nov. 17, 1966; 8:50 a.m.]

## FEDERAL AVIATION AGENCY

### [ 14 CFR Part 39 ]

[Docket No. 7751]

### AIRWORTHINESS DIRECTIVES

#### British Aircraft Corporation Model BAC 1-11 200 Series Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corporation Model BAC 1-11 200 Series airplanes. Fatigue tests on the aluminum alloy gland nut, P/N AB44-229, currently in use on BAC 1-11 200 Series aircraft as a nose landing gear steering jack cylinder nut, demonstrate the necessity of limiting its life to 5,000 hours of service in order to avoid fatigue failure. This proposed AD would affect replacement of the gland nut P/N AB44-229 accumulating 5,000 or more hours of

service with a steel gland nut, P/N AB44-1793.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before December 19, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket, for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

**BRITISH AIRCRAFT CORPORATION.** Applies to Model BAC 1-11 200 Series airplanes.

Compliance required as indicated.

To prevent fatigue failure of the nose landing gear steering jack cylinder gland nut, accomplish the following:

(a) On airplanes with less than 4,900 hours' time in service on the effective date of this AD, comply with paragraph (c) before the accumulation of 5,000 hours' time in service.

(b) On airplanes with 4,900 or more hours' time in service on the effective date of this AD, comply with paragraph (c) within the next 100 hours' time in service after the effective date of this AD.

(c) Replace aluminum alloy gland nut P/N AB44-229 with a steel gland nut P/N AB44-1793.

(British Aircraft Corp. (BAC) One-Eleven Alert Service Bulletin 32-A-PM 2496 pertains to this subject.)

Issued in Washington, D.C., on November 14, 1966.

C. W. WALKER,  
*Director,*  
*Flight Standards Service.*

[F.R. Doc. 66-12475; Filed, Nov. 17, 1966; 8:45 a.m.]

### [ 14 CFR Parts 45, 47 ]

[Docket No. 7750; Notice 66-40]

### AIRCRAFT IDENTIFICATION NUMBERS

#### Three-Digit and Temporary Registration Numbers

The Federal Aviation Agency is considering amendments to Parts 45 and 47 of the Federal Aviation Regulations to discontinue the issuance of three-digit aircraft identification numbers and to provide specifically for the use of temporary registration numbers, sometimes called "fly-away" numbers.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data,

views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before January 17, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Aircraft identification numbers consisting of the prefix letter N and up to three digits are now reserved for FAA-owned aircraft and for aircraft that cannot accommodate a longer number displayed at full scale (§ 47.15 (d) and (e)). The supply of these one to three-digit numbers is limited. Therefore it is necessary at this time to reserve them for use on FAA aircraft and as "fly-away" numbers by amending § 47.15 (d) accordingly and striking out § 47.15 (e). A person whose aircraft cannot accommodate a longer full-size number may display the number assigned to him "with marks as large as practicable" (§ 45.29 (f)). Therefore he would not suffer a significant adverse effect from this proposal.

This amendment would also authorize any manufacturer or dealer of aircraft who holds a Dealer's Aircraft Registration Certificate to apply for so-called "fly-away" numbers as needed. The numbers could be used and reused on aircraft not registered anywhere and not displaying any other identification markings, subject to the limitations contained in § 47.69. Under § 47.69 (a), the "fly-away" numbers could, of course, be used on an aircraft only as long as title and possession of that aircraft remain in the holder of the Dealer's Aircraft Registration Certificate.

Section 45.21 (b) (1) would be amended to expressly provide that "fly-away" numbers could be affixed with readily removable material. Holders of "fly-away" numbers would be required to keep a record, for FAA inspection, of the assignment of each number to an aircraft. No "fly-away" number could be assigned to, or displayed on, more than one aircraft at the same time. If an Airworthiness Certificate is issued for the aircraft, the "fly-away" number displayed on the aircraft would be placed on it. Thus, where both an Airworthiness Certificate and a Dealer's Aircraft Registration Certificate are carried in an aircraft, they would furnish documentation as complete as a regular certificate of aircraft registration. The use of "fly-away" numbers on flights outside of the United States for delivery purposes would be authorized. This proposal would not affect a manufacturer's or dealer's right to operate an aircraft bearing a regular U.S. registration number with his Dealer's Aircraft Registration Certificate.



In consideration of the foregoing, it is proposed to amend Parts 45 and 47 of the Federal Aviation Regulations as follows:

1. By amending the parenthetical clause of § 45.21(b) (1) to read as follows:

§ 45.21 General.

(b) \* \* \* (except that on aircraft intended for immediate delivery to a foreign purchaser or bearing a temporary registration number, the marks may be affixed with readily removable material).

§ 47.15 [Amended]

2. By amending the second sentence of § 47.15(d) to read as follows: "However, each U.S. identification number of one to three symbols following the letter N is reserved for an FAA-owned aircraft or for issuance as a temporary registration number."

3. By amending § 47.15(e) to read "(e) [Reserved]".

4. By adding the following new paragraph at the end of § 47.15:

(i) *Temporary registration numbers.* The holder of a Dealer's Aircraft Registration Certificate may apply to the FAA Aircraft Registry for as many temporary registration numbers as are necessary for his business, without charge. The numbers so assigned may be used and reused only in connection with that Dealer's Aircraft Registration Certificate—

(1) Within the limitations of § 47.69; and

(2) On an aircraft not registered anywhere and not displaying any other identification markings.

A temporary registration number may not be used on more than one aircraft at the same time, and the holder shall record each assignment of such a number to an aircraft and shall keep that record for at least 1 year after its final removal from that aircraft. Whenever the owner of an aircraft bearing a temporary registration number applies for an airworthiness certificate under Part 21 of this chapter he shall furnish that number in the application. The temporary registration number must be removed from the aircraft not later than the date when either title or possession passes to another person, or the date when the intended destination of the aircraft is changed, whichever occurs first.

5. By inserting the following before the semicolon at the end of § 47.69(b):

§ 47.69 Limitations.

(b) \* \* \*, except when used to deliver an aircraft displaying a temporary registration number to a foreign purchaser;

These amendments are proposed under sections 307(c), 313(a), 501(a), and 505 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1401(a), 1405).

Issued in Washington, D.C., on November 10, 1966.

C. W. WALKER,  
Director, Flight Standards Service.

[F.R. Doc. 66-12479; Filed, Nov. 17, 1966; 8:45 a.m.]

[ 14 CFR Part 71 ]

[Airspace Docket No. 66-WE-49]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Pasco, Wash., control zone.

The effective time of the Pasco, Wash., control zone has recently been amended in the FEDERAL REGISTER (31 F.R. 12516) as " \* \* \* 24 hours daily, Monday through Saturday, Sunday from 0001 to 0300 and 0600 to 2400 hours local time \* \* \* " to correspond to the availability of weather reporting service provided by West Coast Airlines. This amendment is effective on December 8, 1966. Since September 22, 1966, the date of publication of this amendment, the FAA has been informed of additional variations in the times that weather reporting service will be available. Accordingly, to insure that weather reporting service is available at all times during the effective period of the Pasco, Wash., control zone, the FAA proposes to amend further the description of the control zone to provide for the use of a NOTAM to publish the effective times of the control zone. It is not the intent of the FAA to alter any other aspect of the airspace designated in the FEDERAL REGISTER (31 F.R. 12516).

In consideration of the foregoing, the FAA proposes to amend Part 71 of the Federal Aviation Regulations as follows:

In § 71.171 (31 F.R. 12516) the Pasco, Wash., control zone is amended by deleting, "This control zone is effective 24 hours daily, Monday through Saturday, Sunday from 0001 to 0300 and 0600 to 2400 hours local time.", and substituting, "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.", therefore.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Divi-

sion Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on November 14, 1966.

JOSEPH H. TIPPETS,  
Director, Western Region.

[F.R. Doc. 66-12476; Filed, Nov. 17, 1966; 8:45 a.m.]

[ 14 CFR Part 71 ]

[Airspace Docket No. 66-WE-71]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in The Dalles, Ore., terminal area.

The Dalles, Ore., VORTAC is scheduled for relocation; construction to begin in December 1966, with commissioning on or about April 27, 1967. Due to the relocation of this facility, the FAA proposes the following airspace action:

Redesignate The Dalles transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of The Dalles Municipal Airport (latitude 45°37'05" N., longitude 121°10'05" W.); that airspace S of The Dalles, extending from a line 2 miles E clockwise to a line 2 miles NW of The Dalles VORTAC (latitude 45°42'50" N., longitude 121°05'59" W.) 187° and 207° radials respectively, extending from the 5-mile radius area to the arc of an 11.5-mile radius circle centered on The Dalles Municipal Airport; that airspace extending upward from 1,200 feet above the surface within 8 miles N and 6 miles S of The Dalles VORTAC 281° and 101° radials, extending from 7 miles W to 14 miles E of the VORTAC; within 5 miles N of the Dalles VORTAC 101° radial, extending from 14 miles E to 23 miles E of the VORTAC, and that airspace within a 23-mile radius of The Dalles VORTAC, extending clockwise from the 101° radial to the 272° radial, excluding the airspace within the Portland, Ore., transition area.

The 700- and 1,200-foot floor transition areas will provide controlled airspace protection for aircraft executing prescribed instrument approach, departure, and holding procedures in The Dalles terminal area.

The airways and jet routes based upon relocation of The Dalles VORTAC will be processed by separate rule making action.



Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on November 14, 1966.

JOSEPH H. TIPPETS,  
*Director, Western Region.*

[F.R. Doc. 66-12477; Filed, Nov. 17, 1966;  
8:45 a.m.]

#### [ 14 CFR Part 75 ]

[Airspace Docket No. 66-WE-60]

#### JET ROUTE

##### Proposed Realignment

The Federal Aviation Agency (FAA) is considering realignment of Jet Route No. 13 between Albuquerque, N. Mex., and Denver, Colo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications re-

ceived within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

Jet Route No. 13 is presently aligned in part from Albuquerque via Las Vegas, N. Mex.; Pueblo, Colo.; to Denver. It is proposed herein to realign this portion of the jet route from Albuquerque via Alamosa, Colo., to Denver. Such action would reduce the jet route mileage between Albuquerque and Denver by 42 miles. In order to provide route continuity whenever operation via Las Vegas, N. Mex., and Pueblo, Colo., is desirable, it is also proposed herein to extend Jet Route No. 104 from Las Vegas, N. Mex., via Pueblo to Denver.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 14, 1966.

T. McCORMACK,  
*Acting Chief, Airspace and  
Air Traffic Rules Division.*

[F.R. Doc. 66-12478; Filed, Nov. 17, 1966;  
8:45 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

#### CUSTOMS FORMS

#### Revision of Forms in Conformity With Reorganization of Customs Service

NOVEMBER 8, 1966.

There is published below a Bureau of Customs Circular (ADM-5-MAS) relating to the revision of various Customs forms, in particular, the revision of some of the entry forms, as a result of the Bureau of Customs reorganization. This revision concerns the updating of titles of Customs officials appearing on Customs forms.

[SEAL] LESTER D. JOHNSON,  
Commissioner of Customs.

TREASURY DEPARTMENT

BUREAU OF CUSTOMS

WASHINGTON

Circular: ADM-5-MAS  
Date: November 8, 1966.

Subject: ADMINISTRATION; Revision of various Customs forms.

References: "Notice of Distribution of Functions," published by the Treasury Department in the *FEDERAL REGISTER*, Volume 31, No. 134, dated July 13, 1966, and Bureau Circulars: ADM-5-ORR, dated August 26, 1966, and ADM-5-FM, dated January 28, 1964.

1. *Purpose and background.* This Circular announces that various Customs forms will be revised as they are printed in order to update titles of Customs officers as they were established by the recent reorganization of this Service.

Of particular interest to the importing public are the official editions of the Bureau of Customs entry forms since many importers, etc., procure their supplies of these forms in large quantities from private printing firms. The following list of entry forms are being revised at this time to reflect current titles of Customs officers appearing thereon:

Customs Forms 6417, 7501, 7501 (Salmon colored statistical copy), 7501-A, 7501-B, 7501-B (Salmon colored statistical copy), 7502, 7502 (Salmon colored statistical copy), 7502-A, 7502-B, 7502-B (Salmon colored statistical copy).

The edition date of these revised entry forms is November 1966. However, supplies of the current July 1964 edition of these forms may continue to be used until they are exhausted.

2. *Public notice and action.* The above information should be provided to the interested importing public to give them guidance in their usage and ordering of various Customs forms.

This Circular will be published in the *FEDERAL REGISTER*.

File: MAS 133.11 G  
Distribution: L

LESTER D. JOHNSON,  
Commissioner of Customs.

[F.R. Doc. 66-12512; Filed, Nov. 17, 1966;  
8:48 a.m.]

## Coast Guard

[CGFR 66-45]

### EQUIPMENT, INSTALLATIONS, OR MATERIALS

#### Approval and Termination of Approval Notice

1. Various items of lifesaving, fire-fighting, and miscellaneous equipment, installations and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from March 29, 1966, to July 27, 1966, and on July 27, 1964 (List Nos. 12-66, 13-66, 14-66, 15-66, 16-66, and 17-66). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installation and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegations of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 350b, 416, 481, 489, 526p, and 1333 in Title 46, U.S. Code, section 1333 in Title 43, U.S. Code and section 198 in Title 50, U.S. Code while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegations of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals are set forth in section 632 of Title 14, U.S. Code, Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and other Treasury Department Orders issued since that date with respect to performance of functions under various laws dealing with specific subjects. These delegations are also listed with the implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

3. In Part I of this document are listed the approvals which shall be in effect for a period of 5 years from the dates issued unless sooner canceled or suspended by proper authority.

4. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items as listed in Part II, such equipment may be

used so long as it is in good and serviceable condition.

#### PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

##### BUOYANT APPARATUS

Approval No. 160.010/27/2, 3.0' x 2.71' x 0.03' buoyant apparatus, wood decking with unicellular plastic foam core, 8-person capacity, dwg. No. G-494 dated October 1957, and revised April 18, 1966, manufactured by C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J., effective April 20, 1966. (It supersedes Approval No. 160.010/27/1 dated Mar. 6, 1964, to show change in buoyancy material.)

Approval No. 160.010/65/0, 4.17' x 3.0' (8' x 8' body section) rectangular buoyant apparatus, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, 7-person capacity, dwg. No. BA-3-7 dated January 15, 1964, and revised specification dated July 13, 1964, manufactured by Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla., for Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C. 29604, effective March 29, 1966.

Approval No. 160.010/66/0, 6.17' x 3.67' (9' x 9' body section) rectangular buoyant apparatus, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, 13-person capacity, dwg. No. BA-3-13 dated January 15, 1964, and revised specification dated July 13, 1964, manufactured by Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla., for Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C. 29604, effective March 29, 1966.

##### LIGHTS, WATER: SELF-IGNITING (CALCIUM CARBIDE-CALCIUM PHOSPHIDE TYPE)

Approval No. 160.012/4/1, "Life Lite" self-igniting water light (calcium carbide-calcium phosphide type), dwg. No. DL-1, sheets 1 and 2 revised April 27, 1961, manufactured by Harbak, Inc., 19th Street and Long Island Avenue, Post Office Box 246, Wyandanch, N.Y. 11798, effective May 24, 1966. (Not approved for use on tank vessels.) (It supersedes Approval No. 160.012/4/1 dated June 6, 1961, to show change of address of manufacturer.)

##### COMPASSES, LIFEBOAT

Approval No. 160.014/3/0, Model 1, compensating mariners liquid-filled magnetic lifeboat compass with mounting, assembly dwg. No. C-113-5-C revised January 2, 1946, manufactured by Eriksen Brothers, Inc., 870 Essex Street, Brooklyn, N.Y. 11208, effective May 25, 1966. (Formerly approved under the name of Stellar Products, Inc., 71 Murray Street, New York 7, N.Y.) (It is an extension of Approval No. 160.014/3/0 dated June 9, 1961.)



Approval No. 160.014/4/0, Model 2 compensating mariners liquid-filled magnetic lifeboat compass with mounting, assembly dwg. No. C-113-5-C revised January 2, 1966, manufactured by Eriksen Brothers, Inc., 870 Essex Street, Brooklyn, N.Y. 11208, effective May 25, 1966. (Formerly approved under the name of Stellar Products, Inc., 71 Murray Street, New York 7, N.Y.) (It is an extension of Approval No. 160.014/4/0 dated June 9, 1961.)

Approval No. 160.014/5/0, Model 1A, compensating mariners liquid-filled magnetic lifeboat compass with mounting, assembly dwg. No. C-113-7 dated October 24, 1946, manufactured by Eriksen Brothers, Inc., 870 Essex Street, Brooklyn, N.Y. 11208, effective May 25, 1966. (Formerly approved under the name of Stellar Products, Inc., 71 Murray Street, New York 7, N.Y.) (It is an extension of Approval No. 160.014/5/0 dated June 9, 1961.)

Approval No. 160.014/6/0, Model 2A, compensating mariners liquid-filled magnetic lifeboat compass with mounting, assembly dwg. No. C-113-7 dated October 24, 1946, manufactured by Eriksen Brothers, Inc., 870 Essex Street, Brooklyn, N.Y. 11208, effective May 25, 1966. (Formerly approved under the name of Stellar Products, Inc., 71 Murray Street, New York 7, N.Y.) (It is an extension of Approval No. 160.014/6/0 dated June 9, 1961.)

#### WINCHES, LIFEBOAT

Approval No. 160.015/87/1, Type 35-G lifeboat winch, approval is limited to mechanical components only, and for a maximum working load of 7,500 pounds pull at the drums (3,750 pounds per fall), identified by general assembly dwg. No. 1014-2R, Rev. G dated April 28, 1966, and drawing list dated May 24, 1966, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective May 25, 1966. (Type 35-G lifeboat winch not to be used with emergency lifeboats on passenger vessels because of insufficient lowering speed.) (It supersedes Approval No. 160.015/87/0 dated Oct. 6, 1964, to show change in maximum working load.)

#### LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Approval No. 160.017/4/8, Model 241-A, Type II, embarkation-debarkation ladder, chain suspension, steel ears, dwg. No. 241-A dated February 21, 1950, revised March 18, 1966, manufactured by Great Bend Manufacturing Corp., 234 Godwin Avenue, Paterson, N.J. 07501, effective April 15, 1966. (Approval limited to ladders 60 feet or less in length.) (It supersedes Approval No. 160.017/4/7 dated Aug. 25, 1965, to show change in construction.)

Approval No. 160.017/16/3, Model 10 PL-S, Type II embarkation-debarkation ladder, chain suspension, steel ears, dwg. dated November 28, 1956, revised April 11, 1966, manufactured by H. K. Metalcraft Manufacturing Corp., 35 Industrial Road, Post Office Box 275, Lodi, N.J., effective April 15, 1966. (Approval limited to ladders 65 feet or less in length.)

(It supersedes Approval No. 160.017/16/2 dated Feb. 8, 1965, to show change in construction.)

#### CONTAINER, EMERGENCY PROVISIONS

Approval No. 160.026/20/0, container for emergency provisions, dwg. No. 202-P dated March 26, 1951, and Specification 202-S-1 dated April 6, 1951, manufactured by Globe Equipment Corp., 257 Water Street, Brooklyn, N.Y. 11201, effective May 25, 1966. (It is an extension of Approval No. 160.026/20/0 dated June 26, 1961.)

#### LIFEFLOATS

Approval No. 160.027/67/0, 4.17' x 3.0' (8" x 8" body section) rectangular lifeboat, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, 6-person capacity, dwg. No. LF-3-6 dated January 15, 1964, and revised specification dated July 13, 1964, manufactured by Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla., for Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C. 29604, effective March 29, 1966.

Approval No. 160.027/68/0, 6.17' x 3.67' (9" x 9" body section) rectangular lifeboat, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, 11-person capacity, dwg. No. LF-3-11 dated January 15, 1964, and revised specification dated July 13, 1964, manufactured by Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla., for Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C. 29604, effective March 29, 1966.

#### MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Approval No. 160.033/51/0, Rottmer type, size 0-1-C2, releasing gear, approved for maximum working load of 18,000 pounds per set (9,000 pounds per hook), identified by assembly drawing No. R-145 dated December 27, 1955, manufactured by Lane Lifeboat and Davit Corp., 150 Sullivan Street, Brooklyn, N.Y. 11231, effective May 25, 1966. (It is an extension of Approval No. 160.033/51/0 dated June 8, 1961.)

#### LIFEBOATS

Approval No. 160.035/29/2, 28.0' x 10.0' x 4.0' steel, hand-propelled lifeboat, 62-person capacity, identified by general arrangement dwg. No. G-2862-HP dated October 7, 1965, revised March 24, 1966, manufactured by C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective March 31, 1966. (It reinstates and supersedes Approval No. 160.035/29/1 dated Dec. 31, 1948.)

Approval No. 160.035/97/5, 22.0' x 7.5' x 3.17' steel, motor-propelled (diesel) lifeboat, without radio cabin or searchlight (Class 1), 29-person capacity, identified by general arrangement and construction dwg. No. 22-002-01, sheet 1 (formerly No. 58-2219-C) dated March 28, 1958, and revised December 20, 1965, manufactured by Lane Lifeboat and Davit Corp., 150 Sullivan Street, Brooklyn, N.Y. 11231, effective April 29, 1966. (It supersedes Approval No. 160.035/97/4 dated May 19, 1964.)

Approval No. 160.035/322/2, 22.0' x 7.5' x 3.17' steel, hand-propelled lifeboat, 31-person capacity, identified by general arrangement dwg. No. 22-2E, Rev. B dated April 4, 1966, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective May 19, 1966. (It supersedes Approval No. 160.035/322/1 dated May 19, 1961.)

Approval No. 160.035/447/0, 28.0' x 9.0' x 3.96' aluminum, motor-propelled Class 1 lifeboat, 53-person capacity, identified by general arrangement dwg. No. 28-1G, Rev. A dated January 19, 1966, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective May 16, 1966. (It supersedes Approval No. 160.035/447/0 dated Feb. 9, 1966, to show correction in description.)

#### BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/330/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; and 5550 Paramount Boulevard, Long Beach, Calif. 90805, effective April 28, 1966. (It supersedes Approval No. 160.047/330/0 dated May 10, 1965, to show change in address of manufacturer.)

Approval No. 160.047/331/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; and 5550 Paramount Boulevard, Long Beach, Calif. 90805, effective April 28, 1966. (It supersedes Approval No. 160.047/331/0 dated May 10, 1965, to show change in address of manufacturer.)

Approval No. 160.047/332/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; and 5550 Paramount Boulevard, Long Beach, Calif. 90805, effective April 28, 1966. (It supersedes Approval No. 160.047/332/0 dated May 10, 1965, to show change in address of manufacturer.)

Approval No. 160.047/333/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; and 5550 Paramount Boulevard, Long Beach, Calif., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago, Ill. 60610, effective April 28, 1966. (It supersedes Approval No. 160.047/333/0 dated May 10, 1965, to show change in address of manufacturer.)

Approval No. 160.047/334/0, Type I, Model CKM-1, child kapok buoyant vest,



U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; and 5550 Paramount Boulevard, Long Beach, Calif. 90805, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago, Ill. 60610, effective April 28, 1966. (It supersedes Approval No. 160.047/334/0 dated May 10, 1965, to show change in address of manufacturer.)

Approval No. 160.047/335/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; and 5550 Paramount Boulevard, Long Beach, Calif. 90805, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago, Ill. 60610, effective April 28, 1966. (It supersedes Approval No. 160.047/335/0 dated May 10, 1965, to show change in address of manufacturer.)

Approval No. 160.047/571/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; and 5550 Paramount Boulevard, Long Beach, Calif. 90805, for J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019, effective April 28, 1966. (It supersedes Approval No. 160.047/571/0 dated Feb. 18, 1965, to show change in address of manufacturer.)

Approval No. 160.047/572/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; and 5550 Paramount Boulevard, Long Beach, Calif. 90805, for J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019, effective April 28, 1966. (It supersedes Approval No. 160.047/572/0 dated Feb. 18, 1965, to show change in address of manufacturer.)

Approval No. 160.047/573/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; and 5550 Paramount Boulevard, Long Beach, Calif. 90805, for J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019, effective April 28, 1966. (It supersedes Approval No. 160.047/573/0 dated Feb. 18, 1965, to show change in address of manufacturer.)

#### BUOYANT CUSHIONS, KAPOK OR FIBROUS CLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/57/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Spec-

ification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c) (1) (i); manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; and 5550 Paramount Boulevard, Long Beach, Calif. 90805, effective April 28, 1966. (It supersedes Approval No. 160.048/57/0 dated Feb. 23, 1966, to show change in address of manufacturer.)

Approval No. 160.048/73/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c) (1) (i), manufactured by The Safeguard Corp., Post Office Box 66, Station B, Cincinnati, Ohio, for Life Products Co., 930 York Street, Post Office Box 66, Cincinnati, Ohio, effective May 15, 1966. (It is an extension of Approval No. 160.048/73/0 dated May 15, 1961.)

Approval No. 160.048/103/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c) (1) (i), manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; and 5550 Paramount Boulevard, Long Beach, Calif. 90805, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago, Ill. 60610, effective April 28, 1966. (It supersedes Approval No. 160.048/103/0 dated Nov. 1, 1962, to show change in address of manufacturer.)

Approval No. 160.048/233/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c) (1) (i), manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; and 5550 Paramount Boulevard, Long Beach, Calif. 90805, for J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019, effective April 28, 1966. (It supersedes Approval No. 160.048/233/0 dated Feb. 18, 1965, to show change in address of manufacturer.)

#### BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/32/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049-4(c) (1), manufactured by Fortier Upholstering Co., Manistee, Mich. 49660, effective May 24, 1966. (It is an extension of Approval No. 160.049/32/0 dated July 24, 1961.)

Approval No. 160.049/40/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049-4

(c) (1), manufactured by The Howard Zink Corp., Fremont, Ohio 43420, effective May 24, 1966. (It is an extension of Approval No. 160.049/40/0 dated June 15, 1961.)

Approval No. 160.049/42/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049-4(c) (1), manufactured by Robey Manufacturing Co., Newaygo, Mich., effective May 16, 1966. (It is an extension of Approval No. 160.049/42/0 dated May 19, 1961.)

#### BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/7/2, 20-inch ring life buoy, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, specification dated February 22, 1960, Rev. 4 and drawing dated February 1, 1958, manufactured by The Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, effective April 8, 1966. (Approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.050.) (It supersedes Approval No. 160.050/7/2 dated Sept. 12, 1963, to show correction of description.)

Approval No. 160.050/10/1, 24-inch ring life buoy, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, specification dated February 22, 1960, Rev. 4 and dwg. dated February 1, 1958, manufactured by The Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, effective April 8, 1966. (Approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.050.) (It supersedes Approval No. 160.050/10/1 dated Sept. 12, 1963, to show correction of description.)

Approval No. 160.050/11/1, 30-inch ring life buoy, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, specification dated February 22, 1960, Rev. 4 and dwg. dated February 1, 1958, manufactured by The Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, effective April 8, 1966. (Approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.050.) (It supersedes Approval No. 160.050/11/1 dated Sept. 12, 1963, to show correction of description.)

Approval No. 160.050/39/0, 20-inch ring life buoy, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, Plasti-Kraft Corp. specification dated February 22, 1960, Rev. 4 and dwg. dated February 1, 1958, manufactured by The Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, for Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C. 29604, effective April 8, 1966. (Approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.050.)

Approval No. 160.050/40/0, 24-inch ring life buoy, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, Plasti-Kraft Corp. specification dated February 22, 1960, Rev. 4 and dwg. dated February 1, 1958, manufactured by The Plasti-Kraft Corp.,



Ozona Industrial Park, Ozona, Fla. 33560, for Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C. 29604, effective 8, 1966. (Approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.050.)

Approval No. 160.050/41/0, 30-inch ring life buoy, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, Plasti-Kraft Corp., specification dated February 22, 1960, Rev. 4 and dwg. dated February 1, 1958, manufactured by The Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, for Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C. 29604, effective April 8, 1966.

#### WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/12/0, Models 211-SF-17.5 and 231-SF-17.5 unicellular plastic foam work vests, dwgs. 61D821 and 61D823 with Bills of Material dated June 21, 1961, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective May 24, 1966. (It is an extension of Approval No. 160.053/12/0 dated July 24, 1961.)

#### LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

Approval No. 160.055/50/0, Type IA, Model 62, adult vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.055-1A (sheets 1 and 2), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective May 4, 1966. (Approved for use on all vessels and motorboats.)

Approval No. 160.055/51/0, Type IA, Model 66, child vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.055-1A (sheets 1 and 2), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective May 4, 1966. (Approved for use on vessels and motorboats.)

Approval No. 160.055/54/0, Type II, Model 8130, adult unicellular plastic foam life preserver, dwg. No. 22000 dated March 12, 1966, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective April 26, 1966. (For use on all vessels and motorboats.)

Approval No. 160.055/55/0, Type II, Model 8131, child unicellular plastic foam life preserver, dwg. No. 22000 dated March 12, 1966, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective April 26, 1966. (For use on all vessels and motorboats.)

#### PROTECTING COVER FOR LIFEBOATS

Approval No. 160.065/2/0, "MASECO", Type I, protecting cover for the occupants of all types of aluminum, steel and fibrous glass reinforced plastic (FRP) lifeboats, for lengths of 16' through 37' lifeboats, identified by master drawing, dwg. No. PC 85-24 Rev. B dated April 11, 1966, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective

May 6, 1966. (Modifications to the cover and supports may be necessary in the case of some motor-propelled lifeboats equipped with vertical (dry) exhaust lines, radio cabins, and antenna masts.)

Approval No. 160.065/4/0, "Sea-Jay antiexposure lifeboat cover", Type I, protecting cover for the occupants of all types of aluminum and steel lifeboats for lengths of 22' through 37' lifeboats, identified by general arrangement dwg. No. CJH/EC/003, dated May 1, 1966, manufactured by C. J. Hendry Co., 139 Townsend Street, San Francisco, Calif. 94107, effective May 13, 1966. (Modifications to the cover and supports may be necessary in the case of some motor-propelled lifeboats equipped with vertical (dry) exhaust lines, radio cabins, and antenna masts.)

#### LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING)

Approval No. 161.001/2/0, light (water, electric, floating, automatic (with bracket for mounting), dwg. No. E-851, Alt. 2 (sheets 1 and 2), dated June 1, 1949, manufactured by Galbraith-Pilot Marine Corp., 600 Fourth Avenue, Brooklyn, N.Y., effective July 27, 1964. (It is an extension of Approval No. 161.001/2/0 dated July 27, 1959.)

#### TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/63/0, sound powered telephone station, selective ringing, common talking, 19-station maximum, internal heater, bulkhead mounting, waterproof, attached external bell, dwg. No. 92-01, Alt. 0, Model SWTP-H, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and 3d Avenue, Brooklyn, N.Y. 11201, effective April 26, 1966. (It is an extension of Approval No. 161.005/63/0 dated Apr. 26, 1961.)

Approval No. 161.005/65/0, sound powered telephone station, selective ringing, common talking, 19-station maximum, internal heater, bulkhead mounting, waterproof, attached external bell, dwg. No. 90-01, Alt. 0, Model SWT4-H, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and 3d Avenue, Brooklyn, N.Y. 11201, effective April 26, 1966. (It is an extension of Approval No. 161.005/65/0 dated Apr. 26, 1961.)

Approval No. 161.005/66/0, sound powered telephone station, selective ringing, common talking, 19-station maximum, bulkhead mounting, splashproof, with internal hand generator bell and 115-volt AC or DC relay for additional signal, dwg. 84-01, Alt. 0, dated December 14, 1960, Model SWIR, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and 3d Avenue, Brooklyn, N.Y. 11201, effective April 26, 1966. (For use in locations not exposed to the weather.) (It is an extension of Approval No. 161.005/66/0 dated May 22, 1961.)

Approval No. 161.005/67/0, sound powered telephone station, selective ringing, common talking, 19-station maximum, bulkhead mounting, splashproof, with separately mounted hand generator bell and 115-volt AC or DC relay for additional signal, dwg. 85-01, Alt. 0, dated December 14, 1960, Model SEIR, manu-

factured by Hose-McCann Telephone Co., Inc., 25th Street and 3d Avenue, Brooklyn, N.Y. 11201, effective April 26, 1966. (For use in locations not exposed to the weather.) (It is an extension of Approval No. 161.005/67/0 dated May 22, 1961.)

#### SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/106/2, Series VM-310, cast carbon steel body, spring loaded nozzle type safety valve, maximum pressure 450 p.s.i., maximum temperature 650° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by J. E. Lonergan Co., 211-217 Race Street, Philadelphia, Pa., effective April 18, 1966. (It is an extension of Approval No. 162.001/106/2 dated Apr. 19, 1961.)

Approval No. 162.001/107/2, Series VM-320, cast carbon steel body, spring loaded nozzle type safety valve, maximum pressure 300 p.s.i., maximum temperature 800° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by J. E. Lonergan Co., 211-217 Race Street, Philadelphia, Pa., effective April 18, 1966. (It is an extension of Approval No. 162.001/107/2 dated Apr. 19, 1961.)

Approval No. 162.001/108/1, Series VM-330, cast carbon moly steel body, spring loaded nozzle type safety valve, maximum pressure 300 p.s.i., maximum temperature 900° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by J. E. Lonergan Co., 211-217 Race Street, Philadelphia, Pa., effective April 18, 1966. (It is an extension of Approval No. 162.001/108/1 dated Apr. 19, 1961.)

Approval No. 162.001/109/2, Series VM-410, cast carbon steel body, spring loaded nozzle type safety valve, maximum pressure 900 p.s.i., maximum temperature 650° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by J. E. Lonergan Co., 211-217 Race Street, Philadelphia, Pa., effective April 18, 1966. (It is an extension of Approval No. 162.001/109/2 dated Apr. 19, 1961.)

Approval No. 162.001/110/2, Series VM-420, cast carbon steel body, spring loaded nozzle type safety valve, maximum pressure 600 p.s.i., maximum temperature 800° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by J. E. Lonergan Co., 211-217 Race Street, Philadelphia, Pa., effective April 18, 1966. (It is an extension of Approval No. 162.001/110/2 dated Apr. 19, 1961.)

Approval No. 162.001/111/1, Series VM-430, cast carbon moly steel body, spring loaded nozzle type safety valve, maximum pressure 600 p.s.i., maximum temperature 900° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by J. E. Lonergan Co., 211-217 Race Street, Philadelphia, Pa., effective April 18, 1966. (It is an extension of Approval No. 162.001/111/1 dated Apr. 19, 1961.)

Approval No. 162.001/221/0, Series VM-110, cast carbon steel body, spring loaded nozzle type safety valve, maximum pressure 120 p.s.i., maximum temperature 650° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by J. E. Lonergan Co., 211-217 Race Street, Philadelphia, Pa., effective April 18, 1966. (It is an extension of Approval No. 162.001/221/0 dated Apr. 19, 1961.)



Approval No. 162.001/222/0, Series VM-120, cast carbon steel body spring loaded nozzle type safety valve, maximum pressure 92 p.s.i., maximum temperature 800° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by J. E. Lonergan Co., 211-217 Race Street, Philadelphia, Pa., effective April 18, 1966. (It is an extension of Approval No. 162.001/222/0 dated Apr. 19, 1961.)

Approval No. 162.001/223/0, Series VM-130, cast carbon moly steel body spring loaded nozzle type safety valve, maximum pressure 70 p.s.i., maximum temperature 900° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by J. E. Lonergan Co., 211-217 Race Street, Philadelphia, Pa., effective April 18, 1966. (It is an extension of Approval No. 162.001/223/0 dated Apr. 19, 1961.)

Approval No. 162.001/263/0, Crosby style HN-MS-55 nozzle type safety valve, dwg. D49675 dated February 15, 1966, approved for a maximum pressure of 1,200 p.s.i.g. at 650° F., inlet sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective May 23, 1966.

Approval No. 162.001/264/0, Crosby style HN-MS-56 nozzle type safety valve, dwg. D49675 dated February 15, 1966, approved for a maximum pressure of 1,200 p.s.i.g. at 750° F., inlet sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective May 23, 1966.

Approval No. 162.001/265/0, Crosby style HN-MS-65 nozzle type safety valve, dwg. D49675 dated February 15, 1966; approved for a maximum pressure of 1,500 p.s.i.g. at 650° F., inlet sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective May 23, 1966.

Approval No. 162.001/266/0, Crosby style HN-MS-66 nozzle type safety valve, dwg. D49675 dated February 15, 1966; approved for a maximum pressure of 1,500 p.s.i.g. at 750° F., inlet sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective May 23, 1966.

Approval No. 162.001/268/0, Crosby style HN-MS-66-9 nozzle type safety relief valve, dwg. D49675 dated February 15, 1966; approved for a maximum pressure of 1,200 p.s.i.g. at 750° F., inlet size 3", manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective May 23, 1966.

Approval No. 162.001/269/0, Crosby style HN-MS-55-9 nozzle type safety relief valve, dwg. D49675 dated February 15, 1966; approved for a maximum pressure of 1,200 p.s.i.g. at 650° F., inlet sizes 3" and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective May 23, 1966.

Approval No. 162.001/270/0, Crosby style HN-MS-56-9 nozzle type safety relief valve, dwg. D49675 dated February 15, 1966; approved for a maximum pressure of 1,200 p.s.i.g. at 750° F., inlet sizes 3" and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective May 23, 1966.

Approval No. 162.001/271/0, Crosby style HNB-MS-57 nozzle type pilot ac-

tuated safety relief valve, dwg. D49676 dated February 15, 1966; approved for a maximum pressure of 1,200 p.s.i.g. at 900° F., inlet sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective May 23, 1966.

Approval No. 162.001/272/0, Crosby style HNB-MS-58 nozzle type pilot actuated safety relief valve, Crosby dwg. D49676 dated February 15, 1966; approved for a maximum pressure of 995 p.s.i.g. at 1,050° F., inlet sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective May 23, 1966.

Approval No. 162.001/273/0, Crosby style HNB-MS-67 nozzle type pilot actuated safety relief valve, Crosby dwg. D49676 dated February 15, 1966; approved for a maximum pressure of 1,500 p.s.i.g. at 900° F., inlet sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective May 23, 1966.

Approval No. 162.001/274/0, Crosby style HNB-MS-68 nozzle type pilot actuated safety relief valve, dwg. D49676 dated February 15, 1966; approved for a maximum pressure of 995 p.s.i.g. at 1,050° F., inlet sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective May 23, 1966.

Approval No. 162.001/275/0, Crosby style HNB-MS-67-25 nozzle type pilot actuated safety relief valve, dwg. D49676 dated February 15, 1966; approved for a maximum pressure of 1,500 p.s.i.g. at 900° F., inlet sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective May 23, 1966.

Approval No. 162.001/276/0, Crosby style HNB-MS-68-25 nozzle type pilot actuated safety relief valve, dwg. D49676 dated February 15, 1966; approved for a maximum pressure of 1,500 p.s.i.g. at 1,050° F., inlet sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective May 23, 1966.

Approval No. 162.001/277/0, Crosby style HNB-MS-57-9 nozzle type pilot actuated safety relief valve, dwg. D49676 dated February 15, 1966; approved for a maximum pressure of 1,050 p.s.i.g. at 900° F., inlet sizes 3" and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective May 23, 1966.

Approval No. 162.001/278/0, Crosby style HNB-MS-58-9 nozzle type pilot actuated safety relief valve, dwg. D49676 dated February 15, 1966; approved for a maximum pressure of 595 p.s.i.g. at 1,050° F., inlet sizes 3" and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective May 23, 1966.

#### BOILERS (HEATING)

Approval No. 162.003/116/1, Model M-500 heating boiler for steam or hot water service, all welded steel plate construction, maximum pressure 30 p.s.i., dwg. No. DAB-24912, Alt. E, dated March 14, 1956, 188,000 B.t.u. per hour, manufactured by York-Shipley, Inc., York, Pa., effective May 15, 1966. (Approval lim-

ited to bare boiler.) (It is an extension of Approval No. 162.003/116/1 dated May 15, 1961.)

#### SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/21/0, Type 1511 Series cast iron safety valve for steam heating boilers and unfired steam generators, dwg. No. 3VP953, dated February 10, 1956, approved for a maximum pressure of 30 p.s.i. in the following sizes and relieving capacities:

Size (inches)	Type No.	Capacity (pounds per hour at 30 p.s.i.)
1½	1511H	1615
1½	1511J	2650
2	1511K	3790
2½	1511L	5875
3	1511M	7410
4	1511N	8935
4	1511P	13185

manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn., effective May 15, 1966. (It is an extension of Approval No. 162.012/21/0 dated May 15, 1961.)

#### BOILERS, AUXILIARY, AUTOMATICALLY CONTROLLED PACKAGED

Approval No. 162.026/7/0, Seattle Boiler Works, Model SDW-100M, light oil fired (fuel no heavier than Std. No. 2 gravity 30-48 API at 60° F.) maximum allowable pressure 150 p.s.i., manufactured by Seattle Boiler Works, 5237 East Marginal Way South, Seattle, Wash., effective April 15, 1966.

#### BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS, FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/80/0, Bendix Model B175-13 backfire flame arrester, Bendix dwg. B175-13 issued March 9, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective April 14, 1966.

Approval No. 162.041/81/0, Bendix Model B175-13A backfire flame arrester, Bendix dwg. B174-13A issued March 9, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective April 14, 1966. (Similar to Model B175-13. University of Detroit Report No. 1010 applies because of similarity.)

Approval No. 162.041/82/0, Bendix Model B175-13B backfire flame arrester, Bendix dwg. B175-13B issued March 9, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective April 14, 1966. (Similar to Model B175-13. University of Detroit Test Report, Project No. 1010 applies because of similarity.)

Approval No. 162.041/83/0, Bendix Model B175-14 backfire flame arrester, Bendix dwg. B175-14 issued March 9, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective April 14, 1966.

Approval No. 162.041/84/0, Bendix Model B175-17 backfire flame arrester,



## INCOMBUSTIBLE MATERIALS

Bendix dwg. B175-17 issued March 9, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective April 14, 1966. (Similar to Model B175-14. University of Detroit Test Report, Project No. 1010 applies because of similarity.)

Approval No. 162.041/85/0, Bendix Model B175-18 backfire flame arrester, Bendix dwg. B175-18 issued March 9, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective April 14, 1966. (Similar to Model B175-14. University of Detroit Test Report, Project No. 1010 applies because of similarity.)

Approval No. 162.041/86/0, Bendix Model B175-20 backfire flame arrester, Bendix dwg. B175-20 issued March 9, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective April 14, 1966. (Similar to B175-14. University of Detroit Test Report, Project No. 1010 applies because of similarity.)

Approval No. 162.041/87/0, Bendix Model B175-21 backfire flame arrester, Bendix dwg. B175-21 issued March 9, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective April 14, 1966. (Similar to Model B175-14. University of Detroit Test Report, Project No. 1010 applies because of similarity.)

Approval No. 162.041/88/0, Bendix Model B175-19 backfire flame arrester, Bendix dwg. B175-19 issued March 9, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective April 14, 1966.

Approval No. 162.041/89/0, Bendix Model B175-19A backfire flame arrester, Bendix dwg. B175-19A issued March 9, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective April 14, 1966. (Similar to B175-19. University of Detroit Test Report, Project No. 1010 applies because of similarity.)

Approval No. 162.041/90/0, Airmaze No. 3 Unlaze backfire flame arrester, Airmaze dwgs. A17442-C (Clamp base) or A17442-F (FPT base) or A17442-G (MPT base), manufactured by Air-Maze Division, Rockwell Standard Corp., 25000 Miles Road, Cleveland, Ohio 44128, effective April 14, 1966.

Approval No. 162.041/91/0, Zenith Model B175-12A backfire flame arrester, Zenith dwg. B175-12A issued April 22, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective May 17, 1966.

Approval No. 162.041/92/0, Zenith Model B175-16 backfire flame arrester, Zenith dwg. B175-16 issued April 22, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective May 17, 1966.

Approval No. 164.009/36/0, "J-M 302 CEMENT", incombustible material composed solely of asbestos fibers, diatomaceous silicas and clay, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, N.Y. 10016, effective May 15, 1966. (It is an extension of Approval No. 164.009/36/0 dated May 15, 1961.)

Approval No. 164.009/64/1, "Kaylo" asbestos-hydrous calcium silicate type incombustible material without factory applied covering, identical to that described in Owens-Corning Fiberglas Corp. letter dated December 30, 1960, approved in a density of 12.3 pounds per cubic foot, manufactured by Owens-Corning Fiberglas Corp., Toledo, Ohio 43601, effective April 22, 1966. (It supersedes Approval No. 164.009/64/0 dated May 9, 1963, to show change in description.)

Approval No. 164.009/65/1, "Kaylo 20" asbestos-hydrous calcium silicate type incombustible material without factory applied covering, identical to that described in Owens-Corning Fiberglas Corp. letter dated December 30, 1960, approved in a density of 12.5 pounds per cubic foot, manufactured by Owens-Corning Fiberglas Corp., Toledo, Ohio 43601, effective April 22, 1966. (It supersedes Approval No. 164.009/65/0 dated May 9, 1963, to show change in description.)

Approval No. 164.009/92/0, "Incombustible Hullboard SG" fibrous glass type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2133:FR3669 dated May 1, 1966, approved in a nominal density of 3 pounds per cubic foot, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, N.Y. 10016, effective May 11, 1966. (Plant: Johns-Manville Products Corp., 814 Richmond Avenue, Richmond, Ind.)

Approval No. 164.009/93/0, "Calsillite" asbestos-hydrous calcium silicate type incombustible material without covering, identical to that described in Ruberold letter dated March 10, 1966, and USCG letter dated March 29, 1966, manufactured by Ruberold Co., 733 Third Avenue, New York, N.Y., effective March 29, 1966. (Plant: Charles and Water Streets, Gloucester City, N.J.)

## PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

## BUOYANT APPARATUS

The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, La., no longer manufactures certain buoyant apparatuses and therefore Approval Nos. 160.010/18/0 and 160.010/19/0 were therefore terminated, effective June 1, 1966.

## WINCHES, LIFEBOAT

The Marine Safety Equipment Corp., Point Pleasant Beach, N.J., no longer manufactures a particular lifeboat winch and therefore Approval No. 160.015/67/1 was therefore terminated, effective March 8, 1966.

The Welln Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., approval for a particular lifeboat winch has expired and therefore Approval No. 160.015/68/0 was terminated, effective May 15, 1966.

The Marine Safety Equipment Corp., Point Pleasant Beach, N.J., no longer manufactures a particular lifeboat winch and therefore Approval No. 160.015/69/1 was therefore terminated, effective March 8, 1966.

## LIFEBOATS

The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, La., no longer manufactures certain lifeboat winches and therefore Approval Nos. 160.027/16/1, 160.027/18/0, 160.027/19/0, and 160.027/21/0 were therefore terminated, effective June 1, 1966.

## MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

The Welln Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., approval for a particular mechanical disengaging apparatus for a lifeboat has expired and therefore Approval No. 160.033/37/1 was terminated, effective June 8, 1966.

## LIFEBOAT

The Welln Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., no longer manufactures a particular motor-propelled lifeboat and Approval No. 160.035/220/1 was therefore terminated, effective July 17, 1966.

The C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y., approval for a particular hand-propelled lifeboat has expired and therefore Approval No. 160.035/291/0 was terminated, effective March 13, 1966.

The Welln Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., no longer manufactures certain lifeboats and Approval Nos. 160.035/341/0 and 160.035/349/0 were therefore terminated, effective July 17, 1966.

The Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn, N.Y., approval for a particular hand-propelled lifeboat has expired and therefore Approval No. 160.035/413/0 was terminated, effective May 4, 1966.

## BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire

The Acme Products, Inc., 152-156 Brewery Street, New Haven, Conn. 06511, no longer manufacture certain buoyant vests and Approval Nos. 160.047/454/0, 160.047/455/0, and 160.047/456/0 were therefore terminated, effective May 15, 1966.

## BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire

The Acme Products, Inc., 152 Brewery Street, New Haven, Conn., approval for a



particular kapok buoyant cushion has expired and therefore Approval No. 160.048/54/0 was terminated, effective March 8, 1966.

The S. E. Hyman Co., Fremont, Ohio, approval for a particular kapok buoyant cushion has expired and therefore Approval No. 160.048/55/0 was terminated, effective March 8, 1966.

The James Bliss & Co., Inc., 342 Atlantic Avenue, Boston 10, Mass., no longer manufactures a particular kapok buoyant cushion and Approval No. 160.048/70/0 was therefore terminated, effective May 15, 1966.

#### BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The Acme Products Co., 152-156 Brewery Street, New Haven, Conn., no longer manufactures a particular cushion under a group approval and Approval No. 160.049/26/0 was therefore terminated, effective May 15, 1966.

#### INFLATABLE LIFERAFTS

The U.S. Rubber Co., Inflatable Products & Transportation Containers Department, 10 Eagle Street, Providence, R.I., approval for a particular inflatable liferaft has expired and therefore Approval No. 160.051/9/0 was terminated, effective June 2, 1966.

The U.S. Rubber Co., Inflatable Products & Transportation Containers Department, 10 Eagle Street, Providence, R.I., no longer manufactures a particular inflatable liferaft and Approval No. 160.051/21/0 was therefore terminated, effective June 2, 1966.

#### BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The Protection Equipment Co., 100 Fernwood Avenue, Rochester 21, N.Y. (Plant: Sunbury, Pa.), no longer manufactures certain unicellular plastic foam buoyant vests and Approval Nos. 160.052/70/0, 160.052/71/0, and 160.052/72/0 were therefore terminated, effective June 1, 1966.

The Gentex Corp., Carbondale, Pa., approvals for certain unicellular plastic foam buoyant vests have expired and therefore Approval Nos. 160.052/125/0, 160.052/126/0, and 160.052/127/0 were therefore terminated, effective June 12, 1966.

The Acme Products, Inc., 152-156 Brewery Street, New Haven, Conn., no longer manufacture certain unicellular plastic foam buoyant vests and Approval Nos. 160.052/193/0, 160.052/194/0, and 160.052/195/0 were terminated, effective May 15, 1966.

#### WORK VESTS, UNICELLULAR PLASTIC FOAM

The Protection Equipment Co., 100 Fernwood Avenue, Rochester, N.Y. 14621 (Plant: Sunbury, Pa.), no longer manufactures a particular unicellular plastic foam work vest and Approval No. 160.-

053/2/3 was therefore terminated, effective June 1, 1966.

#### FIRE PROTECTIVE SYSTEMS

The Sig-Trans, Inc., Amesbury, Mass., no longer manufactures a particular automatic fire alarm and manual fire alarm system and Approval No. 161.002/5/0 was therefore terminated, effective June 28, 1966.

#### BOILERS (HEATING)

The Crane Co., 836 South Michigan Avenue, Chicago 5, Ill., approval for a particular cast iron heating boiler has expired and therefore Approval No. 162.-003/181/0 was terminated, effective March 10, 1966.

#### RELIEF VALVES

##### (HOT WATER HEATING BOILERS)

The Watts Regulator Co., Lawrence, Mass., approval for a particular relief valve for a hot water heating boiler has expired and therefore Approval No. 162.-013/30/0 was terminated, effective December 20, 1965.

#### VALVES, PRESSURE-VACUUM RELIEF AND SPILL

The Chr. Nielsens EFTF., Hoegh-Guldbergsgade 14, Horsens, Denmark, approvals for a particular pressure vacuum relief valve has expired and therefore Approval No. 162.017/89/1 was terminated, effective May 4, 1966.

#### SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

The American Car & Foundry Co., 30 Church Street, New York 8, N.Y., approval for certain pop safety relief valves have expired and therefore Approval Nos. 162.018/5/3 and 162.018/25/1 were terminated, effective March 27, 1966.

The American Car and Foundry Division, ACF Industries Inc., 30 Church Street, New York 8, N.Y., approval for a particular safety relief valve has expired and therefore Approval No. 162.018/40/0 was terminated, effective March 10, 1966.

#### BULKHEAD PANELS

The Dansk Eternit-Fabrik A/S, Aalborg, Denmark, approval for a particular bulkhead panel has expired and therefore Approval No. 164.008/33/0 was terminated, effective May 15, 1966.

Dated: November 9, 1966.

[SEAL] W. J. SMITH,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 66-12509; Filed, Nov. 17, 1966;  
8:48 a.m.]

## DEPARTMENT OF STATE

### Agency for International Development

#### DIRECTOR, OFFICE OF CAPITAL DEVELOPMENT AND FINANCE

#### Redelegation of Authority

Pursuant to the authority delegated to me by the Administrator, Agency for International Development, by his Delegation of Authority No. 39, as amended,

dated April 13, 1964, for countries or areas within the responsibility of this Regional Bureau, I hereby redelegate to the Director, Office of Capital Development and Finance, authority to take all appropriate action with respect to guaranties issued under paragraph 2(A) or 2(B) of said Delegation of Authority No. 39 or issued under section 202(b) of the Mutual Security Act of 1954.

The authorities herein delegated may not be redelegated but may be exercised by a duly authorized person who is performing the functions of the Director, Office of Capital Development and Finance, in an acting capacity.

The authorities herein delegated are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within AID.

This Redelegation of Authority shall be effective as of October 1, 1966.

RUTHERFORD M. POATS,  
Assistant Administrator, Far East.

NOVEMBER 4, 1966.

[F.R. Doc. 66-12499; Filed, Nov. 17, 1966;  
8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### IDAHO

#### Notice of Filing of Protraction Diagrams

NOVEMBER 10, 1966.

Notice is hereby given that effective at and after 10 a.m. on December 15, 1966, the following protraction diagrams are officially filed of record in the Idaho Land Office, Room 327, Federal Building, Boise, Idaho 83701. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the lands for all authorized uses. Until this date and time the diagrams have been placed in open files and are available to the public for information only.

IDAHO PROTRACTION DIAGRAMS NOS. 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 AND 106

#### BOISE MERIDIAN

Approved October 4, 1966

No. 8

T. 39 N., Rs. 10, 11, and 12 E.  
T. 40 N., Rs. 10 and 11 E.

No. 10

Ts. 37 and 38 N., R. 13 E.

No. 11

Ts. 37 and 38 N., Rs. 10, 11, and 12 E.

No. 12

T. 35 N., Rs. 14, 15, and 16 E.  
T. 36 N., Rs. 14 and 15 E.

No. 13

Ts. 35 and 36 N., Rs. 11, 12, and 13 E.

No. 14

Ts. 35 and 36 N., Rs. 8, 9, and 10 E.



No. 15

Ts. 33 and 34 N., Rs. 14, 15, and 16 E.

No. 16

Ts. 33 and 34 N., Rs. 11, 12, and 13 E.

No. 17

Ts. 33 and 34 N., Rs. 8, 9, and 10 E.

No. 18

Ts. 31 and 32 N., Rs. 14, 15, and 16 E.

No. 19

Ts. 31 and 32 N., Rs. 11, 12, and 13 E.

No. 20

Ts. 31 and 32 N., Rs. 8, 9, and 10 E.

No. 21

Ts. 29 and 30 N., Rs. 14, 15, 16, and 17 E.

No. 22

Ts. 29 and 30 N., Rs. 11, 12, and 13 E.

No. 23

T. 29 N., Rs. 9 and 10 E.

T. 30 N., Rs. 8, 9, and 10 E.

No. 24

Ts. 29 and 30 N., Rs. 5, 6, and 7 E.

No. 106

T. 53 N., R. 2 W.

Copies of these diagrams are for sale at one dollar (\$1.00) each by the Cadastral Engineering Office, Bureau of Land Management, Post Office Box 2237, Boise, Idaho 83701.

CURTIS R. TAYLOR,  
*Acting Manager, Land Office.*

[F.R. Doc. 66-12503; Filed, Nov. 17, 1966;  
8:47 a.m.]

### Bureau of Reclamation

### WHITMAN NATIONAL FOREST, OREG.

### Order of Transfer of Administrative Jurisdiction of Land

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 213), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over the following described lands, which lie within or adjacent to exterior boundaries of the Whitman National Forest, Oreg., and which were acquired, or are being acquired, by the Bureau of Reclamation in the development of the Mason Reservoir, Baker Project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes:

#### WILLAMETTE MERIDIAN

T. 10 S., R. 38 E.,

#### ACQUIRED LANDS

Sec. 15, S $\frac{1}{2}$ ;Sec. 16, S $\frac{1}{2}$ ;Sec. 17, S $\frac{1}{2}$ ;

Sec. 18, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; NE $\frac{1}{4}$ SE $\frac{1}{4}$ , that portion beginning at the southeast corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ , thence North 796 feet, thence West 1,320 feet, thence South 796 feet to the southwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$  and thence East 1,320 feet to the point of beginning;

Sec. 19, E $\frac{1}{2}$ NE $\frac{1}{4}$ ; NW $\frac{1}{4}$ NE $\frac{1}{4}$ , that portion lying north of Powder River and east of a line starting at a point on the north line of said section 19, said point being 2,165 feet west of the northeast corner of said section 19, thence South 49°00' East 947.8 feet, more or less, to the north bank of the Powder River; E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , that portion lying south of Powder River;

Sec. 20, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;

Secs. 21 and 22;

Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;Sec. 24, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ;Sec. 25, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ;Sec. 27, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;Sec. 28, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;Sec. 29, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ .

The areas described aggregate 4,088.13 acres, more or less.

#### WITHDRAWN PUBLIC DOMAIN LAND

Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , containing 40 acres.

Pursuant to said section 7(c) of the aforesaid Act of July 9, 1965, the above lands shall become National Forest lands, provided that all lands and waters within the Keechelus and Kachess Reservoir areas needed or used for the operation of the project, or for other Reclamation purposes, shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER.

Dated: November 9, 1966.

FLOYD E. DOMINY,  
*Commissioner of Reclamation.*

[F.R. Doc. 66-12493; Filed, Nov. 17, 1966;  
8:47 a.m.]

### Fish and Wildlife Service

[Docket No. A-413]

### MANUEL MACAGUIWA

### Notice of Loan Application

NOVEMBER 14, 1966.

Manuel Macaguiwa, 258 South Franklin Street, Juneau, Alaska 99801, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 29.6-foot registered length wood vessel to engage in the fishery for salmon, halibut and crabs.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evi-

dence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,  
*Acting Director.*

[F.R. Doc. 66-12472; Filed, Nov. 17, 1966;  
8:45 a.m.]

### National Park Service

[Order No. 2]

### ADMINISTRATIVE OFFICER, ET AL., NEW YORK CITY NATIONAL PARK SERVICE GROUP

### Delegation of Authority Regarding Execution of Contracts and Purchase Orders, for Supplies, Equipment, or Services

1. *Administrative Officer.* The Administrative Officer, New York City National Park Service Group, may execute, approve, and administer contracts not in excess of \$25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations. This authority may be exercised by the Administrative Officer in behalf of any unit under the administration of the New York City National Park Service Group.

2. *General Supply Assistant.* The General Supply Assistant, New York City National Park Service Group, may issue purchase orders not in excess of \$2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations. This authority may be exercised by the General Supply Assistant in behalf of any unit under the administration of the New York City National Park Service Group.

3. *Center Director, Liberty Park Job Corps Conservation Center.* Center Director, Liberty Park Job Corps Conservation Center, may issue purchase orders not in excess of \$2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations. This authority may be exercised by the Liberty Park Job Corps Conservation Center Director in behalf of the Liberty Park Job Corps Conservation Center.

4. *Administrative Officer, Liberty Park Job Corps Conservation Center.* Administrative Officer, Liberty Park Job Corps Conservation Center, may issue purchase orders not in excess of \$2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations. This authority may be exercised by the Liberty Park Job Corps Conservation Center Administrative Officer in behalf of the Liberty Park Job Corps Conservation Center.

5. *Revocation.* This order supersedes Order No. 1, issued June 25, 1965.



(National Park Service Order 34 (31 F.R. 4255), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Northeast Region Order No. 5 (31 F.R. 8135))

Dated: October 10, 1966.

JOHN A. TOWNSLEY,  
Superintendent, New York City  
National Park Service Group.

[F.R. Doc. 66-12491; Filed, Nov. 17, 1966;  
8:46 a.m.]

## DEPARTMENT OF COMMERCE

### National Bureau of Standards AMERICAN LUMBER STANDARDS FOR SOFTWOOD LUMBER

#### Notice of Distribution of Recommended Revision of Simplified Practice Recommendation

In accordance with the "Procedures for the Development of Voluntary Product Standards," (15 CFR Part 10; 30 F.R. 15287, Dec. 10, 1965), the National Bureau of Standards has reviewed the recommended revision of Simplified Practice Recommendation 16-53, "American Lumber Standards for Softwood Lumber," as submitted by the American Lumber Standards Committee under § 10.4 (a) and (b) and the report submitted by the Committee under § 10.4(c). The Bureau has now determined that all criteria set forth in the published procedures have been satisfactorily met.

Public notice is hereby given that the recommended revision is being distributed to representative producers, distributors, and users of softwood lumber. A deadline of December 3, 1966, has been established for the transmittal of responses concerning this revision.

The National Bureau of Standards has obtained the assistance of the Bureau of the Census in determining the acceptability of this recommended revision to the lumber industry. The Bureau of the Census has developed a statistically representative sample of all segments of the entire industry.

The National Bureau of Standards, additionally, is providing copies of the proposal to those interested parties who have requested same. Others desiring to record their position regarding this recommended revision may request a copy by letter, on their business letterhead, addressed to the Product Standards Section, Room A-401, National Bureau of Standards, Washington, D.C. 20234. It should be noted that the responses to the National Bureau of Standards will not be tabulated as part of the Census Bureau sample, because that sample, as constituted, represents, on a probability basis, all segments of the industry.

The responses will be analyzed to determine whether the recommended revision is supported by a consensus and also the extent and validity of any opposition. If the proposal is published by the National Bureau of Standards, it

becomes a recommended, nationwide voluntary standard of the industry.

Dated: November 14, 1966.

A. V. ASTIN,  
Director.

[F.R. Doc. 66-12596; Filed, Nov. 17, 1966;  
11:32 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration CHEMAGRO CORP.

#### Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (1), 68 Stat. 512; 21 U.S.C. 346a (d) (1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations, Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, has withdrawn its petition (PP 6F0469), notice of which was published in the FEDERAL REGISTER of March 15, 1966 (31 F.R. 4423), proposing the establishment of tolerances for residues of the insecticide O,O-diethyl S-2-[ (ethylthio) ethyl] phosphorodithioate in or on the grains of rye and spring wheat at 5 parts per million, and the green fodder and straw of rye and spring wheat at 0.75 part per million.

The withdrawal of this petition is without prejudice to a future filing.

Dated: November 10, 1966.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 66-12520; Filed, Nov. 17, 1966;  
8:49 a.m.]

### E. I. DU PONT DE NEMOURS & CO.

#### Notice of Filing of Petition Regarding Pesticide Linuron

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (1), 68 Stat. 512; 21 U.S.C. 346a (d) (1)), notice is given that a petition (PP 7F0542) has been filed by E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, proposing the establishment of a tolerance of 1 part per million for residues of the herbicide linuron (3-(3,4-dichlorophenyl) - 1 - methoxy-1-methylurea) in or on the raw agricultural commodities barley in grain form and in form of forage, hay, and straw; corn in grain or ear form from field corn, sweet corn, and popcorn; cottonseed; oats in grain form and in form of forage, hay, and straw; parsnips (with or without tops) and parsnip tops; rye in grain form and in form of forage, hay, and straw; sorghum (milo) in grain form and in form of fodder and forage; wheat in grain form and in form of forage, hay, and straw.

The analytical method proposed in the petition for determining residues of linuron is based on that of Pease published in the Journal of Agricultural and Food Chemistry, volume 10, page 279 (1962), with modifications for linuron, and the chromatographic separation technique of Bleidner (ibid., volume 2, page 682 (1954)). It is proposed that paper chromatography be used for specific identification of linuron residues.

Dated: November 10, 1966.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 66-12521; Filed, Nov. 17, 1966;  
8:49 a.m.]

### IMPERIAL CHEMICAL INDUSTRIES, LTD.

#### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 7B2121) has been filed by Imperial Chemical Industries Ltd., Heavy Organic Chemicals Division, Organic House, Billingham, County Durham, England, proposing an amendment to § 121.2566 *Antioxidants and/or stabilizers for polymers* to provide for the safe use of tris(2-methyl-4-hydroxy-5-tert-butylphenyl) butane at levels not to exceed 0.1 percent by weight of olefin and/or vinyl chloride polymers used in articles that contact food of the types identified in § 121.2526(c), Table 1, under types III, IV-A, V, VI-A, VI-C, VII-A, and IX, including such articles used for packing or holding food during cooking.

Dated: November 10, 1966.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 66-12522; Filed, Nov. 17, 1966;  
8:49 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 17933]

### NORTHWEST TERRITORIAL AIRWAYS, LTD.

#### Notice of Hearing

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on November 22, 1966, at 10 a.m., e.s.t., in Room 701, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., November 15, 1966.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 66-12508; Filed, Nov. 17, 1966;  
8:48 a.m.]



# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16976-16978; FCC 66-992]

## LEWIS BROADCASTING CORP., ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Lewis Broadcasting Corp., Savannah, Ga., Docket No. 16976, File No. BPCT-3696; Coastal Television Corp., Savannah, Ga., Docket No. 16977, File No. BPCT-3703; WSGA Television, Inc., Savannah, Ga., Docket No. 16978, File No. BPCT-3727; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 9th day of November 1966:

1. The Commission has before it for consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 22, Savannah, Ga.

2. The applicants are qualified to construct, own, and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission, is therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

3. WSGA Television, Inc. proposes to replace the existing AM tower of Standard Broadcast Station WSGA and use the television tower as the AM radiator. WSGA Television, Inc., states that an appropriate application to modify the AM facilities will be filed upon grant of its application. Therefore, in the event of a grant of the application of WSGA Television, Inc., such grant shall be made subject to the condition that construction shall not commence until an appropriate application to make the necessary changes in the antenna system of Station WSGA has been filed and granted by the Commission. In addition, since the tower site proposed by Lewis Broadcasting Corp. will be located within the vicinity of the towers of Standard Broadcast Stations WEAS and WBYG and since the tower site proposed by WSGA Television, Inc., will be located within the vicinity of the tower of Standard Broadcast Station WSOK, in the event of a grant of either application, such grant shall be made subject to a proximity condition with respect thereto.

Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Lewis

Broadcasting Corp., Coastal Television Corp., and WSGA Television, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would best serve the public interest.
2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That, in the event of a grant of the application of WSGA Television, Inc., such grant shall be made subject to the following conditions:

Construction shall not commence until an appropriate application to make the necessary changes in the antenna system of Station WSGA has been filed and granted.

A skeleton proof of performance shall be submitted, consisting of at least five field intensity measurements made between 2 and 10 miles distance on each of eight equally spaced radials before and after construction of the station to prove that the construction does not adversely effect the operation of Station WSOK.

It is further ordered, That, in the event of a grant of the application of Lewis Broadcasting Corp., such grant shall be made subject to the following condition:

A skeleton proof of performance shall be submitted, consisting of at least five field intensity measurements made between 2 and 10 miles distance on each of eight equally spaced radials before and after construction of the station to prove that the construction does not adversely effect the operation of Station WEAS and Station WBYG.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 15, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12523; Filed, Nov. 17, 1966;  
8:49 a.m.]

[Docket Nos. 16976-16978; FCC 66M-1520]

## LEWIS BROADCASTING CORP., ET AL.

### Order Scheduling Hearing

In re applications of Lewis Broadcasting Corp., Savannah, Ga., Docket No. 16976, File No. BPCT-3696; Coastal Television Corp., Savannah, Ga., Docket No. 16977, File No. BPCT-3703; WSGA Television, Inc., Savannah, Ga., Docket No. 16978, File No. BPCT-3727; for construction permit for new television broadcast station (Channel 22):

It is ordered, This 14th day of November 1966, that David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on January 5, 1967, at 10 a.m.; and that a prehearing conference shall be held on December 9, 1966, commencing at 9 a.m.; And, it is further ordered, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: November 15, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12524; Filed, Nov. 17, 1966;  
8:50 a.m.]

## STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

NOVEMBER 9, 1966.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on December 20, 1966, the standard broadcast applications listed below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on December 19, 1966, which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on December 19, 1966 or (b) the earlier effective cut-off date which a listed application or by any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: November 9, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.



Applications from the top of the processing line			
BP-16918	KBHB, Sturgis, S. Dak. Sturgis Radio, Inc. Has: 1280 kc, 1 kw, D. Req: 810 kc, 5 kw, D.	BP-17145	WRDS, South Charleston, W. Va. William D. Stone. Has: 1410 kc, 1 kw, D. Req: 1450 kc, 250 w, 1 kw-LS, U.
BP-16979	New, Selmer, Tenn. David B. Jordan. Req: 1130 kc, 250 w, D.	BP-17147	New, Anchorage, Alaska. Richard C. Cruver. Req: 630 kc, 5 kw, D.
BP-16987	New, Hackettstown, N.J. Radio New Jersey. Req: 1000 kc, 1 kw, DA, D.	BP-17151	New, Fergus Falls, Minn. Empire Broadcasting Corp. Req: 1090 kc, 5 kw, D.
BP-17042	WOAH, Miami, Fla. Latin Broadcasting Corp. Has: 1220 kc, 250 w, D. Req: 1190 kc, 10 kw, DA, D.	BP-17153	New, Seaside, Oreg. Seaside Broadcasting Corp. Req: 930 kc, 1 kw, D.
BP-17116	New, Jesup, Ga. Morris's, Inc. Req: 1080 kc, 5 kw, D.	BP-17157	WDOG, Allendale, S.C. All-Fair Broadcasting Co. Has: 1460 kc, 500 w, D. Req: 1460 kc, 1 kw, D.
BMP-11884	WKVM, San Juan, P.R. American Colonial Broadcasting Corp. Has: 810 kc, 25 kw, DA-1, U. Req: 810 kc, 50 kw, DA-1, U.	BP-17158	New, Mount Carmel, Pa. K H Radio Co. Req: 1590 kc, 500 w, D.
BP-17120	WTLN, Apopka, Fla. Alton Rainbow, Corp. Has: 1520 kc, 5 kw, DA, D. Req: 1520 kc, 10 kw, DA, D.	BP-17161	New, Dewey, Okla. Gene Humphries & Associates, Inc. Req: 1090 kc, 250 w, DA, D.
BP-17121	New, Parma, Ohio. Sundial Broadcasting Co., Inc. Req: 1000 kc, 500 w, DA, D.	BP-17183	New, Collinsville, Va. Radio Collinsville, Inc. Req: 1530 kc, 1 kw, 250 w-CH, D.
BP-17122	New, Bagnell, Mo. Lee Mace. Req: 1080 kc, 1 kw, DA, D.	BP-17186	KOTN, Pine Bluff, Ark. Joellen Broadcasting Corp. Has: 1490 kc, 250 w, U. Req: 1490 kc, 250 w, 1 kw-LS, U.
BML-2170	KBUB, Reno-Sparks, Nev. KBUB, Inc. Has: 1270 kc, 1 kw, D (Sparks, Nev.). Req: 1270 kc, 1 kw, D (Reno-Sparks, Nev.).	BP-17187	KART, Jerome, Idaho. Allen D. Lee. Has: 1400 kc, 250 w, S.H. Req: 1400 kc, 250 w, 1 kw-LS, S.H.
BP-17124	New, Estes Park, Colo. Maurice J. DaVolt. Req: 1470 kc, 500 w, D.	BP-17188	New, Louisa, Ky. Lawrence County Broadcasting Corp. Req: 1270 kc, 1 kw, D.
BP-17127	Caldwell Broadcasting Co., Inc. New, Columbia, La. Caldwell Broadcasting Co., Inc. Req: 1540 kc, 1 kw, D.	BP-17189	New, Clemson, S.C. Tri-County Broadcasting Corp. of Clemson. Req: 1560 kc, 1 kw, 500 w-CH, D.
BB-17128	New, Russellville, Ala. Franklin Broadcasting Co. Req: 1500 kc, 500 w, D.	BP-17190	New, Hohenwald, Tenn. Lewis County Broadcasting Co. Req: 1540 kc, 250 w, D.
BP-17132	WEZQ, Winfield, Ala. John Self. Has: 1300 kc, 500 w, U. Req: 1300 kc, 1 kw, U.	BP-17193	New, Cullman, Ala. Cullman Music Broadcasting Co. Req: 1540 kc, 1 kw, 500 w-CH, D.
BP-17133	KTIL, Tillamook, Oreg. Beaver Broadcasting System, Inc. Has: 1590 kc, 1 kw, DA-N, U. Req: 1590 kc, 1 kw, 5 kw-LS, DA-N, U.	BP-17195	KYOR, Blythe, Calif. KYOR, Inc. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, DA-D, U.
BP-17135	KUAM, Agana, Guam. Pacific Broadcasting Corp. Has: 610 kc, 1 kw, U. Req: 610 kc, 10 kw, U.	BP-17196	KBLR, Bolivar, Mo. Shepherd of the Hills Broadcasting Co. Has: 1550 kc, 250 w, D. Req: 1130 kc, 250 w, D.
BP-17136	WKPO, Prentiss, Miss. Jeff Davis Broadcasting Service. Has: 1510 kc, 1 kw, 250 w-CH, D. Req: 1380 kc, 500 w, D.	BP-17233	New, Lineville, Ala. Clay County Broadcasters. Req: 1540 kc, 1 kw, D.
BP-17138	New, Yorktown, Tex. DeWitt Radio of Yorktown, Tex. Req: 1520 kc, 500 w, DA, D.	BP-17234	New, Tappahannock, Va. Rappahannock Broadcasting Corp., Inc. Req: 1000 kc, 500 w, D.
BP-17141	KVOR, Colorado Springs, Colo. Wolverine Broadcasting Corp. Has: 1300 kc, 1 kw, U. Req: 1300 kc, 1 kw, 5 kw-LS, U.	BP-17235	New, Mount Pleasant, Iowa. Pleasant Broadcasting Co. Req: 1130 kc, 250 w, D.
BP-17142	New, Marks, Miss. Quitman Broadcasting Co. Req: 1520 kc, 250 w, D.	BP-17236	KLAD, Klamath Falls, Oreg. Ogden Knapp. Has: 960 kc, 5 kw, D. Req: 960 kc, 5 kw, DA-N, U.
BP-17143	New, Graham, N.C. Broadcasting Service of Carolina, Inc. Req: 710 kc, 10 kw, DA, D.	BP-17237	New, Dodgeville, Wis. Dodge-Point Broadcasting Co. Req: 810 kc, 250 w, D.
		BP-17238	New, Lawton, Okla. Howard M. McBee. Req: 850 kc, 1 kw, DA, D.
		BP-17239	New, Louisa, Ky. Two Rivers Broadcasting Co., Inc. Req: 1270 kc, 1 kw, D.
		BP-17241	KUDU, Ventura, Calif. Tri-Counties Public Service, Inc. Has: 1590 kc, 1 kw, DA-1, U. Req: 1590 kc, 5 kw, DA-2, U.
		BP-17242	New, Cedar City, Utah. New Era Broadcasting Co. Req: 940 kc, 10 kw, D.
		BP-17243	KHIL, Willcox, Ariz. Cochise Broadcasting Co. Has: 1250 kc, 1 kw, D. Req: 1250 kc, 5 kw, D.
		BP-17244	New, Bay St. Louis, Miss. Bay Broadcasting Corp. Req: 1190 kc, 5 kw, D.
		BP-17246	KBBB, Borger, Tex. Weldon W. Lewis and Weldon E. Lewis. Has: 1600 kc, 500 w, D. Req: 1600 kc, 5 kw, D.
		BP-17249	New, Toms River, N.J. Arthur S. Steloff. Req: 1170 kc, 1 kw, D.
		BP-17250	WFAW, Fort Atkinson, Wis. Blackhawk Broadcasting Co. Has: 940 kc, 250 w, DA, D. Req: 940 kc, 500 w, DA, D.
		BP-17252	WWJC, Superior, Wis. Twin Ports Christian Broadcasting Corp. Has: 1270 kc, 5 kw, D. Req: 850 kc, 10 kw, D.
		BP-17253	New, Forks, Wash. Forks Broadcasting Co. Req: 1490 kc, 250 w, 500 w-LS, U.
		BP-17254	New, Del Rio, Tex. Green Valley Radio. Req: 810 kc, 1 kw, D.
		BP-17256	New, Macon, Ga. Rowland Broadcasting Co., Inc. Req: 1500 kc, 1 kw, D.
		BP-17257	KWCL, Oak Grove, La. Carroll Broadcasting Co., Inc. Has: 1280 kc, 500 w, D. Req: 1280 kc, 1 kw, D.
		BP-17266	KOLM, Rochester, Minn. Olmstead County Broadcasting Co. Has: 1520 kc, 1 kw, D. Req: 1520 kc, 10 kw, 1 kw-CH, D.
		BP-17267	New, Randolph, Vt. Central Vermont Radio Corp. Req: 1320 kc, 1 kw, D.
		BP-17269	New, Mebane, N.C. Mebane - Hillsboro Broadcasting Co. Req: 1530 kc, 1 kw, 250 w-CH, D.
		BP-17270	New, Chapel Hill, N.C. 1530 Radio. Req: 1530 kc, 5 kw, DA-CH, D.
		BP-17272	New, Midway Park, N.C. Onslow County Broadcasters. Req: 1530 kc, 1 kw, 250 w-CH, D.
		BP-17273	New, Asheboro, N.C. Randolph County Radio. Req: 710 kc, 1 kw, DA, D.
		BP-17274	New, Suffolk, Va. Charles E. Springer. Req: 1110 kc, 250 w, D.
		BP-17275	New, Maysville, N.C. Hendon M. Harris. Req: 1530 kc, 500 w, D.
		BP-17277	KKEY, Portland, Oreg. Western Broadcasting Co. Has: 1150 kc, 1 kw, D (Vancouver, Wash.). Req: 1150 kc, 5 kw, DA-D (Portland, Oreg.).
		BP-17278	WKBX, Winston-Salem, N.C. Stuart W. Epperson. Has: 1500 kc, 1 kw, DA, D. Req: 710 kc, 500 w, D.



Application deleted from Public Notice of  
September 1, 1961

(Mimeo No. 7795, FCC 61-973)

BP-14070 WRAI, San Juan, P.R.  
Abacoa Radio Corp.  
Has: 1520 kc, 250 w, U.  
Req: 1520 kc, 10 kw, DA-1, U.

(Assigned new File Number BP-17292)

[F.R. Doc. 66-12525; Filed, Nov. 17, 1966;  
8:50 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. RI62-262]

**ALTEX CORP.**

### Order Accepting Decreased Rate Filing and Terminating Proceeding

NOVEMBER 8, 1966.

On October 10, 1966, The Altex Corp. (Altex)<sup>1</sup> tendered for filing a proposed change in its presently effective rate schedule for its jurisdictional sale of natural gas to Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), from the East Alice Field, Jim Wells County, Tex. (Railroad Commission District No. 4). The sale is made at a pressure base of 14.65 p.s.i.a. The proposed change is designated as follows:

Description: Notice of Change dated September 30, 1966.

Rate schedule designation: Supplement No. 4 to Altex's FPC Gas Rate Schedule No. 1. Proposed decreased rate: 15.0952 cents per Mcf.

Effective rate: 15.1645 cents per Mcf.

Annual decrease: \$1.060.

Effective date: January 2, 1962.<sup>2</sup>

The proposed decrease in rate of 0.0693 cents per Mcf reflects that portion of the invalidated Texas Dedicated Reserve Gas Tax (Calvert v. Panhandle Eastern Pipe Line Co., CCA of Texas, Oct. 1963, 371 S.W. 2d 601) heretofore reimbursed by Tennessee. The said tax increase was collected by Altex from January 2, 1962, subject to refund. Altex submitted a statement concurrently with its filing evincing that the principal amount of \$3,163.55 paid by Tennessee to Altex re-

lating to such tax reimbursement has been refunded. No interest was collected by Altex from the State of Texas when the entire amount of the invalidated tax was refunded to Altex by the State of Texas. Accordingly, in keeping with our newly announced policy in Order No. 326, issued September 6, 1966, as no interest was collected by Altex, no interest is required on the refunded amount.

The previously effective rate of 15.0952 cents per Mcf that Altex collected for this sale was permitted to be collected without obligation to refund by order issued July 15, 1960, in Docket No. G-19271. As the subject decreased rate is at the same level as the previously collected rate not subject to refund, we shall designate January 2, 1962, as the effective date for said Supplement No. 4.

The Commission further finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the regulations thereunder that said Supplement No. 4 be accepted for filing as hereafter provided and that the proceeding in Docket No. RI62-262 be terminated.

The Commission orders:

(A) Supplement No. 4 to Altex's FPC Gas Rate Schedule No. 1 is accepted for filing to be effective as of January 2, 1962.

(B) The proceeding in Docket No. RI62-262 is terminated.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 66-12480; Filed, Nov. 17, 1966;  
8:45 a.m.]

[Docket No. RI67-135]

### BIG CHIEF DRILLING CO.

### Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 8, 1966.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly dis-

criminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.*

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 18, 1966.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.

#### APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-135	Big Chief Drilling Co., Post Office Box 14837, Oklahoma City, Okla. 73114.	14	2	Oklahoma Natural Gas Gathering Corp. (Ringwood Field, Major County, Okla.) (Oklahoma "Other" Area).	\$300	10-13-66	10-13-66	10-14-66	11.0	12.0	

<sup>1</sup> Oklahoma Natural classed as a pipeline company in its certificate (CI61-1408) for resale of gas to Cities Service Gas Co. at an initial rate of 17.0 cents per Mcf. Oklahoma Natural's related rate increase to 18.5 cents per Mcf is in effect subject to refund in Docket No. RI66-19 as of June 1, 1966.

<sup>2</sup> The stated effective date is due to waiver of the 30-day notice requirement.

<sup>3</sup> The suspension period is limited to 1 day.

<sup>4</sup> Periodic rate increase.

<sup>5</sup> Pressure base is 14.65 p.s.i.a.



## APPENDIX "A"

Big Chief Drilling Co. (Big Chief) proposes a periodic increase in rate from 11.0 cents to 12.0 cents per Mcf, amounting to \$300 annually, for a wellhead sale of gas to Oklahoma Natural Gas Gathering Corp. from the Ringwood Field, Major County, Okla. (Oklahoma "Other" Area).

The sale covered under a contract dated June 1, 1966, was authorized under a temporary certificate issued September 22, 1966, in Docket No. CI67-184 at a conditioned rate of 11.0 cents per Mcf. Big Chief was advised in the same letter granting the temporary certificate that it could file a rate increase to the 12.0 cents contractual rate and request a shortened suspension period. Big Chief requests waiver of the 30-day notice requirement and a 1-day suspension if the Commission should suspend its instant rate filing. In this situation, we believe that it would be in the public interest that the 30-day notice requirement provided in section 4(d) of the Natural Gas Act be waived to permit Big Chief's proposed rate increase to become effective as of October 13, 1966, as ordered herein.

Big Chief's proposed rate increase exceeds the 11.0 cents per Mcf area ceiling for increased rates for Oklahoma "Other" Area. Under the circumstances, we conclude that Big Chief's rate increase should be suspended for 1 day from October 13, 1966, the date of filing.

[F.R. Doc. 66-12481; Filed, Nov. 17, 1966; 8:45 a.m.]

[Docket No. CP67-123]

**BLUEBONNET GAS CORP.****Notice of Application**

NOVEMBER 8, 1966.

Take notice that on November 2, 1966, Bluebonnet Gas Corp. (Applicant), 1215 Chamber of Commerce Building, Houston, Tex. 77002, filed in Docket No. CP67-123 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the gathering of natural gas for sale in interstate commerce for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate metering, regulating, and requisite interconnecting facilities required to transport gas which will be purchased by Applicant in the State of Louisiana from Franks Petroleum, Inc., Operator, which will be produced in the Bayou Fordoche Field, Pointe Coupee Parish. The gas is to be sold to Florida Gas Transmission Co. (Florida Gas) at a point in Pointe Coupee Parish where Florida Gas' transmission line traverses the State of Louisiana.

The estimated daily deliveries are 600 Mcf which will be sold under Applicant's Rate Schedule X-1.

The total estimated cost of the proposed facilities is \$10,500 which will be financed by the issuance of common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (\$157.10) on or before December 5, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12482; Filed, Nov. 17, 1966; 8:45 a.m.]

[Docket No. RI67-137, etc.]

**CHAMPLIN PETROLEUM CO., ET AL.**  
**Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>**

NOVEMBER 8, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 18, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.



## APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
R167-137	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, Tex. 76107.	68	4	Northern Natural Gas Co. (Hugoton Field, Haskell County, Kans.).	\$167	10-24-66	<sup>2</sup> 1-1-67	6-1-67	<sup>3</sup> 13.0	<sup>4</sup> 14.0	R162-233.
		70	4	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	289	10-24-66	<sup>2</sup> 1-1-67	6-1-67	<sup>3</sup> 13.0	<sup>4</sup> 14.0	R162-233.
R167-138	Bill Ferguson d.b.a. Ferguson Oil Co., et al., 1505 Wichita Plaza Bldg., Wichita, Kans. 67202.	1	1	Panhandle Eastern Pipe Line Co. (Meade County, Kans.).	9,356	10-17-66	<sup>2</sup> 11-17-66	4-17-67	16.0	<sup>4</sup> 17.0	
R167-139	do	3	1	do	3,192	10-17-66	<sup>2</sup> 11-17-66	4-17-67	16.0	<sup>4</sup> 17.0	
R167-140	Oklahoma Natural Gas Co., Post Office Box 871, Tulsa, Okla. 74102.	16	5	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper and Beaver Counties, Okla.) (Panhandle Area).	27,260	10-18-66	<sup>2</sup> 11-18-66	4-18-67	<sup>3</sup> 18.0	<sup>4</sup> 20.5	
R167-141	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	100	1	Natural Gas Pipeline Co. of America (Putnam Field, Dewey County, Okla.) (Oklahoma "Other" Area).	143	10-20-66	<sup>2</sup> 11-20-66	4-20-67	<sup>3</sup> 15.0	<sup>4</sup> 17.85	

<sup>2</sup> The stated effective date is the effective date requested by Respondent.<sup>3</sup> Periodic rate increase.<sup>4</sup> Pressure base is 14.65 p.s.i.a.<sup>5</sup> Subject to a downward B.T.U. adjustment.<sup>6</sup> The stated effective date is the first day after expiration of the statutory notice.<sup>7</sup> Subject to upward and downward B.T.U. adjustment. Rate includes 1.0 cent upward B.T.U. adjustment.<sup>8</sup> Respondent is filing from permanent certificated rate to initial contract rate.<sup>9</sup> Includes 0.85 cent tax reimbursement.<sup>10</sup> Initial certificated rate inclusive of tax reimbursement.

Bill Ferguson doing business as Ferguson Oil Co., et al., and Bill Ferguson doing business as Ferguson Oil Co. (both referred to herein as Ferguson) request a retroactive effective date of September 1, 1966, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Ferguson's rate filings and such requests are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 66-12483; Filed, Nov. 17, 1966; 8:46 a.m.]

[Docket No. CP67-122]

## EL PASO NATURAL GAS CO.

### Notice of Application

NOVEMBER 8, 1966.

Take notice that on November 1, 1966, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP67-122 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, the acquisition by purchase from Capitan-Carrizozo Natural Gas Association (Association) and operation of certain facilities to be constructed by Association, and the sale and delivery of natural gas to Association by use thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it and Association have undertaken a project which will result in natural gas service becoming available to the communities of Capitan, Carrizozo, Ruidoso, Ruidoso Downs and to other areas of Lincoln County, N. Mex.

The proposed project contemplates the following: (1) The construction and operation by Applicant of a measuring and regulating station to be located adjacent to Applicant's Permian-San Juan cross-over pipeline system in Lincoln County, N. Mex.; (2) the construction by Association of approximately 44 miles of 4½-inch O.D. transmission pipeline extending southwesterly from Applicant's proposed measuring and regulating station along a route passing adjacent to the community of Carrizozo to a point of termination approximately 10 miles north of the community of Ruidoso, approximately 19 miles of 4½-inch O.D. transmission pipeline extending northwesterly from the community Capitan to a point of termination at the community of Carrizozo, and approximately 3.5 miles of 4½-inch O.D. transmission pipeline extending southwesterly from the community of Capitan to a point of termination near Fort Stanton; (3) the construction by Association of distribution systems in the communities of Capitan and Carrizozo and other areas otherwise situated along its transmission system; (4) the acquisition by Applicant of the initial 7.9-mile segment of Association's proposed pipeline; (5) the sale and delivery of natural gas by Association to Ruidoso Natural Gas Co., Inc. (Ruidoso Gas) for transportation to and resale and distribution in the communities of Ruidoso and Ruidoso Downs; and (6) the sale and delivery of gas by Applicant to Association for resale and sale for resale.

The application states that as a part of the proposed project, Ruidoso Gas proposes to construct approximately 10 miles of 4½-inch O.D. pipeline extending from a point of connection with Association's proposed facilities approximately 10 miles north of Ruidoso in a southerly direction to a point of termination in the immediate vicinity of Ruidoso, together with necessary distribution facilities to provide service in Ruidoso and

Ruidoso Downs. Deliveries of natural gas by Applicant to Association will be made at the terminus of the pipeline segment acquired by Applicant. These deliveries are estimated to be 437,321 Mcf annually during the third full year of service. Such deliveries are proposed to be initiated by Applicant in accordance with and at rates contained in Applicant's Rate Schedules A-2, B-3, and D-3, FPC Gas Tariff, Original Volume No. 1.

The total estimated cost of Applicant's proposed measuring and regulating station is \$7,585. The total estimated cost of the pipeline segment proposed to be acquired by Applicant is \$72,245. The total estimated cost of Applicant's part of the proposed project is \$80,000, which cost will be financed through current working funds.

The total estimated cost of the facilities proposed to be constructed by Association, less the cost of facilities to be acquired by Applicant, is \$655,055. Ruidoso Gas estimates the cost of its facilities to be \$837,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 7, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on



its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12484; Filed, Nov. 17, 1966;  
8:46 a.m.]

[Docket No. RI67-136]

## HAMILTON BROTHERS, LTD.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

NOVEMBER 8, 1966.

On October 17, 1966, Frederick C. and Ferris F. Hamilton, doing business as

Hamilton Brothers, Ltd. (Hamilton),<sup>1</sup> tendered for filing proposed changes in their presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

<sup>1</sup> Address is: 1517 Denver Club Building, Denver, Colo. 80202.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
R167-136...	Frederick C. and Ferris F. Hamilton, d.b.a. Hamilton Brothers, Ltd., 1517 Denver Club Bldg., Denver, Colo. 80202.	<sup>2</sup> 14	4	Panhandle Eastern Pipe Line Co. (Carthage Field, Texas County, Okla.) (Panhandle Area).	\$880	10-17-66	<sup>3</sup> 12-1-66	<sup>4</sup> 12-2-66	<sup>5</sup> 16.0	<sup>6</sup> 17.0	
-----do-----	-----do-----	<sup>2</sup> 16	1	-----do-----	359	10-21-66	<sup>3</sup> 12-1-66	<sup>4</sup> 12-2-66	<sup>5</sup> 16.0	<sup>6</sup> 17.0	

<sup>2</sup> Basic contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1.

<sup>3</sup> The stated effective date is the effective date requested by Respondent.

<sup>4</sup> The suspension period is limited to 1 day.

<sup>5</sup> Periodic rate increase.

<sup>6</sup> Pressure base is 14.65 p.s.i.a.

<sup>7</sup> Subject to upward and downward B.t.u. adjustment for gas containing more or less than 1000 B.t.u.'s per cubic foot.

<sup>8</sup> Subject to a downward B.t.u. adjustment.

The contracts related to the rate filings proposed by Hamilton were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable rate ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, Hamilton's rate filings should be suspended for 1 day from December 1, 1966, the proposed effective date.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that Supplement Nos. 4 and 1 to Hamilton's FPC Gas Rate Schedule Nos. 14 and 16, respectively, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 4 and 1 to Hamilton's FPC Gas Rate Schedule Nos. 14 and 16, respectively.

(B) Pending a hearing and decision thereon, Supplement Nos. 4 and 1 to Hamilton's FPC Gas Rate Schedule Nos. 14 and 16, respectively, are hereby suspended and the use thereof deferred until December 2, 1966, and thereafter until such further time as they are made effective in the manner prescribed by the

Natural Gas Act; *Provided, however*, That the supplements to the rate schedules filed by Hamilton, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order, Hamilton shall execute and file under Docket No. RI67-136, with the Secretary of the Commission, their agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon Panhandle Eastern Pipe Line Co. Unless Hamilton is advised to the contrary within 15 days from the filing of their agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 28, 1966.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12485; Filed, Nov. 17, 1966;  
8:46 a.m.]

[Docket No. CP67-124]

## LONE STAR GAS CO.

### Notice of Application

NOVEMBER 8, 1966.

Take notice that on November 2, 1966, Lone Star Gas Co. (Applicant), 301

South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP67-124 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and the operation of transportation facilities for the purpose of making direct sales of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate facilities to be utilized for direct sales of natural gas to industrial customers located in areas outside of the franchise areas of any local distributor. The application states that the maximum delivery to any one customer will not exceed 100,000 Mcf of natural gas annually and the gas will not be sold for boiler fuel purposes as defined by § 157.7(c) (9).

The total estimated cost of the proposed facilities will not exceed \$75,000, with each single project limited to a maximum of \$15,000, to be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 5, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its



own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12486; Filed, Nov. 17, 1966;  
8:46 a.m.]

[Docket No. G-2136]

## PENNSYLVANIA GAS CO.

### Notice of Petition To Amend

NOVEMBER 9, 1966.

Take notice that on September 30, 1966, the Pennsylvania Gas Co. (Petitioner), 213 Second Avenue, Warren, Pa. 16365, filed in Docket No. G-2136 a petition to amend the order issued in said docket on July 6, 1953, by requesting authorization to discontinue certain reports respecting the operations of Petitioner's East Branch (B) Storage Area, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued in the instant proceeding on July 6, 1953, Petitioner was granted a certificate of public convenience and necessity authorizing the construction and operation of underground storage facilities, located in Sheffield Township, Warren County, and Hamilton Township, McKean County, Pa., including 3.2 miles of 12-inch pipeline from the storage area, known as East Branch (B), to its existing system in Roystone, Pa. At paragraph (C) (2) (v) Petitioner was ordered to file certain reports every 6 months showing that input and withdrawal operations for each 6-month period have been within the limits set by the order.

Petitioner states that the reports show that there has been compliance with the Commission's as to the input and withdrawal operations and that there has been no loss of storage gas by reason of such operations and the other authorized storage operations and property ownership of Petitioner in any affected areas.

Petitioner further states that the continuance of the necessity of making further reports presents an onerous and expensive burden upon Petitioner, and that the operating storage practices have proven the East Branch (B) storage facilities to be safe and economic. Petitioner therefore requests that the order in the instant proceeding be amended by authorizing the discontinuance of reports as ordered in paragraph (C) (2) (v).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and pro-

cedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 8, 1966.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12487; Filed, Nov. 17, 1966;  
8:46 a.m.]

[Docket No. CP66-180]

## TENNESSEE GAS PIPELINE CO.

### Notice of Petition To Amend

NOVEMBER 8, 1966.

Take notice that on November 4, 1966, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Petitioner), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP66-180 a petition to amend the order issued in the said docket on May 10, 1966, by requesting that the conditions contained in ordering paragraph (F) be revised, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued May 10, 1966, in the instant proceeding Petitioner was granted a certificate of public convenience and necessity to construct and operate certain facilities conditioned on ordering paragraphs (F), (G), and (H), which in turn were qualified by paragraph (I) which stipulated that the Commission could "modify or remove such conditions."

As a result of the construction and operation of certain subsequently authorized facilities in Docket No. CP66-303 and of the revision of requirements of certain customers as authorized in Docket Nos. CP66-398 and CP67-46, Petitioner submits that the required month end top storage inventories contained in ordering paragraph (F) are no longer realistic in light of current information.

Therefore, Petitioner requests that the Commission amend ordering paragraph (F) so that such paragraph reads as follows:

(F) Without specific permission from the Commission, Tennessee shall make no sales under Rate Schedules R, SR, TWS, ERS, or excess withdrawal provisions of Rate Schedules SS-5 and SS-E prior to November 1, 1966: *Provided, however,* That sales under such rate schedules may be made of gas which Tennessee is reasonably convinced cannot be moved beyond its Compressor Station No. 200.

During the period November 1, 1966, through March 31, 1967, Tennessee shall be permitted to make sales under such rate schedules of 1,300 MMcf each month plus or minus the amount of excess or deficiency, as the case may be, in top storage inventory for the month ending prior to such sales as shown below:

	MMcf
October 1966-----	14,516
November 1966-----	12,833
December 1966-----	8,388
January 1967-----	4,233
February 1967-----	96
March 1967-----	0

Any sales of gas under such rate schedules as contemplated above shall be made so as to be consistent with the maintenance of the specified top storage inventory for the end of the then current month.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 2, 1966.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12488; Filed, Nov. 17, 1966;  
8:46 a.m.]

[Docket No. CP67-125]

## TRANSWESTERN PIPELINE CO.

### Notice of Application

NOVEMBER 9, 1966.

Take notice that on November 4, 1966, Transwestern Pipeline Co. (Applicant), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP67-125 a "budget-type" application pursuant to section 7 (c) of the Natural Gas Act and § 157.7 (c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and operation of certain gas sales and transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate facilities only for purposes specifically set forth in § 157.7 (c) (1) of the regulations under the Act, except that Applicant will not make any direct industrial sales under authorization herein requested. Delivery to any one purchaser through such facilities will not exceed 100,000 Mcf annually and will not be used for boiler fuel purposes as defined in § 157.7(c) (9) of the regulations.

The total estimated cost of the proposed facilities will not exceed \$150,000, which cost will be financed out of funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 8, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene



is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12489; Filed, Nov. 17, 1966;  
8:46 a.m.]

## FEDERAL RESERVE SYSTEM

### CENTRAL WISCONSIN BANKSHARES, INC.

#### Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956, as amended, by Public Law 89-485, by Central Wisconsin Bankshares, Inc., Wausau, Wis., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of up to 100 percent of the voting shares of Mosinee Commercial Bank, Mosinee, Wis. Prior to the July 1, 1966, amendment to the Act, Applicant was a registered bank holding company, owning a majority of the outstanding shares of two banks located in Wisconsin. As a result of a change in the definition of "bank" effected by the amended Act, Applicant ceased to be a bank holding company. Since Applicant now owns a majority of the voting shares of one bank, as that term is defined in the amended Act, its proposal to acquire stock of Mosinee Commercial Bank requires the prior approval of the Board since consummation of the acquisition would constitute Applicant a bank holding company under the amended Act.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the

company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 9th day of November 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,  
Secretary.

[F.R. Doc. 66-12490; Filed, Nov. 17, 1966;  
8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[812-1987]

### INTERNATIONAL UTILITIES INVESTMENT CORP.

#### Notice of Filing of Application for Order Exempting Company

NOVEMBER 14, 1966.

Notice is hereby given that International Utilities Investment Corp. ("Applicant"), c/o White & Case, 14 Wall Street, New York, N.Y. 10005, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting Applicant from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations, which are summarized below.

Applicant was organized by International Utilities Inc. ("IU Inc.") under the laws of the State of Delaware on June 2, 1966. All of the outstanding capital stock of Applicant is owned by IU Inc., a Delaware corporation, organized on February 6, 1964. IU Inc. is a wholly owned subsidiary of International Utilities Corp. ("IU Corp."), a Maryland corporation organized on October 8, 1924.

IU Corp., a Canadian resident corporation most of whose shareholders are Canadians, is primarily engaged, through subsidiaries, in the distribution of natural gas and electricity, the operation of motor bus routes, the ownership, operation and chartering of oil tankers, bulk carriers, and refrigerator ships, the operation of truck lines, the recovery of steel and iron scrap, and in the processing of slag and crushed stone. It organized IU Inc. in order to segregate, for organizational and tax reasons, its investments in securities of issuers incorporated in the United States.

On August 13, 1965, the Commission issued an order, upon application by IU Inc. and IU Corp. exempting IU Inc., subject to specified conditions, from all provisions of the Act and the rules and

regulations thereunder (Investment Company Act Release No. 4325).

Applicant was organized by IU Inc. in order that IU Inc. could, also for organizational and State tax reasons, transfer to Applicant its portfolio of investment securities prior to a merger between IU Inc. and one of its wholly owned subsidiaries which is not an investment company. The securities to be transferred to Applicant are valued at approximately \$50 million. In addition, Applicant will assume approximately \$16 million of outstanding indebtedness of IU Inc. owed to IU Corp. Following the transfer, Applicant will be engaged in the business of purchasing, holding, and selling investment securities of issuers incorporated in the United States.

Applicant represents that it will not issue any securities (other than debt securities) to any person other than IU Inc. or IU Corp., and that immediately following such transfer, Applicant will have no outstanding debt securities except debt of IU Inc. to IU Corp. which will be assumed by Applicant, although Applicant may later issue debt securities in situations where such issuance would not involve a public offering of such debt. In addition, IU Inc. will not dispose of any securities of Applicant (other than debt securities) now or hereafter owned by it except to IU Corp.

Applicant also asserts that the purposes fairly intended by the policy and provisions of the Act are not furthered by subjecting Applicant to regulation under the Act for the following reasons: (1) Applicant, all the capital stock of which is now and will in the future be owned by IU Inc. or IU Corp., performs, for tax and corporate administrative purposes only, an investment function formerly performed by IU Inc.; (2) the policy underlying the Act is not applicable to Applicant because investors, whose only interest in Applicant is through ownership of the securities of IU Corp., do not require the protection of the Act merely because IU Corp., not itself an investment company, has decided to segregate its investment securities in a subsidiary of a subsidiary; and (3) the test of whether an investment company exists should be applied not to Applicant but to the entire business entity consisting of IU Corp. and all of its subsidiaries. Applicant has represented that investment securities of IU Corp. and its subsidiaries, as of June 30, 1966, amounted to no more than approximately 23 percent of total assets of IU Corp. and its subsidiaries, as of June 30, agreed that the order exempting it from all provisions of the Act may be subject to the conditions that Applicant will:

(1) File with the Commission, within 120 days after the close of each fiscal year of the Applicant, the data required by Items 1.08 (except with respect to information relating to persons under common control with the Applicant), 1.03, 1.10, and 1.11 of Form N-1R adopted by the Commission pursuant to section 30(a) of the Act; and

(2) File with the Commission, within 120 days after the close of each fiscal year of the Applicant, a statement of fi-



nancial position as of the close of such fiscal year, a statement of income for such fiscal year, a statement of paid-in surplus and retained earnings as of the close of such fiscal year, and a schedule of investments as of the close of such fiscal year for the Applicant: *Provided, however,* That any such statement or schedule may be incorporated by reference in such filing to any such statement or schedule filed with the Commission by the Applicant or IU Inc. or IU Corp. pursuant to the requirements of the Act, the Securities Act of 1933, or the Securities Exchange Act of 1934.

Notice is further given that any interested person may, not later than November 28, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or of law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12495; Filed, Nov. 17, 1966;  
8:47 a.m.]

## MARSHALL SAVINGS AND LOAN ASSOCIATION

### Notice of Application and Opportunity for Hearing

NOVEMBER 14, 1966.

Notice is hereby given that Marshall Savings and Loan Association ("Association"), Riverside, Ill., Cook County, Ill., has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("Act") for an order temporarily exempting the company from the registration requirements of section 12(g) of the Act, until a State-Appointed Receiver who is conserving

and collecting the assets of the Association is discharged from his duties and the management of the Association is returned to the holders of its permanent reserve stock.

Section 12(g) of the Act requires the registration of a class of equity securities of every issuer which is engaged in or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding \$1 million, if the securities are held of record by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the Act if the Commission finds, by reasons of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Association's application states, in part:

1. The Association, organized under the Illinois Savings and Loan Act, ("Illinois Act") (Ill. Rev. Stat. c. 32, sec. 701 ff. (1965)), has total assets substantially in excess of \$1 million and permanent reserve stock held of record by more than 750 persons. These shares are not listed on a national securities exchange and the Association has never been required to file reports pursuant to section 13 or 15(d) of the Act.

2. At one time the Director of Financial Institutions of the State of Illinois ("Director") was delegated the function of supervision of savings and loan associations. The Director's duties in reference to savings and loan associations were transferred to the newly created office of the Commissioner of Savings and Loan Associations ("Commissioner") by an amendment approved July 23, 1965, by The General Assembly of the State of Illinois ("the 1965 amendatory legislation"). The Association is presently subject to this statutory scheme.

3. On December 31, 1964, Joseph E. Knight, director, took custody of the Association pursuant to section 7-8 of the Illinois Act. Since December 31, 1964, the Association has not transacted any business in the ordinary sense.

4. Certain directors and officers of the Association filed in the Circuit Court of Cook County, Ill., a statutory action, *Flanigan v. Knight*, 65 CH 456, to contest the taking of custody by Director Knight.

5. On April 8, 1965, Director Knight, appointed John R. Henson as Receiver of the Association for the purpose of liquidation. On April 9, 1965, Director Knight caused a complaint in equity to be filed in the Circuit Court of Cook County, Ill., *Knight v. Marshall Savings*

and Loan Association, 65 CH 1875, for the purpose of orderly liquidation and dissolution of the Association. On April 9, 1965, Henson took possession of the assets of the Association, and commenced his duties as Receiver.

6. Both *Knight v. Marshall Savings and Loan Association*, and *Flanigan v. Knight*, are pending before the Circuit Court of Cook County, Ill. The issue to be decided in these actions is whether the Association will be liquidated or whether its management eventually will be returned to the holders of its permanent reserve stock.

7. On February 2, 1966, an order was entered, and presently remains in full force and effect, in the *Knight* case, which among other things, confirmed Henson as Receiver of the Association until it can be determined whether the Receiver is to proceed to the liquidation and dissolution of the Association.

8. Pursuant to the 1965 amendatory legislation, Justin Hulman, Commissioner, succeeded to certain duties of the Director in reference to the Association. On February 28, 1966, Commissioner Hulman appointed Donald D. Swope as successor Receiver of the Association in place of Henson, who had resigned. Swope commenced his duties as Receiver on March 1, 1966, and is presently exercising the powers and discharging the duties of that office under the supervision and jurisdiction of the Commissioner and the Circuit Court of Cook County, Ill.

9. The Federal Savings and Loan Insurance Corporation, pursuant to Federal statute, has paid the insured accounts of the Association to the extent permitted by statute (not to exceed \$10,000 per account), has taken assignments to such accounts, and is cooperating with the Receiver in conserving and protecting the assets of the Association.

10. Since December 31, 1964, 896 of the Association's permanent reserve shares have been transferred by seven transferees. The only such transfer in 1966 related to six shares.

11. The Association waives notice of hearing and the hearing itself in connection with this matter.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than December 5, 1966, submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact and law raised by



the application which he desires to controvert. At any time after said date, an order granting the application may be issued by the Commission unless an order for hearing upon said application be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12496; Filed, Nov. 17, 1966;  
8:47 a.m.]

## PINAL COUNTY DEVELOPMENT ASSOCIATION

### Order Suspending Trading

NOVEMBER 14, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5% percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered,* Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended this order to be effective for the period November 15, 1966, through November 24, 1966, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12497; Filed, Nov. 17, 1966;  
8:47 a.m.]

## UNDERWATER STORAGE, INC.

### Order Suspending Trading

NOVEMBER 14, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc. otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered,* Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 15, 1966, through November 24, 1966, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12498; Filed, Nov. 17, 1966;  
8:47 a.m.]

## TARIFF COMMISSION

[332-52]

### FABRICS CONTAINING WOOL

#### Notice of Investigation

In response to a request of November 10, 1966, from the Chairman, Committee on Ways and Means, House of Representatives, the U.S. Tariff Commission has instituted an investigation to assist the Committee in its consideration of possible legislation with respect to the tariff treatment of imports of fabrics containing over 17 percent by weight of wool, particularly imports of such fabrics containing reprocessed or reused wool. The full text of the request is appended to this notice.<sup>1</sup>

The Committee has instructed the Commission to submit its report on this investigation by January 10, 1967. The Commission will consider all written submissions received from interested parties by December 5, 1966. Submissions should be addressed to The Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436. No public hearing will be held.

Issued: November 15, 1966.

By order of the Commission.

[SEAL] DONN N. BENT,  
Secretary.

[F.R. Doc. 66-12507; Filed, Nov. 17, 1966;  
8:48 a.m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

<sup>1</sup> Request filed with the original document.

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Archbald Sewing Co., 140 Cherry Street, Archbald, Pa.; 10-25-66 to 10-24-67 (children's dresses).

The Arrow Co., a division of Cluett, Peabody & Co., Inc., Carbon Hill, Ala.; 10-15-66 to 10-14-67 (men's and boys' dress shirts).

Baby Bliss, Inc., Nashville, Mich.; 10-10-66 to 10-9-67; 10 learners (infants' wear).

The Bennettsville Co., division of Florence Manufacturing Co., Inc., 200 Rogers Street, Bennettsville, S.C.; 10-12-66 to 9-11-67 (ladies' dresses) (replacement certificate).

Big Yank Corp., Tyrone, Pa.; 10-18-66 to 10-17-67 (men's work pants).

Blue Bell, Inc., Arab, Ala.; 10-17-66 to 10-16-67 (men's, boys', and ladies' wranglers).

Blue Bell, Inc., Oneonta, Ala.; 10-17-66 to 10-16-67 (men's, boys', ladies' and girls' wranglers).

Blue Bell, Inc., Belmont, Miss.; 10-21-66 to 10-20-67 (men's and boys' trousers).

Blue Bell, Inc., Fulton, Miss.; 10-21-66 to 10-20-67 (men's and boys' trousers).

Blue Ridge Shirt Manufacturing Co., Post Office Box 447, Fayetteville, Tenn.; 10-31-66 to 10-30-67 (men's and boys' shirts).

Carbondale Children's Dress Co., 30 Seventh Avenue, Carbondale, Pa.; 11-1-66 to 10-31-67 (children's and girls' dresses and playsuits).

Chatom Manufacturing Co., Inc., Chatom, Ala.; 10-5-66 to 10-5-67; 10 learners (men's and boys' pajamas).

Crystal Springs Shirt Corp., Crystal Springs, Miss.; 10-21-66 to 10-20-67 (boys' shirts).

The Dantan Co., Inc., Rankin Street, Dumas, Ark.; 10-18-66 to 10-17-67 (ladies' sportswear).

Dublin Sportswear, Inc., Dublin, Tex.; 10-15-66 to 10-14-67 (boys' pants).

E-Town Sportswear Corp., 230-240 College Street, Elizabethtown, Ky.; 10-24-66 to 10-23-67 (men's slacks).

E & W of Kennett, Inc., Kennett, Mo.; 10-12-66 to 10-11-67 (men's and boys' shirts).

The Farmville Corp., Post Office Box 417, Farmville, N.C.; 11-4-66 to 11-3-67; 10 learners (ladies' jeans, slacks, and shorts).

Form-O-Uth Brassiere Co., doing business as Marie Foundations, 800 East Kingsmill, Pampa, Tex.; 10-14-66 to 10-13-67 (brassieres and girdles).

Glenn Manufacturing Co., Inc., Amory, Miss.; 10-15-66 to 10-14-67 (men's, boys', and ladies' slack and walking shorts).

Greensboro Manufacturing Corp., 1900 East Bessemer Avenue, Greensboro, N.C.; 10-19-66 to 10-18-67 (women's flannette and cotton nightwear and pajamas).

Hagale Garment Manufacturing Co., Reeds Spring, Mo.; 10-10-66 to 10-9-67 (men's and boys' dress pants).

Harrisburg Children's Dress Co., 1380 Howard Street, Harrisburg, Pa.; 10-26-66 to 10-25-67 (children's and girls' dresses and playsuits).

Irene Sportswear Co., Inc., Plant No. 2, Main Street, Dalton, Pa.; 10-10-66 to 10-9-67; 5 learners (ladies' blouses).

Joyner-Fields, Inc., Post Office Box 179, Sherman, Miss.; 10-15-66 to 10-14-67 (men's sport shirts).

Kenrose Manufacturing Co., Inc., 1005 Industry Circle SE., Roanoke, Va.; 10-19-66 to 10-18-67 (women's dresses and blouses).

Key Work Clothes, Inc., Fort Scott, Kans.; 10-31-66 to 10-30-67 (overalls, work jackets, and coveralls).

Key Work Clothes of Missouri, Nevada, Mo.; 11-1-66 to 10-31-67 (men's work pants and work shirts).



Lansford Apparel Co., West Patterson Street, Lansford, Pa.; 10-31-66 to 10-30-67 (children's dresses).

Lebanon Garment Co., East Market Street, Lebanon, Tenn.; 10-15-66 to 10-14-67 (men's and boys' trousers).

Louisiana Garment Manufacturing Co., Inc., 2001 St. Bernard Avenue, New Orleans, La.; 10-11-66 to 10-10-67 (work pants, sport pants, and jeans).

Murcel Manufacturing Corp., 410 South Harrington Street, Glennville, Ga.; 10-12-66 to 10-11-67; 10 learners (ladies', maids', and nurses' uniforms).

Mitchell Manufacturing, Inc., 702 Tate Street, Corinth, Miss.; 10-20-66 to 10-19-67 (men's shirts).

Newport News Children's Dress Co., 824 39th Street, Newport News, Va.; 10-20-66 to 10-19-67 (children's and girls' dresses and playsuits).

Nino Sportswear, 221 Lackawanna Avenue, Scranton, Pa.; 10-24-66 to 10-23-67 (boys' trousers).

Penn Childrens Dress Co., 831 Lackawanna Avenue, Mayfield, Pa.; 10-26-66 to 10-25-67 (children's and girls' dresses and playsuits).

Phillips-Van Heusen Corp., Clayton, Ala.; 10-4-66 to 10-3-67 (dress shirts).

Phillips-Van Heusen Corp., Geneva, Ala.; 10-4-66 to 10-3-67 (men's dress and sport shirts).

Phillips-Van Heusen Corp., Hartford, Ala.; 10-4-66 to 10-3-67 (men's dress shirts).

Phillips-Van Heusen Corp., Ozark, Ala.; 10-4-66 to 10-3-67 (pajamas).

Publix Shirt Corp., Myerstown, Pa.; 10-15-66 to 10-14-67 (men's and boys' dress shirts).

J. H. Rutter Rex Manufacturing Co., Inc., 3725 Dauphine Street, New Orleans, La.; 10-11-66 to 10-10-67 (men's and boys' work pants).

Sagamore Manufacturing Co., Shirt Division, 2 Weaver Street, Fall River, Mass.; 10-13-66 to 10-12-67 (men's dress shirts).

Shelburne Shirt Co., Inc., 69 Alden Street, Fall River, Mass.; 11-1-66 to 10-31-67 (men's dress shirts).

Henry I. Siegel Co., Inc., South Fulton, Tenn.; 10-14-66 to 10-13-67 (men's and boys' single pants).

Southern Garment Co., Post Office Box 608, Robbins, N.C.; 10-12-66 to 10-11-67; 10 learners (women's dresses).

Standard Romper Co., Inc., 558 Roosevelt Avenue, Central Falls, R.I.; 10-15-66 to 10-14-67 (children's outerwear garments).

Levi Strauss & Co., 808 West 29th Street, San Angelo, Tex.; 10-17-66 to 10-16-67 (men's slacks).

Levi Strauss & Co., 201 South Dillard Street, Blackstone, Va.; 10-21-66 to 10-20-67 (men's and boys' pants).

Tom and Huck Togs, Inc., Beaverton, Ala.; 10-15-66 to 10-14-67 (men's and boys' dress and sport pants).

Tracy City Manufacturing Co., Tracy City, Tenn.; 10-17-66 to 10-16-67 (men's and boys' sport shirts).

Triple A Trouser Manufacturing Co., Inc., Penn Avenue at Larch Street, Scranton, Pa.; 11-1-66 to 10-31-67 (boys' trousers).

Washington Garment Co., Inc., 900 East Fifth Street, Washington, N.C.; 10-24-66 to 10-23-67 (children's dresses).

Washington Overall Manufacturing Co., South Court Street, Scottsville, Ky.; 10-26-66 to 10-25-67 (men's and boys' sport trousers).

J. M. Wood Manufacturing Co., Inc., 403 East Black Jack Street, Dublin, Tex.; 10-5-66 to 10-4-67 (men's work shirts).

The following plant expansion certificates were issued authorizing the number of learners indicated.

The Farmville Corp., Post Office Box 417, Farmville, N.C.; 11-4-66 to 5-3-67; 30 learners (ladies' jeans, slacks, and shorts).

Lauderdale Garment Corp., Post Office Box 468, Ripley, Tenn.; 10-4-66 to 4-3-67; 115 learners (men's and boys' trousers).

Laurel Industrial Garment Manufacturing Co., Post Office Box 2397, Laurel, Miss.; 10-15-66 to 4-14-67; 45 learners (men's work shirts).

Otero Manufacturing Co., Alamogordo, N. Mex.; 10-12-66 to 4-11-67; 120 learners (men's and boys' work pants).

J. H. Rutter Rex Manufacturing Co., Inc., 3725 Dauphine Street, New Orleans, La.; 10-15-66 to 4-14-67; 100 learners (men's and boys' work pants).

Henry I. Siegel Co., Inc., Eloy, Ariz.; 10-15-66 to 4-14-67; 15 learners (men's and boys' pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Granet Glove Corp., Post Office Box 188, South Royalton, Vt.; 10-15-66 to 10-14-67; 5 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Amos Hosiery Mills, Inc., 325 East Russell Avenue, High Point, N.C.; 10-12-66 to 10-11-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Charles H. Bacon Co., Inc., Loudon, Tenn.; 11-3-66 to 11-2-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Karen Dale Knitting Mills, Spruce Pine, N.C.; 10-20-66 to 10-19-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

V. I. Prewett & Son, Inc., 2808 North Gault Avenue, Fort Payne, Ala.; 10-14-66 to 10-13-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' and children's hosiery).

Scottsboro Hosiery Co., Scottsboro, Ala.; 10-9-66 to 10-8-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Dixie Belle Textiles, Inc., Piedmont Street, Gibsonville, N.C.; 10-10-66 to 10-9-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's underwear and sleepwear).

Garan, Inc., Lambert Mills Division, Lambert, Miss.; 10-7-66 to 10-6-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' banlon shirts).

Standard Romper Co., Inc., Building No. 7, 200 Conant Street, Pawtucket, R.I.; 10-12-66 to 10-11-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's knit shirts).

Sylvester Textile Corp., Sylvester, Ga.; 10-22-66 to 10-21-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie and sleepwear).

Union Underwear Co., Inc., Greensburg Road, Campbellsville, Ky.; 10-31-66 to 10-30-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Carlita Corp., Post Office Box 127, Hormigueros, P.R.; 10-10-66 to 12-31-66; 27 learners for plant expansion purposes in the occupations of: (1) Stitching machine operating, laying-off, each for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 79 cents an hour for the remaining 240 hours; and (2) clicker cutting, for a learning period of 160 hours at the rate of 68 cents an hour (golf gloves).

Consolidated Cigar Corp. of Cayey, Plant No. 22, Bo. Montellano, Post Office Box 937, Cayey, P.R.; 9-19-66 to 9-18-67; 80 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of 94 cents an hour (wrapper type tobacco).

Consolidated Cigar Corp. of Cayey, Plant No. 22, Bo. Montellano, Post Office Box 937, Cayey, P.R.; 9-19-66 to 4-15-67; 44 learners for normal labor turnover purposes in the occupations of: (1) Selecting, for a learning period of 240 hours at the rate of 80 cents an hour; and (2) inspecting, for a learning period of 160 hours at the rate of 94 cents an hour (wrapper type tobacco) (supplemental certificate).

Consolidated Cigar Corp. of Cayey, Plant No. 24, Bo. Montellano, Post Office Box 937, Cayey, P.R.; 9-19-66 to 4-15-67; 58 learners for normal labor turnover purposes in the occupations of: (1) Sorting, sizing, and tying, each for a learning period of 240 hours at the rate of 80 cents an hour, and (2) inspecting, for a learning period of 160 hours at the rate of 94 cents an hour (wrapper type tobacco).

Dorfman Caribe, Inc., Pet State Road 867, Km. 7.8, Post Office Box 256, Toa Baja, P.R.; 10-10-66 to 3-31-67; 6 learners for plant expansion purposes in the occupation of embroidery machine operating, mending machine operating, thread cutting machine operating, each for a learning period of 160 hours at the rate of 85 cents an hour (Schiffli embroidery).

Granada Mills, Inc., Road No. 1, Km. 34.2—Villa Blanca, Post Office Box 881, Caguas, P.R.; 9-19-66 to 9-18-67; 24 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (ladies' night gowns, ladies' and children's panties).

Guanter de Ponce, Inc., Avenida Hostos No. 88, Apartado 191, Estacion No. 6, Ponce, P.R.; 9-21-66 to 9-20-67; 5 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours (ladies' men's, and children's fabric dress gloves; ladies' and men's leather sport gloves).

Guanter de Ponce, Inc., Avenida Hostos No. 88, Apartado 191, Estacion No. 6, Ponce, P.R.; 9-21-66 to 3-31-67; 5 learners for normal labor turnover purposes in the occupation of laying-off, for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours (ladies', men's, and children's fabric dress gloves; ladies' and men's leather sport gloves) (supplemental certificate).

La Torre Co., Inc., Apartado 605, Albonito, P.R.; 10-3-66 to 10-2-67; 92 learners for normal labor turnover purposes in the occupa-



tion of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (ladies' underwear, sleepwear, and shoulder straps).

Nina Manufacturing Corp., Carretera Estatal No. 31, Km. 4.1, Box 537, Naguabo, P.R.; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (children's slips).

Ronmar, Inc., 357 Guipuzcoa Street, Hato Rey, P.R.; 10-3-66 to 4-2-67; 20 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (women's undergarments).

Salinas Gloves, Inc., Barrio Coqui, Aguirre, P.R.; Apartado 68, Guayama, P.R.; 10-3-66 to 10-2-67; 10 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours (leather gloves).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 4th day of November 1966.

ROBERT G. GRONEWALD,  
Authorized Representative  
of the Administrator.

[F.R. Doc. 66-12494; Filed, Nov. 17, 1966;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 15, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 40787—*Joint motor-rail rates—central and southern*. Filed by Central and Southern Motor Freight Tariff Association, Inc., agent (No. 115), or interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory, on the one hand, and points in southern territory, on the other.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 57 to Central and Southern Motor Freight Tariff Association, Inc., agent, tariff MF-ICC 309.

FSA No. 40788—*Beet or cane sugar to Sulphur Springs, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8918), for interested rail carriers. Rates on beet or cane sugar, in covered hopper cars, in carloads, from points in Louisiana, to Sulphur Springs, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 60 to Southwestern Freight Bureau, agent, tariff ICC 4514.

FSA No. 40789—*TOFC rates—endrin between points in southwestern territory*. Filed by Southwestern Freight Bureau, agent (No. B-8921), for interested rail carriers. Rates on endrin, in barrels, boxes, drums or 5-ply paper bags, in trailer loads, between points in southwestern territory.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 46 to Southwestern Freight Bureau, agent, tariff ICC 4647.

FSA No. 40790—*TOFC rates—plaster between points in southwestern territory*. Filed by Southwestern Freight Bureau, agent (No. B-8924), for interested rail carriers. Rates on cement, lime, or plaster, viz: Plaster, land, in bags, barrels, or boxes, also gypsum, powdered, not calcined, in bags, barrels, or boxes, in trailer loads, between points in southwestern territory.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 46 to Southwestern Freight Bureau, agent, tariff ICC 4647.

FSA No. 40791—*Pulpwood to Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8930), for interested rail carriers. Rates on pulpwood, in carloads, from points in Oklahoma, to Houston, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 3 to Southwestern Freight Bureau, agent, tariff ICC 4702.

FSA No. 40792—*Soda ash from Saltville, Va.* Filed by O. W. South, Jr., agent (No. A4960), for interested rail carriers. Rates on soda ash, in covered hopper cars, in carloads, from Saltville, Va., to Hillsboro and Tampa, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 69 to Southern Freight Association, agent, tariff ICC S-517.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12515; Filed, Nov. 17, 1966;  
8:49 a.m.]

[Notice 1441]

### MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 15, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Com-

merce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69080. By order of October 31, 1966, the Transfer Board approved the transfer to May Trucking Co., a corporation, Payette, Idaho; of certificates in Nos. MC-119530 (Sub-No. 1), MC-119530 (Sub-No. 2), MC-119530 (Sub-No. 3), and MC-119530 (Sub-No. 4) thereunder, issued August 25, 1961, August 2, 1960, May 19, 1961, January 28, 1963, and November 27, 1962, respectively, to Clarence M. May and Scott Pearson, a partnership, doing business as May Trucking Co., Payette, Idaho; authorizing the transportation of: Prefabricated buildings and their component parts, cement, cinder, and concrete blocks, brick, concrete pipe, animal and poultry feed, cement products, and general commodities, with the usual exceptions including household goods and commodities in bulk, from, to, or between, specified points or parts of Oregon, Idaho, and Nevada. J. Charles Blanton, Box 1869, Boise, Idaho, attorney for applicants.

No. MC-FC-69104. By order of October 31, 1966, the Transfer Board approved the transfer to James A. Barnard, doing business as Jim Barnard Trucking Co., Spring Hill, Kans.; of certificate in No. MC-62882, issued December 31, 1956, to Cunningham Truck Line, Inc.; Spring Hill, Kans.; authorizing the transportation of: General commodities, with the usual exceptions, and several specified commodities, from, to, or between specified points in the Kansas City, Mo.; Kansas City, Kans., area. Marion W. Chipman, Post Office Box 1, Olathe, Kans. 66061, attorney for applicants.

No. MC-FC-69166. By order of November 4, 1966, the Transfer Board approved the transfer to Johnstown-Pittsburgh Express, Inc., Pittsburgh, Pa., of the certificate in No. MC-116506, issued September 9, 1958, to William Grimm, doing business as Johnstown-Pittsburgh Express, Pittsburgh, Pa., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between Pittsburgh, Pa., and Johnstown, Pa., serving intermediate points and certain off-route points. Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa., 15219, attorney for applicants.

No. MC-FC-69169. By order of November 4, 1966, the Transfer Board approved the transfer to Earl Steffes, Gray, Iowa, of the certificate in No. MC-17725, issued February 14, 1941, to Peter L. Pe-



tersen, Gray, Iowa, authorizing the transportation of: Livestock, feed, seed, building materials, agricultural machinery, and hardware, over regular routes, between Gray, Iowa, and Omaha, Nebr., as specified.

No. MC-FC-69174. By order of November 4, 1966, the Transfer Board approved the transfer to Starlite Delivery Service, Inc., Bayonne, N.J., of certificate No. MC-31044, issued September 26, 1966, to Apex Express, Inc., Bayonne, N.J. (formerly Perth Amboy, N.J.), and authorizing the transportation of: General commodities, except household goods as defined by the Commission, between New York, N.Y., and Atlantic City, N.J.; coffee, between Hoboken, N.J., and Lansdowne, Pa., and between Hoboken, N.J., and Washington, D.C., and printed and advertising matter, between New York, N.Y., and Washington, D.C. M. Stanley Susskind, 573 Broadway, Bayonne, N.J. 07002, attorney for applicants.

No. MC-FC-69181. By order of November 4, 1966, the Transfer Board approved the transfer to Ross Transfer, Inc., Chadron, Nebr., of the operating rights in certificates Nos. MC-28951, MC-28951 (Sub-No. 1), MC-28951 (Sub-No. 3), MC-28951 (Sub-No. 11), MC-28951 (Sub-No. 15), MC-28951 (Sub-No. 17), and MC-28951 (Sub-No. 18), issued February 14, 1955, March 4, 1944, May 29, 1951 (Corrected), September 16, 1954, May 6, 1959, March 9, 1962, and December 11, 1961, to Robert Y. Ross, doing business as Ross Transfer, Chadron, Nebr., authorizing the transportation of: General commodities, with the usual exceptions, and other specified commodities, between points in Colorado, Iowa, Nebraska, South Dakota, and Wyoming. Donald E. Leonard, Box 2028, 605 South 14th Street, Lincoln, Nebr., attorney for applicants.

No. MC-FC-69190. By order of November 4, 1966, the Transfer Board approved the transfer to Kotze Express Co., Inc., North Merrick, N.Y., in permit Nos. MC-100598 and MC-100598 (Sub-No. 3), issued November 3, 1950, and August 2, 1962, respectively, to Charles Kotze, North Merrick, N.Y., authorizing the transportation, over irregular routes, of rubber tires and tubes, batteries, and such commodities as are dealt in by wholesale and retail operators of automobile service and supply stores, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, from, to, and between specified points in New York and New Jersey, varying with the commodities transported. Myron Raisman, 261 Broadway, New York, N.Y. 10007, attorney for applicants.

No. MC-FC-69191. By order of November 4, 1966, the Transfer Board approved the transfer to 4-G Trucking, Inc., Leitchfield, Ky., of the operating rights of Glasscock Trucking Co., Inc., Leitchfield, Ky., in permit No. MC-126392, issued January 6, 1965, authorizing the transportation, over irregular

routes, of limestone, in bulk, in dump trucks, slag, in bulk, in dump vehicles, sand, gravel, and slag, in bulk, in dump vehicles, from and to specified points in Kentucky, Ohio, and West Virginia, varying with the commodities transported. Richard H. Brandon, 810 Hartman Building, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-69194. By order of November 8, 1966, the Transfer Board approved the transfer to C W Transport, Inc., a Delaware corporation, Wisconsin Rapids, Wis., of the operating rights in certificate Nos. MC-111594, MC-111594 (Sub-No. 1), MC-111594 (Sub-No. 2), MC-111594 (Sub-No. 3), MC-111594 (Sub-No. 4), MC-111594 (Sub-No. 5), MC-111594 (Sub-No. 6), MC-111594 (Sub-No. 10), MC-111594 (Sub-No. 13), MC-111594 (Sub-No. 14), MC-111594 (Sub-No. 17), MC-111594 (Sub-No. 18), MC-111594 (Sub-No. 19), MC-111594 (Sub-No. 21), MC-111594 (Sub-No. 23), MC-111594 (Sub-No. 24), and MC-111594 (Sub-No. 25) issued May 31, 1960, March 29, 1950, March 29, 1950, March 29, 1950, March 29, 1950, September 11, 1953, September 20, 1951, May 12, 1955, September 3, 1958, May 28, 1959, November 15, 1960, March 21, 1961, June 2, 1961, August 8, 1963, May 5, 1964, March 16, 1964, and April 7, 1964, respectively, to Central Wisconsin Motor Transport Co., an Illinois corporation, Wisconsin Rapids, Wis., authorizing the transportation of general commodities, with the usual exceptions, and numerous specified commodities, of a general commodity nature, between points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin. Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603, attorney for applicants.

[SEAL]

H. NEIL GARSON,  
Secretary.[F.R. Doc. 66-12516; Filed, Nov. 17, 1966;  
8:49 a.m.]

[Drouth Order 65; Amdt. 1]

## VIRGINIA

Transportation of Hay at Reduced  
Prices

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: William H. Tucker, Vice Chairman, to whom the above entitled matter has been assigned for action thereon.

It appearing, that by reason of drouth conditions existing in certain portions of the State of Virginia, hereinafter referred to as the disaster area, the Secretary of the U.S. Department of Agriculture has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates:

*It is ordered, That carriers by railroad participating in the transportation of hay to the counties of:*

Albermarle.	Halifax.
Alleghany.	Hanover.
Amelia.	Henry.
Amherst.	Highland.
Appomattox.	King George.
Augusta.	Loudoun.
Bath.	Louisa.
Bedford.	Lunenburg.
Bland.	Madison.
Botetourt.	Mecklenburg.
Brunswick.	Montgomery.
Buckingham.	Nelson.
Campbell.	Nottoway.
Charlotte.	Orange.
Chesterfield.	Page.
Clarke.	Patrick.
Craig.	Pittsylvania.
Culpeper.	Powhatan.
Cumberland.	Prince Edward.
Dinwiddie.	Prince William.
Fairfax.	Pulaski.
Fauquier.	Rappahannock.
Floyd.	Roanoke.
Fluvanna.	Rockbridge.
Franklin.	Rockingham.
Frederick.	Shenandoah.
Giles.	Spotsylvania.
Goochland.	Stafford.
Greene.	Warren.
Greensville.	Wythe.

all located in the State of Virginia, referred to herein as the disaster area, be, and they are hereby authorized under section 22 of the Interstate Commerce Act to establish and maintain until May 31, 1967, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be effective 1 day after publication and filing instead of 30.

*It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the U.S. Department of Agriculture or by such State agents or agencies as may in turn be designated by the U.S. Department of Agriculture to assist in relieving the distress caused by the drouth.*

*It is further ordered, That during the period in which any reduced rate is authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.*

*It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.*

*And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy*



with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Ga., the Chairman of the Executive Committee, Western Railroads Traffic Association, Chicago, Ill., the Vice President and Director, Bureau of Railway Economics, Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 10th day of November A.D. 1966.

By the Commission, Vice Chairman Tucker.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12517; Filed, Nov. 17, 1966;  
8:49 a.m.]

[No. 34573; Sub-No. 15]

### CANNED GOODS

#### Pacific Coast to the East

In the matter of directing special procedure and assignment for hearing.

Present: Howard Freas, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

It appearing, that in the original order of this proceeding dated March 18, 1965, the Commission, Division 2 acting as an

Appellate Division, entered upon an investigation concerning the matter of rates and charges, and the rules, regulations, and practices affecting such rates and charges, applicable on interstate or foreign commerce of canned goods between Pacific Coast territory and transcontinental eastern defined points, as set forth in the schedules designated therein;

It further appearing, that by order dated October 13, 1966, upon consideration of the additional tariff schedules filed by Sea-Land Service, Inc., there was reason to institute an investigation to determine whether said additional tariff schedules may result in rates and charges, rules, regulations, and practices that are unjust and unreasonable in violation of the Interstate Commerce Act;

And it further appearing, that upon consideration of the record in this proceeding, it is of such a nature as to be assigned for hearing and to require the adoption of special procedure; and for good cause appearing therefor:

*It is ordered, That:*

(1) Respondent shall file with the Commission on or before December 1, 1966, its prepared testimony, in writing, including all exhibits thereto and at the same time serve a copy of said statements and exhibits upon the protestants;

(2) Protestants shall file with the Commission on or before January 4, 1967, their reply prepared statements, in writing, including all exhibits thereto and at the same time, serve a copy of said statements and exhibits upon the respondent;

(3) Requests to cross-examine any witness filing a prepared statement shall be made on or before January 16, 1967, by giving written notice of such desire to counsel for said witness, a copy of such notice to be filed simultaneously with this Commission. Failure of any witness to appear at the hearing for cross-examination if notified to do so shall be considered good cause for the rejection of his prepared statement and exhibits;

(4) In the event a request is made for the cross-examination of any witness filing a prepared statement, this proceeding is assigned to Hearing Examiner O. G. Barber for hearing at the Offices of the Interstate Commerce Commission, Washington, D.C., commencing on January 25, 1967, 9:30 a.m., U.S. standard time, and for recommendation of an appropriate order thereon, accompanied by the reasons therefor;

(5) An original of all prepared statements and exhibits with two copies shall be filed with the Commission.

*And it is further ordered,* That a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

Dated at Washington, D.C., this 1st day of November A.D. 1966.

By the Commission, Commissioner Freas.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12518; Filed, Nov. 17, 1966;  
8:49 a.m.]



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# FEDERAL REGISTER

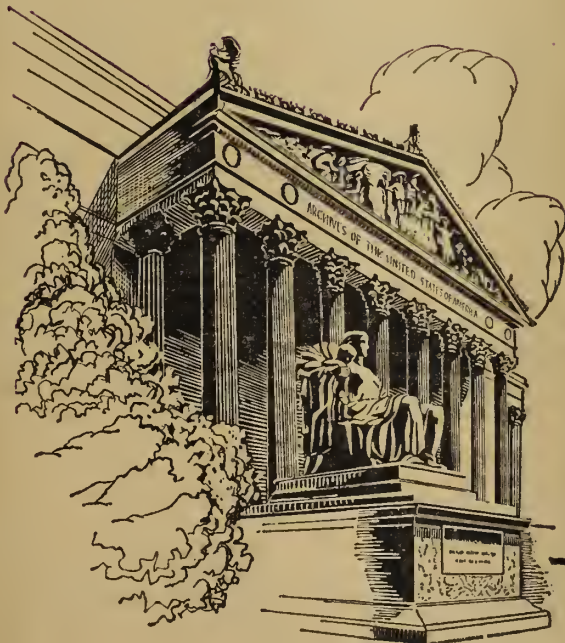
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PART II

Water Resources Council

Organization;  
Planning Grants  
to States





# Title 18—CONSERVATION OF POWER AND WATER RESOURCES

## Chapter VI—Water Resources Council ORGANIZATION; PLANNING GRANTS TO STATES

A notice was published at 31 F.R. 9747 proposing to add a new Chapter VI to Title 18 of the Code of Federal Regulations. With such notice was published a proposed Part 703, establishing rules and regulations under which the States may apply for grants from the Water Resources Council to carry out comprehensive water and related land resources planning on an accelerated basis. All interested persons have been afforded opportunity to participate in the rule making under Part 703 through attendance at public hearings held for such purpose and the submission of written comments.

The following Part 701, describes the organization of the Water Resources Council and the manner by which it will discharge its duties and responsibilities.

Part 702, prescribing criteria for establishment of river basin commissions, is reserved for future implementation.

After due consideration to all relevant matter and comments presented to the Council, the planning grants to States shall be governed by the following Part 703.

These rules are issued to become effective on the date of publication in the FEDERAL REGISTER.

HENRY P. CAULFIELD, Jr.,  
Executive Director.

### PART 701—COUNCIL ORGANIZATION

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AUTHORITY: The provisions of this Part 701 issued under sec. 402, 79 Stat. 244; 42 U.S.C. 1962d-1.

#### Subpart A—Introduction

##### § 701.1 General.

This part describes the organization established by the Water Resources Council in discharging its duties and responsibilities. The organization is designed to assure that Council Members will meet at least quarterly and consider and decide major matters before the Council. It provides that Representatives of Council Members together with the Executive Director can take action when necessary and appropriate and, after consideration, submit recommendations to the Council Members on matters requiring their action. It also provides that the Council Members shall be continuously advised of the actions of their representatives and the Council staff. Council Members expect to participate personally in the work of the Council.

##### § 701.2 Creation and basic authority.

The Water Resources Council was established by the Water Resources Planning Act (42 U.S.C. 1962-1962d-5). The rules and regulations of this part are promulgated under section 402 of the Act (42 U.S.C. 1962d-1).

##### § 701.3 Purpose of the Water Resources Council.

It is the purpose of the Water Resources Council to effectuate the policy of the United States in the Water Resources Planning Act (hereinafter the Act) to encourage the conservation, development, and utilization of water and related land resources of the United States on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprise with the cooperation of all affected Federal agencies, States, local governments, individuals, corporations, business enterprises, and others concerned, within the limitations set forth in section 3 of the Act (42 U.S.C. 1962-1).

##### § 701.4 Functions.

The functions of the Water Resources Council are:

(a) To maintain a continuing study and prepare periodically an assessment of the adequacy of supplies of water necessary to meet the water requirements in each water resource region in the United States and of the national interest therein.

(b) To maintain a continuing study of the relation of regional or river basin plans and programs to the requirements of larger regions of the Nation.

(c) To appraise the adequacy of administrative and statutory means for coordination and implementation of the water and related land resources policies and programs of the several Federal agencies and to make recommendations

to the President with respect to Federal policies and programs.

(d) To establish, after consultation with appropriate interested Federal and non-Federal entities, and with the approval of the President, principles, standards, and procedures for Federal participation in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects, including primary direct navigation benefits as defined by section 7a, P.L. 89-670.

(e) To coordinate schedules, budgets, and programs of Federal agencies in comprehensive interagency regional or river basin planning.

(f) To carry out its responsibilities under Title II of the Act with regard to the creation, operation, and termination of Federal-State river basin commissions.

(g) To receive plans or revisions thereof submitted by river basin commissions in accordance with section 204(3) of the Act (42 U.S.C. 1962b(3)), and to review and transmit them, together with its recommendations, to the President in accordance with section 104 of the Act (42 U.S.C. 1962a-3).

(h) To assist the States financially in developing and participating in the development of comprehensive water and related land resources plans in accordance with Title III of the Act.

(i) To perform such other functions as the Council may be authorized by law, executive orders, regulations, or other appropriate instructions to perform.

(j) To take such actions as are necessary and proper to implement the Act and to carry out the functions enumerated herein.

##### § 701.5 Organization pattern.

(a) The Office of the Water Resources Council is composed of the Water Resources Council, the Chairman of the Water Resources Council, the Water Resources Council Staff headed by an Executive Director, and Field Organizations within its jurisdiction.

(b) The Water Resources Council (hereinafter the Council consists) of the following members: The Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, the Secretary of Health, Education, and Welfare, the Secretary of Transportation (pursuant to section 7a, P.L. 89-670), and the Chairman of the Federal Power Commission.

(c) The Chairman of the Council is designated by the President.

(d) The Water Resources Council staff is employed, assigned duties and responsibilities, and supervised by the Executive Director in accordance with §§ 701.76 through 701.80, inclusive.

(e) Field organizations are established by or operate under the Council and include field committees formerly under the Inter-Agency Committee on Water Resources and the offices of the Chairmen of Federal-State River Basin Commissions.



**§ 701.6 Location of office.**

The Headquarters is located in Washington, District of Columbia.

**§§ 701.7-701.50 [Reserved]**

**Subpart B—Headquarters Organization**

**§ 701.51 The Council.**

Decisions of the Council are made as hereinafter described in §§ 701.53 and 701.54.

**§ 701.52 Definitions.**

(a) As used in this part the term "Member" means the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, the Secretary of Health, Education, and Welfare, the Secretary of Transportation, the Chairman of the Federal Power Commission, or a designee appointed in accordance with § 701.53(a) when the designee is acting for one of the above-named.

(b) As used in this part the term "Representative" means an individual authorized by a "Member" to act for such member pursuant to § 701.54.

**§ 701.53 Council decisions by Members.**

Council decisions by Members with respect to the purpose stated in § 701.3 and the functions listed in § 701.4 are determined by majority vote of Members present except that decisions affecting the authority or responsibility of a Member, within the meaning of section 3(b) of the Act (42 U.S.C. 1962-1(b)), can be made only with his concurrence. In exceptional cases a Council decision may be made by written communication. Such decision requires unanimous approval of the Members.

(a) Each of the Secretaries named in § 701.5 and the Chairman of the Federal Power Commission shall designate in writing those individuals who may act as his designee in fulfilling his duties as a Member. (See § 701.58(c).)

(b) A quorum for the transaction of business consists of four or more Members, at least one of whom shall be an aforementioned Secretary or the Chairman of the Federal Power Commission.

(c) Each Member has equal responsibility and authority in all decisions and actions of the Council and shall have full access to all information relating to the performance of his duties and responsibilities.

(d) No vote shall be taken until each Member shall have had full opportunity to express his views.

(e) Members shall meet regularly at least quarterly, upon the call of the Chairman, or when requested by a majority of Members.

(f) The agenda and related documents for such meetings will be distributed to Members at least 7 days in advance.

(g) Matters specifically reserved for Council decision by Members are:

(1) Actions requiring Presidential action or approval.

(2) Submission to the President of nominations for Chairmen of Federal-estate River Basin Commissions.

(3) Approval of Annual Budget requests and the Annual Operating Program of the Office of the Water Resources Council.

(4) Decisions involving substantial policy issues.

(5) Delegations of authority.

(6) Determination that testimony taken or evidence received shall be taken under oath.

(7) Issuance of invitations to become Associate Members or Observers.

(8) Appointment and termination of the appointment of Executive Officers.

(9) Approval of Council rules and regulations and amendments thereto.

**§ 701.54 Council decisions by Representatives.**

Council decisions with respect to the purpose stated in § 701.3 and the functions listed in § 701.4, above, may be made by Representatives except for matters specifically reserved in § 701.53(g) for Council decision by Members. Only one Representative of a Member shall participate officially in a Council decision by Representatives, but up to four individuals may be authorized to act as Representatives of a Member. Council decisions by Representatives shall be by unanimous agreement of the Representatives and the Executive Director, or in his absence the Acting Executive Director. In exceptional case, a decision may be made by written communication.

(a) The Representatives and the Executive Director shall work to coordinate the water and related land activities for which the Council Members are responsible.

(b) Each Representative and the Executive Director has equal responsibility and authority for Council decisions and shall have full access to all information relating to the performance of his duties and responsibilities.

(c) The Executive Director shall serve as Chairman of meetings of Representatives. The Acting Executive Director, designated in accordance with § 701.79 (a), shall serve as Chairman in the absence or disability of the Executive Director or vacancy in that office.

(d) Regular meetings for the transaction of business shall be biweekly, and special meetings shall be at the call of the Executive Director or when requested by the Representatives of two Members. The Executive Director will arrange, after consultation with the Representatives, the agenda of items for consideration; shall distribute the agenda for regular meetings and related documents to Representatives at least 3 working days in advance of the meeting and as expeditiously as possible for special meetings; and shall insure that all matters within the purpose and scope of the functions of the Water Resources Council are presented for consideration. The Executive Director shall include on the agenda for a regular meeting any matter proposed by any Representative. When items on the agenda have not been fully considered they shall take precedence, in the same order, over other matters to be placed on the agenda for the next regular meeting. The Execu-

tive Director or a Representative may introduce matters not on the agenda or change the order of business at a particular meeting with the concurrence of a simple majority of the Representatives present.

(e) A quorum for the transaction of business consists of at least four Representatives of different Members and the Executive Director or in his absence the Acting Executive Director.

(f) Except for the appointment and tenure of the Executive Officers, matters specifically reserved for Council decision by Members should be considered by Representatives and the Executive Director and proposals and recommendations formulated and presented at Council meetings of Members. The Council Members shall be advised of minority views, if any, on such proposals and recommendations.

(g) If unanimity of Representatives and the Executive Director is not achieved, after full opportunity for expression of views and reasonable consideration, the Executive Director shall upon his own initiative or upon the request of a Representative present the issue for consideration at the next meeting of Members of the Council. Presentation of the issue shall include a statement of the conflicting positions and recommendations for resolution.

(h) Upon the declaration by any Representative or the Executive Director that an issue involves "substantial policy" (see § 701.53(g)(4)), it shall be referred with recommendations to a subsequent meeting of Council Members for decision.

**§ 701.55 Associate Members.**

(a) The Chairman, with concurrence of the Council, may invite the heads of other Federal agencies having authorities and responsibilities relating to the work of the Council to become Associate Members. Associate Members, on the same terms and conditions as Members, may designate persons to serve for them as Associate Members and to act for them as Associate Representatives.

(b) Associate Members and their Associate Representatives may participate with Members and Representatives in consideration of all matters relating to their areas of responsibility, except that their concurrence in a decision of the Council is not required. Where such decision affects the authority and responsibility of any non-Member agency within the meaning of section 3(b) of the Act, the Council shall request such agency to take concurrent action along the basis of the Council recommendations.

(c) Associate Members and Associate Representatives shall be furnished agenda and minutes. They shall be furnished other materials pertinent to their participation in the work of the Council upon request.

**§ 701.56 Observers.**

The Chairman, with the concurrence of the Council, may invite the heads of offices or other officials of the Executive Office of the President to become Ob-



servers. Observers may designate persons to attend Council meetings of Members and Representatives. Observers and their representatives will be furnished agenda and other materials on the same basis as Associate Members.

#### § 701.57 Official decisions of the Council.

Official decisions of the Council shall be of record. Decisions of record shall be recorded in accepted minutes of duly called regular or special meetings or set forth in resolutions, memoranda, or other documents approved by all Members or by all Representatives and the Executive Director, and evidenced by their signatures. Decisions which would affect the authority and responsibilities of heads of other Federal agencies, including Associate Members, within the meaning of section 3(b) of the Act, shall only be made during a regular or special meeting of Members and recorded in the minutes thereof.

#### § 701.58 Secretary.

The Secretary of the Council shall be a Member of the Water Resources Council Staff, recommended by the Executive Director, and approved by the Council. In case of absence, disability, or vacancy, the Executive Director shall designate an Acting Secretary.

(a) The Secretary shall keep the minutes of each meeting. The minutes shall, as a minimum, contain a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued or approved by the Council. The draft of such record with or without copies of such reports, as considered by the Secretary to be necessary, will be furnished to each Member, Associate Member, Observer, and Representative present and to the Executive Director promptly after each meeting for review, comment, correction, and for approval at the next regular meeting of the Council. Subsequent to approval of the minutes, a copy of such minutes will be forwarded to all Members, Associate Members, Representatives, and Observers.

(b) The Secretary shall be responsible for the proper maintenance of all documents which are decisions of record, of agenda and of other related documents.

(c) Members, Associate Members, and Observers shall inform the Secretary in writing of persons authorized to represent them in Council meetings. The Secretary shall maintain a record of such authorizations.

#### § 701.59 Subordinate groups at headquarters.

The Council may establish administrative, technical, and consultative Committees, Subcommittees, and Task Forces; Hearing Panels; and other appropriate subordinate groups to aid in the performance of its work.

(a) Membership on each such group shall be decided by the Council. Members representing Federal agencies shall

be named by such agencies. Others shall be named as the Council shall decide.

(b) The Council shall determine the Chairmanship of each group.

(c) Subordinate groups shall be appointed for specific periods and termination dates shall be set forth in establishing documents.

(d) All subordinate groups shall report regularly to the Council upon their own initiative, or as the Council may direct. In any event, they shall prepare a final report on their assignments prior to termination.

(e) Each duly constituted subordinate group will be provided administrative and secretarial support by the Water Resources Council Staff to the extent possible, directly or through arrangements with other Federal agencies.

#### § 701.60 Administrative committees.

(a) *Policy Committee.* The Policy Committee shall consist of the Assistant Director for Policy who shall be Chairman and one designated person (and a designated alternate) for each Member. Associate Members of the Council may be represented. (See § 701.55.) The committee may organize work groups as needed. The committee will assist the Council in carrying out the purpose set forth in § 701.3 and the function in § 701.4(c) by presenting recommendations for consideration by the Council concerning water and related land resources policy. In this connection, the committee will consider assigned policy problems with respect to principles, standards and procedures for comprehensive water and related land resources planning and for the formulation and evaluation of Federal and federally assisted water and related land resources projects. Specific problems relating to policy and programs may be assigned by the Council or brought to the Policy Committee by any member for the preparation of a recommendation to the Council. The Policy Committee shall prepare a final report of its activities at least 30 days prior to its termination and shall terminate as of August 1, 1968, unless the Council shall otherwise decide. Subsequent Policy Committees shall be appointed for two-year terms.

(b) *Planning Committee.* The Planning Committee shall consist of the Assistant Director for Planning and Research Advisor, who shall be Chairman, and one designated person (and a designated alternate) for each Member. Associate Members of the Council may also be represented (see § 701.55). The committee may organize work groups as needed. This committee will assist the Council in carrying out the purpose set forth in § 701.3 and the function in § 701.4 (a), (b), (d), (e), and (g) by preparing recommendations for presentation to the Council concerning water and related land resources planning. In this connection, the committee will provide for coordination of the comprehensive river basin planning program of the Council through preparation and recommendation of guidelines for coordination of budgets, scope of studies, agency

and State participation, form of reports, administration of studies, application of technical methods and policies, definitions, submission and review of reports, and similar matters. Specific problems relating to river basin planning may be assigned by the Council or brought to this committee by any Member for the preparation of a recommendation to the Council. The Planning Committee shall prepare a final report of its activities at least 30 days prior to its termination and shall terminate as of August 1, 1968, unless the Council shall otherwise decide. Subsequent Planning Committees shall be appointed for 2-year terms.

#### §§ 701.61-701.70 [Reserved].

#### § 701.71 The Chairman.

(a) The chairman shall preside at Council meetings of Members.

(b) The Chairman is the official spokesman of the Council and represents it in its relations with the Congress, the States, Federal agencies, persons, or the public. He shall from time to time report, on behalf of the Council, to the President. He shall keep the Council apprised of his actions under this section.

(c) The Chairman shall request the heads of other Federal agencies to participate with the Council when matters affecting their responsibilities are considered by the Council.

(d) In the case of absence, disability, or vacancy, the Vice Chairman shall act as Chairman. The Vice Chairman, on an annual basis beginning July 1 of each year, shall be successively the Secretary of the Army, the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, the Secretary of Transportation, the Chairman of the Federal Power Commission, and the Secretary of the Interior. If neither the Chairman nor the Vice Chairman is available then the position of Acting Chairman shall be filled in the same order of precedence as above.

#### §§ 701.72-701.75 [Reserved]

#### § 701.76 The Water Resources Council Staff.

The Water Resources Council Staff (hereinafter the Staff) serves the Council and the Chairman in the performance of their functions and in the exercise of their authorities in accordance with the Act, the rules and regulations and other decisions of the Council, and all other laws, rules, regulations, and orders applicable to the Water Resources Council, and will be organized in accordance with the structure approved by the Council.

#### § 701.77 Executive Director—duties and responsibilities.

In addition to his role as Chairman of Representatives in Council meetings, the Executive Director acts as the principal executive officer for the Council and head of the staff. He shall see to the faithful execution of the policies, programs and decisions of the Council; report thereon to the Council from time to time or as the Council may direct; administer the office and staff of the Council within the limits of the Annual Budget



and the Annual Operating Program related thereto; make recommendations to the Council and the Chairman relating to the performance of their functions and the exercise of their authorities; and facilitate the work of the Council and the Chairman. His duties and responsibilities include, but are not limited to, the following:

(a) Acting for the Chairman, represent the Council in its relations with the Congress, States, Federal agencies, persons, or the public under the general supervision and direction of the Council.

(b) Establishes the line of succession as Acting Executive Director among the other executive officers of the Council below the Deputy Director, unless the Council otherwise directs.

(c) Directs the Staff in its service to the Council and the Chairman in the performance of their functions and in the exercise of their authorities. The Executive Director is responsible to the Council for the organization of the Staff, employment and discharge of personnel, training and personnel development program, assignment of duties and responsibilities, and the conduct of its work.

(d) Insures that the quality of the work of the Staff in its studies, reports, and in other assignments is high, that the professional integrity of its personnel is respected, and that its overall perspective and independence of judgment with regard to water and related land resources matters is appropriately maintained within the context of the interagency, intergovernmental, and other staff collaboration that is both necessary and desirable in the fulfillment of the purpose of the Council as set forth in § 701.3.

(e) Prepares and recommends reports on legislation, Executive orders, and other documents requested of the Council.

(f) Prepares and recommends an Annual Budget request in accordance with policies, rules, and regulations applicable thereto. During its consideration by the Bureau of the Budget, the President and the Congress, the Executive Director shall seek acceptance of the proposed Annual Budget by every appropriate means. On behalf of the Council, he is authorized in his discretion to make appeals and agree to adjustments. However, to the extent that time and circumstances permit, he shall consult with and obtain the approval of the Council on all substantial appeals and adjustments.

(g) Prepares and recommends the Annual Operating Program to carry out the work of the Council, within the appropriations provided by the Congress and allowances approved by the Bureau of the Budget.

(h) Prepares and recommends proposed rules and regulations, including proposed delegations of authority, for carrying out the provisions of the Act, or other provisions of law which are administered by the Council.

(i) Prepares and recommends an Annual Report of the Council, together with such other reports and materials for public information that are explanatory of

the work and accomplishments of the Council.

(j) Appoints representatives of the Staff on Subordinate Groups established by the Council on which the Staff has membership. (See § 701.59.)

(k) Establishes and enforces administrative rules and regulations pertaining to the Staff consistent with applicable laws, Executive orders, Budget Circulars, and other regulations and orders.

#### § 701.78 Executive Director—delegation of authorities.

(a) Under the authority of section 403 of the Act (42 U.S.C. 1962d-2), the Executive Director is delegated authority to—

(1) Hold hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as he may deem advisable.

(2) Acquire, furnish, and equip such office space as is necessary.

(3) Use the U.S. mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(4) Employ and fix the compensation of such personnel below the grade of GS-16 as he deems advisable and such personnel of GS-16 and above as the Council shall approve, in accordance with the civil service laws and the Classification Act of 1949, as amended; assign duties and responsibilities among such personnel and supervise personnel so employed.

(5) Procure services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed \$100 per diem for individuals.

(6) Purchase, hire, operate, and maintain passenger motor vehicles.

(7) Utilize and expend such funds as are deemed advisable for proper administration of the authorities delegated herein. However, contracts and individual modifications thereof in excess of \$25,000 shall be submitted to the Council for approval before execution.

(8) Request any Federal department or agency (i) to furnish to the Council such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and (ii) to detail personnel to temporary duty with the Council on a reimbursable basis.

(9) Make available for public inspection during ordinary office hours all appropriate records and papers of the Council.

(10) Compute and certify for payment funds to the States in accordance with standards and formula approved by the Council, and perform related functions of the Council contained in section 305 of the Act.

(11) Serve as a duly authorized representative of the Chairman of the Council for the purpose of audit and examination of any pertinent books, documents, papers, and records of the recipient of a grant under Title III of the Act, and recommend to the Chairman the appointment of further representatives as may be necessary for such function.

(12) Review, for compliance, State programs approved under Title III; conduct full inquiries as the Council may direct; and recommend for Council decision such withholding or reinstatement of payments as is appropriate and authorized by section 304 of the Act.

(b) The authorities delegated in this section may be redelegated by the Executive Director to the extent determined by him to be necessary and desirable for proper administration.

#### § 701.79 Other executive officers.

The other Executive Officers of the Council shall be a Deputy Director, Assistant Director for Planning and Research Advisor, and Assistant Director for Policy.

(a) The Deputy Director furnishes general professional and administrative advice and assistance to the Executive Director; oversees and assists in the work of the entire Staff; carries out specific duties and responsibilities as assigned; supervises the personnel assigned to him; and acts for the Executive Director in his absence.

(b) The Assistant Director for Planning and Research Advisor, in collaboration with representatives of other Federal agencies and others, and with the assistance of personnel assigned to him, maintains a continuing study, as directed, (1) of the adequacy of water supplies and the national interest therein and prepares national assessments, and (2) of the relation of regional or river basin plans and programs to the requirements of larger regions of the Nation; develops and proposes principles, standards, and procedures for Federal participation in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects; coordinates schedules, budgets, and programs of Federal agencies in comprehensive interagency regional or river basin planning and has Staff cognizance over the operations and programs of Field organizations engaged in river basin planning; reviews plans submitted by river basin commissions or other water and related land resources plans assigned to the Staff for review and prepares recommendations thereon to the Executive Director and the Council; advises the Committee on Water Resources Research of the Federal Council of Science and Technology, and others, of research needs as indicated by the experience of the Water Resources Council and others; advises the Executive Director and the Council of research findings of which he becomes aware, that would improve comprehensive water and related land resources use and development and the techniques of planning; and performs other duties and responsibilities as assigned.

(c) The Assistant Director for Policy, in collaboration with representatives of other Federal agencies and others, and with the assistance of personnel assigned to him, maintains a continuing study of the adequacy of administrative and statutory means for the coordination of the water and related land resources policies



and programs of the several Federal agencies; appraises the adequacy of existing and proposed policies and programs of Federal agencies, and their relationships to programs of States, local governments, and private enterprise, for the coordination, development, and management of water and related land resources; develops solutions for assigned policy problems with respect to principles, standards, and procedures for comprehensive water and related land resources planning and for the formulation and evaluation of Federal and federally assisted water and related land resources projects; and makes appropriate recommendations for consideration of the Executive Director and the Council with respect to Federal policies and programs; and performs other duties and responsibilities as assigned.

#### § 701.80 Selection policy for professional personnel.

In the selection for employment of the professional staff as a whole, the Executive Director shall be guided by the following criteria:

- (a) Outstanding character and competence—both personal and professional.
- (b) Spread and balance of training and experience in the several relevant professions—engineering; economics; hydrology; forestry; law; political science; landscape architecture; recreation; soil conservation; irrigation; urban and other land planning; fish and wildlife biology; etc.
- (c) Diversity of prior Federal agency identification and experience, both planning and operating and in Washington and in the field.
- (d) Inclusion of personnel with prior identification and experience largely with States or local government or private enterprise and university teaching and research.

§§ 701.81-701.100 [Reserved]

### Subpart C—Field Organization

#### § 701.101 Field committees.

The Council may establish or continue already established regional committees to carry out assigned functions at field level.

#### § 701.102 Existing committees.

Field Committees operating under the Water Resources Council (formerly under the Inter-Agency Committee on Water Resources) are as follows:

Columbia Basin Inter-Agency Committee  
Missouri Basin Inter-Agency Committee  
Pacific Southwest Inter-Agency Committee  
Arkansas-White-Red Inter-Agency Committee  
Northeast Resources Committee  
Southeast Basins Inter-Agency Committee

## PART 703—GRANTS TO STATES FOR COMPREHENSIVE WATER AND RELATED LAND RESOURCES PLANNING

Sec.	
703.1	Purpose of Part 703.
703.2	Definitions.
703.3	Allotments.

Sec.	
703.4	Procedures for applications.
703.5	Contents of applications.
703.6	[Reserved]
703.7	Annual report and review.
703.8	Program costs and accounting.
703.9	Payments.
703.10	Records.
703.11	Reports and publications.
703.12	Nondiscrimination in federally assisted programs.
703.13	Supplemental instructions.

AUTHORITY: The provisions of this Part 703 issued under sec. 402, 79 Stat. 244; 42 U.S.C. 1962d-1.

#### § 703.1 Purpose of Part 703.

This part sets forth the regulations that apply to Water Resources Council grants to the States for comprehensive water and related land resources planning as authorized by Title III of the Water Resources Planning Act (P.L. 89-80, 79 Stat. 244). The purpose of this part is to describe the method of administration of grants to States to encourage increased:

- (a) State participation in Federal-State comprehensive water and related land resources planning;
- (b) State preparation of plans in light of regional and national plans and programs for the development and use of a State's water and related land resources;
- (c) State training of personnel, where necessary, to develop additional technical planning capability.

#### § 703.2 Definitions.

All terms used in this part shall have the meaning given to them in the Water Resources Planning Act or, in the administration of the Act, as follows:

- (a) "Augmented planning" means an increase in planning of water and related land resources undertaken by a State, measured by increased expenditures of non-Federal funds for comprehensive water and related land resources planning. The non-Federal expenditure for matching purposes under the Act is, normally, the increase above the expenditure for the 12-month period ending June 30, 1965. Where exceptional circumstances make this appropriate, the pre-1965 level of expenditures may be based on a longer period with the approval of the Council. Because some States have different terminating dates for their fiscal year, this period may be adjusted but in no event can it terminate after June 30, 1965.
- (b) "Act" means the Water Resources Planning Act (79 Stat. 244).
- (c) "Comprehensive water and related land resources planning" as applied to the State planning effort, means those activities, investigations, and studies (1) necessary for making decisions relating to the conservation, control, management, or use, including flood plain management, preservation as well as development, of water and related land within a State or a region, intrastate or interstate in nature; (2) which consider the potential for all water and related land resource use from the standpoint of present and future need; and (3) which include provision for participation by all public and private agencies or interests

that may affect or be affected by resource management. Such planning may include the process of selecting between alternate proposals and may consider institutional changes leading toward implementation of the selected plan.

(d) "Council" means the Water Resources Council established by section 101 of the Water Resources Planning Act.

(e) "Executive Director" means the principal executive officer of the Water Resources Council.

(f) "Fiscal year" means a 12-month period ending on June 30, unless otherwise specified.

(g) "Land area of a State" means the land and inland water area of a State as defined and set forth in Table 3 on pp. 263-264 of Boundaries of the United States and the Several States, Geological Survey Bulletin 1212, U.S. Government Printing Office, Washington, 1966, or revisions thereof.

(h) "Program" means a planning program which consists of a coordinated set of activities designed to accomplish the best use, development, management, control, conservation and preservation of the water and related land resources of a State in accordance with the criteria enumerated in section 303 of the Act. A program may be made up of one or more components, divided on the basis of geography, political subdivisions, or kind of development, and may include appropriate administration and training of personnel.

(i) "Related land resources" means that land on which present or projected use or management practices cause significant effects on the quantity and/or quality of the water resource, and that land the use or management of which is significantly affected by or depends on existing and proposed measures for management, development or use of water resources.

(j) "State" means a State, the District of Columbia, Puerto Rico, or the Virgin Islands.

(k) "State agency" means a permanent agency of a State designated by State law or, in the absence of such State law, by the Governor to administer and coordinate a State comprehensive water and related land resources planning program, and to act as liaison with the Council.

(l) "Supplemental instructions" means detailed instructions issued (in accordance with § 703.13) for the purpose of amplifying this part and facilitating grant applications.

#### § 703.3 Allotments.

(a) The funds appropriated pursuant to section 301(a) of the Act for any fiscal year for grants to States shall be allotted among the participating States in accordance with section 302(a) of the Act as follows:

- (1) Fifteen (15) percent of the fund shall be allotted to the States on the basis of the ratio of the population of a State to the population of all the States. For the purpose of this part the population of the States shall be determined on the basis of the latest official estimate of



the U.S. Department of Commerce available on or before January 1 preceding the fiscal year for which funds are appropriated.

(2) Fifteen (15) percent of the funds shall be allotted to the States on the basis of the ratio of the land area of a State to the total land area of all the States.

(3) Thirty (30) percent of the funds shall be allotted to the States, on the basis of the ratio that the reciprocal of its per capital income bears to the sum of the reciprocals for all States. Per capita income shall be computed as the average of the most recent 3 years of official U.S. Department of Commerce information.

(4) Forty (40) percent of the funds shall be allotted to the States according to the need for comprehensive water and related land resources planning programs in each State, as determined by the Council.

(b) Allotment of funds to participating States according to determination by the Council of the relative need for comprehensive water and related land resources planning among the States under paragraph (a) (4) of this section shall be based upon criteria which shall include the following:

(1) Crucial nature or immediacy of water resources problems.

(2) Importance of the contribution of a State to Federal or Federal-State planning of water and related land resource use and development in its region.

(3) Specific opportunity for a State to make a substantial advance in comprehensive water and related land resources planning.

(4) Ability of a State to provide non-Federal funds over the amount necessary to match the allotment by formula under paragraph (a) (1), (2), and (3) of this paragraph.

(c) On or about April 1 each year, the Council shall publish a tabulation showing the tentative distribution of funds to each State in accordance with paragraph (a) (1), (2), and (3) of this section based on the appropriation requested for the next fiscal year. This publication does not confer entitlement to such funds. It is simply an indication of a sum that can be used by the States for budgetary planning purposes.

(d) As provided in section 302(b) of the Act, Federal financial support shall be paid up to a maximum of 50 percent of the total allowable costs related to an approved application.

(e) Before any allotment may be paid, a State must submit and obtain approval of its application. Commitments for financial assistance are made only on the basis of an approved application and the availability of funds by appropriation of the Congress.

(f) Because of the need to make funds available promptly for use by the States, the Council will recalculate allotments and distribute funds to the participating States as soon as possible after the closing date for applications each year.

#### § 703.4 Procedures for applications.

(a) Within 30 days after publication of the tentative allotments for any fiscal year, any State interested in obtaining a grant for comprehensive water and related land resources planning for the following fiscal year shall submit to the Council a letter of intention to apply, followed within 60 additional days by a formal application.

(b) The letter of intent shall include at least the following information:

(1) The name of the designated State agency;

(2) The authority of that agency to carry out its functions in accord with the Act;

(3) The names of the participating State agencies;

(4) The scope, and expected duration and funding of the augmented planning to be conducted under the Act; and

(5) A statement of other Federal grants for comprehensive natural-resource planning sought or held by the State.

#### § 703.5 Contents of applications.

(a) *Substantive information.* A formal application submitted by a State for approval shall contain and further document the information called for in the letter of intent. In addition, the application shall contain concise statements conveying the following information:

(1) The current status of comprehensive water and related land resources planning in the State;

(2) Present planning activities related to comprehensive water and related land resources planning conducted on a regular basis, and the agency or agencies conducting such activities;

(3) A justification of the State's need for augmented planning, taking into consideration the criteria outlined in § 703.3(b);

(4) A statement indicating information available concerning State economic conditions in relation to the status of water and related land resources development and preservation, and amounts of available data pertinent to water and related land resources conditions in the State;

(5) The provisions to be made for obtaining the necessary economic and other data and projections necessary for comprehensive water and related land resources planning;

(6) An outline of procedures set forth by the State for developing water and related land resources plans and programs for future years, organized, where possible, on a year-by-year projected basis;

(7) The scope and expected duration of augmented planning to be undertaken with the aid of Title III funds. An application may be made for a period of one or more years, not to exceed 5 years. Information submitted for longer periods may be included. Subsequently, amendments to the application can be submitted for approval.

(8) A proposed budget for augmented planning, including but not limited to new staff requirements and all related

costs, and certifying the amount by which non-Federal funds are increased in furtherance of the objectives of the Act.

(9) Each application for financial assistance to carry out planning under the Act shall, as a condition to its approval, contain an assurance that the planning will be conducted in compliance with all requirements imposed by Title VI of the Civil Rights Act of 1964.

(b) *Coordination.* The application submitted by the State agency shall include assurances that: (i) Comprehensive water and related land resources planning will be in harmony with comprehensive planning of other resources of that State or of a jurisdiction within the State; (ii) the economic and other relevant assumptions and projections to be used will take into consideration those of other planning programs; (iii) optimum joint use will be made of equipment, personnel, and existing data among the various planning programs; and (iv) steps taken, and to be taken, by the State will provide for statewide coordination of comprehensive water and related land resources planning with other comprehensive planning efforts, in accord with section 303(2) of the Act. Particular consideration shall be given to the following:

(1) Coordination of comprehensive water and related land resources planning with comprehensive statewide planning being carried on with or without assistance under section 701 of the Housing Act of 1954, as amended (68 Stat. 590), or under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897).

(2) Present and intended future participation of the State in Federal, Federal-State, or interstate comprehensive water and related land resources planning, including the work of commissions created under Title II of the Act, and planning done under Title V of the Public Works and Economic Development Act of 1965 (79 Stat. 552), and section 206 of the Appalachian Regional Development Act of 1965 (79 Stat. 5), insofar as areas in the State are covered by such Act.

(3) The relationship of the plan as formulated to water pollution control programs in the State, particularly those receiving financial assistance under the Federal Water Pollution Control Act, as amended (75 Stat. 204), and those developed by the Federal Water Pollution Control Administration as a part of comprehensive, coordinated, joint plans for river basins done in accordance with section 201(b) (2) of the Act and as authorized by other acts.

(4) The relationship of the comprehensive water and related land resources planning to economic development planning conducted within the State, in accordance with Titles III and IV of the Public Works and Economic Development Act (79 Stat. 552) and in accordance with the Appalachian Regional Development Act (79 Stat. 5), insofar as areas in the State are covered by such Act.



(5) The relationship of the comprehensive water and related land resources planning to comprehensive planning for the development of water and sewer systems in rural areas under the Consolidated Farmers Home Administration Act of 1961 (75 Stat. 307).

(6) The relationship of the comprehensive water and related land resources planning to research done under the Water Resources Research Act (78 Stat. 331).

(c) *Relationship to other State agencies.* The planning application shall show the relationship of the State agency to other State planning and development organizations, such as intra-State river basin commissions and authorities, special agencies in the State which have particular watershed or river basin jurisdiction or functions; shall indicate the funding and structure of other State planning and development organizations, and the extent to which they will be financed from Title III funds; and shall summarize the functions they will perform.

(d) *Relationship to river basin commissions.* If a State is a member of a river basin commission, planning by the State shall be complementary to and not duplicate the planning activities of the commission. However, membership in a river basin commission organized under Title II of the Act or other entity performing the functions of such commissions is not a prerequisite for a State to obtain a planning grant.

(e) *Accounting.* The application shall describe measures to be taken by the State for the financial management of the proposed program and internal controls appropriate to insure that the planning is accomplished in accordance with the Act, this part and the supplemental instructions, and in the most efficient and economical manner. The State agency shall employ accounting procedures specified by its State fiscal officers: *Provided*, That, it shall also keep its records in such manner as will make information required for the administration of Title III of the Act readily available.

#### § 703.6 [Reserved]

#### § 703.7 Annual report and review.

(a) *Report.* On or before August 1 of each year, each State shall make an annual report to the Council on its approved planning program, providing financial and other information on the progress or completion during the preceding fiscal year of all components of the planning activity, in such form as the Council shall prescribe in supplemental instructions.

(b) *Review.* As a consequence of the annual review and in compliance with section 304 of the Act:

(1) If it appears to the Council that the program no longer complies with the requirements of section 303 in either design or administration, the Executive Director shall ascertain all the relevant facts. The State agency designated to administer the program shall be given notice in writing, which notice shall state with particularity the apparent inade-

quacies of the program and shall cite specific requirements of section 303, this part, or supplemental instructions which apparently have not been met. The State shall be given timely opportunity to be heard through the filing of written statements and personal presentations in support of its position.

(2) If the Council shall determine, on the basis of all the facts, that the program does not meet the requirements of section 303 the State shall be notified that no further payments shall be made under the Act. A copy of such decision accompanied by a statement of the supporting facts will be furnished to the State.

(3) When the Council is satisfied that sufficient adjustments have been made in the design and operation of the program, payments to the State will be resumed. A copy of such decision shall be furnished to the State.

#### § 703.8 Program costs and accounting.

(a) *Program costs.*—(1) *Time of incurrence.* Non-Federal costs must have been incurred within the time period set forth in an approved application to qualify as a basis for payment of Federal funds.

(2) *Base period establishing beginning of augmented planning.* Non-Federal funds for augmented planning used to match Federal funds granted under Title III of the Act normally will be limited to the amount of increased expenditures of non-Federal funds above the expenditure for the 12-month period ending June 30, 1965. This base period may, if necessary, be modified in length to give a more equitable picture of the expenditure level before 1965, or modified to conform to the terminating date of a State's fiscal year, but not later than June 30, 1965. Once established, the base level of expenditures for such a period is intended to remain as the base for calculating funds eligible for matching.

(3) *Rules on the incurrence of planning costs.* The budgetary practices, rules and policies of the State, as customarily applied and if in accord with generally accepted accounting practices, shall govern for costs incurred on an approved program unless the approved application stipulates a different method.

(4) *Sources of State planning funds.* The source of a State's share of the cost of a program shall have no bearing on whether or not such costs can be matched by Federal funds, except that other Federal funds cannot be used for matching purposes.

(5) *Use of Title III grants for other matching.* Federal or non-Federal funds allotted for use under Title III shall not be used to meet a State's share of the cost of a Federal-State commission established under Title II of this Act or to match Federal funds under any other Federally aided program.

(6) *Ceilings on allowable costs.* In general, the amount of each cost item that may be matched under this Act shall not exceed the State's actual cash outlay for that item, or the fair market value of the item, whichever is less.

(7) *Expenditures that may qualify as a basis for payment of Federal funds.*

Any water and related land resources planning expenditure by the State not used for matching purposes of other Federal grants-in-aid programs, or otherwise specifically excepted by the Council, may be subject to matching. Such expenditures must be reasonable and clearly allocable to the State comprehensive water and related land resources planning effort and may include but are not limited to expenditures for personal services; training of personnel; fringe benefits; consultant fees; equipment, supplies and materials; travel of employees engaged in the program and of contributed personal services; and payment for information services. Consultant services are eligible only to the extent that the development of trained State personnel for comprehensive water and related land resources planning activities is not impaired.

(8) *Time limit of commitments.* Federal funds will be committed and shall remain in force for the period of time covered by an approved application subject to appropriations and periodic review by the Council. If, during the period covered, a revision is made or the scope of a program is changed, the commitment will be revised accordingly.

(9) *Redistribution of funds.* On or about April 1 of each year, the Executive Director will review the financial status of each grant based on information submitted by the States. If, on the basis of this information, it is evident that the State cannot utilize, within the fiscal year, those funds originally obligated, the Executive Director may reallocate such balances to other States based on their approved program, need for planning and ability to match. This will not reduce or increase the total commitments to an approved program, but will enable the Council to utilize fully the annual appropriation.

(b) *Accounting.* Based on generally accepted standards and principles, accounting procedures should meet the following minimum requirements, unless exceptions are granted by the Council:

(1) Itemization of all supporting records or program expenditures in sufficient detail to show the exact nature, amount and reasonableness of each expenditure.

(2) Maintenance of adequate records approved by the appropriate official, to show that all salaries and wages charged against the planning program were authorized;

(3) Maintenance of payroll vouchers for salaries and wages;

(4) Cross-referencing of each expenditure with the supporting purchase order, contract, voucher, or bill. The supporting documents should be endorsed by an official authorized to approve such expenditures.

#### § 703.9 Payments.

Payments to the States for carrying out programs approved under § 703.4(c) shall be made according to the following general procedures:

(a) At the beginning of each fiscal year, the amount to be obligated to each State for that fiscal year shall be esti-



mated. Such estimates shall take into account information furnished by the States and may be revised when appropriate and necessary.

(b) At the beginning of each calendar quarter, the Executive Director shall determine the amount to be paid to each State in relation to the total estimate for that fiscal year. This amount, subject to availability of appropriations, shall be paid in advance, adjusted by any excess or deficiencies in payments for prior quarters, as reflected in information submitted by the States in accordance with supplemental instructions.

**§ 703.10 Records.**

(a) The officers of the State agency, designated in compliance with section 303(3) of the Act, that receives funds under the Act, shall be responsible for maintaining books of account that clearly, accurately, and currently reflect the financial transactions involving allotments, grants, contracts, and other arrangements financed under the Act

and also transactions financed with funds from other sources. In addition, they shall maintain files of all papers necessary to establish the validity of the transactions recorded and their allocability to the State planning effort.

(b) Such records, with all supporting and related documents, shall be available at reasonable times, upon request, for inspection and audit by representatives of the Council and of the Comptroller General of the United States.

(c) Records relating to each allotment and each grant shall be retained and made available until the expiration of 3 years after the State agency's last disbursement of such funds.

**§ 703.11 Reports and publications.**

(a) The results of each completed segment of a comprehensive water and related land resources plan, and of the entire plan, shall be stated in a formal report, to be made available for public distribution.

(b) Appropriate acknowledgment shall be given in publications, news releases and other media of the Water Resources Council's participation in financing planning under the Water Resources Planning Act.

**§ 703.12 Nondiscrimination in Federally assisted programs.**

In order to carry out the provision of Title VI of the Civil Rights Act of 1964 (78 Stat. 252), no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance under the Act.

**§ 703.13 Supplemental instructions.**

As deemed appropriate the Council may amplify the rules and regulations in this part by means of supplemental instructions.

[F.R. Doc. 66-12557; Filed, Nov. 17, 1966; 8:50 a.m.]







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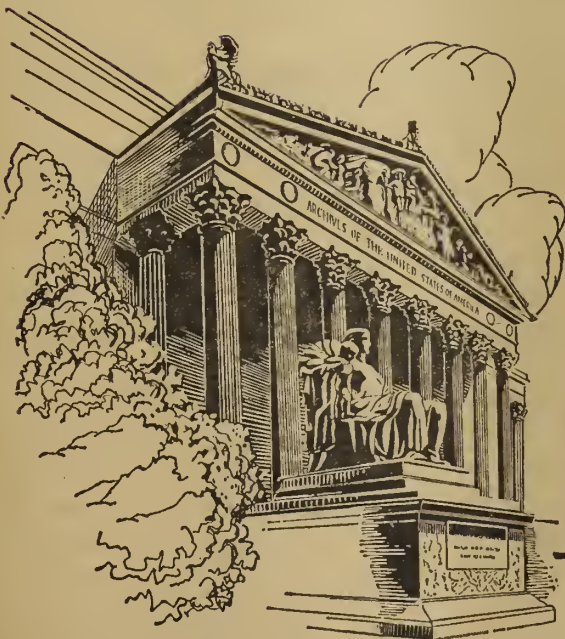
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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 11315

#### AMENDING THE CIVIL SERVICE RULES TO AUTHORIZE AN EXECUTIVE ASSIGNMENT SYSTEM FOR POSITIONS IN GRADES 16, 17, AND 18 OF THE GENERAL SCHEDULE

WHEREAS, the increasing complexities of Government require personnel of the highest attainable qualifications who are capable of assuming and discharging efficiently major and varied duties and responsibilities in the Executive Branch in response to present and future needs; and

WHEREAS, this need for high quality can best be met by the establishment of an executive assignment system for the top three grades of the General Schedule, extending and adapting merit principles in recruitment, selection, and development, combined with improvements in the identification, assignment and utilization of key personnel:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution of the United States, by 5 U.S.C. 3301 and 3302, and as President of the United States, it is ordered as follows:

#### PART I. CIVIL SERVICE RULES

SECTION 1. The Civil Service Rules are amended by the addition of Civil Service Rule IX reading as follows:

RULE IX. EXECUTIVE ASSIGNMENT SYSTEM FOR POSITIONS IN GRADES GS-16, 17, AND 18 OF THE GENERAL SCHEDULE.

#### In General

SECTION 9.1 *Coverage.* Except as otherwise provided by law, this Rule applies to:

(a) positions in grades 16, 17, and 18 of the General Schedule that are in the Executive Branch, except positions excluded from the coverage of 5 U.S.C. 3324(a) by paragraphs (1), (2), and (4) thereof and any position now or hereafter excepted under Civil Service Rule VI so long as that exception remains in effect; and

(b) persons who are given executive assignments to these positions.

SEC. 9.2 *Filling positions covered by this Rule.* An appointing officer shall fill a position covered by this Rule by Career Executive Assignment, unless the Commission authorizes a Limited Executive Assignment under section 9.6 of this Rule or a Noncareer Executive Assignment under section 9.20 of this Rule.

#### Career Executive Assignments

SEC. 9.3 *Qualifications required for a Career Executive Assignment.* After appropriate consultation with the agency concerned the Commission shall establish specific qualification standards for assignment to a Career Executive Assignment.

SEC. 9.4 *Recruitment for Career Executive Assignments.* (a) Before selecting any person for a Career Executive Assignment the appointing officer shall first consider fully employees under his agency's merit promotion program and available employees of other Federal agencies qualified pursuant to paragraph (b) of this section. Only after this consideration may the appointing officer elect to recruit applicants from outside the Federal service pursuant to paragraph (b) of this section.



(b) The Commission shall be responsible for the establishment of special facilities, including special boards and panels, to recruit well-qualified persons for Career Executive Assignments in the Federal service from among employees holding Career Executive Assignments, other eligible employees, and persons outside the Federal service. The appointing officer shall use these special facilities, including special boards and panels, to recruit applicants from outside the Federal service.

(c) The procedures in this section do not apply when the Commission authorizes the movement of an incumbent Career Executive to a Career Executive Assignment at the same or lower grade.

*SEC. 9.5 Career Executive Assignments; selection and assignment.*

(a) An appointing officer shall select a person for a Career Executive Assignment solely on the basis of merit and fitness. He shall not permit or consider any political test, qualification, clearance, or recommendation, and shall not discriminate on the basis of race, religion, national origin, sex, age, or physical disability.

(b) The appointing officer may make a Career Executive Assignment only after the Commission has finally approved the qualifications and suitability of the person selected.

*SEC. 9.6 Authorization of Limited Executive Assignments.* (a) The Commission may authorize agencies to fill a position covered by this Rule by a Limited Executive Assignment when:

- (1) the position is expected to be of limited duration; or
- (2) the agency concerned establishes an unusual need for urgent staffing that cannot adequately be met under the procedures required for Career Executive Assignments.

(b) The Commission shall specify a time limit within which an agency may use this authority and may revoke this authority at any time.

*SEC. 9.7 Qualifications required for a Limited Executive Assignment.* After appropriate consultation with the agency concerned the Commission shall establish specific qualification standards for assignment to a Limited Executive Assignment.

*SEC. 9.8 Limited Executive Assignment; selection and assignment.* An appointing officer may make a Limited Executive Assignment only after the Commission has finally approved the qualifications of the person selected.

*SEC. 9.9 Removal from a Limited Executive Assignment.* An appointing officer may remove a person from a Limited Executive Assignment when, in his judgment, the purpose of the assignment has been served or conditions warrant discontinuance of the assignment.

*SEC. 9.10 Limited Executive Assignment; change to other type of appointment.* If a person completes five years of continuous service in an agency in a Limited Executive Assignment the appointing officer shall:

- (a) convert his assignment to a Career Executive Assignment, or to a Noncareer Executive Assignment;
- (b) give him a career appointment to a continuing position in the competitive service in grade GS-15, or below; or
- (c) separate him from the service.

*Noncareer Executive Assignments*

*SEC. 9.20 Exception of positions to be filled by Noncareer Executive Assignments.* (a) After consulting the agency concerned, the Commission may except a position from the procedures required for making Career Executive Assignments and authorize an agency to fill the position by a Noncareer Executive Assignment when it determines that there is a need for filling the position by a person who will:

- (1) be deeply involved in the advocacy of Administration programs and support of their controversial aspects;



(2) participate significantly in the determination of major political policies of the Administration; or

(3) serve principally as personal assistant to or adviser of a Presidential appointee or other key political figure.

(b) In determining the positions to be excepted under paragraph (a) of this section the Commission shall:

(1) limit the number of positions excepted to a relatively small proportion of the positions in the agency in grades 16, 17, and 18, taking into consideration the size of the agency and the nature of its program; and

(2) define the area of the agency's activity in which Noncareer Executive Assignments would be appropriate and specify organizational levels, as distinguished from grade levels, below which Noncareer Executive Assignments would be inappropriate.

(c) The Commission shall not except a position which has as its principal responsibility the internal management of an agency, or a position involving long-standing recognized professional duties and responsibilities resting on a body of knowledge essentially politically neutral in nature. However, a position concerned with the direction of a scientific program could be appropriately excepted when it meets the criteria set forth in paragraph (a) (1), (2), or (3) of this section.

(d) The Commission shall review periodically the exceptions made under this section and after consulting the agency concerned, shall revoke an exception when the position no longer meets the criteria for exception. Civil Service Rule III, providing for the noncompetitive acquisition of competitive status, shall not apply in such a case.

(e) Notice of the Commission's decision to grant or revoke authority to make Noncareer Executive Assignments shall be published in the FEDERAL REGISTER.

SEC. 9.21 *Qualifications required for a Noncareer Executive Assignment.* After appropriate consultation with the agency concerned the Commission shall establish specific qualification standards for assignment to a Noncareer Executive Assignment. In addition, as a qualification for continuance in a Noncareer Executive Assignment, the incumbent must continue to maintain the qualifications and relationships that are required for the particular Noncareer Executive Assignment.

SEC. 9.22 *Noncareer Executive Assignment; selection and assignment.* An appointing officer may make a Noncareer Executive Assignment only after the Commission has finally approved the qualifications of the person selected. He shall inform each person selected of the qualifications required under section 9.21 of this Rule for assignment to and continuance in a Noncareer Executive Assignment.

SEC. 9.23 *Removal from a Noncareer Executive Assignment.* An appointing officer shall remove a person from a Noncareer Executive Assignment when the person's qualifications or relationships required for the assignment change or cease to exist.

#### CIVIL SERVICE RULE VI

SEC. 2. Civil Service Rule VI is amended in pertinent part as follows:

(a) Section 6.1(a) is amended to read as follows:

"(a) The Commission may except positions from the competitive service when it determines that appointments thereto through competitive examination are not practicable. These positions shall be listed in the Commission's annual report for the fiscal year in which the exceptions are made. The exception from the competitive service is effective on publication in the FEDERAL REGISTER."



(b) Section 6.6 is amended to read as follows:

"Section 6.6 *Revocation of exceptions.* The Commission may remove any position from or may revoke in whole or in part any provision of Schedule A, B, or C. These changes are effective on publication in the FEDERAL REGISTER."

PART II. SPECIAL PROVISIONS FOR TRANSITION TO THE FULL ESTABLISHMENT OF EXECUTIVE ASSIGNMENTS UNDER RULE IX

SEC. 3. *Effective dates.* This order, except section 1, is effective upon filing for publication in the FEDERAL REGISTER. Section 1 of this order is effective not later than one year from the date of this order, or at such earlier dates as the Civil Service Commission may specify for individual agencies or positions.

SEC. 4. *Interim appointments.* After the date of this order and before Civil Service Rule IX has become effective as to a position, an appointing officer may fill the position in accordance with the appointment system in effect on the day of the appointment.

SEC. 5. *Conversion of incumbents.* On the day Civil Service Rule IX becomes effective as to a position, the appointment of the incumbent of that position shall be changed as follows:

(a) If he is serving under a career or career-conditional appointment in the competitive service, he shall be converted to a Career Executive Assignment;

(b) If he is serving in the excepted service under a nontemporary appointment, he shall be converted to a Noncareer Executive Assignment;

(c) If he is serving in the competitive service under an indefinite or temporary appointment without definite time limit and:

(1) if he has served under this type of appointment for at least five years, he shall be:

(i) converted to a Career Executive Assignment, or appointed to a continuing position in the competitive service in grade GS-15, or below;

(ii) converted to a Noncareer Executive Assignment; or

(iii) separated from the service; or

(2) if he has served under this type of appointment for less than five years, he shall be:

(i) converted to a Noncareer Executive Assignment;

(ii) separated from the service; or

(iii) allowed to continue to serve until he has served five years, at which time the appointing officer shall take one of the actions provided for in subparagraph (1) of this paragraph.

An incumbent who is serving under any other type of appointment shall continue under that appointment until it is terminated.

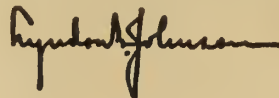
PART III. ADMINISTRATION

SEC. 6. *Commission responsibilities.* The Civil Service Commission is responsible to the President for the effective implementation and administration of the executive assignment system established by this Order. The Commission shall continuously review operations under this system, shall recommend promptly to the President any changes that are necessary to improve this system, and shall report periodically to the President any significant developments in the operation of the system. The Commission shall recommend to the President a program of special honors and awards for the recognition of persons assigned to Career Executive Assignments and a program for the development and training of persons assigned to Career Executive Assignments. The training program shall include the establishment of special training and educational facilities, and provide for the relevant use of outside training facilities.



SEC. 7. *Responsibilities of the agencies.* The head of each agency in which there are positions covered by Civil Service Rule IX shall periodically review with the Civil Service Commission his plans for staffing. The head of a newly established agency shall initially review with the Commission his plans for staffing as soon as practicable after the establishment of the agency. The head of each agency shall cooperate fully with the Commission in the establishment of special facilities and special boards and panels that are required under Civil Service Rule IX as a means of recruiting persons of the highest quality.

SEC. 8. *Regulations.* The Civil Service Commission shall prescribe such regulations as may be necessary to carry out the purpose and intent of this Order.



THE WHITE HOUSE,  
November 17, 1966.

[F.R. Doc. 66-12623; Filed, Nov. 18, 1966; 10:23 a.m.]







# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 54, Amdt. 1]

#### PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

##### Limitation of Shipments

**Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 21, 1966. Shipments of Florida oranges are currently regulated pursuant to Orange Regulation 54 (31 F.R. 11971) and, unless sooner terminated, will continue to be so regulated until August 1, 1967, determinations as to the need for, and extent of, continued regulation of Florida orange shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of orange shipments subsequent to November 21, 1966, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on November 15, 1966, held to consider recommendations for regulation; the provisions of this amendment are identical

with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida oranges; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

**Order.** (1) In § 905.484 (Orange Regulation 54; 31 F.R. 11971) the provisions of paragraph (a) (1) (i) are amended to read as follows:

##### § 905.484 Orange Regulation 54.

(a) **Order.** (1) \* \* \*

(i) Any oranges, except Temple and Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 grade for oranges (including tangelos, Temples, and Murcott Honey oranges);

\* \* \* \* \*

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated November 17, 1966, to become effective at 12:01 a.m., e.s.t., November 21, 1966.

F. L. SOUTHERLAND,  
*Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 66-12613; Filed, Nov. 18, 1966; 8:48 a.m.]

[Tangerine Reg. 32, Amdt. 1]

#### PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

##### Limitation of Shipments

**Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966))

in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangerines grown in Florida.

**Order.** (1) In § 905.488 (Tangerine Regulation 32, 31 F.R. 13385) the provisions of paragraph (a) (2) are amended by substituting in lieu thereof a new paragraph (a) (2) reading as follows:

##### § 905.488 Tangerine Regulation 32.

(a) **Order.** \* \* \*

(2) During any week of the aforesaid period, any handler may ship a quantity of tangerines which are smaller than the size prescribed in subparagraph (1) (ii) of this paragraph if (i) the number of standard packed boxes of such smaller tangerines does not exceed 25 percent of the total standard packed boxes of all sizes of tangerine shipped by such handler during the same week; and (ii) such smaller tangerines are of a size not smaller than  $2\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Tangerines.

\* \* \* \* \*

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated November 17, 1966, to become effective at 12:01 a.m., e.s.t., November 21, 1966.

F. L. SOUTHERLAND,  
*Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 66-12612; Filed, Nov. 18, 1966; 8:48 a.m.]

[Navel Orange Reg. 113]

#### PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### Limitation of Handling

##### § 907.413 Navel Orange Regulation 113.

(a) **Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, es-



[Lemon Reg. 242]

# **PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

## **Limitation of Handling**

### **§ 910.542 Lemon Regulation 212.**

(a) *Findings.* (1) Pursuant to the marketing agreement as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 15, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t.,

established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 17, 1966.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 20, 1966, and ending at 12:01 a.m., P.s.t., November 27, 1966, are hereby fixed as follows:

- (i) District 1: 400,000 cartons;
- (ii) District 2: Unlimited movement;
- (iii) District 3: 84,506 cartons;
- (iv) District 4: 60,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 18, 1966.

F. L. SOUTHERLAND,  
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-12644; Filed, Nov. 18, 1966; 11:19 a.m.]

November 20, 1966, and ending at 12:01 a.m., P.s.t., November 27, 1966, are hereby fixed as follows:

- (i) District 1: 21,390 cartons;
- (ii) District 2: 65,100 cartons;
- (iii) District 3: 99,510 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "Carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 17, 1966.

F. L. SOUTHERLAND,  
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-12595; Filed, Nov. 18, 1966; 8:48 a.m.]

## **PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA**

### **Subpart—Grade and Size Regulations**

#### **MINIMUM STANDARDS OF QUALITY AND ADDITIONAL GRADE AND SIZE REGULATIONS**

Notice was published in the November 2, 1966, issue of the FEDERAL REGISTER (31 F.R. 14004) regarding a proposal based on the recommendations of the Date Administrative Committee, to amend Subpart—Additional Grade and Size Regulations by adding a new section, § 987.202, and by revising § 987.203 and paragraph (a) of § 987.204. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. Comments regarding the proposal were received from the Date Administrative Committee. The Committee advised that further sample inspections of dates indicate that the proposed modification of the additional minimum size regulation for restricted dates to allow not more than 5 percent by weight, of individual dates to weigh less than the specified weights was too restrictive and should be deleted from the proposal.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Date Administrative Committee, the views submitted by the Committee pursuant to the notice, and other available information, it is found that to prescribe other minimum standards of quality, pursuant to § 987.39, and to revise the additional grade and size regulations as hereinafter set forth, will tend to effectuate the declared policy of the act.



For purposes of codification, it is concluded that the new section, § 987.202, should be included in the subpart entitled "Subpart—Additional Grade and Size Regulations" and the heading thereof revised to reflect the broader scope of the included provisions.

Therefore, it is ordered:

1. "Subpart—Additional Grade and Size Regulations" is revised to read "Subpart—Grade and Size Regulations".

2. A new section, § 987.202, is added to read:

**§ 987.202 Other minimum standards prescribed.**

As provided in § 987.39, the following minimum standards of quality for the handling of whole dates and pitted dates under this part are prescribed in lieu of the requirements established in the first sentence of said section:

(a) All whole dates and pitted dates handled under this part shall meet the requirements of U.S. Grade C or, if for further processing, U.S. Grade C (Dry), of the effective U.S. Standards for Grades of Dates, except dates damaged by mashing and damaged by mechanical injury (not affecting eating quality) shall not be considered when determining the defect factor.

3. Section 987.203 is revised to read:

**§ 987.203 Additional grade regulations.**

(a) *Dates handled as whole or pitted dates.* Dates handled under this part as whole or pitted dates shall meet the requirements of U.S. Grade C or, if for further processing, U.S. Grade C (Dry) of the U.S. Standards for Grades of Dates (§§ 52.1001 to 52.1011 of this title), as from time to time amended or modified and in effect at the time of such handling: *Provided*, That Deglet Noor dates shall score not less than 24 points for the factor of absence of defects (including broken skins) and not less than 31 points for the factor of character.

(b) *Dates withheld to meet restricted obligation.* Subject to any requirements prescribed pursuant to § 987.55, dates to be withheld from handling pursuant to § 987.45 shall meet the requirements of U.S. Grade C or U.S. Grade C (Dry), whichever is applicable, of the U.S. Standards for Grades of Dates, as aforesaid: *Provided*, That Deglet Noor dates shall (1) score not less than 24 points for the factor of absence of defects (including broken skin), and (2) score not less than 29 points for the factor of character: *And provided further*, That, for Deglet Noor dates to be certified as "marketable for products", dates damaged by broken skin, by mashing, and by mechanical injury (not affecting eating quality) shall not be considered when determining the defect factor.

4. Paragraph (a) of § 987.204 is revised to read:

**§ 987.204 Additional size regulations.**

(a) *Whole dates*—(1) *Free dates.* Whole dates of the Deglet Noor variety shall not be handled as free dates unless the individual dates in the representative samples of the lot weigh not less than 6.5 grams if dry or natural whole dates, or

not less than 6.9 grams if hydrated whole dates, except not more than 10 percent, by weight, of the dates in the samples of the lot may consist of individual dates that weigh less than the applicable specified weight.

(2) *Dates withheld to meet restricted obligation.* Subject to any requirements prescribed pursuant to § 987.55, Deglet Noor dates shall not be eligible to be withheld from handling (as marketable dates) to meet restricted obligation pursuant to § 987.45, unless the individual dates in the representative samples of the lot weigh not less than 6.5 grams if dry or natural dates, or not less than 6.9 grams if hydrated dates, except that not more than 25 percent, by weight, of the dates in the samples of the lot may be below the specified weights.

It is further found that good cause exists for making this action effective as herein specified and for not postponing such effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) This action relieves restrictions on the handling of dates; (2) currently, growers are delivering new crop dates to handlers, and inspection and certification activities on these dates are underway; and (3) the changes should be made effective as soon as possible to avoid inequities which could result from any postponement in the effective date beyond that of publication in the FEDERAL REGISTER.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated November 15, 1966, to become effective upon publication in the FEDERAL REGISTER.

F. L. SOUTHERLAND,  
Acting Director, Fruit and Vegetable Division.

[F.R. Doc. 66-12554; Filed, Nov. 18, 1966; 8:47 a.m.]

## Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter I—Small Business Administration

[Rev. 6; Amdt. 10]

#### PART 121—SMALL BUSINESS SIZE STANDARDS

##### Definition of Small Business Concern for Purpose of Government Procurements of Refined Petroleum Products Other Than Lubricants and Miscellaneous Petroleum Products

On October 1, 1966, there was published in the FEDERAL REGISTER (31 F.R. 12849) a notice of proposal to amend the definition of a small business concern for the purpose of Government procurement of refined petroleum products other than lubricants and miscellaneous petroleum products. The proposal was to amend the definition to exclude from small business eligibility, concerns which are not

themselves refiners, but which offer for sale petroleum products which they produce, from materials acquired from concerns that do not qualify as small business concerns, through a process other than that commonly accepted as refining.

Interested persons were given fifteen (15) days in which to file with the Small Business Administration written statements of facts, opinions, or arguments concerning the proposed definition.

After consideration of all relevant matters concerning the proposal, the amendment set forth below is hereby adopted.

The Small Business Size Standards Regulation (Revision 6) (31 F.R. 9721), as amended (31 F.R. 10114, 11651, 11973, 12479, 12572, 14311, 14351, 14516, 14544) is hereby further amended by:

1. Adding a new paragraph (d-2) to § 121.3-2 as follows:

#### § 121.3-2 Definition of terms used in this part.

(d-2) *Bona fide feed stocks* means crude and any other hydrocarbon material actually charged to refinery processing units, as distinguished from materials used as components in products to be delivered after merely filtering, settling or blending.

2. Revising § 121.3-8(b) and the final sentence of paragraph (c) and adding a new paragraph (g) to read as follows:

#### § 121.3-8 Definition of small business for Government procurement.

(b) *Manufacturing.* Any concern bidding on a contract for a product it manufactured is classified:

(1) As small if it is bidding on a contract for food canning and preserving and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in section (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(2) As small if it is bidding on a contract for a product classified within an industry set forth in Schedule B of this part and its number of employees does not exceed the size standard established for that industry.

(3) As small if it is bidding on a contract for a product classified within an industry not set forth in Schedule B of this part and its number of employees does not exceed 500 persons.

(c) \* \* \*  
(2) \* \* \* If the procurement is for a refined petroleum product, other than a product classified in Standard Industrial Classification Industries No. 2951, Paving mixtures and blocks, No. 2952, Asphalt felts and coatings, No. 2992, Lubricating oils and greases, or No. 2999, Products of petroleum and coal, not elsewhere classified, paragraph (g) of this section is for application.

(g) *Refined petroleum products.* Any concern bidding on a contract for a refined petroleum product other than a



product classified in Standard Industrial Classification Industries No. 2951, Paving mixture and blocks, No. 2952, Asphalt felts and coatings, No. 2992, Lubricating oils and greases, or No. 2999, Products of petroleum and coal, not elsewhere classified, is classified as small if (1) (i) its number of employees does not exceed 1,000 persons; (ii) it does not have more than 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned or leased facilities; and (iii) the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feed stocks: *Provided, however*, That a petroleum refining concern which meets the requirements in subdivisions (i) and (ii) of this subparagraph may furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offeror and the refiner of the product to be delivered to the Government which requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes a monetary settlement, and that the products exchanged for the products offered and to be delivered to the Government meet the requirement in subdivision (iii) of this subparagraph: *And, provided further*, That the exchange of products for products to be delivered to the Government, will be completed within 90 days after expiration of the delivery period under the Government contract; or (2) its number of employees does not exceed 500 persons and the product to be delivered to the Government has been refined by a concern which qualifies under subparagraph (1) of this paragraph.

3. Deleting from Schedule B of Part 121 the size standard for Standard Industrial Classification Industry No. 2911, Petroleum refining.

This amendment shall become effective sixty (60) days after publication in the FEDERAL REGISTER, but shall apply only to procurements for which invitations for bids or requests for proposals are issued on or after such effective date.

Dated: November 14, 1966.

BERNARD L. BOUTIN,  
Administrator.

[F.R. Doc. 66-12553; Filed, Nov. 18, 1966;  
8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency  
[Airspace Docket No. 66-SO-49]

### PART 73—SPECIAL USE AIRSPACE

#### Alteration of Restricted Area

In a notice of proposed rule making published in the FEDERAL REGISTER on August 6, 1966 (31 F.R. 10581), it was stated that the Federal Aviation Agency was considering a proposal submitted by

the Department of the Army to increase the time of designation of Restricted Area R-2101, Anniston Army Depot, Anniston, Ala.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. The only comment received, from the Air Transport Association, offered no objection to the proposal.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended effective January 5, 1967, as hereinafter set forth.

In § 73.21 (31 F.R. 2294) the time of designation of R-2101 Anniston Army Depot, Anniston, Ala., is amended to read "0700-1800 c.s.t., Monday through Saturday."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 10, 1966.

JOSEPH J. REGAN,  
Acting Director,  
Air Traffic Service.

[F.R. Doc. 66-12531; Filed, Nov. 18, 1966;  
8:45 a.m.]

## Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs,  
Department of the Treasury

[T.D. 66-256]

### PART 12—SPECIAL CLASSES OF MERCHANDISE

#### Imports of Coffee; Certain Certificates of Origin Considered Invalid

The Department of the Treasury has been informed by the Department of State that the International Coffee Council on September 6, 1966, approved Resolution No. 121 which empowers importing member countries of the International Coffee Agreement to regard as not valid for imports of coffee into their territory certificates of origin showing an original destination in a country listed in Annex B of the Agreement or certificates marked "New Market." The Department of State has requested that the Customs Regulations be amended to provide that such certificates will not be considered valid, and that the amendment be made effective upon filing in the FEDERAL REGISTER but that it not apply to coffee exported to the United States prior to the effective date of this change. Therefore, § 12.70(b) is amended by designating the present text as (b) (1) and adding a new subparagraph (2) to read as follows:

§ 12.70 Regulations prescribed under the International Coffee Agreement Act of 1965.

\* \* \* \* \*

(2) Certificates of origin shall not be considered as valid if they are marked "New Market" (Spanish—"Nuevo Mercado," French—"Marche Nouveau"), or if the original destination shown thereon

is in one of the countries in Annex B of the Agreement listed below:

Bahrein.	Poland.
Botswana (formerly Bechuanaland).	Qatar.
Ceylon.	Republic of Korea.
China (Taiwan).	North Korea.
China (Mainland).	Republic of Viet Nam.
Hungary.	North Viet Nam.
Iran.	Romania.
Iraq.	Saudi Arabia.
Japan.	Somalia.
Jordan.	South West Africa.
Kuwait.	Sudan.
Lesotho (formerly Basutoland).	Swaziland.
Malawi (formerly Nyasaland).	Thailand.
Muscat and Oman.	Republic of South Africa.
Oman.	Union of Soviet Socialist Republics.
Philippines.	

(Sec. 2, 79 Stat. 112; 19 U.S.C. 1356a)

Since this amendment is made pursuant to a resolution of the International Coffee Council, and a delay in its issuance may result in importations tending to defeat the purpose of the amendment, notice, and public procedure thereon under 5 U.S.C. 553 are unnecessary, impracticable, and contrary to the public interest and good cause is found for dispensing with a delayed effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER but shall not apply to certificates of origin covering coffee exported to the United States prior to that date.

[SEAL] LESTER D. JOHNSON,  
Commissioner of Customs.

Approved: November 9, 1966.

TRUE DAVIS,  
Assistant Secretary of  
the Treasury.

[F.R. Doc. 66-12555; Filed, Nov. 18, 1966;  
8:47 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

### PART 1-16—PROCUREMENT FORMS

#### Standard Contract Forms for Supply and Service Contracts (Excluding Construction)

This amendment revises Part 1-16 of the Federal Procurement Regulations to prescribe and illustrate new Standard Form 30, Amendment of Solicitation/Modification of Contract, and new editions of Standard Form 18, Request for Quotations; Standard Form 26, Award/Contract; Standard Form 33, Solicitation, Offer, and Award; Standard Form 33A, Solicitation Instructions and Conditions; and Standard Form 36, Continuation Sheet. These new and revised standard forms have been designed to permit their use in negotiated as well as advertised supply and nonpersonal service contracts (other than construction contracts and small purchases), to



make the forms more suitable for use with automatic business machines, and to include other changes necessary to update and to facilitate use of the forms.

1. The table of contents for Part 1-16 is amended to revise existing entries and to add new entries as follows:

Sec.	
1-16.101	Contract forms.
1-16.103	[Reserved]
1-16.202	Contract forms.
1-16.202-1	General.
1-16.202-2	Conditions for use.

**Subpart 1-16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction)**

1-16.500	Scope of subpart.
1-16.501	Contract forms.
1-16.901-26	Standard Form 26, Award/Contract.
1-16.901-30	Standard Form 30, Amendment of Solicitation/Modification of Contract.
1-16.901-33	Standard Form 33, Solicitation, Offer, and Award.
1-16.901-33A	Standard Form 33A, Solicitation Instructions and Conditions.
1-16.901-36	Standard Form 36, Continuation Sheet.

2. Section 1-16.000 is amended to include references to illustrations of the forms and use outside the United States. As amended, the section reads as follows:

**§ 1-16.000 Scope of part.**

This part prescribes forms for use by executive agencies in connection with procurement of supplies, nonpersonal services, and construction. Illustrations of these forms are contained in Subpart 1-16.9. When using these forms for procurement outside the United States, its possessions, and Puerto Rico, they may be modified, as appropriate, in accordance with agency procedures.

**Subpart 1-16.1—Forms for Advertised Supply Contracts**

Sections 1-16.100, 1-16.101, 1-16.105, and 1-16.106 are amended to prescribe new editions of Standard Forms 26, 33, 33A, and 36; and new Standard Form 30. The text of § 1-16.103 has been deleted. As amended, these sections read as follows:

**§ 1-16.100 Scope of subpart.**

This subpart prescribes forms for use in procuring supplies by formal advertising.

**§ 1-16.101 Contract forms.**

The following standard forms shall be used in supply contracts where the procurement is effected by formal advertising:

(a) Solicitation, Offer, and Award (Standard Form 33, July 1966 edition).

(b) Solicitation Instructions and Conditions (Standard Form 33A, July 1966 edition).

(c) General Provisions (Supply Contract) (Standard Form 32, June 1964 edition).

(d) Award/Contract (Standard Form 26, July 1966 edition).

(e) Amendment of Solicitation/Modification of Contract (Standard Form 30, July 1966 edition).

(f) Continuation Sheet (Standard Form 36, July 1966 edition). This continuation sheet is designed for use with all related contract forms. Where the columns thereon are not required, a blank sheet may be used, provided each page is properly identified (e.g., by entering the solicitation number and page number).

**§ 1-16.103 [Reserved]**

**§ 1-16.105 Incorporation of Standard Form 32 by reference.**

Since Standard Form 32 is incorporated by reference in the solicitation portion of Standard Form 33, it is not necessary to attach Standard Form 32 each time solicitations are issued to concerns regularly doing business with the Government. However, when a new edition of Standard Form 32 is issued, it is essential that agencies distribute copies thereof to all prospective bidders on their mailing lists and request that the form be retained for future reference. Additional copies of the form must be made available promptly on request.

**§ 1-16.106 Die-cut stencils and reproducible masters.**

(a) Standard Forms 26, 30, 33, and 36 may be made up as die-cut stencils or reproducible masters (subject to regulations of the Congressional Joint Committee on Printing).

(b) The Representations, Certifications, and Acknowledgments, which appear on the Reverse of Standard Form 33, are also printed with the face of the form left blank and are available from GSA Stores stock as Reverse of Standard Form 33. This preprinted Reverse of Standard Form 33 should be used when reproducing the face of Standard Form 33 from die-cut stencils or reproducible masters, thereby eliminating the need for reproducing the standard representations and certifications each time a solicitation is reproduced.

**Subpart 1-16.2—Forms for Negotiated Supply Contracts**

Section 1-16.200 is amended and § 1-16.202 is added. The amended and added sections read as follows:

**§ 1-16.200 Scope of subpart.**

This subpart prescribes forms for use in procuring supplies by negotiation.

**§ 1-16.202 Contract forms.**

**§ 1-16.202-1 General.**

The forms prescribed in § 1-16.101 for mandatory use in advertised supply contracts shall also be used for negotiated supply contracts (other than small purchases) unless it is determined in accordance with agency procedures that they are not appropriate for such use. See Subpart 1-16.3 concerning forms for use when making small purchases.

**§ 1-16.202-2 Conditions for use.**

When offers have been submitted on Standard Form 33, Solicitation, Offer, and Award, and it is in the interest of the Government to accept a prospective contractor's offer without further negotiation, award may be accomplished by use of the Award portion of Standard Form 33, or by use of Standard Form 26, Award/Contract. When an offer submitted on Standard Form 33 leads to further negotiation, or in cases where firm offers are not made on Standard Form 33, the resulting contract may be consummated on Standard Form 26 with both parties signing the document.

A new Subpart 1-16.5 is added which reads as follows:

**Subpart 1-16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction)**

**§ 1-16.500 Scope of subpart.**

This subpart prescribes forms for use in advertised and negotiated nonpersonal service contracts other than construction.

**§ 1-16.501 Contract forms.**

The forms prescribed in §§ 1-16.101 and 1-16.201 for advertised and negotiated supply contracts are suitable for use in many advertised and negotiated nonpersonal service contracts (other than construction and small purchases). Agencies are encouraged to require the use of these forms in advertised and negotiated nonpersonal service contracts where appropriate and practicable.

**Subpart 1-16.9—Illustrations of Forms**

Section 1-16.901-30 is added and §§ 1-16.901-18, 1-16.901-26, 1-16.901-33, 1-16.901-33A, and 1-16.901-36 are amended to illustrate the July 1966 editions of Standard Forms 18, 26, 30, 33, 33A, and 36.



(b) Page 2 of Standard Form 18.

## REPRESENTATIONS AND CERTIFICATIONS

The Quoter represents and certifies as part of his quotation that: (Check or complete all applicable boxes or blocks.)

1. **SMALL BUSINESS**  
He ☐ is, ☐ is not, a small business concern. A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is quoting on Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.) If the quoter is a small business concern and is not the manufacturer of the supplies offered, he also represents that all supplies to be furnished hereunder ☐ will, ☐ will not, be manufactured or produced by a small business concern in the United States, its possessions, or Puerto Rico.
2. **REGULAR DEALER-MANUFACTURER** (Applicable only to supply contracts exceeding \$10,000.)  
He is a ☐ regular dealer in, ☐ manufacturer of, the supplies offered.
3. **CERTIFICATION OF INDEPENDENT PRICE DETERMINATION** (Applicable only to quotations in excess of \$2,500.)  
(a) By submission of this quotation, the quoter certifies, and, in the case of a joint quotation, each party thereto certifies as to its own organization, that in connection with this procurement:  
(1) the prices in this quotation have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other quoter or with any competitor;  
(2) unless otherwise required by law, the prices quoted have been quoted in this quotation have not been knowingly disclosed by the quoter and will not knowingly be disclosed by the quoter prior to opening in the case of an advertised procurement or prior to award in the case of a negotiated procurement, directly or indirectly to any other quoter or to any competitor; and  
(3) no attempt has been made, and it will not be made by the quoter to induce any other person or firm to submit or not to submit a quotation for the purpose of restricting competition.

(b) Each person signing this quotation certifies that:  
(1) he is the person in the quoter's organization responsible within that organization for the decision as to the prices being quoted herein and that he has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above; or  
(2)(i) He is not the person in the quoter's organization responsible within that organization for the decision as to the prices being quoted herein but that he has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above, and as their agent does hereby so certify; and (ii) he has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above.

(c) This certification is not applicable to a foreign quoter submitting a quotation for a contract which requires performance or delivery outside the United States, its possessions, and Puerto Rico.

(d) A quotation will not be considered for award where (a)(1), (a)(3), or (b) above, has been deleted or modified. Where (a)(2) above, has been deleted or modified, the quotation will not be considered for award unless the quoter furnishes with his quotation a signed statement which sets forth in detail the circumstances of the disclosure and the head of the Agency, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

REVERSE OF SF-18

U.S. GOVERNMENT PRINTING OFFICE: 1964 O-335-145-N-49

S 1-16,901-18 Standard Form 18, Request for Quotations.

(a) Page 1 of Standard Form 18.

REQUEST FOR QUOTATIONS (THIS IS NOT AN ORDER)				PAGE 1 OF 1	
1. REQUEST NO.	2. DATE ISSUED	3. REQUISITION/PURCHASE REQUEST NO.	4. CERTIFIED FOR NATIONAL DEFENSE UNDER NSAS REG. 2 AND/OR DHS REG. 1 BATHING		
5. ISSUED BY		6. DELIVER BY (Date)			
7. QUANTITY		8. QUOTE (For Schedule)			
9. DESTINATION (City, State and address including ZIP code)		10. DESTINATION (City, State and address including ZIP code)			
11. NAME AND ADDRESS		12. SUPPLIES/SERVICES			
13. NAME AND ADDRESS		14. QUANTITY			
15. NAME AND ADDRESS		16. UNIT PRICE			
17. NAME AND ADDRESS		18. AMOUNT			
19. NAME AND ADDRESS		20. DATE OF QUOTATION			
21. NAME AND ADDRESS		22. TELEPHONE NO. (Include area code)			
23. NAME AND ADDRESS		24. NAME AND ADDRESS			
25. NAME AND ADDRESS		26. NAME AND ADDRESS			
27. NAME AND ADDRESS		28. NAME AND ADDRESS			
29. NAME AND ADDRESS		30. NAME AND ADDRESS			
31. NAME AND ADDRESS		32. NAME AND ADDRESS			
33. NAME AND ADDRESS		34. NAME AND ADDRESS			
35. NAME AND ADDRESS		36. NAME AND ADDRESS			
37. NAME AND ADDRESS		38. NAME AND ADDRESS			
39. NAME AND ADDRESS		40. NAME AND ADDRESS			
41. NAME AND ADDRESS		42. NAME AND ADDRESS			
43. NAME AND ADDRESS		44. NAME AND ADDRESS			
45. NAME AND ADDRESS		46. NAME AND ADDRESS			
47. NAME AND ADDRESS		48. NAME AND ADDRESS			
49. NAME AND ADDRESS		50. NAME AND ADDRESS			
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61. NAME AND ADDRESS		62. NAME AND ADDRESS			
63. NAME AND ADDRESS		64. NAME AND ADDRESS			
65. NAME AND ADDRESS		66. NAME AND ADDRESS			
67. NAME AND ADDRESS		68. NAME AND ADDRESS			
69. NAME AND ADDRESS		70. NAME AND ADDRESS			
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77. NAME AND ADDRESS		78. NAME AND ADDRESS			
79. NAME AND ADDRESS		80. NAME AND ADDRESS			
81. NAME AND ADDRESS		82. NAME AND ADDRESS			
83. NAME AND ADDRESS		84. NAME AND ADDRESS			
85. NAME AND ADDRESS		86. NAME AND ADDRESS			
87. NAME AND ADDRESS		88. NAME AND ADDRESS			
89. NAME AND ADDRESS		90. NAME AND ADDRESS			
91. NAME AND ADDRESS		92. NAME AND ADDRESS			
93. NAME AND ADDRESS		94. NAME AND ADDRESS			
95. NAME AND ADDRESS		96. NAME AND ADDRESS			
97. NAME AND ADDRESS		98. NAME AND ADDRESS			
99. NAME AND ADDRESS		100. NAME AND ADDRESS			



STANDARD FORM 26, JULY 1960 GENERAL SERVICES ADMINISTRATION GSA GEN. REG. 101 (CFR) 1-16.101		PAGE 1 OF 1	
1. CONTRACT (Proc. Inv. Form) NO.	2. EFFECTIVE DATE	3. REQUISITION/PURCHASE REQUEST/PROJECT NO.	4. CERTIFIED FOR FEDERAL DEFENSE UNDER DDPA, REG. 2 AND/OR DMS REG. 1
5. ISSUED BY	6. ADMINISTERED BY (If other than block 3)	7. DELIVERY METHOD NATION <input type="checkbox"/> OTHER (See block 9) <input type="checkbox"/>	8. DISCOUNT FOR POINT PAYMENT
9. CONTRACTOR NAME AND ADDRESS (Street, city, county, state, and zip code)	10. FACILITY CODE	11. SHIP TO/HARK FOR	12. PAYMENT WILL BE MADE BY
13. THIS PROCUREMENT WAS <input type="checkbox"/> ADVERTISED, <input type="checkbox"/> NEGOTIATED, PURSUANT TO: <input type="checkbox"/> 10 U.S.C. 2304 (a) (3) <input type="checkbox"/> 41 U.S.C. 232 (a) (3)			
14. ACCOUNTING AND APPROPRIATION DATA			

15. ITEM NO.	16. SUPPLIES/SERVICES	17. QUANTITY	18. UNIT	19. UNIT PRICE	20. AMOUNT
TOTAL AMOUNT OF CONTRACT \$					
21. CONTRACTING OFFICER WILL COMPLETE BLOCK 22 OR 25 AS APPLICABLE					
22. <input type="checkbox"/> CONTRACTOR'S NEGOTIATED AGREEMENT (Contractor is required to sign this document and return it to the contracting officer. Contractor agrees to furnish and deliver all items or perform all the services set forth or otherwise specified in the contract. The right and obligations of the parties to this contract shall be subject to and governed by the following documents: (a) this award contract, if any, awarded by the following documents: (b) the award contract, if any, awarded or incorporated by reference herein. (Attachments are listed herein.)					
23. NAME OF CONTRACTOR					
24. NAME AND TITLE OF SIGNER (Type or print)					
25. DATE SIGNED					
26. NAME OF CONTRACTING OFFICER (Type or print)					
27. DATE SIGNED					

U.S. GOVERNMENT PRINTING OFFICE: 1967-232-141-114

20-103

STANDARD FORM 30, JULY 1960 GENERAL SERVICES ADMINISTRATION GSA GEN. REG. 101 (CFR) 1-16.101		PAGE 1 OF 1	
1. AMENDMENT/MODIFICATION NO.		2. EFFECTIVE DATE	
3. REQUISITION/PURCHASE REQUEST NO.		4. PROJECT NO. (If applicable)	
5. ISSUED BY		6. ADMINISTERED BY (If other than block 3)	
7. CONTRACTOR NAME AND ADDRESS (Street, city, county, state, and zip code)		8. AMENDMENT OF SOLICITATION/ MODIFICATION OF CONTRACT AMENDMENT NO. _____ DATE _____ (See block 9) MODIFICATION OF CONTRACT/ORDER NO. _____ DATE _____ (See block 11)	
9. THIS BLOCK APPLIES ONLY TO AMENDMENTS OF SOLICITATIONS. <input type="checkbox"/> The above numbered solicitation is amended as set forth in block 12. The hour and date specified for receipt of offers is not extended. <input type="checkbox"/> The above numbered solicitation is amended as set forth in block 12. The hour and date specified in the solicitation, as amended, by one of the following methods: (a) By signing and returning _____ copies of this amendment; (b) by acknowledging receipt of this amendment on each copy of the offer submitted; or (c) by separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE ISSUING OFFICE PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If, by virtue of this amendment you desire to change an offer already submitted, such change may be made by filing an amended proposal with the issuing office, and it received prior to the opening hour and date specified.		10. ACCOUNTING AND APPROPRIATION DATA (If required)	
11. THIS BLOCK APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. (a) <input type="checkbox"/> This Change Order is issued pursuant to _____ (b) <input type="checkbox"/> The above numbered contract/order is modified to reflect the amendments set forth in block 12. (c) <input type="checkbox"/> This Supplemental Agreement is entered into pursuant to _____ (d) <input type="checkbox"/> This Supplemental Agreement is entered into pursuant to _____ If modifies the above numbered contract as set forth in block 12.		12. DESCRIPTION OF AMENDMENT/MODIFICATION	
13. CONTRACTOR/OFFEROR IS NOT REQUIRED <input type="checkbox"/> CONTRACTOR/OFFEROR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN COPIES TO ISSUING OFFICE TO SIGN THIS DOCUMENT			
14. NAME OF CONTRACTOR/OFFEROR			
15. NAME AND TITLE OF SIGNER (Type or print)			
16. DATE SIGNED			
17. NAME OF CONTRACTING OFFICER (Type or print)			
18. DATE SIGNED			

20-103

U.S. GOVERNMENT PRINTING OFFICE: 1967-232-141-114











## RULES AND REGULATIONS

§ 1-16.901-36 Standard Form 36, Continuation Sheet.

STANDARD FORM 36, JULY 1965 GENERAL SERVICES ADMINISTRATION FED. PROC. REG. (41 CFR) 1-16.101		CONTINUATION SHEET		REL. NO. OF DOC. BEING CONT'D.		PAGE 1 OF
NAME OF OFFEROR OR CONTRACTOR						
ITEM NO.	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT	
<div style="transform: rotate(-45deg); font-size: 100px; opacity: 0.5;">SPECIMEN</div>						

36-108  
(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* These regulations are effective March 31, 1967, but may be observed earlier upon availability of the standard forms prescribed by these regulations.

Dated: November 15, 1966.

LAWSON B. KNOTT, Jr.,  
Administrator of General Services.

[F.R. Doc. 66-12558; Filed, Nov. 18, 1966; 8:45 a.m.]

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE (RULE VI)

#### PART 9—EXECUTIVE ASSIGNMENT SYSTEM FOR POSITIONS IN GRADES GS-16, 17, AND 18 OF THE GEN- ERAL SCHEDULE (RULE IX)

CROSS REFERENCE: For matter amend-  
ing Part 6 and adding Part 9 of Chapter  
I of Title 5, see Title 3, E.O. 11315, F.R.  
Doc. 66-12623, *supra*.



# Proposed Rule Making

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 73 ]

[ Airspace Docket No. 66-EA-48 ]

### RESTRICTED AREA

#### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-5001 at Fort Dix, N.J.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The U.S. Army has informed the Federal Aviation Agency that it must expand its military training capability at Fort Dix by establishing new artillery firing positions. To contain the resultant hazardous activity, the Army has requested that R-5001 be expanded to the southeast and, above 4,000 feet MSL, to the west.

It is proposed that R-5001 would be subdivided into two areas, one to extend from the surface to 4,000 feet MSL and one to extend from 4,000 feet MSL to 8,000 feet MSL. Such vertical subdivision would provide the Army with the restricted airspace which it requires and, at the same time, allow the restriction of only that airspace absolutely required.

In consideration of the foregoing, it is proposed that the designation of R-5001 Fort Dix, N.J., be amended to read as follows:

R-5001 FORT DIX, N.J.

#### SUBAREA A

*Boundaries.* Beginning at latitude 40°02'45" N., longitude 74°27'00" W.; to latitude 40°00'00" N., longitude 74°26'20" W.; to latitude 39°59'00" N., longitude 74°25'08" W.; to 39°59'00" N., longitude 74°25'08" W.; to latitude 39°58'00" N., longitude 74°25'00" W.; to latitude 39°58'45" N., longitude 74°28'00" W.; to latitude 39°58'45" N., longitude 74°31'25" W.; to latitude 39°59'15" N., longitude 74°33'30" W.; to latitude 40°01'53" N., longitude 74°33'30" W.; to latitude 40°02'45" N., longitude 74°32'30" W.; to the point of beginning.

*Designated altitudes.* Surface to and including 4,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, New York ARTC Center.

*Using agency.* Commanding General, Fort Dix, N.J.

#### SUBAREA B

*Boundaries.* Beginning at latitude 40°02'45" N., longitude 74°27'00" W.; to latitude 40°00'00" N., longitude 74°26'20" W.; to latitude 39°59'00" N., longitude 74°25'08" W.; to latitude 39°58'00" N., longitude 74°25'00" W.; to latitude 39°58'45" N., longitude 74°28'00" W.; to latitude 39°53'45" N., longitude 74°31'25" W.; to latitude 40°01'53" N., longitude 74°33'30" W.; to latitude 40°02'45" N., longitude 74°32'30" W.; to the point of beginning.

*Designated altitudes.* From 4,000 feet MSL to and including 8,000 feet MSL.

*Time of designation.* Continuous, sunrise Friday to sunset Sunday, other times by NOTAM, 48 hours in advance.

*Controlling agency.* Federal Aviation Agency, New York ARTC Center.

*Using agency.* Commanding General, Fort Dix, N.J.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 14, 1966.

W. R. ANDREWS,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[F.R. Doc. 66-12556; Filed, Nov. 18, 1966;  
8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

[ 7 CFR Part 811 ]

[Sugar Reg. 811]

### CONTINENTAL SUGAR REQUIREMENTS AND QUOTAS

#### Proposed Determination for Calendar Year 1967

Notice is hereby given that the Secretary of Agriculture pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922), is considering the determination of the amount of sugar needed to meet the requirements of consumers in the continental United States in 1967, and the establishment of sugar quotas for the calendar year 1967. Such determination is to be made during the last 3 months of this year.

In accordance with the rule making requirements of the Administrative Pro-

cedure Act (60 Stat. 237) all persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation shall file the same in duplicate with the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 15 days after the date of publication of this notice in the FEDERAL REGISTER.

The proposed determination of 1967 sugar requirements for the continental United States and quotas for the calendar year 1967, are set forth essentially in form and language appropriate for issuance, if adopted by the Secretary as follows:

*Basis and purpose and bases and considerations.* Distribution of refined sugar for consumption in the United States amounted to approximately 10,350,000 short tons, raw value, during the 12-month period which ended September 30, 1966. This was 370,000 tons more than in the previous 12-month period, or between 2 and 3 times the usual year-to-year market growth. The unusually hot summer and the rising trend of consumer purchasing power almost surely had a favorable impact on sugar consumption. However, it is also likely that inventories in the hands of merchants and users increased somewhat, in which case actual consumption may more nearly have been of the order of 10,250,000 tons.

Demand conditions, other than weather, are expected to be as favorable in 1967 as during the base period. A repetition of weather as conducive to sugar consumption as that in the base period, while possible is not probable.

Assuming normal weather and after allowance for the increase in population, consumption of sugar during the calendar year 1967 would amount to about 10,325,000 tons in accordance with long term experience or to about 10,375,000 tons based on the more recent experience.

Users may elect to carry inventories at the higher level of September 30, 1966, increase them further, or they may reduce them more than seasonally during the last quarter of 1966 or carry out a reduction during calendar 1967. Any change during the last quarter of this year would have the opposite effect upon the inventories of refiners. Aside from this factor, it presently appears that quota stocks held by refiners and importers may be about 75,000 tons larger at the end of 1966 than at the beginning. The level of quota sugar inventories in all hands at the end of 1967 can not be foreseen at present.

Sugar requirements for the year 1967 will amount to actual consumption plus a refining loss of about 50,000 tons as modified by any change which users,



refiners, and importers decide to make in their sugar inventories during the year. Based on the current rather high level of initial inventories, a reduction during the year appears more likely than an increase.

The domestic price of raw sugar was generally stable during the first 10 months of 1966 although trending moderately upward. The average for the period was 6.97 cents per pound. In the development of this determination, consideration has been given to the desirability of attaining generally stable sugar prices that will carry out over the long term, the price objectives set forth in section 201 of the Act.

In recognition of possible inventory variations during 1967 of quota sugar in the hands of refiners, importers, and users, the amount of sugar needed to meet the requirements of consumers in the continental United States is herein determined at 10,200,000 tons or about 150,000 tons less than the probable level of anticipated consumption.

It is determined that no reduction is required at this time pursuant to section 202(d) (3) and (4) of the Act in the quotas established herein for foreign countries. This action is based on the assumption that each country will fill its 1966 quota within a reasonable tolerance, except for the Republic of the Philippines, Nicaragua, Panama, and Bolivia. A finding has been made by the Secretary of Agriculture that the failure of the Republic of the Philippines, Nicaragua, and Panama to fill their respective 1966 quotas was determined to have resulted from crop disaster or other force majeure. Bolivia has notified the Secretary that it will have a small shortfall in its quota and that evidence will be furnished soon to support a claim of force majeure. The final order will reflect the finding with respect to that shortfall. Honduras notified the Secretary prior to December 31, 1965 of its inability to export any sugar to the United States during 1967, therefore, pursuant to section 202(d) (6) and section 204(a) of the Act the quota which otherwise would be allocated to Honduras is prorated to other Central American Common Market Countries. The quota which otherwise would be allocated to Southern Rhodesia has been shown as reserved for possible disposition by the President pursuant to section 202 (d) (1) (b) of the Act.

In view of the wide differential between the price of domestic raw sugar and the world price, there would be a strong tendency for an excessive quantity of foreign sugar to be shipped to this country early in 1967. This would likely preclude the meeting of the objectives of the Act. Accordingly, it is necessary that provision be made for quantitative limitations on the total importation of raw sugar from foreign countries for the first and second quarters of the year.

The limitation for the first half of the year is established at 1,750,000 of which 750,000 tons may be imported during the first quarter. During the last 4 years, importations of foreign sugar during the

first half of the year have averaged about 1,725,000 tons with about 690,000 tons being imported during the first quarter.

To give recognition to the seasonality of production and movement of sugar from the foreign countries, allocations during the first quarter and first half of 1967 will primarily be based on their average imports during those periods during 1963, 1964, 1965, and 1966.

Sec.	
811.50	Sugar requirements, 1967.
811.51	Quotas for domestic areas.
811.52	[Reserved]
811.53	Quotas for foreign countries.
811.54	Applicability of quotas.
811.55	Restrictions on importations and marketings within quotas.

AUTHORITY: §§ 811.50 to 811.55 issued under sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies to secs. 201, 202, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, and 928, as amended; 7 U.S.C. 1111, 1112, 1117, 1118, and 1119.

#### § 811.50 Sugar requirements, 1967.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1967 is hereby determined to be 10,200,000 short tons, raw value.

#### § 811.51 Quotas for domestic areas.

(a) For the calendar year 1967 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in Column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in Column (2) as follows:

Area	Quotas	
	(1)	Direct-consumption limits
	(Short tons, raw value)	
Domestic Beet Sugar	3,025,000	no limit
Mainland Cane Sugar	1,100,000	no limit
Hawaii	1,240,392	34,884
Puerto Rico	1,140,000	153,000
Virgin Islands	15,000	0

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

#### § 811.52 [Reserved]

#### § 811.53 Quotas for foreign countries.

(a) The quotas or prorations for foreign countries limiting the quantities of sugar which may be imported into the continental United States during the calendar year 1967 for consumption therein and the amounts of such quotas and prorations that may be filled by direct-consumption sugar are hereby established as set forth in the following paragraphs (b), (c), (d), and (e) of this section.

(b) For the calendar year 1967 the quota for the Republic of the Philippines is 1,104,300 short tons, raw value, and the quantity of such quota that may be

filled by direct-consumption sugar is 59,920 short tons, raw value.

(c) For the calendar year 1967, the prorations or allocations to individual foreign countries other than the Republic of the Philippines pursuant to section 202(c) (3) and (4) and section 202(d) of the Act are as follows:

Production Area	Basic quotas	Tempo- rary quotas and pro- rations pursuant to sec. 202(d)	Total quotas and pro- rations
	(Short tons, raw value)		
Mexico	198,657	203,843	402,500
Dominican Republic	194,289	199,350	393,648
Brazil	194,289	199,350	393,648
Peru	154,968	159,014	313,982
British West Indies	77,612	72,229	149,841
Ecuador	28,270	29,007	57,277
French West Indies	24,415	22,721	47,136
Argentina	23,900	24,525	48,425
Costa Rica	22,873	24,824	47,697
Nicaragua	22,873	24,824	47,697
Colombia	20,560	21,096	41,656
Guatemala	19,274	20,919	40,193
Panama	14,392	14,767	29,159
El Salvador	11,135	15,341	26,476
Haiti	10,794	11,076	21,870
Venezuela	9,766	10,020	19,786
British Honduras	5,654	5,262	10,916
Bolivia	2,313	2,374	4,687
Honduras	0	0	0
Australia	92,518	86,100	178,618
Republic of China	38,549	35,875	74,424
India	37,007	34,440	71,447
South Africa	27,242	25,352	52,594
Fiji Islands	20,303	18,894	39,197
Thailand	8,481	7,893	16,374
Mauritius	8,481	7,893	16,374
Malagasy Republic	4,369	4,066	8,435
Swaziland	3,341	3,109	6,450
Reserved	3,341	3,109	6,450
Ireland	5,351		5,351
Total	1,288,017	1,287,291	2,575,308

NOTE: The above proposed quotas for 1967 contain adjustments pursuant to section 202(d)(6) of the Act on the basis of information that has become part of the official records of the Department prior to November 10, 1966.

This quantity which otherwise would be allocated to Southern Rhodesia has been reserved for possible disposition pursuant to section 202(d)(1)(B) of the Act.

(d) (1) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, only 1,750,000 short tons, raw value, of raw sugar may be authorized for importation from all foreign countries in accordance with Part 817 of this chapter during the first 6 months of 1967, and of such 1,750,000 short tons, raw value, 750,000 short tons, raw value, may be authorized for importation during the first quarter of the year.

(2) (i) The importation of raw sugar within the above specified quarterly limitations will be authorized on the basis of applications for "Set Aside of Quota" on Form SU-8A or "Sugar Quota Clearance" on Form SU-3 in accordance with the provisions of Part 817 of this chapter subject to the priorities for countries as provided in subparagraph (3) of this paragraph for first quarter importations and in subparagraph (4) of this paragraph for second quarter importations and limitations as provided in subdivision (ii) of this subparagraph. Applications to import raw sugar from the Republic of the Philippines must, before final approval within the quantity reserved for the Republic of the Philip-



piners pursuant to subparagraphs (3) and (4) of this paragraph, be supplemented by certification from the Sugar Quota Administrator of the Government of the Philippines granting the applicant the permission to export sugar to the U.S. market.

(ii) Applications for the importation of sugar during the first quarter received on or before 10 days after the effective date of this order will be considered as having been received at the same time. Applications for the importation of sugar during the second quarter received on or before January 15, 1967, will be considered as having been received at the same time.

(3) (i) Allocations of first quarter importations among countries will be made in the following manner within the limits of applications received.

(ii) First priority shall be given to countries from which sugar was imported during the first quarter of 1963, 1964, 1965, or 1966 but not to exceed the average of the country's first quarter importations as set forth in subparagraph (5) of this paragraph.

(iii) Second priority shall be given to countries by making an initial allocation under this priority to countries in order of size of quota, smallest first, limiting such initial allocation to any country to the smaller of 10,000 short tons, raw value, or the quantity which would permit the country to import in total during the first quarter up to 20 percent of the country's annual quota. Additional allocations under this priority shall be made to those countries receiving an initial allocation under this priority of 10,000 short tons, raw value, which additional allocation to any such country shall be so limited that the total allocation under subdivision (ii) of this subparagraph and this subdivision (iii) during the first quarter for such country as a percentage of its annual quota will not exceed the percentage similarly calculated for any other such country and shall be further limited so that the total quantity which such country may import during the first quarter shall not exceed 20 percent of the country's annual quota.

(iv) Any quantity not prorated under subdivisions (ii) and (iii) of this subparagraph shall be prorated among countries having priority under subdivision (ii) of this subparagraph that received allocations less than the full amount applied for, and such additional proration shall be made on the basis of the average imports of sugar from the countries during the first quarter as set forth in subparagraph (5) of this paragraph.

(4) (i) Allocation of second quarter importations among countries will be made in the following manner within the limits of applications received.

(ii) First priority shall be given to countries from which sugar was imported during the first half of 1963, 1964, 1965, and 1966 but not to permit importation of sugar during the first half to exceed the average of such country's importations as set forth in subparagraph (5) of this paragraph: *Provided*, That if the quantity of sugar which may be imported during the second quarter is less than the

quantity needed to approve all applications for importation in the second quarter, the quantity of sugar which may be imported during the second quarter shall be prorated among countries on the basis of first half importations from countries as set forth in subparagraph (5) of this paragraph.

(iii) Second priority shall be given to countries by making an initial allocation under this priority to countries in order of size of quota, smallest first, limiting such initial allocation to any country to the smaller of 10,000 short tons, raw value, or the quantity which would permit the country to import in total during the first half up to 50 percent of the country's annual quota. Additional allocations under this priority shall be made to those countries receiving an initial allocation under this priority of 10,000 short tons, raw value, which additional allocation to any such country shall be so limited that the total allocation under subparagraph (3) of this paragraph and this subparagraph (4) during the first half for such country as a percentage of its annual quota will not exceed the percentage similarly calculated for any other such country; and shall be further limited so that the total quantity which such country may import during the first half shall not exceed 50 percent of the country's annual quota.

(iv) Any quantity not prorated under subdivisions (ii) and (iii) of this subparagraph shall be prorated among countries having priority under subdivision (ii) of this subparagraph that received allocations less than the full amount applied for, and such proration shall be made on the basis of the average imports of sugar from the countries during the first half as set forth in subparagraph (5) of this paragraph.

(5) Average importations into the continental United States within quotas, during the first quarter and first half of the years 1963, 1964, 1965, and 1966:

Country	First quarter	First half
	(Short tons, raw value)	
Philippines.....	215,462	513,679
Mexico.....	114,906	299,208
Dominican Republic.....	83,745	254,136
Brazil.....	72,721	100,773
Peru.....	68,402	118,886
British West Indies.....	17,825	73,254
Ecuador.....	8,908	13,762
French West Indies.....	6,596	38,702
Argentina.....	7,158	28,607
Costa Rica.....	6,374	24,900
Nicaragua.....	6,181	20,292
Colombia.....	1,868	13,227
Guatemala.....	14,049	34,682
Panama.....	4,136	9,347
El Salvador.....	5,224	13,319
Haiti.....	8,086	18,184
Venezuela.....	34	3,722
British Honduras.....	0	1,304
Bolivia.....	0	0
Honduras.....	0	0
Australia.....	10,670	10,670
Republic of China.....	5,976	59,719
India.....	5,875	50,226
South Africa.....	24,450	24,450
Fiji Islands.....	390	390
Thailand.....	0	0
Mauritius.....	0	0
Malagasy Republic.....	0	0
Swaziland.....	1,585	1,585
Southern Rhodesia.....	0	0
Total.....	690,621	1,727,024

(6) The remaining portion of a single shipment of raw sugar, of which a por-

tion is authorized for importation pursuant to § 817.6 of this chapter as the final quantity to fill the applicable quarterly limitation, but not to exceed the smaller of 10 percent of the applicable quarterly limitation or 5,000 short tons, raw value, may be authorized for release for importation by or delivery to a refiner who is a principal on a bond accepted pursuant to § 817.9 of this chapter under which the principal is obligated to hold the sugar so imported or an equivalent quantity at the refinery at which such sugar was received until release within the applicable limitation or quota is authorized by the Secretary.

(e) For the calendar year 1967, the quantity of each proration established in paragraph (c) of this section that may be filled by direct-consumption sugar pursuant to section 207(e) of the Act is as follows:

Country	Short tons, raw value
Ireland .....	5,351
Panama .....	3,817

(f) For the calendar year 1967 the quota for liquid sugar for foreign countries as a group is 2,000,000 gallons of sirup of cane juice of the type of Barbados molasses, limited to liquid sugar containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) of more than 5 percent of the total soluble solids, which is not to be used as a component of any direct-consumption sugar but is to be used as molasses without substantial modification of its characteristics after importation.

#### § 811.54 Applicability of quotas.

(a) All sugar and liquid sugar marketed or imported into the continental United States is subject to the provisions of Part 816 or Part 817 of this chapter which prescribe the time, manner, and conditions under which quotas and prorations are filled by the marketing and importation of sugar or liquid sugar.

(b) The quantitative limitations established by §§ 811.51 to 811.53, inclusive, do not apply to sugar or liquid sugar marketed or imported pursuant to sections 211 and 212 of the Act in accordance with the provisions of Part 816 or Part 817 of this chapter.

#### § 811.55 Restrictions on importations and marketings within quotas.

Subject to the provisions of Parts 816 and 817 of this chapter all persons are prohibited from bringing or importing into or marketing in the continental United States any sugar or liquid sugar in excess of or after the applicable quota or quantity set forth in §§ 811.51 to 811.53, inclusive, has been filled or any sugar or liquid sugar as direct-consumption sugar after the direct-consumption portion of the applicable quota has been filled.

Signed at Washington, D.C., this 15th day of November 1966.

JOHN A. SCHNITTKER,  
Acting Secretary.

[F.R. Doc. 66-12526; Filed, Nov. 18, 1966; 8:45 a.m.]



# POST OFFICE DEPARTMENT

[ 39 CFR Part 31 ]

## IMITATIONS OF POSTAGE STAMPS AND OTHER ADHESIVES, SEALS, OR STICKERS RESEMBLING POSTAGE STAMPS

### Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of a proposed amendment to Part 31 of Title 39, Code of Federal Regulations. The proposed amendment to § 31.8 prohibits imitations of official markings and designs on mail matter as mailers have been using endorsements on ordinary mail resembling those used officially for registered and certified mail.

Although the procedures in 39 CFR Part 31 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the Postal Service may have an opportunity to comment on the proposed amendment.

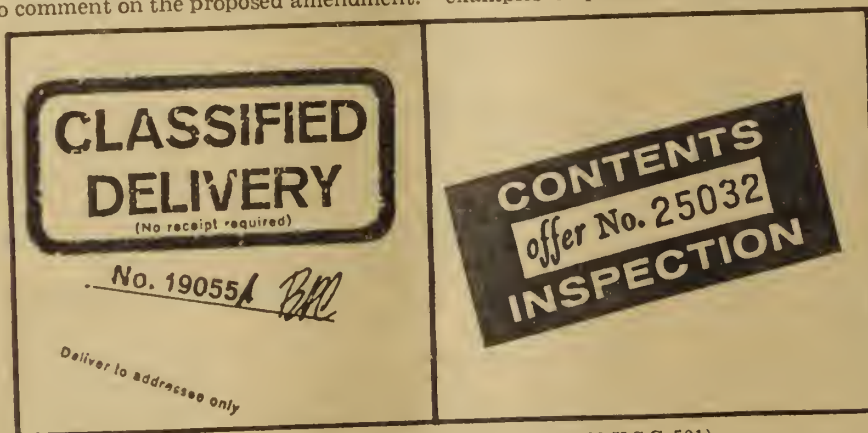
Written data, views, and arguments may be filed with the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

It is proposed to amend § 31.8 to read as follows as well as to add illustrations of recently used misleading endorsements.

### § 31.8 Adhesive attachment and printed markings.

(a) *Imitations of postage stamps.* Matter bearing imitations of postage stamps, in adhesive or printed form, or private seals or stickers which are like a postage stamp in form and design, shall not be accepted for mailing.

(b) *Imitations of official markings and designs.* Matter bearing decorative markings and designs, in adhesive or printed form, which imitate the markings and designs used to identify official postal services shall not be accepted for mailing. The following illustrations are examples of prohibited imitations:



(c) *Permissible.* Seals or stickers that do not imitate postage stamps by having such characteristics as words, numerals, or other markings which indicate a value may be attached to other than the address side of mail.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,  
General Counsel.

NOVEMBER 15, 1966.

[F.R. Doc. 66-12504; Filed, Nov. 18, 1966;  
8:45 a.m.]



# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[R 236]

#### CALIFORNIA

### Notice of Proposed Classification of Public Lands for Multiple Use Management

NOVEMBER 7, 1966.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management, the public lands described below, together with any lands therein that may become public lands in the future. Publication of this notice segregates (a) all lands described in this notice from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 331) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and (b) the lands described in paragraph 3 of this notice from the operation of the general mining laws (30 U.S.C. 21).

2. Public lands located within the following described areas are shown on the Piute Planning Unit Classification Map, which is on file in the Riverside District and Land Office, Bureau of Land Management, Riverside, Calif. The overall description of the areas are as follows:

#### SAN BERNARDINO MERIDIAN, CALIFORNIA

##### SAN BERNARDINO COUNTY

T. 6 N., R. 12 E.,  
Secs. 1 and 12.  
T. 6 N., R. 13 E.,  
Secs. 1 to 29, inclusive;  
Secs. 32 to 36, inclusive.  
T. 6 N., R. 14 E.,  
Secs. 2 to 10, inclusive;  
Secs. 16 to 20, inclusive;  
Sec. 30.  
T. 7 N., R. 12 E.,  
Secs. 1, 12, 13, 24, 25, 36.  
T. 7 N., Rs. 13 to 15 E., inclusive.  
T. 7 N., R. 16 E.,  
Secs. 1 to 11, inclusive;  
Secs. 15 to 21, inclusive;  
Secs. 29, 30.  
T. 8 N., R. 13 E.,  
Secs. 1 to 4, inclusive;  
Secs. 9 to 16, inclusive;  
Secs. 20 to 36, inclusive.  
T. 8 N., Rs. 14 to 16 E., inclusive.  
T. 8 N., R. 17 E.,  
Secs. 1 to 22, inclusive;  
Secs. 29 to 31, inclusive.  
T. 8 N., R. 18 E.,  
Secs. 3 to 8, inclusive.  
T. 9 N., R. 13 E.,  
Secs. 1 to 5, inclusive;  
Secs. 8 to 17, inclusive;  
Secs. 20 to 29, inclusive;  
Secs. 33 to 36, inclusive.  
T. 9 N., Rs. 14 to 18 E., inclusive.  
T. 9 N., R. 19 E.,  
Secs. 1 to 24, inclusive;  
Secs. 26 to 32, inclusive.  
T. 9 N., R. 20 E.,  
Secs. 1 to 24, inclusive.

T. 9 N., R. 21 E.,  
Secs. 4 to 9, inclusive;  
Secs. 16 to 18, inclusive.  
T. 10 N., R. 13 E.,  
Secs. 1 to 17, inclusive;  
Secs. 20 to 29, inclusive;  
Secs. 32 to 36, inclusive.  
T. 10 N., Rs. 14 to 20 E., inclusive.  
T. 10 N., R. 21 E.,  
Secs. 4 to 9, inclusive;  
Secs. 16 to 21, inclusive;  
Secs. 28 to 33, inclusive.  
T. 11 N., R. 12 E.,  
Secs. 24, 25, 36.  
T. 11 N., R. 13 E.,  
Secs. 1 to 4, inclusive;  
Secs. 8 to 36, inclusive.  
T. 11 N., Rs. 14 to 19 E., inclusive.  
T. 11 N., R. 20 E.,  
Secs. 2 to 11, inclusive;  
Secs. 14 to 23, inclusive;  
Secs. 26 to 35, inclusive.  
T. 12 N., R. 13 E.,  
Secs. 13, 24 to 26, inclusive;  
Secs. 34 to 36, inclusive.  
T. 12 N., Rs. 14 to 19 E., inclusive.  
T. 12 N., R. 20 E.,  
Secs. 4 to 10, inclusive;  
Secs. 14 to 23, inclusive;  
Secs. 26 to 35, inclusive.  
T. 13 N., R. 14 E.,  
Secs. 1 to 5, inclusive;  
Secs. 8 to 17, inclusive;  
Secs. 20 to 29, inclusive;  
Secs. 31 to 36, inclusive.  
T. 13 N., Rs. 15 to 20 E., inclusive.  
T. 14 N., R. 14 E.,  
Secs. 24 to 27, inclusive;  
Secs. 33 to 36, inclusive.  
T. 14 N., R. 15 E.,  
Secs. 1, 11 to 16, inclusive;  
Secs. 19 to 36, inclusive.  
T. 14 N., Rs. 16 to 19 E., inclusive.  
T. 15 N., R. 16 E.,  
Secs. 1 to 3, inclusive;  
Secs. 10 to 16, inclusive;  
Secs. 20 to 29, inclusive;  
Secs. 31 to 36, inclusive.  
T. 15 N., R. 17 E.,  
Secs. 3 to 11, inclusive;  
Secs. 13 to 36, inclusive.  
T. 15 N., R. 18 E.,  
T. 15½ N., R. 16 E.,  
Secs. 21 to 27, inclusive;  
Secs. 34 to 36, inclusive.  
T. 15½ N., R. 17 E.  
T. 16 N., R. 16 E.,  
Secs. 33 to 36, inclusive.

The total area of lands included within the purview of this notice of proposed classification aggregates approximately 933,400 acres.

3. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the mining laws (aggregating approximately 48,882 acres):

#### SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 15 N., R. 17 E.,  
Sec. 8, SE¼ SE¼;  
Sec. 9, SW¼ NW¼;  
Sec. 14, lots 3, 4, 5, 10, 12, SW¼ NE¼;  
Sec. 15, SW¼ SW¼;  
Sec. 16, SE¼ SE¼;  
Sec. 21, NE¼ NE¼;  
Sec. 22, NW¼ NW¼, NE¼ SW¼;  
Sec. 23, SE¼ NW¼;  
Sec. 24, SW¼ SW¼;  
Sec. 25, NW¼ NW¼.

T. 14 N., R. 18 E.,  
Sec. 4, lots 2, 3, 4, 13, SW¼ SW¼;  
Sec. 7, E½ lot 16, W½ lot 17;  
Sec. 20, SE¼ SE¼ SW¼;  
Sec. 22, S½ SW¼;  
Sec. 27, N½ NW¼;  
Sec. 29, N½ NE¼ NW¼, NW¼ NW¼ NE¼.  
T. 14 N., R. 16 E.,  
Sec. 4, lot 15;  
Sec. 5, lot 9;  
Sec. 28, NE¼ SE¼;  
Sec. 29, NW¼ SW¼, SW¼ NW¼;  
Sec. 30, SE¼ NE¼, NE¼ SE¼;  
Sec. 31, lot 24, SW¼ SE¼, SE¼ SW¼.  
T. 14 N., R. 15 E.,  
Sec. 27, lot 3, SE¼ NW¼.  
T. 13 N., R. 16 E.,  
Sec. 6, lots 3, 6, 9, 10, 13, 14, 15, SE¼ NE¼, NE¼ SE¼;  
Sec. 7, lots 3, 4, 7, 8, 9, 10, 11.  
T. 13 N., R. 15 E.,  
Sec. 7, NE¼ NE¼;  
Sec. 8, lot 1;  
Sec. 9, SW¼ SW¼.  
T. 13 N., R. 14 E.,  
Sec. 14, SE¼ SW¼.  
T. 12 N., R. 18 E.,  
Sec. 13, S½ NE¼ SW¼, SE¼ SW¼, SW¼ SE¼, S½ N½ SE¼;  
Sec. 24, N½ NE¼, N½ SW¼ NE¼, SW¼ SW¼ NE¼, NW¼.  
T. 12 N., R. 15 E.,  
Sec. 1, lot 6, SW¼ NW¼;  
Sec. 3;  
Sec. 31, NW¼ SW¼, SE¼ NW¼.  
T. 12 N., R. 14 E.,  
Sec. 12, S½ SE¼;  
Sec. 13, N½ NE¼, NE¼ NW¼, S½ NW¼, SW¼ NE¼, N½ SW¼, NW¼ SE¼, SW¼ SW¼;  
Sec. 14, SE¼ SE¼;  
Sec. 23, N½ NE¼, S½ NE¼.  
T. 11 N., R. 15 E.,  
Sec. 1, lots 7, 8;  
Sec. 2, SE¼ NE¼, NE¼ SE¼, lot 3;  
Sec. 8, SW¼;  
Sec. 15, W½ NE¼, W½ E½ NW¼;  
Sec. 18, lots 8, 9, 10, 11, W½ lot 12.  
T. 11 N., R. 14 E.,  
Sec. 9, S½;  
Sec. 25, SE¼ SE¼;  
Sec. 30, SE¼ NW¼, NE¼ SW¼, lots 2, 3;  
Sec. 35, NW¼ NW¼, N½ NW¼.  
T. 10 N., R. 21 E.,  
Sec. 18, E½ SW¼, lots 3, 4;  
Sec. 19, lot 1.  
T. 10 N., R. 14 E.,  
Sec. 21, Portion of lot 1 within the NE¼ SE¼ NE¼, E½ NE¼ NE¼;  
Sec. 22, W½ NE¼ NW¼, NW¼ NW¼;  
Sec. 28, SE¼ SW¼.  
T. 10 N., R. 14 E.,  
Sec. 31, lots 7, 8;  
Sec. 32, S½ NE¼.  
T. 10 N., R. 13 E.,  
Sec. 12, lots 1, 2.  
T. 9 N., R. 21 E.,  
Sec. 7, S½ SE¼, SE¼ SW¼, lot 4;  
Sec. 8;  
Sec. 18, NE¼, E½ NW¼, NE¼ SW¼, lots 1, 2, portion of lot 4 lying northerly of U.S. Highway 66, portion of SE¼ SW¼ lying northerly of U.S. Highway 66, portion of NW¼ SE¼ lying northerly of U.S. Highway 66, portion of SW¼ SE¼ lying northerly of U.S. Highway 66, portion of NE¼ SE¼ lying northerly of U.S. Highway 66.



- T 9 N., R. 20 E.,  
Sec. 13, N $\frac{1}{2}$ SE $\frac{1}{4}$ , portion of SW $\frac{1}{4}$ SE $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of SE $\frac{1}{4}$ SE $\frac{1}{4}$  lying northerly of U.S. Highway 66;  
Sec. 14, S $\frac{1}{2}$ ;  
Sec. 15, S $\frac{1}{2}$ ;  
Sec. 18, E $\frac{1}{2}$ SE $\frac{1}{4}$ , lots 3, 4;  
Sec. 19, E $\frac{1}{2}$ NE $\frac{1}{4}$ , lots 1, 2, portion of NE $\frac{1}{4}$ SE $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of lot 3, lying northerly of U.S. Highway 66;  
Sec. 20, N $\frac{1}{2}$ , portion of NW $\frac{1}{4}$ SW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of NE $\frac{1}{4}$ SW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of NW $\frac{1}{4}$ SE $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of NE $\frac{1}{4}$ SE $\frac{1}{4}$  lying northerly of U.S. Highway 66;  
Sec. 22, N $\frac{1}{2}$ , portion of NE $\frac{1}{4}$ SW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of NW $\frac{1}{4}$ SE $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of NE $\frac{1}{4}$ SE $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of NW $\frac{1}{4}$ SW $\frac{1}{4}$  lying northerly of U.S. Highway 66;  
Sec. 23, N $\frac{1}{2}$ N $\frac{1}{2}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  lying northerly of U.S. Highway 66.  
T 9 N., R. 20 E.,  
Sec. 24, portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  lying northerly of U.S. Highway 66.  
T 9 N., R. 19 E.,  
Sec. 20, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 22;  
Sec. 23, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , lying northerly of U.S. Highway 66, portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  lying northerly of U.S. Highway 66;  
Sec. 24, N $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  lying northerly of U.S. Highway 66;  
Sec. 26, portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  lying northerly of U.S. Highway 66;  
Sec. 27, N $\frac{1}{2}$ NW $\frac{1}{4}$ , portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  lying northerly of U.S. Highway 66;  
Sec. 28, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of NE $\frac{1}{4}$ SW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  lying northerly of U.S. Highway 66;  
Sec. 30;  
Sec. 31, portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of lot 1 lying northerly of U.S. Highway 66;  
Sec. 32, portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  lying northerly of U.S. Highway 66.  
T 9 N., R. 18 E.,  
Sec. 26;  
Sec. 27, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 28, S $\frac{1}{2}$ .  
T 9 N., R. 18 E.,  
Sec. 30, S $\frac{1}{2}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$  lot 1, S $\frac{1}{2}$  lot 2, SW $\frac{1}{4}$ ;  
Sec. 31;  
Sec. 32;  
Sec. 33;  
Sec. 34, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  lying northerly of U.S. Highway 66;  
Sec. 35, N $\frac{1}{2}$ N $\frac{1}{2}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  lying northerly of U.S. Highway 66.  
T 9 N., R. 17 E.,  
Sec. 31, SE $\frac{1}{4}$ , lots 1 and 2 of the SW $\frac{1}{4}$ ;  
Sec. 32, S $\frac{1}{2}$ ;  
Sec. 34, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 35, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .  
T 9 N., R. 16 E.,  
Sec. 34, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 35, S $\frac{1}{2}$ S $\frac{1}{2}$ .  
T 9 N., R. 13 E.,  
Sec. 22, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 27, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , lot 2.  
T 8 N., R. 18 E.,  
Sec. 3, portion of lot 4 lying northerly of U.S. Highway 66;  
Sec. 4, lots 2, 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , portion of lot 1 lying northerly of U.S. Highway 66, portion of SW $\frac{1}{4}$ NE $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  lying northerly of U.S. Highway 66;  
Sec. 6;  
Sec. 7, NE $\frac{1}{4}$ , lots 1 and 2 of the NW $\frac{1}{4}$ ;  
Sec. 8, N $\frac{1}{2}$ ;  
Sec. 10, N $\frac{1}{2}$ ;  
Sec. 11, N $\frac{1}{2}$ ;  
Sec. 12, N $\frac{1}{2}$ N $\frac{1}{2}$ .  
T 8 N., R. 17 E.,  
Sec. 2, W $\frac{1}{2}$  lot 1 of the NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 3, N $\frac{1}{2}$ S $\frac{1}{2}$ , lots 1 and 2 of the NW $\frac{1}{4}$ , lot 1 of the NE $\frac{1}{4}$ , W $\frac{1}{2}$ , lot 2 of the NE $\frac{1}{4}$ .  
T 8 N., R. 16 E.,  
Sec. 8, N $\frac{1}{2}$ ;  
Sec. 12, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 18, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , lot 1;  
Sec. 19, SW $\frac{1}{4}$ ;  
Sec. 30, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T 8 N., R. 15 E.,  
Sec. 2;  
Sec. 3, S $\frac{1}{2}$ ;  
Sec. 4, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 7, SE $\frac{1}{4}$ , lots 1 and 2 of the SW $\frac{1}{4}$ ;  
Sec. 8;  
Sec. 10;  
Sec. 11;  
Sec. 12;  
Sec. 14, lots 1, 2, 3, 4, NW $\frac{1}{4}$ ;  
Sec. 15, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 18;  
Sec. 19;  
Sec. 20, lots 1, 2, 3, 4, 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 23, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ .  
T 8 N., R. 14 E.,  
Sec. 14, S $\frac{1}{2}$ ;  
Sec. 22, S $\frac{1}{2}$ ;  
Sec. 23;  
Sec. 24;  
Sec. 26;  
Sec. 27;  
Sec. 28;  
Sec. 31;  
Sec. 32;  
Sec. 34;  
Sec. 35, N $\frac{1}{2}$ .  
T 8 N., R. 13 E.,  
Sec. 31, portion of SW $\frac{1}{4}$ SW $\frac{1}{4}$  lying easterly of the Kelbaker Road, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 32, S $\frac{1}{2}$ ;  
Sec. 34, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 35.  
T 7 N., R. 15 E.,  
Sec. 22, W $\frac{1}{2}$ NW $\frac{1}{4}$ .  
T 7 N., R. 14 E.,  
Sec. 4, lots 1 and 2 of the NE $\frac{1}{4}$ , lots 1 and 2 of the NW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 6.  
T 7 N., R. 13 E.,  
Sec. 22;  
Sec. 3;  
Sec. 4;  
Sec. 6;  
Sec. 7, NE $\frac{1}{4}$  lots 1 and 2 of the NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$  lot 1 of the SW $\frac{1}{4}$ , N $\frac{1}{2}$  lot 2 of the SW $\frac{1}{4}$ ;  
Sec. 8, N $\frac{1}{2}$ ;  
Sec. 10, N $\frac{1}{2}$ N $\frac{1}{2}$ ;  
Sec. 11, N $\frac{1}{2}$ N $\frac{1}{2}$ .  
T 7 N., R. 12 E.,  
Sec. 12, SE $\frac{1}{4}$ , portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  lying northerly of U.S. Highway 66, portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  lying northerly of U.S. Highway 66; NE $\frac{1}{4}$  portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  lying easterly of the Kelbaker Road, portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  lying easterly of the Kelbaker Road.  
4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Riverside District and Land Office Manager, Bureau of Land Management, Post Office Box 723, Riverside, Calif. 92502.  
5. A public hearing on the proposed classification will be held on January 4, 1967 at 10 a.m. in the Conference Room, Barstow Headquarters Station, Barstow Fire District, 209 North First Street, Barstow, Calif. 92311.  
HALL H. MCCLAIN,  
District and Land Office Manager.  
[F.R. Doc. 66-12541; Filed, Nov. 18, 1966; 8:45 a.m.]

Office of the Secretary  
RALPH F. BOVIER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of November 7, 1966.

Dated: November 7, 1966.

RALPH F. BOVIER.

[F.R. Doc. 66-12542; Filed, Nov. 18, 1966; 8:46 a.m.]

WILLIAM ANGUS DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and



Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of November 2, 1966.

Dated: November 2, 1966.

WILLIAM ANGUS DAVIS.

[F.R. Doc. 66-12543; Filed, Nov. 18, 1966; 8:46 a.m.]

### FRANKLIN STUART FEHR

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of November 1, 1966.

Dated: November 1, 1966.

FRANKLIN STUART FEHR.

[F.R. Doc. 66-12544; Filed, Nov. 18, 1966; 8:46 a.m.]

### DONALD B. GREGG

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of October 14, 1966.

Dated: November 3, 1966.

DONALD B. GREGG.

[F.R. Doc. 66-12545; Filed, Nov. 18, 1966; 8:46 a.m.]

### MARVIN FRANCIS PERSONS

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken

place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of November 2, 1966.

Dated: November 2, 1966.

MARVIN FRANCIS PERSONS.

[F.R. Doc. 66-12546; Filed, Nov. 18, 1966; 8:46 a.m.]

### WILLIAM C. PORTER, JR.

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of November 2, 1966.

Dated: November 2, 1966.

WILLIAM C. PORTER, JR.

[F.R. Doc. 66-12547; Filed, Nov. 18, 1966; 8:46 a.m.]

### GEORGE LESTER WILKINS

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of November 1, 1966.

Dated: November 2, 1966.

GEORGE LESTER WILKINS.

[F.R. Doc. 66-12548; Filed, Nov. 18, 1966; 8:46 a.m.]

### SETH N. WITTS

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of November 3, 1966.

Dated: November 3, 1966.

SETH N. WITTS.

[F.R. Doc. 66-12549; Filed, Nov. 18, 1966; 8:46 a.m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

[Dept. Order 152; Amdt. 2]

### BUSINESS AND DEFENSE SERVICES ADMINISTRATION

#### Delegation of Authority

The following order was issued by the Secretary of Commerce on November 7, 1966. This material further amends the material appearing at 29 F.R. 5408-5409 of April 22, 1964, and 30 F.R. 15238 of December 9, 1965.

Department Order 152, dated April 2, 1964, as amended, is further amended as follows:

SEC. 4. *General functions.* The following subparagraph is added to paragraph .01 of this section:

11 Develop and implement affirmative plans and programs for achieving effective participation by the business community in the Federal Government's efforts to bring about equal opportunity for all American citizens; and develop and conduct special efforts to promote franchise business opportunities for minority groups.

Effective date: November 7, 1966.

DAVID R. BALDWIN,

*Assistant Secretary  
for Administration.*

[F.R. Doc. 66-12529; Filed, Nov. 18, 1966; 8:45 a.m.]

[Dept. Order 134; Amdt. 2]

### ASSISTANT SECRETARY OF COMMERCE FOR ADMINISTRATION

#### Authority and Functions

The following order was issued by the Secretary of Commerce on November 7, 1966. This material further amends the material appearing at 28 F.R. 7310-7311 of July 17, 1963, and 29 F.R. 13540-13541 of October 1, 1964; and supersedes the material appearing at 31 F.R. 580-581 of January 18, 1966, 31 F.R. 9425 of July 9, 1966, and 27 F.R. 8334 of August 21, 1962.

Department Order 134, dated July 1, 1963, as amended, is hereby further amended as follows:

1. SEC. 3. *Delegation of Authority.* This section is revised to read:

.01 Pursuant to the authority vested in the Secretary of Commerce by law, and by delegation of authority from the General Services Administrator with respect to the procurement of property and services under Title III of the Federal Property and Administrative Services Act of 1949, as amended, and subject to such policies and directives as the Secretary of



Commerce may prescribe, the Assistant Secretary of Commerce for Administration is hereby authorized to perform the functions and to exercise the authority of the Secretary of Commerce on all matters of administration and management within the Department of Commerce.

.02 Pursuant to the authority vested in the Secretary of Commerce by law, and subject to such policies and directives as the Secretary of Commerce may prescribe, the Assistant Secretary for Administration is hereby authorized to carry out the Secretary's responsibilities for fulfilling the objectives and effecting compliance throughout the Department with the requirements of Title VI of the Civil Rights Act of 1964, Executive Order 11246, Executive Order 11247, and any other statutes, Executive orders and regulatory provisions relating to equal opportunity under which the Secretary or the Department may have responsibilities. For purposes of carrying out the above applicable responsibilities and as required by the applicable Executive orders or implementing regulations of the Secretary of Labor or the Civil Service Commission, the Assistant Secretary for Administration is designated as the Contracts Compliance Officer and the Equal Employment Opportunity Officer for the Department and is authorized to (a) upon the recommendation of the heads of operating units, and with the approval of the respective Secretarial Officers, designate Deputy Contracts Compliance and Deputy Equal Employment Opportunity officers for the operating offices; and (b) designate Deputy Contracts Compliance and Deputy Equal Employment Opportunity Officers for the Office of the Secretary.

.03 Subject to applicable laws and regulations, the Assistant Secretary for Administration may redelegate his authority to any officer or employee of the Department subject to such conditions in the exercise of such authority as he may prescribe, except his authority to designate the Deputy Contracts Compliance Officers, and Deputy Equal Employment Opportunity officers.

2. SEC. 4. *Organization of Office of Assistant Secretary of Commerce for Administration.* This section is amended by deleting, under subparagraph 3 Other Offices, the following: The United States Commission—New York World's Fair established by Department Order No. 180.

3. SEC. 5. *Duties and responsibilities of Assistant Secretary of Commerce for Administration.* Present subparagraph 6 of this section is deleted and a new subparagraph added as follows:

6 Develop policies, regulations and other instructions for Title VI and other equal opportunity responsibilities of the Department related to Government employment, Federal contracts, and federally assisted programs; and supervise and coordinate the activities of operating units in carrying out these responsibilities.

4. SEC. 6. *Saving provision.* This section is amended by adding the following new paragraph:

.06 Any other Department and Administrative orders, parts of orders, circulars, and memoranda, the provisions of which are inconsistent or in conflict with the provisions of this order, are hereby constructively amended or superseded accordingly.

Effective date: November 7, 1966.

DAVID R. BALDWIN,  
Assistant Secretary  
for Administration.

[F.R. Doc. 66-12530; Filed, Nov. 18, 1966;  
8:45 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-244]

### ROCHESTER GAS AND ELECTRIC CORP.

#### Notice of Issuance of Amendment to Provisional Construction Permit

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1, set forth below, to Provisional Construction Permit No. CPPR-19. The construction permit, as previously issued, authorizes Rochester Gas and Electric Corp. ("the permittee") to construct a pressurized water nuclear reactor to be located on a site on the shore of Lake Ontario, designated as the Brookwood site, in the township of Ontario, Wayne County, N.Y.

The amendment allocates 14,567 kilograms of uranium-235 to the permittee for use in the operation of the reactor pursuant to § 50.60 of 10 CFR Part 50 of the Commission's regulations. The amendment includes an estimated schedule of special nuclear material transfers to the permittee and returns to the Commission.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the permittee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the application for license dated November 1, 1965, and Amendments No. 1 and 5 thereto dated January 17, 1966, and March 23, 1966, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 12th day of November 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director,  
Division of Reactor Licensing.

[Construction Permit No. CPPR-19 Amdt. 1]

The Atomic Energy Commission having found that:

a. The application for license dated November 1, 1965, as supplemented on January 17, 1966, and March 23, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, CFR;

b. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and

c. Prior public notice of proposed issuance of this amendment is not required since no significant hazards considerations are involved.

Construction Permit No. CPPR-19, issued to Rochester Gas and Electric Corp., is hereby amended to add a new paragraph 4 reading as follows:

4. Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, Part 50, the Commission has allocated to Rochester Gas and Electric Corp. (RGEC) for use in the operation of the reactor 14,567 kilograms of uranium-235 contained in uranium in the isotopic ratios specified in the application. Estimated schedules of special nuclear material transfers to RGEC and returns to the Commission are contained in Appendix A.<sup>1</sup> Transfers by the Commission to RGEC in accordance with column 2 in Appendix A will be conditioned upon RGEC's return to the Commission of material substantially in accordance with column 3 (including the subcolumns headed "Scrap" and "Depleted Fuel") of Appendix A. This amendment is effective as of the date of issuance.

Date of issuance: November 12, 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director,  
Division of Reactor Licensing.

[F.R. Doc. 66-12528; Filed, Nov. 18, 1966;  
8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16979; FCC 66-1004]

### INTERDEPENDENCE OF COMPUTER AND COMMUNICATION SERVICES AND FACILITIES

#### Notice of Inquiry; Regulatory and Policy Problems

I. Preliminary statement. 1. The modern-day electronic computer is capable of being programed to furnish a wide variety of services, including the processing of all kinds of data and the gathering, storage, forwarding, and retrieval of information—technical, statistical, medical, cultural, among numerous other classes. With its huge capacity and versatility, the computer is capable of providing its services to a multiplicity of users at locations remote from the computer. Effective use of the computer is therefore becoming increasingly dependent upon communication common carrier facilities and services by

<sup>1</sup> This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of The Atomic Energy Commission.



which the computers and the user are given instantaneous access to each other.

2. It is the statutory purpose and responsibility of the Commission to properly regulate interstate and foreign commerce in communications so as to make available to all the people of the United States a rapid, efficient, nationwide and worldwide communications service with adequate facilities at reasonable charges (see sec. 1 of the Communications Act of 1934, as amended). Thus, the Commission must keep fully informed of developments and improvements in, and applications of, the technology of communications and of related fields (see sec. 218). Moreover, the growing convergence of computers and communications has given rise to a number of regulatory and policy questions within the purview of the Communications Act. These questions require timely and informed resolution by the Commission in order to facilitate the orderly development of the computer industry and promote the application of its technologies in such fashion as to serve the needs of the public effectively, efficiently and economically. To this end, the Commission is undertaking this inquiry as a means of obtaining information, views, and recommendations from the computer industry, the common carriers, present and potential users, as well as members of the interested public. The Commission will then be in a position to evaluate the adequacy and efficacy of existing relevant policies and the need, if any, for revisions in such policies, including such legislative measures that may be required. It will also enable the Commission to ascertain whether the services and facilities offered by common carriers are compatible with the present and anticipated communications requirements of computer users. The Commission will then be in a position to determine what action, if any, may be required in order to insure that the tariff terms and conditions of such offerings are just and reasonable and otherwise lawful under the Communications Act. (See sec. 201(b) and sec. 202(a).)

## II. Emerging computer enterprises.

3. A brief review of the more important types of computer enterprises now emerging will serve to illustrate the growing convergence and interdependence of communication and data processing technologies.

4. First of all, there is the so-called in-house use of computers. Banks, aircraft manufacturers, universities, and other types of institutions frequently own or lease computers primarily for their own use. In the past, the batch processing technique has generally been employed to satisfy the needs of the in-house users. Recently, however, time-sharing systems have been installed, particularly at universities and hospitals following the example of pilot Project MAC at the Massachusetts Institute of Technology. Because more than enough capacity exists to satisfy normal in-house needs, be they mathematical computation, data processing, simulation, or storage and retrieval, the idle or excess capacity is read-

ily saleable to others. Banks and aircraft manufacturers have already made such time available to persons outside the enterprise. Economies of scale may well lead to larger and larger machines with consequent incentive for in-house computer owners to sell computer time to the general public. Efficient utilization of these computers implies organization of time-sharing systems. It likewise implies increased use of communication channels obtained for the most part from communications common carriers pursuant to tariffs filed with this Commission or State regulatory commissions, depending upon the intrastate or interstate nature of the channel.

5. Secondly, several of the major computer manufacturers maintain computer service bureaus. They sell computer time to customers and usually operate on a batch process basis. However, conversion to time-sharing is proceeding rapidly. The potential for providing the computer with general economic data to compliment specific company or industry data, has led to the establishment of data banks which can be used for such purposes as economic forecasting, product marketing analysis, and more specialized uses such as legal and medical reference library services. Multiple access to such data banks is again dependent on communications links obtained from common carriers under applicable tariffs.

6. Additionally, there are hundreds of nonmanufacturing firms which offer a wide range of data processing and specialized information services. These services may be provided on either a batch processing or time-sharing basis. Many of these concerns are local in scope, but others are equipped with multiple access computers and are endeavoring to develop national time-sharing systems of which communication channels will be an integral part.

7. Finally, there are some very highly specialized computer services currently being offered. An example is the stock quotation service. For a number of years, brokers and financial institutions throughout the country have been supplied with up-to-the-minute prices and quotations on securities and commodities through central real-time computers. The service enables a broker to query the computer's store of market data and receive the information on a print-out or visual display device. It has been proposed that the computers be programed to provide capability for storing and processing buy and sell orders between individual brokers. In both instances, private line circuits leased from common carriers under applicable tariffs supply the connecting link between the computer and the brokers.

8. Other specialized computer services combining data processing and communications include a hospital information service, a coordinated law enforcement service utilizing computers to tie together the law enforcement efforts of a number of local authorities, and various kinds of reservation services.

9. Most, if not all, of the major computer manufacturers offer for sale or lease computers which can be programed

for message and circuit switching in addition to their data processing functions. There are a number of operational computerized message switching systems owned by large corporations in diverse fields. Most of these systems replaced electromechanical switching units provided by the communications common carriers. Motivations of increased business efficiency and maximization of the capabilities of the computer are apparently leading toward the acquisition by large corporations of computer systems. These systems permit data processing and message switching to be effectively combined with communication channels linking remote locations to form a real-time data processing and communications system.

III. *Computers and the common carriers.* 10. The communications common carriers are rapidly becoming equipped to enter into the "data processing" field. Common carriers, as part of the natural evolution of the developing communications art, are making increased use of computers for their conventional services to perform message and circuit switching functions. These computers can likewise be programed to perform data processing functions. For example, Western Union is establishing computer centers, not only for its public message and Telex systems, but eventually to provide as well a variety of data processing, storage and retrieval services for the public. The first such computer centers, planned by the company as part of its "national information utility" program, was opened March 16 of this year in New York City. This center, and others to be established in key cities, will be programed to offer time-sharing, information processing and data-bank services. Western Union's planning looks to the establishment, through a national, regional, and local network of computers, of a gigantic real-time computer utility service which would gather, store, process, program, retrieve, and distribute information on a broad scale. This company will also arrange to design, procure and install all necessary hardware for fully integrated data processing and communications systems for individual customers, and provide the total management service for such systems.

11. The Bell System has not yet indicated any plan to provide a similar information service, or to offer local data processing services to the public. However, it is implementing a program to convert all central offices from electromechanical switching systems to electronic switching. Similar conversion programs are being undertaken by other carriers in the industry. Interface, terminal, and outstation equipments are being developed by the industry to match computer systems with communication channels. It might be observed here, that the Touch-Tone telephone instrument has significant potential as a computer input device, utilizing the telephone switched network. After a connection to a multiple access computer is completed in the regular manner, the same buttons can be pressed to enter information into the computer or to query the computer



and get back a voice answer. A number of systems of this type are now in service.

12. International carriers have recently proposed new computer message switching and data processing services. One such carrier offers a service to air lines under which it switches messages between and among the various leased circuits connected to its computer. In addition, it plans to employ the same computer to store and supply up-to-the-minute seat inventory information with respect to flights of those air lines subscribing to this additional service, through communication facilities connected to air line offices and agencies on an on-line real-time basis. Other carriers plan to introduce similar service offerings.

IV. *Discussion of the problems.* 13. The above review, although by no means exhaustive, is illustrative of the convergence and growing interdependence of the computer and communications. This convergence takes a variety of different forms and applications thereby making it difficult to sort them into simple discrete categories. It is impossible at this time to anticipate fully the nature of all of the policy and regulatory problems that future developments may generate. Nevertheless, it is desirable to focus on those problems that are presently definable within the existing state of this burgeoning industry.

14. Communication common carriers, whose rates and services are subject to governmental regulation, are employing computers as a circuit and message switching device in furtherance of their undertakings to provide communication channels and services to the general public. There is now evidence of a trend among several of the major domestic and international carriers to program their computers not only for switching services, but also for the storage, processing and retrieval of various types of business and management data of entities desiring to subscribe therefor in lieu of such industries providing this service to themselves on an in-house basis or contracting with computer firms for the service.

15. Accordingly, we find communication common carriers grafting on to their conventional undertaking of providing communication channels and services to the public various types of data processing and information services. One such carrier has, in fact, committed its future to using its combined resources of computers and communication channels to meet the information requirements of the business community and other professional and institutional segments of our society by the establishment of a national and regional centralized information system. As a consequence, common carriers, in offering these services, are, or will be, in many instances, competitive with services sold by computer manufacturers and service bureau firms. At the same time, such firms will be dependent upon common carriers for reasonably priced communication facilities and services.

16. As previously indicated, a large number of nonregulated entities are employing computers to provide various

types of data processing and specialized information services. The excess capacity of the in-house computer is made available for a charge to others; in other instances computer service bureaus sell computer time to a number of subscribers on a shared-time basis; and in still other instances, highly specialized information and data bank services are provided. At an ever increasing rate, with the development of time-sharing techniques, remote input and output devices of the users are linked to the computer by communication channels obtained from common carriers. The users located at the remote terminals are served so rapidly that each is under the illusion that he alone has access to the central processor. The flexibility of the computer makes possible, in addition to data processing services, message switching between various locations of the same customer, or between several different customers. This allows the data processing industry to engage in what heretofore has been an activity limited to the communications common carrier.

17. Common carriers have thus far taken different approaches to the question of the applicability of the regulatory provisions of the Communications Act to their computer service offerings. Notwithstanding that various aspects of such offerings appear to involve activities, such as message switching, which historically have been regarded as common carrier activities subject to regulation, no consistent policy is established and followed with respect to the filing of tariffs by carriers to cover those offerings. This is understandable considering the competitive activities of a similar nature by nonregulated entities as well as the apparent difficulties in classifying the various elements of a computer service into discrete communication and non-communication compartments.

18. From the common carriers' standpoint, regulation should extend to all entities offering like services or to none. It is urged that the ability to compete successfully depends on the flexibility required to meet the competition; and that the carriers would be deprived of this flexibility if they alone were restricted in their pricing practices and marketing efforts by the rigidities of a tariff schedule. Thus, we are confronted with determining under what circumstances data processing, computer information and message switching services, or any particular combination thereof—whether engaged in by established common carriers or other entities—are or should be subject to the provisions of the Communications Act. We expect this inquiry to be of assistance to the Commission in evaluating the policy and legal considerations involved in arriving at this determination.

V. *Communication tariffs and practices.* 19. The interdependence between data processing and communication channels is bound to continue under the impetus of remote processing in combination with the growth of time-shared computer systems and services. In the past, the relationship between the relative cost of the two segments was of little

concern. Data processing was expensive and in a relative sense higher than its communication counterpart. The trend toward lower EDP costs resulting from larger computer systems, has tended to shift the relative cost positions. Indeed, there is some indication that in the near future communication costs will dominate the EDP-communications circuit package. It is natural, then, that the computer industry finds its attention devoted increasingly to communication tariffs and regulations, in its search to optimize the communication segment of the package. In fact, fears are expressed that the cost of communications may prove to be the limiting factor in the future growth of the industry.

20. While the charges of the carriers are of prime importance, including the question of minimum periods of use, other tariff provisions and restrictions should also be scrutinized. Such tariff provisions as those relating to shared use and authorized use may well be in need of revision in light of the new advanced technology. Likewise, any restriction on the use of customer owned or provided equipment, including multiplexing equipment, must be reviewed for their effects on a burgeoning industry.

21. This then is another area of concern. Are the service offerings of the common carriers, as well as their tariffs and practices, keeping pace with the quickened developments in digital technology? Does a gap exist between computer industry needs and requirements, on the one side, and communications technology and tariff rates and practices on the other?

VI. *The problem of information privacy.* 22. The modern application of computer technology has brought about a trend toward concentrating commercial and personal data at computer centers. This concentration, resulting in the ready availability in one place of detailed personal and business data, raises serious problems of how this information can be kept from unauthorized persons or unauthorized use.

23. Privacy, particularly in the area of communications, is a well established policy and objective of the Communications Act. Thus, any threatened or potential invasion of privacy is cause for concern by the Commission and the industry. In the past, the invasion of information privacy was rendered difficult by the scattered and random nature of individual data. Now the fragmentary nature of information is becoming a relic of the past. Data centers and common memory drums housing competitive sales, inventory and credit information and untold amounts of personal information, are becoming common. This personal and proprietary information must remain free from unauthorized invasion or disclosure, whether at the computer, the terminal station, or the interconnecting communication link.

24. Both the developing industry and the Commission must be prepared to deal with the problems promptly so that they may be resolved in an effective manner before technological advances render solution more difficult. The Commis-



sion is interested not only in promoting the development of technology, but it is at the same time concerned that in the process technology does not erode fundamental values.

VII. *Items of inquiry.* 25. In view of the foregoing, it is incumbent upon the Commission to obtain information, views, and recommendations from interested members of the public in order to assist the Commission in resolving the regulatory and policy questions presented by this new technology. Accordingly, such information, views, and recommendations are requested in response to the following items of inquiry:

A. Describe the uses that are being made currently and the uses that are anticipated in the next decade of computers and communication channels and facilities for:

1. Message or circuit switching (including the storage and forwarding of data);
2. Data processing;
3. General or special information services;

4. Any combination of the foregoing.

B. Describe the basis for and structure of charges to the customers for the services listed in A above.

C. The circumstances, if any, under which any of the aforementioned services should be deemed subject to regulation pursuant to the provisions of Title II of the Communications Act.

1. When involving the use of communication facilities and services;

2. When furnished by established communication common carriers;

3. When furnished by entities other than established communication common carriers.

D. Assuming that any or all of such services are subject to regulation under the Communications Act, whether the policies and objectives of the Communications Act will be served better by such regulation or by such services evolving in a free, competitive market, and if the latter, whether changes in existing provisions or law or regulations are needed.

E. Assuming that any and all of such services are not subject to regulation under the Communications Act, whether public policy dictates that legislation be enacted bringing such services under regulation by an appropriate governmental authority, and the nature of such legislation.

F. Whether existing rate-making, accounting, and other regulatory procedures of the Commission are consistent with insuring fair and effective competition between communications common carriers and other entities (whether or not subject to regulation) in the sale of computer services involving the use of communications facilities; and, if not, what changes are required in those procedures.

G. Whether the rate structure, regulations, and practices contained in the existing tariff schedules of communications common carriers are compatible

with present and anticipated requirements of the computer industry and its customers. In this connection, specific reference may be made to those tariff provisions relating to:

1. Interconnection of customer-provided facilities (owned or leased) with common carrier facilities, including prohibitions against use of foreign attachments;

2. Time and distance as a basis for constructing charges for services;

3. Shared use of equipment and services offered by common carriers;

4. Restrictions on use of services offered, including prohibitions against resale thereof;

H. What new common carrier tariff offerings or services are or will be required to meet the present and anticipated needs of the computer industry and its customers.

I. The respects in which present-day transmission facilities of common carriers are inadequate to meet the requirements of computer technology, including those for accuracy and speed.

J. What measures are required by the computer industry and common carriers to protect the privacy and proprietary nature of data stored in computers and transmitted over communication facilities, including:

1. Descriptions of those measures which are now being taken and are under consideration; and

2. Recommendations as to legislative or other governmental action that should be taken.

26. Accordingly, there is hereby instituted, pursuant to the provisions of sections 4(e) and 403 of the Communications Act of 1934, as amended, an inquiry into the foregoing matters.

27. In view of the scope and complexity of the matters involved, it appears desirable that interested persons be afforded an opportunity to suggest additions to and modifications or clarifications of the items of inquiry specified above. To this end, all interested persons are invited to submit appropriate recommendations in this regard on or before December 12, 1966. The Commission will thereupon issue such supplement to this notice of inquiry as may be warranted and will then specify a date by which written responses to said notices shall be required.

28. All filings in this proceeding should be submitted in accordance with the provisions of §§ 1.49 and 1.419 of the Commission's rules (47 CFR 1.49, 1.419).

Adopted: November 9, 1966.

Released: November 10, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12562; Filed, Nov. 18, 1966;  
8:47 a.m.]

<sup>1</sup> Commissioner Wadsworth absent.

[Docket No. 14185; FCC 66-1007]

## EDUCATIONAL FM BROADCAST CHANNELS

### Notice of Inquiry; Allocation and Technical Standards

1. This proceeding, which concerns the overall revision of the FM broadcast station rules and technical standards, was instituted on July 5, 1961, by the issuance of a notice of inquiry, notice of proposed rule making, and memorandum opinion and order, FCC 61-833. All the matters discussed in that notice have been disposed of, with the exception of rules governing the 20 educational FM channels (Channels 201 through 220, 88.1 through 91.9 mc/s). In the first report and order in this proceeding issued on August 1, 1962, FCC 62-866, 33 FCC 309, we did not make any basic changes in the rules governing noncommercial educational stations with the exception of certain mileage-separation restrictions on assignments on the top three channels (218, 219, and 220) in order to control the impact to and from the bottom three commercial channels (221A, 222, and 223). Aside from these mileage-separation restrictions, educational stations are assigned on the basis of protecting the 1 mv/m contour of existing stations (see Note to § 1.573(c) and § 73.207).

2. Based on our experience with television allocations and the commercial FM Table of Assignments, and the need for negotiations with the Canadian Government for a border agreement for the educational channels, we have tentatively reached the conclusion that a nation-wide Table of Assignments for educational FM stations would best serve the educational radio needs of the country and would be the most effective and efficient manner in which this valuable portion of the spectrum may be utilized. We are, therefore, inviting comments on the proposed manner of making FM channels available to the various communities and the educational interests of the country. We are also inviting comments on various tentative criteria to be used in drafting up an educational FM Table of Assignments to be discussed below.

3. One of our principal aims in this field is to provide for single signal coverage to as much of the population and area of the country as possible in order that the pertinent state bodies concerned with educational broadcasting can plan for statewide networks or regional networks where feasible. Beyond this, we propose to assign additional channels to communities to meet the local community and educational institutional needs insofar as possible within the available spectrum space. The number of assignments to be sought will be in accordance with the following:



Population of community	Number of assignments
1,000,000 or over-----	5
250,000-1,000,000-----	4
100,000-250,000-----	3
50,000-100,000-----	2
less than 50,000-----	1

It is recognized that in many cities it will not be possible to make the above number of assignments because of existing stations elsewhere, and, also, that no additional assignments are possible in several sections of the country for the same reason. Comments are requested particularly from state bodies as to the needs of their respective States for statewide networks, any plans they have made or are preparing for such operations, and the communities in which they seek assignments.

4. As to classes of stations, powers, and antenna heights, and minimum station and assignment separations, we propose to adopt the same standards as for commercial FM stations. We propose five Class A channels, Channels 201, 204, 206, 208, and 216, since these are the channels with the fewest stations using facilities greater than those for Class A stations.<sup>1</sup> Such stations would be authorized powers up to 3 kilowatts and antenna height of 300 feet above average terrain. Class B stations (those on the remaining channels in Zone I) will be permitted 50 kw and 500 feet antenna height and Class C stations (those on Class B/C channels in Zone II) 100 kw and 2,000 feet antenna height. The minimum mileage requirements would be the same as specified in § 72.207 of the rules, and the minimum powers as in § 73.211. However, some educational stations operate with quite large facilities, and the view has sometimes been expressed that this is desirable for wide coverage and State or regional networking purposes. Comments are invited on whether the limits on facilities and separations should be different in the educational band.<sup>2</sup>

5. 10-watt stations: Of 314 educational FM stations authorized as of September 1966, 158—slightly more than half—are stations operating with transmitter power output of 10 watts or less, which under our rules are permitted to operate without meeting some of the operating requirements imposed by the

<sup>1</sup> There are about eight stations on these channels with facilities greater than the equivalent of a Class A station, with a few only slightly more than Class A. Comments are invited on whether these stations should be treated as if they were in fact Class A operations or whether provision should be made to give them protection greater than that accorded such stations.

<sup>2</sup> Comments are also invited on whether—once statewide coverage is provided—provision should be made for a greater number of smaller stations by providing more Class A channels than the five mentioned and whether the Class A channels should be in one block of frequencies.

Parties are on notice that applications filed henceforth for facilities below the minima or exceeding the maxima mentioned for the particular channel will not necessarily be granted. The same applies to applications tendered henceforth for new 10-watt stations (par. 5 below).

rules on other broadcast stations. These stations present certain problems. Operation with such limited power does not usually represent an efficient use of scarce spectrum space, since coverage is often limited to a few miles.<sup>3</sup> In addition, while these stations are often high-quality operations, presenting programming consistent with the educational purpose for which the noncommercial educational FM band is designed, in numerous instances it appears that they are really routine light entertainment media, similar to many commercial radio stations only without commercials. In this respect they appear to reflect what was in many cases their origin—an attempt to expand and replace carrier-current "campus radio" operations. In our view, therefore, the time may well be at hand when proper use of the increasingly crowded educational FM band requires restrictions on the further authorization and continuance of 10-watt operations, and comments are invited on the following proposals:

(1) No further authorization of 10-watt stations or other facilities not meeting the minimum for Class A stations. However, upon a showing of need and public interest waivers of this rule may be requested in specific situations.

(2) Existing 10-watt stations may continue to operate on this basis, and will be included in the table and protected on the basis of the regular separations applicable to the class of channel on which they are assigned (Class A or Class B/C).<sup>4</sup> However, the 10-watt licensee will be permitted to operated on this basis only until the end of his present license period, and will then be required either to propose facilities meeting the minimum for his channel or surrender his authorization. As in the case of new stations, waiver of the provision will be considered in individual cases.

(3) Consideration will be given to rule-making proposals to change the educational Table of Assignments by deleting one or more 10-watt assignments in favor of regular assignments elsewhere, and unless the 10-watt licensee indicates that before the end of his license period he will apply for at least the regular minimum facilities, his assignment may be deleted effective at the end of the license period; and if he so indicates and then does not so apply the assignment may be deleted without further proceedings.

6. Originally, it was contemplated that 10-watt operations would be authorized only on Channel 201, where 37 of the 158 now are, and later they were limited to the bottom four channels. However, because of interference to Channel 6 television reception, mentioned below, they have spread onto all 20 educational channels. Comments

<sup>3</sup> With an antenna height of 100 ft. a.a.t., and 10 watts ERP, a 10-watt station provides a 1 mv/m signal out to about 2 miles.

<sup>4</sup> This may be not possible in those cases where the actual spacings of existing 10-watt stations are well below the proposed minimums. In such cases the 10-watt operation will, of course, be permitted to continue.

are invited on whether—at least in areas where Channel 6 does not present problems—existing 10-watt operations should all be shifted to a small number of the educational channels, such as 201 through 204, and if so what co-channel and adjacent-channel mileage separations should be adopted for such operations.

7. Interference to TV Channel 6: There is one final problem on which comments and relevant data are sought and which would be particularly helpful in designing a Table of Assignments. This is the matter of adjacent channel interference to reception of television Channel 6 stations in the area in which educational stations are assigned, especially on the lower channels of the educational FM band. This has been a problem in the past in those areas where the signal from the Channel 6 TV station was weak and the signal from the educational FM station was relatively strong. While most of this type of interference has come from stations on the lower channels, it has also involved stations on channels as high as 209 (89.7 Mc/s). In the past where such situations developed, the educational station usually sought a channel further up in the spectrum to solve the problem. In isolated cases the change was made into the commercial band in the event there were no educational channels left in the area. A Table of Assignments may make such changes more difficult and therefore it is important that such situations be avoided if possible. Comments and data on this subject are therefore invited from any parties having expert knowledge or measurements to offer. TV assignments on Channel 6 are listed below, for the convenience of commenting parties.

8. Channel 6 is, of course, also used by television translators, about 100 operating thereon. As to interference to translator reception, as we have repeatedly stated translators are a secondary service as far as regular television reception is concerned. We think the same principle should apply to educational FM. While comments are invited on this point, our present view is that FM educational assignments should be made irrespective of interference to translators, with the translator operators having the burden of making whatever adjustments are necessary if problems arise, such as picking another channel.

9. Preparation of the table: Since in educational FM, there is a separate band of frequencies available, the need for a saturated assignment plan is not imperative. We plan to draft one which is not saturated except in those areas where it is necessary for reasons of border agreements, etc. As stated above, we shall emphasize provision for statewide coverage by one signal first and additional assignments in the larger cities and educational centers. After further negotiations with Canada, receipt of the additional information requested herein, and after consideration of all the comments submitted in this proceeding, we will prepare a proposed Educational FM Table of Assignments



and other proposed rules for this service.

10. Authority for the adoption of the proposed rules is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before December 30, 1966, and reply comments on or before January 16, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

12. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: November 9, 1966.

Released: November 14, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

#### APPENDIX

TV CHANNEL NO. 6

(82-88 Mc/s)

Birmingham, Ala.	*Miles City, Mont.
Kingman, Ariz.	Hayes Center, Nebr.
*Tucson, Ariz.	Omaha, Nebr.
Eureka, Calif.	Ely, Nev.
*Sacramento, Calif.	Carlsbad, N. Mex.
San Luis Obispo, Calif.	Silver City, N. Mex.
*Denver, Colo.	Albany-Schnectady-Troy, N.Y.
Durango, Colo.	Wilmington, N.C.
Miami, Fla.	Fargo, N. Dak.
Orlando, Fla.	*Minot, N. Dak.
Augusta, Ga.	Columbus, Ohio
Thomasville, Ga.	Tulsa, Okla.
Nampa, Idaho.	Portland, Oreg.
Pocatello, Idaho	Johnstown, Pa.
Indianapolis, Ind.	Philadelphia, Pa.
Davenport-Rock Island-Moline (Ill.), Iowa	Reliance, S. Dak.
Dodge City, Kans.	Knoxville, Tenn.
Paducah, Ky.	Beaumont-Port Arthur, Tex.
New Orleans, La.	Corpus Christi, Tex.
Portland, Maine	San Angelo, Tex.
New Bedford, Mass.	Temple, Tex.
*Alpena, Mich.	Texarkana, Tex.
Lansing, Mich.	Wichita Falls, Tex.
Marquette, Mich.	Price, Utah
Austin, Minn.	Richmond, Va.
Duluth-Superior (Wis.), Minn.	Spokane, Wash.
Greenwood, Miss.	Bluefield, W. Va.
Sedalia, Mo.	Milwaukee, Wis.
Butte, Mont.	Casper, Wyo.
	*San Juan, P.R.

[F.R. Doc. 66-12563; Filed, Nov. 18, 1966; 8:48 a.m.]

Asterisk (\*) indicates Channel reserved for noncommercial educational use.

[Docket No. 16895; FCC 66M-1523]

### BCU-TV

#### Order Continuing Hearing

In re application of Mary Jane Morris and James R. Searer, doing business as BCU-TV, Battle Creek, Mich., Docket No. 16895, File No. BPCT-3654; for construction permit for new television broadcast station.

Pursuant to ruling of the Hearing Examiner during the prehearing conference held this date: *It is ordered*, This 15th day of November 1966, that the hearing heretofore scheduled for November 21, 1966, is postponed to a later date to be fixed at a further prehearing conference to be convened after action by the Commission on the Petition for Reconsideration filed by BCU-TV on November 3, 1966.

Released: November 15, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12564; Filed, Nov. 18, 1966; 8:48 a.m.]

[Docket Nos. 16698, 16699; FCC 66M-1527]

### TRI-STATE BROADCASTERS, INC., AND EMMET RADIO CORP.

#### Order Continuing Hearing

In re applications of Tri-State Broadcasters, Inc., Sioux Center, Iowa, Docket No. 16698, File No. BP-16461; Emmet Radio Corp., Estherville, Iowa, Docket No. 16699, File No. BP-16718; for construction permits.

*It is ordered*, This 15th day of November 1966, that the unopposed petition to postpone procedural dates further, filed by counsel for Emmet on November 14, 1966, is granted, and (1) the hearing is rescheduled from November 17 to December 19, 1966, and (2) the other procedural dates remain indefinitely postponed, pending action on a settlement agreement which may obviate competitive hearing.

Released: November 16, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12565; Filed, Nov. 18, 1966; 8:48 a.m.]

### FEDERAL MARITIME COMMISSION

[Docket No. 1092; Agreement 8660]

#### LATIN AMERICA/PACIFIC COAST STEAMSHIP CONFERENCE

##### Dual Rate Contract Provisions

The Commission has previously issued a notice of proposed rule making in this

docket on June 24, 1965 (30 F.R. 8285), requesting comments on two clauses which the Commission proposed to include in the dual rate contract form of the Latin America/Pacific Coast Steamship Conference. This notice was in accord with the remand of the U.S. Court of Appeals for the Ninth Circuit in Pacific Coast European Conference, et al. v. Federal Maritime Commission, decided February 3, 1965, rehearing denied April 30, 1965.<sup>1</sup>

In its Report entitled The Dual Rate Cases decided March 27, 1965, the Commission imposed as a requirement of approval of Agreement No. 8660 of the Latin America/Pacific Coast Steamship Conference that the Conference offer its dual rate contract in each of the five trading areas in which it was to operate, thereby giving merchants and shippers the choice of binding themselves to ship via the Conference in one, several, or all of the trading areas. In its original opinion entered February 3, 1965, the Court of Appeals was silent concerning the Commission's requirement, but in its Order Denying Rehearing, the requirement was apparently set aside.

The Commission is of the opinion, for the reasons set forth in its Report in The Dual Rate Cases, that the requirement should be reimposed as an amendment to clause 2 of the Conference's dual rate contract. As amended, clause 2 would read:

2. *Trades covered by this Agreement.* This Agreement covers the transportation by water of goods from Pacific Coast ports of the United States and Canada and the ports in Latin America as set forth in the five trade areas described in this clause. Merchants executing this contract may do so for any or all of the trade areas, as they desire, and notation of the trade areas covered by this contract shall be made at the end thereof: (1) From Pacific Coast Ports of the United States and Canada to:

Trade Area "A" ports on the Pacific Coast of Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, and Puerto Armuelles, R.P.;

Trade Area "B" Colon and Panama City, R.P., Balboa and Cristobal, C.Z., ports in Barbados, British Guiana, British Honduras, Atlantic Coast of Colombia, Atlantic Coast of Costa Rica, Cuba, Dominican Republic, French Guiana, French West Indies, Atlantic Coast of Guatemala, Haiti, Atlantic Coast of Honduras, Jamaica, Leeward, and Windward Islands, Netherlands Antilles, Atlantic Coast of Nicaragua, Atlantic Coast of the Republic of Panama, Surinam, Trinidad, and Venezuela;

Trade Area "C" Pacific Coast ports in Colombia, Ecuador, Peru and Chile;

(2) To Pacific Coast Ports of the U.S. and Canada from:

Trade Area "D" Pacific Coast ports of Chile and Peru;

Trade Area "E" Caribbean ports of Cuba, Jamaica, Haiti, Dominican Republic, Trinidad, Windward, and Leeward Islands, Barbados, French and British Guianas, Surinam,

<sup>1</sup> On Feb. 16, 1966, the Commission issued its second order on remand in Docket 1092 approving the use of the two clauses in the Conference's dual rate contract.



French West Indies, Venezuela, Netherlands Antilles, and Colombia, Colon, and Panama City, R.P., Balboa and Cristobal, C.Z., ports on the Pacific Coast of Mexico, Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica.

The Commission intends to review all evidence and testimony in the record of Docket No. 1092. Interested parties may submit such additional comments, views, or arguments in regard to the proposed amendment as they desire, by submitting same in an original and fifteen (15) copies to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by close of business December 20, 1966.

By the Commission.

[SEAL]

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12566; Filed, Nov. 18, 1966;  
8:48 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. CP67-127]

### COLORADO INTERSTATE GAS CO.

#### Notice of Application

NOVEMBER 10, 1966.

Take notice that on November 7, 1966, Colorado Interstate Gas Co. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP67-127 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities and transportation of gas for sale on a short-term basis to Northern Natural Gas Co. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to sell and deliver to Northern on an interruptible basis such daily volumes of gas as Northern may require and as Applicant may have available for a term ending December 31, 1967. Northern expects that its purchases will average 30,000 Mcf per day from December 1, 1966, through June 1967. Applicant will not be required in any day to deliver quantities in excess of 50,000 Mcf per day. Northern will pay a commodity charge of 18.0 cents per Mcf for all volumes delivered by Applicant.

No new facilities are required to effect the delivery and sale.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 9, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure,

a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12533; Filed, Nov. 18, 1966;  
8:45 a.m.]

[Project No. 2393]

### COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

#### Notice of Application for License for Unconstructed Project

NOVEMBER 10, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Columbus and Southern Ohio Electric Co. (correspondence to: J. L. McNealy, President, Columbus and Southern Ohio Electric Co., 215 North Front Street, Columbus, Ohio 43215) for unconstructed Project No. 2393, to be located on the Ohio side of the U.S. Corps of Engineers Gallipolis Locks and Dam on the Ohio River in Gallia County, Ohio. The project would affect lands of the United States under the supervision of the U.S. Corps of Engineers, and would utilize water from the Government Dam.

The proposed project would consist of: (1) An intake channel 100 feet wide by 460 feet long excavated in the river bank at the end of the Corps of Engineers' Gallipolis Dam; and (2) a powerhouse in the river bank with a superstructure low enough to allow overtopping by river flow practically every year in the high water season (flow through the plant to be 26,000 cfs maximum); a powerplant to contain two 25,800 hp. bulb type generating units with a total generating capacity of 37,200 kw; and a 7.12-mile long single circuit 69 kw transmission line to Gallipolis substation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 27, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12534; Filed, Nov. 18, 1966;  
8:45 a.m.]

[Docket No. CP63-296]

### EL PASO NATURAL GAS CO.

#### Notice of Petition To Amend

NOVEMBER 10, 1966.

Take notice that on November 7, 1966, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP63-296 a petition to amend the order issued in said docket on December 16, 1963 (Phase I) and on July 29, 1964 (Phase II), as amended by the order issued October 25, 1966, by requesting authorization to continue the deliveries of up to 70,000 Mcf of gas to Southern California Gas Co. and Southern Counties Gas Company of California (jointly Southern) under Petitioner's Rate Schedule G-1 for a further limited period, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued October 25, 1966, in the instant proceeding Petitioner was authorized to sell and deliver to Southern under Petitioner's Rate Schedule G-1 up to 70,000 Mcf per day of natural gas for the limited-period commencing November 1, 1966, and continuing through December 31, 1966, or until commencement of any new service which resulted from an order issued by the Commission in Docket Nos. CP63-204, et al., whichever is earlier.

The petition states that in accordance with Service Agreements entered into between Petitioner and Southern under authority of the order accompanying Opinion No. 500 issued July 26, 1966, in Docket Nos. CP63-204, et al., Petitioner proposes that on December 1, 1966, it will commence first deliveries of gas to Southern under the order accompanying Opinion No. 500 and that such deliveries will be at the level of 130,000 Mcf daily and that such level of deliveries will be sustained for a period terminating on or about January 1, 1967 at which time Petitioner's Opinion No. 500 deliveries to Southern will be increased to a daily level of not less than 200,000 Mcf.

Consistent with the proposed schedule for Opinion No. 500 deliveries, G-1 deliveries to Southern, as now authorized, would terminate on or about December 1, 1966. Southern has advised Petitioner that it urgently requires continued delivery of G-1 gas pending initiation of deliveries of 200,000 Mcf daily under the order accompanying Opinion No. 500.

Petitioner, therefore, requests that the orders in the instant proceeding be amended so as to permit Petitioner to continue the sale and delivery of up to 70,000 Mcf daily of natural gas to Southern under Petitioner's Rate Schedule G-1 for a further limited term commencing upon issuance of all necessary authorizations therefor and continuing until commencement of deliveries by Petitioner to Southern under authority of the order accompanying Opinion No. 500 issued on July 26, 1966, in Docket Nos. CP63-204, et al., aggregating not less than 200,000 Mcf of natural gas per day.



Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 8, 1966.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-12535; Filed, Nov. 18, 1966;  
8:45 a.m.]

[Docket No. CP67-126]

## NORTHERN NATURAL GAS CO.

### Notice of Application

NOVEMBER 10, 1966.

Take notice that on November 4, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-126 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of additional contract demand to two of its existing utility customers and the revision and initiation of firm natural gas service for five existing industrial consumers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Wisconsin Southern Gas Co., Inc. has requested 200 Mcf of contract demand for an existing industrial customer, Minnesota Mining and Manufacturing Co., at Prairie de Chien, Wis., for drying oven requirements.

Peoples Division of Applicant (Peoples) has requested a net increase of 450 Mcf of contract demand to satisfy requests for firm service to two existing industrial customers, the John Deere Tractor Works at Dubuque, Iowa, which will utilize the gas for processing, and the Rockford Brick and Tile Co., Rockford, Iowa, which will utilize the gas for kiln drying. Peoples also requests termination of 550 Mcf of contract demand authorized for Clinton Engines Corp., Maquoketa, Iowa.

Northern States Power Co. has requested that 1,100 Mcf per day of its present contract demand be reserved for firm industrial service to the Ford Motor Co. at St. Paul, Minn., for space heating.

No new facilities are required to effectuate Applicant's proposals.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 8, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its

own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-12536; Filed, Nov. 18, 1966;  
8:45 a.m.]

[Docket No. E-7320]

## NORTHERN STATES POWER CO.

### Notice of Application

NOVEMBER 10, 1966.

Take notice that on November 7, 1966 Northern States Power Co. (Applicant), a public utility incorporated and doing business in the State of Wisconsin with its principal place of business office at Eau Claire, Wis., filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to issue up to \$7 million in promissory notes.

According to the application the promissory notes will be issued from time to time to evidence short-term borrowings from commercial banks, but no note will mature more than 12 months after the date of issue or renewal thereof, nor shall the maturity date of any note be later than December 31, 1968. Applicant states that the interest rate of the notes will be at a rate that to the best knowledge and belief of the Applicant's officers does not exceed the prime loan interest rate at the time and place of the issuance thereof.

Proceeds from the promissory notes to be issued by the Applicant during the balance of the year 1966 and during 1967 will be added to general funds of the applicant and will be used among other things to pay in part expenditures made and to be made in 1966 and 1967 in connection with the Applicant's construction program. During these years the Applicant's construction program calls for the expenditure of \$295,000 for generation equipment, \$10.9 million for transmission line facilities, and \$6.9 million for distribution facilities.

Any person desiring to be heard or to make any protest with reference to the application should on or before December 5, 1966, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-12537; Filed, Nov. 18, 1966;  
8:45 a.m.]

[Docket No. CP67-129]

## SWITZERLAND COUNTY NATURAL GAS CO. AND TEXAS GAS TRANSMISSION CORP.

### Notice of Application

NOVEMBER 10, 1966.

Take notice that on November 7, 1966, Switzerland County Natural Gas Co., a subsidiary of Silgas Corp. (Applicant), Box 546, Jeffersonville, Ind. 47130, filed in Docket No. CP67-128 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Gas Transmission Corp. (Respondent) to establish physical connection of its facilities with the facilities to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale in Vevay, Ind., and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a natural gas distribution system in the city of Vevay, Switzerland County, Ind., and environs. Applicant requests that Respondent make physical connection with such facilities of Applicant at a point on Respondent's transmission line approximately 10 miles southeast of Vevay, Ind., and to sell and deliver to Applicant volumes of natural gas to be distributed through the system.

The estimated third year peak day and annual requirements of Applicant are 1,138 and 109,703 Mcf respectively which will be purchased under Respondent's Rate Schedule SG-4, FPC Gas Tariff, Second Revised Volume No. 1.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 8, 1966.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-12538; Filed, Nov. 18, 1966;  
8:45 a.m.]

[Docket No. CP67-131]

## TRANSWESTERN PIPELINE CO.

### Notice of Application

NOVEMBER 10, 1966.

Take notice that on November 8, 1966, Transwestern Pipeline Co. (Applicant), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP67-131 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of gas to Pioneer Natural Gas Co. (Pioneer), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

On July 24, 1962, in Docket No. CP63-19 Applicant received temporary authorization to construct and operate facilities and to make sales of surplus gas to Pioneer through September 30, 1964. This authorization was extended to September 30, 1966, by temporary authoriza-



tion issued November 5, 1964 in Docket No. CP65-112. Applicant terminated deliveries upon expiration of the authorization.

Specifically, Applicant requests authorization to resume the aforementioned sale of natural gas through September 30, 1968, under Applicant's Rate Schedule E-1, FPC Gas Tariff, First Revised Volume No. 1.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 9, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-12539; Filed, Nov. 18, 1966;  
8:46 a.m.]

[Docket No. CP67-132]

## TRANSWESTERN PIPELINE CO.

### Notice of Application

NOVEMBER 10, 1966.

Take notice that on November 8, 1966, Transwestern Pipeline Co. (Applicant), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP67-132 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of gas to Southern Union Gas Co. (Southern Union), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

On April 3, 1963, in Docket No. CP63-143 Applicant received permanent authorization to construct and operate facilities and to make sales of surplus gas to Southern Union through September 30, 1964. This authorization was extended to September 30, 1966, by order amending order issuing certificate of public convenience and necessity issued April 5, 1965. Applicant terminated deliveries upon expiration of the authorization.

Specifically, Applicant requests authorization to resume the aforementioned sale of natural gas through Sep-

tember 30, 1968, under Applicant's Rate Schedule E-1, FPC Gas Tariff, First Revised Volume No. 1.

No additional facilities are required to effectuate this sale.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 9, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-12540; Filed, Nov. 18, 1966;  
8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[812-2033]

### NATIONAL VARIABLE ANNUITY COMPANY OF FLORIDA SEPARATE ACCOUNT

#### Notice of Application for Modification of Existing Order

NOVEMBER 15, 1966.

Notice is hereby given that National Variable Annuity Company of Florida Separate Account ("Applicant"), 734 Florida Bank Building, Jacksonville, Fla., an unincorporated fund created by National Variable Annuity Company of Florida and an open-end investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order modifying that portion of the existing Commission order of September 20, 1965 (Investment Company Act Release No. 4358) as relates to sections 22(e) and 27(c) of the Act. All interested persons are referred to the application filed with the Commission for a statement of Applicant's representations which are summarized below.

Applicant is currently engaged in the sale of group retirement annuity contracts in connection with annuity purchase plans adopted by public school systems and tax exempt organizations enu-

merated in section 501(c) of the Internal Revenue Code ("Code") which satisfy the requirements of section 403(b) of the Code.

The Commission, on September 20, 1965, granted Applicant's application for exemption of its group variable annuity contracts from, among others, the provisions of section 22(e) of the Act to the extent that, once annuity payments under a variable annuity contract begin, the participant will not be able to redeem the value credited to his individual account, and section 27(c)(2) to permit the Applicant rather than a trustee or custodian, to receive the proceeds of all payments under the variable annuity contracts.

Applicant now proposes to issue individual variable annuity contracts, and, in addition, it may in the future issue group and pension trust variable annuity contracts. Since these contracts would not be covered by the Commission's existing order, Applicant is requesting the Commission to modify its order of September 20, 1965 so as to exempt Applicant from sections 22(e) and 27(c)(2) of the Act with respect to such contracts.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 5, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

NELLYE A. THORSEN,  
*Assistant Secretary.*

[F.R. Doc. 66-12550; Filed, Nov. 18, 1966;  
8:47 a.m.]



[811-1433]

**NORTHWESTERN TERRA COTTA CORP.****Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company**

NOVEMBER 15, 1966.

Notice is hereby given that Northwestern Terra Cotta Corp. ("Applicant"), 812 West Van Buren Street, Chicago, Ill. 60607, an Illinois corporation registered as a closed-end, nondiversified investment company, has filed an application pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein.

Applicant represents that on September 12, 1966, its board of directors adopted a resolution directing the liquidation of all or substantially all of its portfolio of investment securities. Pursuant to such direction, between October 7, 1966, and November 7, 1966, Applicant disposed of a substantial portion of its portfolio. Applicant states that on November 7, 1966, its total assets (other than Government securities and cash items) were \$857,476 of which \$284,570 or 33.2 percent was investment securities at market value with the balance consisting of real estate valued at \$572,906.

Applicant states that at a meeting of its shareholders on October 28, 1966, the holders of a majority of its voting securities approved a proposal that Applicant change the nature of its business so that it cease to be an investment company. At the same meeting Applicant's shareholders approved an amendment to its Articles of Incorporation authorizing a new class of preferred convertible voting shares, part of which is to be used to acquire all the outstanding shares of Sponge-Cushion, Inc. ("Sponge-Cushion"), an Illinois corporation engaged in the manufacture and sale of sponge rubber padding for the carpet industry. After the exchange of shares, Sponge-Cushion will become a wholly owned subsidiary of Applicant.

Applicant represents that it is not engaged, nor does it propose to engage or hold itself out as being engaged, in the business of investing, reinvesting, owning, holding, or trading in securities. Applicant further represents that after its acquisition of all the outstanding shares of Sponge-Cushion, Applicant will be primarily engaged through its wholly owned subsidiary in a business other than that of an investment company, within the meaning of section 3(b)(1) of the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application finds that a registered investment company has ceased to be an investment company, it shall declare by order and upon the effective-

tiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 29, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12551; Filed, Nov. 18, 1966;  
8:47 a.m.]

[File No. 7-2569]

**TELEDYNE, INC.****Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing**

NOVEMBER 15, 1966.

In the matter of application of the Pittsburgh Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock and preferred stock of the following company, which securities are listed and registered on one or more other national securities exchanges:

Teledyne, Inc., File No. 7-2569.

Upon receipt of a request, on or before November 30, 1966, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said

application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official file of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL]

NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12552; Filed, Nov. 18, 1966;  
8:47 a.m.]

**INTERSTATE COMMERCE COMMISSION**

[Notice 287]

**MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS**

NOVEMBER 16, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

**MOTOR CARRIERS OF PROPERTY**

No. MC 3009 (Sub-No. 71 TA), filed November 14, 1966. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Post Office Box 1569, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, as follows: Lamps (electric, gas or oil), serving the plantsite of the Lawrin Co., Kosciusko, Miss., in connection with applicant's present interstate authority to operate between Memphis, Tenn., and Raleigh, Miss., restricted to the movement of shipments destined to or beyond Memphis, Tenn., and its commercial zone. Supporting shipper: Lawrin Lamp Co., Post Office Box 592, Kosciusko, Miss. Send protests to: Floyd A. Johnson, District Supervisor, Interstate



Commerce Commission, 312-A U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 66562 (Sub-No. 2200 TA), filed November 14, 1966. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: W. H. Marx (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, as follows: *General commodities*, moving in express service, from junction of U.S. Highway 131 and Michigan Highway 115, northwest over Michigan Highway 115 to junction of Michigan Highway 37, thence north over Michigan Highway 37 to junction of U.S. Highway 31, their adjoin applicants existing operating authority, MC 66562, sub 1437, over U.S. Highway 31 to Traverse City, Mich., and return over the same route, for 150 days. Supporting shippers: The application is supported by statements from 22 shippers which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 69876 (Sub-No. 18 TA), filed November 14, 1966. Applicant: BURKSPELZ TRANSFER, INC., 1730 West Franklin Street, Post Office Box 6014, Evansville, Ind. 47712. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Pharmaceuticals, foodstuffs, food formulas, and dietary foods* (except in bulk in tank vehicles), from the plantsite of Mead Johnson & Co. at Evansville, Ind., to Detroit, Mich., for 180 days. Supporting shipper: Mead Johnson & Co., Evansville, Ind. Send protests to: District Supervisor R. M. Hagarty, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 71516 (Sub-No. 85 TA), filed November 14, 1966. Applicant: ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Birmingham, Ala. 35222. Applicant's representative: Robert E. Tate, Suite 2025, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Insulating materials, and mineral wool* (loose or in packages), and *cement, mineral wool* (rock, slag, or glass wool), from Leeds, Ala., to points in Kentucky, for 180 days. Supporting shipper: Rock Wool Manufacturing Co., Leeds, Ala., Attention: Mr. Ed Cusick, Jr., Vice President, Sales. Send protests to: R. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

No. MC 89523 (Sub-No. 10 TA), filed November 14, 1966. Applicant: MID-STATES TRUCKING CO., 2517 North Grand, Enid, Okla. Applicant's repre-

sentative: Donald E. Leonard, 1319 First National Bank Building, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Sodium hypochlorite solution*, in containers, from Houston, Tex., to points in Oklahoma on and south of U.S. Highway 64, under continuing contract with the Clorox Co., for 180 days. Supporting shipper: The Clorox Co., Earl M. Matson, Vice President, Traffic, 850 42d Avenue, Oakland, Calif. 94601. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 113678 (Sub-No. 268 TA), filed November 14, 1966. Applicant: CURTIS, INC., 770 East 51st Avenue, Post Office Box 16004, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Meat, meat products, and meat byproducts*, as defined in parts A and C of appendix 1 to the report of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Greeley, Colo., to points in Delaware, Illinois, Indiana, Michigan, New York, Ohio, and Pennsylvania, for 180 days. Supporting shipper: Monfort Packing Co., Greeley, Colo. 80631. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, Denver, Colo. 80202.

No. MC 115826 (Sub-No. 160 TA), filed November 14, 1966. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. 80217. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Animal food and animal feed* (except in bulk), from the plantsite of Usen Products Co. at or near Golden Meadow, La., and from storage facilities of Usen Products Co. at or near Lockport, La., to points in Missouri, Illinois, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington. Supporting shipper: Mr. Frank Krause, Jr., Director of Traffic, P. Lorillard Co., 200 East 42d Street, New York, N.Y. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, Denver, Colo. 80202.

No. MC 124218 (Sub-No. 12 TA), filed November 14, 1966. Applicant: UNIT TRANSPORTATION, INC., Post Office Box 86, Ford Boulevard and North Fifth Street, Hamilton, Ohio 45010. Applicant's representative: Albert J. Tener, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Tent camping trailers*, in initial movements, from Los Angeles, Calif., to points

in the United States (except Alaska and Hawaii), and, *Tent camping trailers*, in secondary movements, from points in the United States (except Alaska and Hawaii), to Los Angeles, Calif., for 180 days. Supporting shipper: Hadco Division, Interstate Engineering Corp., 2000 Canfield Avenue, Los Angeles, Calif. 90022. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 128679 (Sub-No. 2 TA), filed November 14, 1966. Applicant: R. B. CALAWAY, Rural Delivery, Coolville, Ohio 45723. Applicant's representative: James Muldoon, 3210 Leveque Lincoln Tower, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Barrel staves*, from the plantsite of Carl Davis Stave Co., Inc., Coolville, Ohio, to Louisville, Ky., for 180 days. Supporting shipper: Carl Davis Stave Co., Inc., Coolville, Ohio. Send protests to: A. J. Stevens, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 236 New Post Office Building, Columbus, Ohio 43215.

No. MC 128686 TA, filed November 14, 1966. Applicant: GULFSTREAM CARRIERS, INC., 2400 Northwest 75th Street, Miami, Fla. 33147. Applicant's representative: Bernard C. Pestcoe 412 City National Bank Building, Miami, Fla. 33130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: (1) *Bath enclosures, screens (roll-formed), patio doors, electric fans, ladders plastic vinyl extrusions, windows, carpeting and foam padding, outdoor aluminum furniture and pads (tubular), shower doors, aluminum extrusions, aluminum and steel bifold doors, жалюзиs, wood and mica cabinets, molded expanded polystyrene picnic chests and swim toys, welded furniture, buffet cushions, pads, tables, and accessories and serving carts and bars*; from Miami, Fla., Woodville, Tex., and Milford, Va., to points in Alabama, Georgia, Mississippi, Texas, Virginia, New Jersey, Pennsylvania, North Carolina, South Carolina, Ohio, Louisiana, Tennessee, Kentucky, Indiana, Michigan, Massachusetts, Missouri, Illinois, Maryland, Wisconsin, New York, Connecticut, Delaware, Kansas, Oklahoma, Iowa, Colorado, Arkansas, West Virginia, California, New Mexico, Minnesota, Rhode Island, Utah, Vermont, Washington, and Florida. (2) *Carpet, carpet cushion, and carpet installation supplies*, from points in Georgia, Mississippi, Pennsylvania, and California, to Miami, Fla. (3) *Floor coverings and Goodrich carpet underlay and adhesive*, from points in the State of New York and Charlotte, N.C., to points in Florida. (4) *Office furniture and office supplies and school supplies*, from points in Michigan, Connecticut, Ohio, Indiana, Iowa, Missouri, Tennessee, Alabama, Georgia, Mississippi, Louisiana, Texas, New York, New Jersey, Pennsylvania, Maryland, Wash-



ington, D.C., North Carolina, and Arkansas, to points within the State of Florida. (5) *Floor coverings, rugs and carpets, rubber and fiber padding*, from points in Connecticut, Arkansas, Pennsylvania, Virginia, South Carolina, Georgia, Tennessee, New Jersey, Illinois, North Carolina, to Miami, Fla. (6) *Internal combustion engines, unfinished steel, stampings, unfinished screw machine parts, plated steel tubing, and steel bars*, from points in Georgia, Wisconsin, Illinois, Indiana, Ohio, Mississippi, Alabama, Pennsylvania, and New Jersey, to points in Florida, for 180 days. Supporting shippers: Keller Industries, Inc., 18000 State Road 9, Miami, Fla. 33162; Moore's Wholesale, Inc., 191 Northeast 40th Street, Miami, Fla.; Northern Distributors, Inc., 2400 Northwest 75th Street, Miami Fla. 33147; Miami Rug Co., Post Office Box 66, Northwest Branch, Miami, Fla. 33147; Caudle Manufacturing Co., 7545 Northwest 26th Avenue, Miami, Fla. 33147, and Mr. Foster's Store, Inc., 835 West Flagler Street, Miami, Fla. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 128688 TA, filed November 14, 1966. Applicant: STEVEN L. JONES, doing business as STEVEN L. JONES TRUCKING, Post Office Box 776, Soda Springs, Idaho 83276. Applicant's representative: Louis W. Schiele, Post Office Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Slack coal*, from points in Emery and Carbon Counties, Utah, to points in Caribou and Bear Lake Counties, Idaho, for 180 days. Supporting shippers: The Church of Jesus Christ of Latter-Day Saints, 115 East South Temple Street, Salt Lake City, Utah 84111; Bancroft Milling & Feed Co., Bancroft, Idaho 83217. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 203 Eastman Building, Boise, Idaho 83702.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12559; Filed, Nov. 13, 1966;  
8:47 a.m.]

[Notice 1442]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 16, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 79), appear below:

As provided in the Commission's special rules and practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date

of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68573. By order of November 9, 1966, the Transfer Board approved the transfer to Kandi Trucking Co., a corporation, Kandiyohei, Minn., of certificate No. MC-115926, issued January 8, 1963, to James Simchuck and William Simchuck, a partnership, doing business as Kandi Trucking, Kandiyohei, Minn., authorizing the transportation of: Animal and poultry feed, from New Richmond, Wis., to points in Swift and Kandiyohei Counties, Minn., and empty containers in the reverse direction. A. L. Janes, Jr., First National Bank Building, St. Paul, Minn. 55101, attorney for applicants.

No. MC-FC-69000. By order of November 9, 1966, the Transfer Board approved the transfer to Joseph Genova, Williamstown, N.J., of the operating rights of Matura Trucking Corp., Parlin, N.J., in permit No. MC-115786 (Sub-No. 4), issued September 28, 1965, authorizing the transportation, over irregular routes, of food products, except in bulk, between South Hackensack, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and points in Fairfield, Hartford, and New Haven Counties, Conn.; from piers in New York Harbor, N.Y., to points in New Jersey, points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and points in Fairfield, Hartford, and New Haven Counties, Conn. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, representative for applicants.

No. MC-FC-69168. By order of November 9, 1966, the Transfer Board approved the transfer to Francis J. & George Souhan, Inc., Seneca Falls, N.Y., of permit Nos. MC-124527, MC-124527 (Sub-No. 2), and MC-124527 (Sub-No. 3), issued February 4, 1963, January 18, 1965, and July 26, 1966, respectively, to George G. Souhan, Clara G. Souhan, Ida May Geb, and Francis J. Souhan, a partnership, doing business as Francis J. & George G. Souhan, Seneca Falls, N.Y., authorizing the transportation of: Raw materials, dyes, and chemicals (not in bulk) used in the process of knitting and the manufacture of knit goods, and finished knitted products, between Seneca Falls and Averill Park, N.Y., Woonsocket, R.I., and Northfield, Vt., on the one hand, and, on the other, points as specified in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia; and raw materials, dyes, and chemicals (not in bulk), used in the process of weaving and the manufacture of textiles and finished textiles, between Northfield, Vt., and Clifton Heights, Pa., on the one hand, and, on the other, points as specified in

Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Murray J. S. Kirshteln, 118 Bleeker Street, Utica, N.Y. 13501, attorney for applicants.

No. MC-FC-69192. By order of November 9, 1966, the transfer Board approved the transfer to Oil Tank Lines, Inc., Darby, Pa., of the operating rights of Oil-Chem, Inc., Darby, Pa., in permits Nos. MC-125168 (Sub-No. 2), MC-125168 (Sub-No. 5), and MC-125168 (Sub-No. 7), issued October 2, 1963, September 28, 1965, and October 17, 1966, respectively, authorizing the transportation, over irregular routes, of lubricating oil, in bulk, in tank vehicles, from Falling Rock, W. Va., to Philadelphia, Pa.; between Philadelphia, Pa., on the one hand, and, on the other, Barborton, Ohio; from Bradford, Emlenton, Farmers Valley, Freedom, Karns City, Oil City, Reno, and Rouseville, Pa.; and from Falling Rock to Philadelphia, Pa., with no transportation for compensation on return except as otherwise authorized; and from Philadelphia, Pa., to Falling Rock, W. Va., with no compensation on return. G. Donald Bullock, Box 103, Wyncote, Pa. 19095, representative for applicants.

No. MC-FC-69193. By order of November 9, 1966, the Transfer Board approved the transfer to Ola Harang and Gordon S. Harang, a partnership, doing business as Arrowhead Transfer, Sitka, Alaska, of the operating rights of Mr. and Mrs. Charles Ouellette, a partnership, doing business as Arrowhead Transfer, Sitka, Alaska, in certificate No. MC-124413 (Sub-No. 3), issued by the Commission, December 14, 1965, authorizing the transportation, over irregular routes, of general commodities, except those of unusual value, classes A and B explosives, livestock, commodities in bulk, and those requiring special equipment, between points in Alaska south and east of the United States-Canada boundary line north of Haines, Alaska. Duane Craska, Post Office Box 1088, Sitka, Alaska 99835, attorney for applicants.

No. MC-FC-69204. By order of November 9, 1966, the Transfer Board approved the transfer to McCoy Transfer Co., Alton, Ill., of the operating rights of Robert A. Peters, doing business as McCoy Transfer Co., Alton, Ill., in certificate No. MC-28240, issued June 1, 1961, authorizing the transportation, over regular routes, of general commodities, except those of unusual value, classes A and B explosives, household goods, commodities requiring special equipment, and those injurious or contaminating to other lading, between Alton, Ill., and St. Louis, Mo., and over irregular routes, the same commodities described above, from St. Louis, Mo., to Alton, Ill., and points within 50 miles thereof. A. A. Marshall, 216 Buder Building, St. Louis, Mo. 63101, representative for applicants.

No. MC-FC-69222. By order of November 16, 1966, the Transfer Board approved the transfer to Goose Goslin Express, Inc., Pittsburgh, Pa., of the



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certificate of registration No. MC-121024 (Sub-No. 1) evidencing a right to engage in interstate or foreign commerce in the transportation of property within the State of Pennsylvania, issued January 28, 1965, to Samuel H. Weitzner, Michael Rogan, and Charles W. Capp, doing business as Capp Trucking Co., Duquesne, Pa. Edward M. Larkin, 901 Grant Building, Pittsburgh, Pa. 15219, attorney for applicants.

[SEAL]

H. NEIL GARSON,  
*Secretary.*

[F.R. Doc. 66-12560; Filed, Nov. 18, 1966;  
8:47 a.m.]



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# FEDERAL REGISTER

VOLUME 31 • NUMBER 226

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Pages 14767-14820

(Part II begins on page 14807)

**Agencies in this issue—**

Agricultural Stabilization and  
Conservation Service  
Atomic Energy Commission  
Civil Aeronautics Board  
Consumer and Marketing Service  
Customs Bureau  
Federal Aviation Agency  
Federal Communications Commission  
Federal Maritime Commission  
Federal Power Commission  
Federal Reserve System  
Federal Trade Commission  
Fish and Wildlife Service  
Food and Drug Administration  
Foreign Assets Control Office  
Health, Education, and Welfare  
Department  
Internal Revenue Service  
Interstate Commerce Commission  
Land Management Bureau  
Labor Department  
Public Health Service  
Securities and Exchange Commission  
Social Security Administration  
Veterans Administration

Detailed list of Contents appears inside.





## Current White House Releases

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Issues at the end. Cumulation of this index terminates at the end of each quarter and begins anew with the following issue. Semiannual and annual indexes are published separately.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

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# Rules and Regulations

## Title 7—AGRICULTURE

Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

### PART 1205—COTTON RESEARCH AND PROMOTION ORDERS

Subpart—Procedure for the Conduct of Referenda in Connection With Cotton Research and Promotion Orders

AGENCIES THROUGH WHICH A REFERENDUM SHALL BE CONDUCTED

The regulations governing the procedure for the conduct of referenda in connection with cotton research and promotion orders issued pursuant to the Cotton Research and Promotion Act (80 Stat. 279) are hereby amended as follows:

In § 1205.202(a)(4), subdivision (iii) is amended by deleting the words in line 12 thereof reading "prior to the beginning of the referendum," and substituting therefor the words "prior to the expiration of the referendum period,". As so amended, § 1205.202(a)(4)(iii) reads as follows:

§ 1205.202 Agencies through which a referendum shall be conducted.

(a) *Consumer and Marketing Service.*

\* \* \*

(iii) If an eligible voter is engaged in production of upland cotton on more than one farm he is entitled to only one vote but any vote cast by such voter shall represent the total amount of upland cotton that is his share of the crop, or proceeds thereof, on all such farms: *Provided*, That only farms for which records are maintained by the ASCS county office designated as the voter's polling place shall be considered unless the voter, prior to the expiration of the referendum period, establishes to the satisfaction of such county office his share of the crop, or proceeds thereof, on any additional farm or farms.

\* \* \*

(Sec. 15, 80 Stat. 285)

*Effective date.* This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: November 17, 1966.

GEORGE L. MEHREN,  
Assistant Secretary.

[F.R. Doc. 66-12616; Filed, Nov. 21, 1966; 8:49 a.m.]

## Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7390; Amdt. 39-312]

### PART 39—AIRWORTHINESS DIRECTIVES

Lear Jet Model 23 and 24 Airplanes

AD 66-14-2 (amendments 39-242 and 39-271) requires certain modifications of the electrical system of Lear Jet Model 23 and 24 airplanes. This amendment revises that airworthiness directive in order to reference the Lear Jet Engineering data covering these modifications.

As this amendment imposes no additional burden on any person, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not required and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, amendment 39-242, AD 66-14-2, as amended by amendment 39-271, is further amended as follows:

Paragraph (c) of AD 66-14-2 (amendment 39-242 as amended by amendment 39-271) is amended to read as follows:

(c) Modify the electrical system on Model 23 airplanes, and on Model 24 airplanes S/N 24-100 through 24-129, in accordance with Lear Jet Engineering Change Record No. 340, 227, 230, or 233 (as applicable) or equivalent data approved by the Chief, Engineering and Manufacturing Branch, Central Region within the next 550 hours' time in service after the effective date of this Airworthiness Directive. The affected airplanes and applicable data are as follows:

(1) S/N 23-012 and 23-031, Engineering Change Record No. 340.

(2) S/N 23-003 through 23-011, 23-013 through 23-030, and 23-032 through 23-099, Engineering Change Record No. 340, 227, 230 or 233.

(3) S/N 24-100 through 24-129, Engineering Change Record No. 340.

This amendment becomes effective November 22, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 16, 1966.

C. W. WALKER,  
Director, Flight Standards Service.

[F.R. Doc. 66-12567; Filed, Nov. 21, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-41]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Designation of Transition Area

On pages 11759 and 11760 of the FEDERAL REGISTER for September 8, 1966, the Federal Aviation Agency published proposed regulations which would designate a 700-foot floor transition area for Dunkirk, N.Y.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., January 5, 1967.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on November 3, 1966.

WAYNE HENDERSHOT,  
Deputy Director.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Dunkirk, N.Y., as follows:

DUNKIRK, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°29'35" N., 79°16'20" W., of Dunkirk Municipal Airport, Dunkirk, N.Y.; within 2 miles northwest and 5 miles southeast of the Dunkirk, N.Y. VOR 046° radial extending from the VOR to 12 miles NE of the VOR; and within 2 miles each side of the Runway 15 centerline extended from the 5-mile radius area to 10 miles southeast of the lift-off end of the runway.

[F.R. Doc. 66-12568; Filed, Nov. 21, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-52]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Designation of Transition Area

On page 11616 of the FEDERAL REGISTER for September 2, 1966, the Federal Aviation Agency published proposed regulations which would designate a Pittsfield, Maine, 700-foot floor transition area.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.



In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 2, 1967.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on November 3, 1966.

WAYNE HENDERSHOT,  
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Pittsfield, Maine, as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°46'05" N., 69°22'40" W., of Pittsfield Municipal Airport, Pittsfield, Maine and within 2 miles each side of the Burnham, Maine, RBN (44°41'50" N., 69°21'30" W.) 350° and 170° bearings extending from the 5-mile radius area to 8 miles south of the RBN.

[F.R. Doc. 66 12569; Filed, Nov. 21, 1966; 8:45 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

#### PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

##### Three-Party Promotional and Merchandising Assistance Plan Available to Direct and Indirect Purchasers

§ 15.103 Three-party promotional and merchandising assistance plan available to direct and indirect purchasers.

(a) The Commission advised the promoter of the three-party promotional assistance plan outlined below that, subject to the admonitions indicated, the plan would not violate Commission administered law.

(b) The promoter proposes to provide promotional and merchandising assistance to suppliers of products normally sold in grocery and drug stores. In return for in-store promotion of participating suppliers' products by (1) providing shelf space at least equal to that given competing products selling in the same volume (2) installing shelf markers or other in-store signs furnished by the promoter advertising the promoted products, (3) maintaining adequate supplies (i.e. what the retailer decides he needs to avoid a sellout) of promoted products and (4) periodic (1 week in each quarter) off shelf displays (aisle end or other than normal shelf position), the retailer would earn an amount equal to 2 percent of his net purchases of promoted products, subject to a maximum monthly payment of \$40 per store. Earnings would be computed on a store-by-store basis. The amount earned would be based on purchases of promoted products regardless of whether the retailer purchased directly from the supplier or through a wholesaler.

(c) In addition, retailers could, at their option, buy or rent in-store sound equipment and purchase a background music service from the promoter. The speakers could be used for in-store announcements by the retailers; however, participating suppliers' advertisements would not be broadcast over the network stores. The charges to the retailers for the sound system and music would be applied monthly or quarterly to promotional assistance payments earned for participation in the plan (i.e. the 2 percent of purchases). Any excess of earnings over charges would be paid to the retailers in cash.

(d) At the outset and every 6 months thereafter, the plan would be offered by letter from the promoter to all drug and grocery outlets listed in the yellow pages of the telephone book, which list would be supplemented by participating suppliers' lists of competing customers selling the promoted product.

(e) Participating retailers would agree to allow the promoter's representatives to check on performance and submit reports to suppliers. The reports would contain information regarding the shelf space given the supplier's promoted product, the prices at which it is sold, its shelf position (eye, waist, or bottom level) and the like.

(f) With regard to the admonitions, the Commission expressed the view that:

(1) In addition to the letter at the outset and every 6 months to each competing reseller of promoted products of the supplier, new, competing customers should be offered the plan when the first sale of the promoted product is made to them. The reason is that such new customers are entitled to be offered the assistance promptly.

(2) The reports the promoter submits to suppliers should not contain information which may be used for price fixing purposes.

(3) Prospective participants in the plan should be told: (i) The fact that the promoter is positioned between the supplier and the supplier's customers—the retailers—does not affect applicability of sections 2 (d) and (e) of the Robinson-Patman Act and section 5 of the Federal Trade Commission Act to the plan; (ii) even though the promoter is employed, it is the supplier's responsibility to make certain that each of his customers who compete with one another in selling the promoted product is offered the opportunity to participate. If opportunity is not offered, or an illegal discrimination results, the supplier, the retailer and the promoter may be acting in violation of section 2 (d) or (e) of the Robinson-Patman amendment to the Clayton Act and/or section 5 of the Federal Trade Commission Act.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: November 21, 1966.

By direction of the Commission.

[SEAL]

JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12602; Filed, Nov. 21, 1966; 8:48 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-258]

#### PART 13—EXAMINATION, MEASUREMENT, AND TESTING OF CERTAIN PRODUCTS

##### Retests of Sugar, Molasses, and Sirup

The purpose of this amendment of the regulations is to eliminate the provision under which an importer may request a retest of raw sugar cargoes and, in lieu thereof, establish a procedure whereby an importer may request a review of Customs average test. According to available records, no importer has requested retests of sugar in the past 15 years. Occasionally, minor differences have been resolved by a review of the pertinent records. It is believed that such a review would be adequate to reconcile significant differences between the separate tests made by the Government and the importer should such differences arise.

Notice of the proposed amendment of the regulations was published in the FEDERAL REGISTER on March 3, 1966 (31 F.R. 3347), at which time the submission of comments in writing was invited. Upon consideration of the comments received, it has been determined to adopt the regulation as proposed. However, the proposed language of § 13.8(b) is revised to make clear that the procedure for review in the case of retests of molasses and sirups is not being changed. In addition, references to customs officers are being changed to reflect the recent reorganization of the Customs Service.

Accordingly, § 13.8 is amended to read as follows:

##### § 13.8 Review of tests of sugar, molasses, and sirup.

(a) When the test of the sugar has been determined, the importer shall be immediately notified on customs Form 6463 of the average test of the importation and also the quantity and test of each lot from which such average test is obtained. If the importer, within 2 days, exclusive of Saturdays, Sundays, and holidays, after such notice has been sent to him, claims an error in the test so reported, he may request a review of the average test, submitting such evidence that may be in his possession to support his claim. Settlement tests of the sugar in question together with any information required by the district director shall be furnished by the importer. The district director shall arrive at a final determination based upon a review of the information available. In no instance shall a request for review be granted when the difference between the Customs average test and the settlement test is less than 0.4° S.

(b) In the case of molasses and sirup, a retest shall be granted by the district director when the information in his possession indicates a strong probability of an error and the difference between the Customs test and the settlement test



is shown to be not less than 2 percent total sugars. In general, before granting a retest, the review procedures set forth in paragraph (a) of this section shall be followed. The district director shall arrive at a final determination based upon a review of the information submitted and the retest (77A Stat. 14; 19 U.S.C. 1202 (Gen. Hdnote. 12)).

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

These regulations shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,  
Commissioner of Customs.

Approved: November 10, 1966.

TRUE DAVIS,  
Assistant Secretary of  
the Treasury.

[F.R. Doc. 66-12599; Filed, Nov. 21, 1966;  
8:48 a.m.]

## Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service,  
Department of the Treasury

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

### PART 601—STATEMENT OF PROCEDURAL RULES

#### Miscellaneous Excise Taxes Collected by Return

##### Correction

In F.R. Doc. 66-12060, appearing at page 14351 of the issue for Tuesday, November 8, 1966, the following correction is made in § 601.403(c)(1): The phrase reading "Returns of the tax on wages" should read "Returns of the tax on wagers".

## Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service,  
Department of the Treasury

[T.D. 6901]

### PART 6—INDUCEMENTS FURNISHED TO RETAILERS

#### Furnishing of Window and Other Interior Displays by Industry Members to Retail Liquor Dealers

Notice of public hearing to be held in Washington, D.C., on January 11, 1966, with respect to certain proposals to amend 27 CFR Part 6, Inducements Furnished to Retailers was published in the FEDERAL REGISTER on December 16, 1965 (30 F.R. 15470). Upon the conclusion of the said hearing and after a thorough study of the proposals in the light of relevant material submitted by interested persons thereat, the following conclusions have been reached:

1. It had been proposed (proposal No. 2 in the notice of hearing) to amend

§ 6.23a (which related to distilled spirits only) to permit displays (for use in windows or elsewhere in the interior of a retail establishment) to include items having utilitarian or secondary-use value to the retailer, if such items are an integral part of the display and their cost does not exceed \$3 (this amount subject to increase or decrease on the basis of evidence submitted at the hearing), and such cost is included in the overall cost of the display. Only one such item would be permitted in any one display.

The evidence submitted failed to establish that proposal No. 2 is in accordance with established trade customs or that its adoption would be in the public interest and in accordance with the purposes of 27 U.S.C. 205(b)(3), since it would authorize the inducement of purchases through supplying the retailer with items of utilitarian value not connected with his business and is not supported by a showing that its allowance is now reasonably necessary to legitimate merchandising requirements.

2. It had been proposed (proposal No. 3 in the notice of hearing) to amend § 6.28 with respect to distilled spirits only, so as to increase from \$10 to \$25 (or to some intermediate amount) the limitation contained therein on the aggregate annual cost of retailer advertising specialties in any one retail establishment.

The evidence of record failed to establish a need for this increase in the limit on the cost of retailer advertising specialties which may be furnished retailers regardless of inducement effect or that such an increase would be in accordance with established trade customs. In view of the likelihood that inducement effect may increase in direct proportion to the value of the specialties which may be furnished, adoption of the proposal at this time appears not to be in the public interest or in accordance with the purposes of the controlling statute. Therefore, the proposal is rejected.

3. It had been proposed (proposal No. 1 in the notice of hearing) to amend § 6.21 by changing the proviso therein to read as follows: "Provided, That, except for the inside signs and displays covered by § 6.23(a) such furnishing is not conditioned, directly or indirectly, on the purchase of distilled spirits, wine, or malt beverages."

The record of the hearing indicated a need for clarification of the regulations as they now exist so as to negate any implication that a supplier, furnishing a window or other interior display under the regulations may not, at the same time, sell the retailer a reasonable quantity of merchandise to fill out the display. For purposes of clarification, 27 CFR 6.21 is amended by revising the proviso therein to read:

#### § 6.21 General.

\* \* \* *Provided*, That, except for such alcoholic beverages as may reasonably be required to complete a window or other interior display furnished pursuant to § 6.23 or § 6.23a, such furnishing is not conditioned directly or indirectly on the

purchase of distilled spirits, wine, or malt beverages.

This amendment shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

(49 Stat. 981, as amended; 27 U.S.C. 205)

[SEAL] SHELDON S. COHEN,  
Commissioner of Internal Revenue.

Approved: November 16, 1966.

STANLEY S. SURREY,  
Assistant Secretary of  
the Treasury.

[F.R. Doc. 66-12603; Filed, Nov. 21, 1966;  
8:48 a.m.]

## Title 29—LABOR

Subtitle A—Office of the Secretary of  
Labor

### PART 40—FARM LABOR CONTRACTOR REGISTRATION

#### Miscellaneous Amendments

In the October 12, 1966, issue of the FEDERAL REGISTER (31 F.R. 13174), there was published a proposal to amend 29 CFR Part 40. Interested persons were given 15 days in which to file written statements of data, views, or argument in regard to the proposal. None was received. Accordingly, effective December 19, 1966, I have decided to and do hereby adopt the proposal to read as set forth below. The amendment differs from the proposal only in that the words "Certificate of Insurance" are substituted for the word "Policy" where it appears on the 10th line of § 40.4(c)(2).

Signed at Washington, D.C., this 15th day of November 1966.

ROBERT C. GOODWIN,  
Administrator,  
Bureau of Employment Security.

1. Section 40.3 is amended to read as follows:

§ 40.3 Certificate of Registration required.

(a) On or after January 1, 1965, the effective date of the Farm Labor Contractor Registration Act of 1963, any person who desires to engage in activities as a farm labor contractor, as defined in the Act, must first obtain a Certificate of Registration.

(b) A farm labor contractor who holds a valid Certificate of Registration is responsible for assuring that his full-time or regular employees have filed applications for Farm Labor Contractor Employee Identification Cards before they participate in any of the activities enumerated in section 3(b) of the Act.

2. Section 40.4 is amended to read as follows:

§ 40.4 Application for Certificate of Registration.

(a) The application for a Certificate of Registration on Form ES-410 is available and must be executed and filed in any office of the Employment Service of



the various States, except that in States requiring licensing or registration of farm labor contractors under State law, such application shall be available and shall be filed at the Employment Service office of such State or the same office where the State registration or license is filed, whichever may be designated by the Governor of such State.

(b) The application shall set forth the information required thereon, shall be subscribed and sworn to by the applicant and shall have attached the applicant's fingerprints on a completed Form FD-258.

(c) Before any person may transport, within the meaning of the Act, migrant workers and their property in any vehicle which he owns, operates, or causes to be operated, he shall have complied with the insurance or financial responsibility requirements of the Act by having submitted the following:

(1) A completed Farm Labor Contractor Automobile Liability Certificate of Insurance, showing that the passenger hazard is included (as evidence of liability insurance which covers the workers while being transported). Such certificate represents that an automobile liability insurance policy including a Farm Labor Contractor Liability Endorsement provides insurance in an amount not less than that required under the law or regulation of any State in which such applicant operates a vehicle in connection with his business, activities, or operations as a farm labor contractor; but in no event less than \$5,000 for bodily injuries to or death of one person; \$20,000 for bodily injuries to or death of all persons injured or killed in any one accident; \$5,000 for the loss or damage in any one accident to property of others, and that it was obtained from an insurance carrier licensed or otherwise authorized to do business in the State in which the insurance is obtained; or

(2) Proof of financial responsibility evidenced by (i) a completed Farm Labor Contractor Standard Accident Policy Certificate of Insurance, as evidence of the issuance of a Farm Labor Contractor Standard Accident Policy, in addition to a completed Farm Labor Contractor Automobile Liability Certificate of Insurance, if the Farm Labor Contractor Automobile Liability Certificate of Insurance shows that the passenger hazard has been excluded; or (ii) a liability bond executed by the applicant, identified in the instrument as the "principal," together with a third party, identified in the instrument as the "surety," to assure payment of any liability up to \$50,000 for damages to persons or property arising out of the applicant's ownership of, operation of, or his causing to be operated any vehicle for the transportation of migrant workers in connection with his business, activities, or operations as a farm labor contractor. The "surety" shall be one which appears on the list contained in Treasury Department Circular 570, with an underwriting limit of not less than \$50,000 or which has been approved by the Secretary under the Welfare and

Pension Plan Disclosure Act, as amended. Treasury Department Circular 570 may be obtained from the U.S. Treasury Department, Bureau of Accounts, Division of Deposit and Investments, Surety Bonds Branch, Washington, D.C. 20226.

(d) The foregoing provisions of paragraph (c) of this section must be complied with, except to the extent that other arrangements have been approved by the Secretary.

(e) Any insurance policy or liability bond which is obtained pursuant to this Act should provide the required coverage for the full period during which the applicant for a Certificate of Registration shall be engaged in transporting migrant workers within the meaning of the Act during a calendar year. If a policy or liability bond shall expire within 30 days of the date of filing an application for a Certificate of Registration, such Certificate will not be issued unless the applicant shall have submitted written evidence of renewal or extension of said policy or liability bond for the period of time during which migrant workers will be transported. In the event that a policy or liability bond shall expire on a date which exceeds 30 days from the date of application for a Certificate of Registration, proof of renewal or extension of a policy or of a liability bond must be submitted promptly to the Regional Administrator who has issued the Certificate of Registration. The requirements of this paragraph do not excuse compliance with the provisions hereinafter set forth in § 40.11.

(f) Before any person may transport migrant workers within the meaning of the Act, he shall submit evidence satisfactory to the Regional Administrator that he is in compliance with the rules and regulations promulgated by the Interstate Commerce Commission that are applicable to his activities and operations in interstate commerce.

(g) The holder of a valid Certificate of Registration may request the renewal of his Certificate of Registration by executing and filing with a local office of the Employment Service of the various States or any office designated by the Governor of a State pursuant to section 40.4 the following: (1) An application which shall set forth the information required thereon; (2) proof of insurance coverage as required in paragraph (c) (1) of this section or proof of financial responsibility as required in paragraph (c) (2) of this section; (3) upon request, a completed Form FD-258 Fingerprint Card; and (4) upon request, evidence of compliance with applicable rules and regulations promulgated by the Interstate Commerce Commission.

(h) If a Certificate of Registration is lost or destroyed, a duplicate Certificate of Registration may be obtained by submission to any Regional Office of the Bureau of Employment Security of a written statement explaining its loss or destruction, indicating where the original application was filed and requesting that a duplicate be issued.

3. Section 40.5 is amended to read as follows:

#### § 40.5 Corporations, partnerships, associations, and other organizations.

Any corporation, partnership, association, or other organization which is a farm labor contractor within the meaning of the Act must obtain a Certificate of Registration. If any officer, director, partner, or member of a corporation, partnership, association, or other organization, engages in any of the covered farm labor contracting activities as a full-time or regular employee of such business organization, he must comply with the requirements for obtaining a Farm Labor Contractor Employee Identification Card.

4. Section 40.6 is amended to read as follows:

#### § 40.6 Farm Labor Contractor Employee Identification Cards, Applications.

(a) Any person who intends to be employed as a full-time or regular employee in any of the covered farm labor contracting activities by a farm labor contractor who is a holder of a valid Certificate of Registration must obtain a Farm Labor Contractor Employee Identification Card. This can be obtained by submitting Form ES-412, Application for Farm Labor Contractor Employee Identification Card, which shall be subscribed and sworn to by the applicant. The applicant shall submit a completed Form FD-258, Fingerprint Card. These forms are available at any local office of the Employment Service of the various States or any office designated by the Governor of the State pursuant to section 40.4.

(b) An application for a Farm Labor Contractor Employee Identification Card shall be acknowledged by the Regional Administrator. Until a determination is made upon the application, such acknowledgment shall authorize the applicant to engage in any of the covered activities of a farm labor contractor, as defined in the Act, in behalf of any holder of a valid Certificate of Registration. While engaging in such activities, the employee must have in his possession either the letter of acknowledgment, which shall not be effective for more than 30 days, or a Farm Labor Contractor Employee Identification Card where such has been issued. Such employee shall not be engaged as a driver of a bus or truck for transportation of migrant workers in connection with the business, activities, or operations of a farm labor contractor subject to the Act, unless he shall comply with rules and regulations promulgated by the Interstate Commerce Commission that are applicable to his activities and operations in interstate commerce.

(c) If a Farm Labor Contractor Employee Identification Card is lost or destroyed, a duplicate Farm Labor Contractor Employee Identification Card may be obtained by submitting to any Regional Office of the Bureau of Employment Security a written statement explaining its loss or destruction, indicating where the original application was filed, and requesting that a duplicate be issued.



(d) The Farm Labor Contractor Employee Identification Card authorizes the employee to engage in activities as a farm labor contractor within the meaning of the Act in behalf of any holder of a valid Certificate of Registration.

(e) A holder of a valid Farm Labor Contractor Employee Identification Card may request renewal of such card by executing and filing at a local office of the Employment Service of the various States or to any office designated by the Governor of a State pursuant to section 40.4 the following: (1) An application for renewal; (2) upon request, a Form FD-258, Fingerprint Card; and (3) upon request, a Form ES-415, Doctor's Certificate.

5. Paragraphs (a), (b), and (c) (9) and (15) of § 40.10 are amended to read as follows:

**§ 40.10 Terms of Certificates of Registration, other conditions and obligations.**

(a) Certificates of Registration and Farm Labor Contractor Employee Identification Cards shall expire on each December 31. In any case in which an application for renewal of a valid Certificate of Registration submitted in accordance with the requirements of § 40.4 or employee identification card submitted in accordance with the requirements of § 40.6 has been made on or before November 30 of the year preceding the year for which renewal is sought, the authority to operate as a farm labor contractor or employee of a certificate holder shall not expire until the application shall have been finally determined by the Administrator.

(b) [Revoked]

(c) Certificates of Registration and Farm Labor Contractor Employee Identification Cards may be revoked or suspended, or issuance or renewal thereof refused, if the applicant or registrant:

\* \* \* \*

(9) Knowingly employs or continues to employ any person, to whom subsection (b) of section 4 of the Act applies, who has taken any action, except for that listed in subparagraph (15) of this paragraph, which could be used by the Administrator to refuse to issue a Certificate of Registration or a Farm Labor Contractor Employee Identification Card.

\* \* \* \*

(15) Has failed to obtain or maintain in effect, or, has had canceled or terminated, any insurance policy or liability bond required by the Act and this part and cannot demonstrate financial responsibility acceptable to the Secretary or his representative.

\* \* \* \*

6. Section 40.11 is amended to read as follows:

**§ 40.11 Cancellation of insurance, review of financial responsibility, change of ownership.**

(a) Any insurance policy or liability bond required by the Act or this part shall provide that it shall not be canceled, rescinded, or suspended, nor become void for any reason whatsoever

during such period in which the insurance or liability bond is required by the Act to be effective, except by the expiration of the term for which it is written, or until the company or the named insured, in the case of an insurance policy, or the "surety" or the "principal," in the case of a liability bond, shall have first given thirty (30) days' notice in writing by registered mail to the Director of the Office of Farm Labor Service, Bureau of Employment Security, U.S. Department of Labor, Washington, D.C., said thirty (30) days' notice to commence to run from the date notice is actually received.

(b) Any change in the membership or officers of a holder of a valid Certificate of Registration from that most recently reported shall within twenty (20) days of the change be reported in writing by registered mail to the Regional Administrator who issued the Certificate of Registration.

**§ 40.27 [Revoked]**

7. Section 40.27 is revoked.

(Sec. 14, 78 Stat. 924; 7 U.S.C. 2053)

[F.R. Doc. 66-12590; Filed, Nov. 21, 1966; 8:47 a.m.]

## Title 31—MONEY AND FINANCE: TREASURY

### Chapter V—Office of Foreign Assets Control, Department of the Treasury

#### PART 500—FOREIGN ASSETS CONTROL REGULATIONS

##### Cassia From Indonesia and Sabah, Malaysia

1. A definition of cassia subject to § 500.204(a) (2) is being added to the list of definitions in the Appendix. The definition reads as follows:

(30) Cassia includes all species of the genus *cinnamomum* except *cinnamomum zeylanicum*.

2. The Office of Foreign Assets Control has determined to its satisfaction that cassia from Indonesia and from Sabah, Malaysia, subject to § 500.204(a) (2) of the regulations, can be reliably determined by physical examination not to be of Communist Chinese, North Korean, or North Viet-Nameese origin. Licenses to import this commodity will henceforth be issued subject to physical examination at the time of entry. Accordingly, section (105) of the Appendix to § 500.204 is hereby amended by the addition of the following commodity: Cassia from Indonesia and Sabah, Malaysia.

The above ruling does not affect cassia imported directly from Indonesia which is specifically exempt from § 500.204 (a) (2).

[SEAL] MARGARET W. SCHWARTZ,  
Director,  
Office of Foreign Assets Control.

[F.R. Doc. 66-12601; Filed, Nov. 21, 1966; 8:48 a.m.]

## Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans Administration

#### PART 2—DELEGATIONS OF AUTHORITY

##### Delegation of Authority To Provide Relief on Account of Administrative Error

In Part 2, § 2.7 is added to read as follows:

**§ 2.7 Delegation of authority to provide relief on account of administrative error.**

(a) Section 210(c) (2), title 38, United States Code, as added by section 301, Public Law 89-785, provides that if the Administrator determines that benefits administered by the Veterans Administration have not been provided by reason of administrative error on the part of the Federal Government or any of its employees, he is authorized to provide such relief on account of such error as he determines equitable, including the payment of moneys, to any person whom he determines equitably entitled thereto.

(b) The authority to grant the equitable relief, referred to in paragraph (a) of this section, has not been delegated and is reserved to the Administrator. Recommendation for the correction of administrative error and for appropriate equitable relief therefrom will be submitted to the Administrator, through the General Counsel, by the department head or staff official concerned.

This VA Regulation is effective November 7, 1966.

By direction of the Administrator.

Approved: November 14, 1966.

[SEAL] CYRIL F. BRICKFIELD,  
Deputy Administrator.

[F.R. Doc. 66-12604; Filed, Nov. 21, 1966; 8:48 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 32—HUNTING

##### Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.**

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

The public hunting of squirrels, cottontail rabbits and bobwhite quail on the



Flint Hills National Wildlife Refuge, Kans., is permitted from November 21, 1966, through September 1, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 2,906 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels, cottontail rabbits, and bobwhite quail subject to the following special conditions:

(1) The use of rifles is prohibited on the refuge.

(2) Vehicle access shall be restricted to designated parking areas and existing roads.

(3) Dogs—Not to exceed two per hunter may be used only to retrieve wounded or dead squirrels, cottontail rabbits and bobwhite quail.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 1, 1967.

JOHN C. GATLIN,  
Regional Director,  
Albuquerque, N. Mex.

NOVEMBER 15, 1966.

[F.R. Doc. 66-12586; Filed, Nov. 21, 1966;  
8:46 a.m.]

### PART 32—HUNTING

#### Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game;  
for individual wildlife refuge areas.

#### KANSAS

##### FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrows on the Flint Hills National Wildlife Refuge, Kans., is permitted from November 21 through December 9, 1966, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 2,906 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

(1) Vehicle access shall be restricted to designated parking areas and existing roads.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1966.

JOHN C. GATLIN,  
Regional Director,  
Albuquerque, N. Mex.

NOVEMBER 15, 1966.

[F.R. Doc. 66-12585; Filed, Nov. 21, 1966;  
8:46 a.m.]

### PART 33—SPORT FISHING

#### Crescent Lake and North Platte National Wildlife Refuges, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing;  
for individual wildlife refuge areas.

#### NEBRASKA

##### CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,330 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through September 30, 1967, inclusive.

(2) Boats, without motors, may be used for fishing.

(3) No person shall use minnows, fish, or parts thereof, for bait, nor have in possession any minnows or seine or net for capturing minnows. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1967.

##### NORTH PLATTE NATIONAL WILDLIFE REFUGE

Sport fishing on the North Platte National Wildlife Refuge, Nebr., is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,300 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street,

Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through September 30, 1967, inclusive.

(2) Boats, motorboats and other floating craft may be used.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1967.

JOHN E. WILBRECHT,  
Refuge Manager, Crescent Lake  
National Wildlife Refuge,  
Ellsworth, Nebr.

NOVEMBER 14, 1966.

[F.R. Doc. 66-12587; Filed, Nov. 21, 1966;  
8:47 a.m.]

### PART 33—SPORT FISHING

#### Necedah National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing;  
for individual wildlife refuge areas.

#### WISCONSIN

##### NECEDAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Necedah National Wildlife Refuge, Wis., an area comprising approximately 10 percent of the total water area of this refuge is permitted only on the areas designated by signs as open to fishing. The open area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: Daylight hours December 15, 1966, through March 15, 1967.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 15, 1967.

EDWARD J. COLLINS,  
Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wis.

NOVEMBER 15, 1966.

[F.R. Doc. 66-12588; Filed, Nov. 21, 1966;  
8:47 a.m.]



# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

[ 7 CFR Part 1041 ]

[ Docket No. AO-72-A29 ]

### MILK IN NORTHWESTERN OHIO MARKETING AREA

#### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Stony Ridge, Ohio, on July 6 and 7, 1966, pursuant to notice thereof issued on June 13, 1966 (31 F.R. 8496).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Associate Administrator on October 6, 1966 (31 F.R. 13136; F.R. Doc. 66-11050) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings, and conclusions, rulings, and general findings of the recommended decision (31 F.R. 13136; F.R. Doc. 66-11050) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. In the "marketing area" discussion (Issue No. 1), the first sentence of the ninth paragraph is revised.

2. The 1st, 5th, 6th, and 10th paragraphs of the discussion on the pricing of diverted milk (Issue No. 3), are revised and the seventh paragraph is deleted.

3. In the discussion relating to the definition of "route disposition" (Issue No. 4), the second sentence of the first paragraph and the last paragraph are revised.

4. In the Class I price discussion (Issue No. 6), the seventh paragraph is revised and a new paragraph is added immediately thereafter.

5. In the discussion on location differentials (Issue No. 7), the 15th paragraph and the 4th sentence of the 17th paragraph are revised and a new paragraph is added immediately following the 19th paragraph.

The material issues on the record of the hearing relate to:

- (1) Expansion of the marketing area.
- (2) Requirements for pool participation.
- (3) Pricing diverted milk.
- (4) The "route disposition" definition.
- (5) The "fluid milk product" definition.

(6) The level and seasonality of the Class I price.

(7) The application of location differentials.

(8) Time and method of reporting receipts and utilization of milk and of paying producers.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The Northwestern Ohio marketing area should not be expanded at this time. The proposal to include in the marketing area the Ohio counties of Erie, Huron, and Ottawa, and the unregulated portion of Sandusky County therefore is denied.

The proposal to expand the marketing area was submitted by the Northwestern Cooperative Sales Association, a cooperative representing about 85 percent of the producers in the market. It was supported also by the principal cooperative in the Northeastern Ohio market and a Northwestern Ohio regulated handler. The nine unregulated handlers distributing milk in the four-county area and their approximately 100 dairy farmer suppliers opposed expansion.

The present estimated population of the proposed area is about 220,000. Because of its proximity to Lake Erie, there is a substantial population increase during the summer tourist season of June, July, and August. Fluid milk is distributed in the area by regulated handlers in the Columbus, Northwestern Ohio, and Northeastern Ohio Federal order markets and by the nine unregulated handlers, seven of which have their plants located in such counties.

The area in question has been proposed for inclusion in a Federal order on previous occasions. As late as 1964, when the North Central Ohio and Toledo orders were merged, the four counties were proposed for regulation. Official notice is taken of the Under Secretary's decision of November 13, 1964 (29 F.R. 15416) in this regard. The Under Secretary found in the 1964 decision that the unregulated territory in the four counties did not constitute a primary distribution area for Northwestern Ohio handlers and, hence, should not be included in the marketing area at that time.

The situation has not changed appreciably. The primary distributors in the four counties still are the unregulated handlers. While Northwestern Ohio handlers are the principal regulated persons doing business in these counties, their distribution is less than one-third of the total.

Proponents and opponents of the marketing area expansion both presented results of separate surveys with respect to sales in the proposed area by regulated and unregulated handlers. While there

were admitted difficulties in determining actual sales volumes, the survey results were substantially in agreement. It was shown that all regulated handlers (including those regulated under the Columbus and Northwestern Ohio orders) distribute between 40 and 45 percent of the total fluid milk sales in the four counties and the unregulated handlers distribute between 55 and 60 percent of such sales.

In support of their proposal, producers contended that unregulated handlers have a competitive advantage over regulated handlers both in the procurement of milk supplies and in the sale of milk in the proposed area. They pointed out that unregulated handlers purchase milk on a "flat price" basis without regard to the utilization in their plants.

Although specific data were not presented at the hearing, producers claimed that the unregulated handlers are able to maintain a high Class I utilization aided by the purchase of supplemental milk supplies from regulated handlers during the summer tourist season when supplies from their regular dairy farmers are insufficient, sometimes even less than their Class I sales. The fact of a high Class I utilization paid for on a flat price basis, it was stated, gives them a competitive advantage over regulated handlers in the procurement of milk in a common supply area and results in the Northwestern Ohio market carrying the reserve supply for such counties.

It is not clear from this record that unregulated handlers do, in fact, have any substantial advantage in the procurement and sale of milk in the four-county area and, if so, whether this has had adverse effect upon the orderly marketing of milk by Northwestern Ohio producers. While certain of the unregulated handlers do rely on regulated markets for supplemental milk supplies during the tourist season, it is evident that at least some do not. It was brought out also that most of them have some uses in their plants equivalent to Class II milk under the order and that it is not unusual for them to have considerable quantities of surplus milk.

A representative of dairy farmers delivering to plants in the proposed area testified that at least some of the unregulated handlers do not rely heavily on regulated markets for the area's increased fluid needs during the tourist season. He stated that local farmers have attempted over the years to tailor their production as closely as possible to the needs of their market. Dairy farmers have been encouraged to increase production in the early summer months rather than during the normally short production months in the fall of the year as customary in most other markets. He indicated that they have been successful in providing much of increased



milk supply from their own farm resources for the tourist season needs.

Regulated handlers have maintained their proportion of sales in the four-county area, and have had little difficulty in procuring milk supplies in competition with the unregulated handlers. This makes difficult the conclusion that marketing conditions for Northwestern Ohio producers have been adversely affected by the competitive situation in these counties. It is noteworthy also that handlers under the Northeastern Ohio and Columbus orders, who purchase Class I milk at somewhat higher Class I prices than Northwestern Ohio handlers, have continued to compete in these counties.

It may not be concluded from the record that the four counties are part of the primary distribution area of Northwestern Ohio regulated handlers. Class I sales of Northwestern Ohio handlers in the proposed area represent only about 4 percent of their total Class I distribution and, as previously stated, less than one-third of the total sales in such area. The unregulated handlers involved distribute no fluid milk products in the present marketing area but compete with regulated handlers only in the unregulated territory. Marketing conditions do not justify the inclusion of this territory in the marketing area at this time.

(2) The pooling requirements for distributing plants should be modified.

The principal cooperative association proposed that one of the standards for pooling a distributing plant be modified. The proposal would allow such a plant to retain pool status even though it distributed, during the month, less than 50 percent of its Grade A milk receipts on routes, provided it had met such requirement in 5 of the 6 preceding months. The proposal was supported by handlers.

Proponents pointed out that under the present provisions it is possible for a distributing plant to lose its pool status, however unintentionally, if it drops even slightly below the minimum 50 percent route distribution percentage requirement for the month. Several handlers qualify in some months by only a very small amount over the present minimum requirement. In this market it is not unusual for large wholesale accounts to be switched from one handler to another on short notice which can cause a handler to fall below the 50 percent requirement. At least once in the last 18 months a handler has found himself in the position of inadvertently failing by a small margin to meet such requirement.

Producers further requested that the order contain a provision requiring the market administrator to notify any cooperative associations with milk delivered to a plant of the failure of the plant to meet the 50 percent requirement even though such plant is continued in the pool as proposed. It was stated that such a requirement would allow a cooperative sufficient time to make other arrangements for its member milk supply in the event the plant subsequently lost its pool status.

The 50 percent route distribution requirement is a reasonable standard for differentiating between plants that are primarily engaged in the distribution of fluid milk and those that are primarily manufacturing plants but such requirement need not be so rigid as to impede orderly marketing. The additional requirement that to be pooled a distributing plant must also sell at least 15 percent of its dairy farmer receipts as Class I milk on routes in the marketing area is a reasonable basis for establishing its association with this market and there is no indication in the record that this requirement should be changed.

Failure of a distributing plant to meet the prescribed pooling standards could have serious consequences for producers as well as for any supply plant shipping milk to such distributing plant. In view of the high possibility that failure to meet the 50 percent route disposition requirement for a given month can be inadvertent, the proposed modification is appropriate.

Since the revised provision will permit a distributing plant to continue its pool status for up to 2 consecutive months without meeting the 50 percent route distribution requirement, interested persons could be unaware of the fact that the plant was in danger of losing its pool status. In this situation the corollary proposal that whenever a plant drops below the 50 percent requirement the market administrator shall make it known publicly should be adopted also. The information thus would be available to any cooperative with members delivering to such plant as well as to unaffiliated producers and supply plant operators shipping milk to such plant.

(3) The order should be amended to price producer milk diverted from a pool plant to a plant located more than 150 miles from Toledo, Ohio, at the location of the plant to which it is diverted. This modifies the recommended decision which proposed, as to nonpool plants, that all producer milk diverted thereto would be priced at the location of the nonpool plant, regardless of its distance from Toledo. Diversions to plants, pool or nonpool, within 150 miles of Toledo would be priced at the pool plant from which diverted, except that a limit should be provided on diversions between pool plants in order to insure that such milk will be priced at the plant at which it is generally received.

The present order prices all producer milk diverted to nonpool plants at the location of the pool plant from which it is diverted. Producers contend that this pricing arrangement could enable producers distant from the market to enhance their returns unduly at the expense of nearby producers.

The marketing area uniform price establishes the value of milk delivered f.o.b. plants in the marketing area. Lower prices, adjusted to reflect the cost of transporting milk to market from various locations, apply at outlying plants. Thus, when a producer's milk is delivered to an outlying pool plant and the full cost of transportation to the marketing area is not incurred, the uni-

form price to such producer is reduced by a location differential.

Similarly, when the milk of a distant producer is diverted to an outlying nonpool plant, full transportation cost to market is not incurred and a location price should apply to such milk.

With respect to milk so diverted there ordinarily is a significant saving in the farm-to-plant haul as compared to delivering the milk to a marketing area plant. To price such milk at the plant from which diverted creates undue incentive to attach producer milk to the Northwestern Ohio market for the sole purpose of receiving the marketing area blended price without necessarily shipping a substantial proportion of the milk to the market for fluid uses. Thus, the blend price could be reduced by the attachment of milk receiving a marketing area price but not readily available for fluid purposes in the market. Accordingly, such incentive should be eliminated by providing that producer milk diverted from a pool plant to a plant at some distance from the market shall receive a price for the location of the plant to which it is physically delivered.

The principal cooperative excepted to the failure of the recommended decision to provide that diversions to plants located within 150 miles of Toledo be priced at the location of the pool plant from which diverted. In support of its position the association referred to the fact that under current market practice the cooperative diverts producer milk to nonpool plants within 150 miles of Toledo on a regular basis in order to accommodate the day-to-day fluctuations in the bottling requirements of regulated handlers. This is done at a hauling cost equal to or exceeding that incurred when milk is delivered to bottling plants.

The cooperative stated that changing the pricing point on such diversions, as proposed in the recommended decision, would create inequities among producers, thereby making it difficult to continue this essential balancing function and would add to the administrative problems in accounting to its producers whenever more than one price is applicable to their deliveries during the month. There are ample surplus disposal facilities within a 150-mile radius from Toledo.

In consideration of hauling costs in this market, the incentive to associate milk with a nearby plant and then divert to manufacturing facilities is reduced substantially when the manufacturing facilities are located within 150 miles of Toledo. The possibility of abuse is further reduced since the cooperative assumes responsibility for the diversion of a large proportion of all milk associated with nearby plants. In these circumstances it is concluded that the cooperative's proposal should be adopted in order that the market balancing function may be facilitated.

Presently, producer milk diverted from one pool plant to another is priced at the second plant. The major association requested the privilege of diverting milk between pool plants with the milk priced at the plant from which it is diverted.



The association has practiced the diversion of milk within the market to achieve the most advantageous use of available milk. However, under the present order when the milk must be moved to a plant in a lower-priced zone, the producer whose milk is moved receives the lower price while producers as a whole benefit from the action. The producers involved understandably object to the lower price received.

While the problem is greatly reduced by the elimination of location differentials within the marketing area, there may be occasions when the proposed change in point of pricing will enhance the ability of the cooperative to channel milk from one handler to another within the market as handler bottling requirements change. Marketing efficiency should be improved. It also will simplify the accounting with respect to such diverted milk. Thus, diversions between pool plants within 150 miles of Toledo also should be priced at the plant from which diverted.

A limit should be provided, however, on the number of days that a producer's deliveries may be diverted to another pool plant and still receive the price applicable at the plant from which diverted. If location differentials are to carry out their function of equating the order prices at the various plant locations in the market, there must be provision for recognizing a specific plant location to which the milk is delivered for the purpose of applying order prices. This may be accomplished by pricing milk diverted between pool plants at the location of the plant from which diverted if at least 15 days' milk production of the producer is physically received at such plant or at other plants in the same or a higher price zone as the diverting plant. If more than 15 days' production is diverted to a plant in a lower price zone than that of the diverting plant then the diverted milk should be priced at the plant(s) where physically received.

(4) The definition of "route disposition" should be clarified. As the definition is now phrased it has not been entirely clear to the trade whether route disposition is intended to include Class I milk that moves from a processing and packaging plant through an intermediate distribution point en route to retail or wholesale outlets. Also, clarification is needed as to whether route disposition is to be credited to the handler processing and packaging the Class I milk in cases where the milk is custom-packaged for another person. Also, some doubt was raised as to whether route disposition includes milk that is delivered to a retail or wholesale customer at a plant's loading dock.

It is intended that the definition in this order include Class I milk that moves through a distribution point en route to retail or wholesale outlets but not until it is, in fact, disposed of to such outlets. For determining route disposition the distribution point is, in effect, an "extension" of the processing and packaging plant. Consequently, delivery to the distribution point in itself does not

constitute route disposition. Delivery from the distribution point to a retail or wholesale outlet does constitute route disposition and such disposition is attributable to the processing plant of origin.

The present definition is intended to include Class I milk which is disposed of to retail and wholesale customers at the dock of the handler's processing plant. Furthermore, the present definition is intended to include as a disposition from the processing and packaging plant milk which is custom-packaged for another person provided such milk is not then moved to another milk plant. In view of the questions raised at the hearing, the language has been modified in order to eliminate any uncertainty as to the manner of coverage of these types of operations.

(5) The "fluid milk product" definition should not be changed except for clarification. A regulated handler proposed an amendment which would exclude from Class I any milk product containing more than 6 percent butterfat, concentrated milk, all cultured products except buttermilk, and eggnog. With the exception of sour cream mixtures which are not labeled Grade A, these products presently are classified as Class I. The amendment was opposed by producers.

Proponent's testimony was based primarily on the competitive difficulties arising from the introduction in the market of nondairy product substitutes such as imitation cream and imitation sour cream. It was noted also that some of the nearby Federal orders provide Class II pricing for certain specialty products which are priced as Class I in the Northwestern Ohio market.

The order classifies as Class I all fluid milk products which require the use of Grade A milk. It also fixes the class prices at levels designed to assure an adequate supply of milk for use in such products. Milk which is in excess of the market's fluid needs generally is processed into manufactured dairy products such as ice cream, cottage cheese, butter, and nonfat dry milk. The latter uses of producer milk are designated Class II and are priced at the level of manufacturing grade milk since all manufactured milk products generally compete in a common market whether made from Grade A milk or ungraded milk.

The products included in Class I are those that in this market must be made from milk meeting Grade A inspection requirements. Applicable health regulations require that such products sold in the Northwestern Ohio marketing area be labeled Grade A. Consequently, they continue to require a regular supply of Grade A milk. In this respect such products are quite different from butter or other Class II products which may be made from manufacturing grade milk.

To reduce the price for fluid milk products simply to allow handlers to compete more effectively with nondairy products would fail to recognize the value of the Grade A milk so used. Permitting Grade A milk to be priced at the Class II level would add to the burden on fluid milk

consumers of maintaining an adequate milk supply for fluid requirements.

A question was raised at the hearing concerning the classification of milk used in the production of yogurt. In this market cultured sour cream mixtures which are not labeled Grade A are classified and priced as Class II. Yogurt which does not carry a Grade A label should be included in the same category as cultured sour cream mixtures and therefore priced at the Class II price level.

(6) The Class I price level should not be increased. The Class I differentials should be modified, however, to compensate for a change in the application of location differentials. This change is discussed in conjunction with the consideration of location differentials.

The principal cooperative in the market proposed to retain seasonal Class I differentials but at higher levels. They proposed Class I differentials of \$1.73 for August through March and \$1.50 for April through July, an average increase of about 40 cents over present differentials. The cooperative contended that these amounts are necessary to halt the recent decline in production in the market and to insure an adequate supply of milk for area consumers.

The cooperative proposed also to retain the present tie to the Northeastern Ohio order Class I price on the basis that there has been insufficient experience with the relatively new order from which to develop a supply-demand mechanism based on local production and utilization figures.

A regulated handler with plants in both Toledo and Mansfield proposed a year-round Class I differential of \$1.25. His purpose was to improve Class I price alignment with competing markets which have flat Class I differentials. He further proposed a supply-demand adjuster based on production and Class I utilization figures for the Northwestern Ohio market.

A regulated handler with a plant at Marion, Ohio, also supported a flat Class I differential for the purpose of improving Class I price alignment with the Columbus market, pointing out that he sells a high proportion of his milk in competition with Columbus handlers.

In support of an increase in the Class I price the cooperative stated that milk supplies have tightened significantly in the market in recent months. For the first 6 months of 1966 producer receipts declined an average 5.8 percent from this period a year earlier. During the same 6-month period Class I sales increased an average of 1.7 percent from 1965. Because of these factors, the percentage of producer milk used in Class I averaged 5.6 percent higher for the first 6 months of 1966 over the comparable period in 1965.<sup>1</sup>

The fact of shorter supplies in Federal order markets was taken into account,

<sup>1</sup> The month of May 1966 was the latest month for which complete statistical information was available at the hearing. In order to complete the analysis through the first 6 months of 1966, official notice is taken of the price statistics of the market administrator for June 1966.



however, in the increase in prices which became effective July 5, 1966, in all Federal order markets. The amendment to the Northwestern Ohio order placed a \$4 floor under the basic formula price through March 1967. It also increased the July 1966 Class I differential 22 cents. The increases resulting from these changes were made to encourage the production of an adequate supply of milk for the market. The proposed price increase was denied in the recommended decision.

Producers excepted to the failure of the recommended decision to provide for the proposed increase. In this regard it may be noted that while the record of this hearing does not support an increase in Class I price, the Department, since issuance of the recommended decision, has called a separate hearing on this and other Federal orders to consider appropriate levels of Class I prices. Changes in marketing conditions in this market since the hearing on which this decision is based were considered at the more recent hearing.

The proposal of a regulated handler that a supply-demand adjustor be devised using Northwestern Ohio production and Class I sales figures is denied. Experience under the merged order has not been sufficient to permit development of such a mechanism with any assurance of satisfactory operation. The present order has been in effect only since January 1, 1965, when it was formed by the merger of the Toledo and North Central Ohio orders. The intervening time period has not been sufficient to reflect typical production and Class I sales patterns in the market. For example, sales data were affected by the milk strike which occurred in May and June of 1965 depressing Class I utilization significantly during that 2-month period.

Moreover, several major revisions, including changes in the marketing area, pricing and pooling provisions were made when the orders were merged. The pooling change involved substituting a marketwide pooling plan for the handler-pooling provisions of the previous orders. Some additional supplies have been attracted to the market under the new order. A supply plant at Defiance, Ohio, not associated with either of the previous orders, pooled under the new order in 1965.

The present tie to the Northeastern Ohio supply-demand adjustor provides a basis for varying the Class I price in this market in response to changes in the regional supply and demand situation. In these circumstances it would be appropriate to provide additional experience with the new provisions, and in particular with marketwide pooling, before a supply-demand mechanism based on Northwestern Ohio market figures alone is developed.

An amendment effective July 5, 1966, extended the Class I price differentials through March 1967, the same period for which a basic formula "floor" price was established in this and other Federal milk orders. In view of the consideration given at this hearing to the longer-

term aspects of Class I pricing in the Northwestern Ohio market, it is now appropriate to establish the revised Class I price differentials from their effective date through March 1968. Interested parties then would have the opportunity to review the pricing provisions at a public hearing on the basis of market statistics covering a period of 3 years under the consolidated order.

The proposal for a flat Class I price differential should not be adopted at this time.

While some handlers are concerned with competition from markets where flat differentials are applicable year-round, there is supply competition with the Northeastern Ohio market where seasonably variable Class I pricing is used.

At the present time milk production in the Northwestern Ohio market is not highly seasonal. Average daily production in the market in 1965 ranged from a high of 1,041 pounds in May to a low of 899 pounds in July, about a 16 percent change. However, producers testified that abandoning seasonal Class I pricing without an appropriate substitute method of encouraging continued level production could change the seasonal production pattern and cause other marketing problems for producers and handlers.

In all other markets competing for supply there is some type of seasonal production incentive plan in operation. Instituting a flat Class I price differential in Northwestern Ohio without a method of varying producer returns seasonally could result in uniform prices in Northwestern Ohio being unduly out of line with uniform prices in nearby markets during some part of each year. The evidence in this record does not support the adoption of any alternate plan for adjusting blend prices seasonally.

(7) a. The location adjustment provisions should be modified to establish identical price levels in the first five zones where location adjustments from zero up to 9 cents now apply. To accomplish the change in the location differential rates without changing the average Class I price for the market, the stated Class I price differentials (to apply throughout the marketing area) should be reduced 4 cents (from \$1.36 to \$1.32 in August through March and from \$1.13 to \$1.09 in April through July).

The principal cooperative proposed to eliminate all location adjustments for plants located within the marketing area. As part of this proposal, the cooperative would eliminate the city of Napoleon as a basing point for computing location adjustments to apply to plants located outside the marketing area.

They gave two primary reasons for eliminating location adjustments within the marketing area. First, it would facilitate the shifting of milk from plants in one pricing zone to plants in other zones to meet handlers' demands for bottling milk. They stated that it has been difficult to move milk from plants in the higher-priced zones to those in lower-priced zones within the marketing area on a regular basis because the pro-

ducers affected have been reluctant to accept the resulting lower net return for their milk. Also, it would provide similar prices to handlers who compete throughout the marketing area for bottled milk sales.

A Lima, Ohio, handler opposed changes in the location adjustment provisions. He contended that the present zone location adjustments are necessary to insure that an adequate supply of milk is shipped to handlers in the northern and eastern portions of the market. He said that his plant, which is located in the \$-0.09 zone, has been able to obtain an adequate supply of milk under the present provisions.

The present location adjustment provisions divide the marketing area into five zones. The location adjustments applicable to plants in principal cities within the market are as follows: \$0.00 for Mansfield, \$-0.03 for Bucyrus, \$-0.04 for Toledo and Marion, \$-0.07 for Findlay and \$-0.09 for Lima.

The farms of most producers who regularly supply handlers in each of the major cities in the market are located, however, at relatively short distances from the plant either in the same county as the plant or in an adjacent county. The distances to market outlets for most producers do not differ greatly. Hauling rates on most of the producer milk direct-shipped to the principal cities thus are very similar.

As plants expand their area of distribution, there is an increasing amount of route competition that has little relationship with the pattern of location adjustments. The routes of handlers in the several pricing zones now overlap extensively throughout the marketing area. Toledo handlers, for example, distribute milk in the Lima and Findlay area in competition with handlers who purchase Class I milk 3 to 5 cents per hundredweight less than the price applicable at Toledo. With the passage of uniform health regulations in the various cities in the marketing area on July 1, 1966, this interhandler competition may be expected to intensify.

The problem of the cooperative in assigning milk among handlers in accordance with their needs has been most acute in the Lima area where the \$-0.09 location adjustment prevails. Last fall when milk supplies shortened, certain Lima handlers needed additional milk. The cooperative, which allocates some 85 percent of the milk supplies in the market, moved to assign additional producers to these handlers on a temporary basis. However, the producers to be shifted, who normally supply plants in higher-priced zones, were reluctant to accept the lower net return from shipping milk to the Lima area.

Also, Lima handlers have had some difficulty in holding their regular supplies of producer milk in competition with Toledo handlers. Lima and Toledo handlers compete for supplies in the intervening counties. Their procurement areas overlap, for example, in Hancock, Putnam and Henry Counties which lie between the two cities.



The Toledo blend price is 5 cents higher than at Lima. Yet in much of this intervening area, hauling costs are very similar, generally about 30 cents per hundredweight, whether the milk is hauled to Toledo or Lima, making the net return to producers shipping to Lima plants about 5 cents lower. The added amount afforded them under the location adjustment schedule has enabled Toledo handlers to solicit producers from the Lima handlers.

The milk procurement problems of the handlers in the lower-priced zones may be remedied by establishing the same blend price for the five zones within the market. This would tend to equate net returns to all producers who supply handlers in the major cities in the market. There would be little price incentive for the individual producer to prefer an outlet in one city rather than another. The cooperative would be assisted in moving milk about within the market since producers would receive similar prices regardless of the destination of their milk.

Such an amendment should not make it more difficult for handlers in the present higher-priced zones to obtain adequate milk supplies. Since hauling costs throughout the market are fairly similar and available supplies of milk are quite evenly distributed throughout the counties of the marketing area, location adjustments within the marketing area should not be necessary to insure the shipment of adequate supplies of milk to any given segment of the area as compared to other segments. It is in the interest of the cooperative and the producers to see that all handlers receive sufficient milk for their Class I needs.

It was contended that there would be no incentive under the new provision for producers to ship their milk to Mansfield on the eastern edge of the market to supply any handler in that city who became short of milk. This should not create a problem since there are farm milk routes originating in the area southeast of Toledo which could be directed to this area without an increase in hauling costs to the producers involved.

The area to which similar Class I and blend prices should apply under the revised order provisions is slightly different from that proposed by producers. Producers proposed that the same prices apply to all plants in the marketing area rather than in the 18 counties included in the five price zones previously discussed, an area which does not precisely coincide with the marketing area. Under the revision similar prices will prevail throughout the 18 counties in order to preserve intramarket price alignment. At least one regulated plant and two or more partially regulated plants are located near the market but in counties which are not included in the marketing area. Prices applicable to these plants would not be appropriately aligned with those at nearby plants located inside the marketing area if the same prices did not apply in all 18 counties.

As proposed by producers, the city of Napoleon, Ohio, should be eliminated as a basing point for computing location

adjustments for plants located beyond the 18-county area. Under the present order, five cities serve as basing points. They are, in addition to Napoleon, Toledo, Lima, Mansfield, and Marion.

The cities which are retained as basing points are the largest urban centers in the market. Handlers in these cities are those most likely to receive supplies of milk additional to regular producer deliveries from the farm. It is appropriate, therefore, to compute location adjustments from these points.

The latter revision will provide an appropriate location adjustment for the market's only supply plant which is located at Defiance, Ohio. Presently this plant receives a \$0.03 location adjustment based on its distance from Napoleon. With this location adjustment the milk is priced only \$0.03 below the Toledo level. Under the new provision, the location adjustment for this plant will be computed on the basis of its distance from Lima (the closest basing point). It will receive a location adjustment of about \$0.075 which should be more in line with the cost of moving milk to the market.

The average Class I price (taking into consideration the present value of location differential adjustments within the marketing area) is approximately 4 cents per hundredweight less than the announced Class I price f.o.b. Mansfield. With a single Class I price applicable throughout the 18 counties, it is appropriate to reduce the stated Class I differentials by a like amount in order to maintain total producer returns at their same level.

The proposed Class I price f.o.b. market will be the same as the Class I price which now applies at Toledo. Since a major portion of the milk is priced at the Toledo Class I price level, the relationship of the Northwestern Ohio Class I price with Class I prices in surrounding markets will not change significantly. The change in location pricing therefore, should not disrupt intermarket price alignment.

Exception was taken to the elimination of the location differential in the Lima area. Exceptor's concern results from the fact that Fort Wayne regulated handlers distribute Class I products in the Lima area. It was stated that elimination of the location differential (which increases the Class I price at Lima 5 cents per hundredweight) upsets the historical Class I price relationship between Fort Wayne and Lima.

The average Class I price which has prevailed at Lima since the consolidation of the North Central and Toledo Ohio milk orders has been very near the comparable average Class I price under the Fort Wayne order for milk received at Fort Wayne. For the year 1965 the Lima Class I price averaged 3 cents above the f.o.b. Fort Wayne Class I price. Also based on 1965, elimination of the Lima location differential would have provided an average 8-cent difference in Class I prices. The latter difference is still substantially less, however, than a per hundredweight hauling cost from Fort Wayne to Lima computed at the order

rate of 1.5 cents for each 10 miles. In this situation we may not reasonably conclude that Lima handlers will be disadvantaged with respect to competition from Fort Wayne handlers in the Lima area.

b. Provision also should be made to define a "reload point" at which a location adjustment would apply with respect to milk transferred at such point from one bulk tank truck to another in the course of movement from the farm to a milk plant.

The principal cooperative proposed a definition of "reload point" for the purpose of providing location adjustments on all bulk tank milk assembled and reloaded at outlying locations. By this means milk received at a reload point from farm tanks and assembled with other similar milk, to be shipped in larger tank trucks to pool or nonpool plants, would be treated, for pricing purposes, in a manner similar to milk received at a pool supply plant in a location differential zone.

Proponent pointed out that under recently adopted Ohio health regulations, standards have been established for installations at which such intertruck transfers of bulk tank milk may be made. These include, among other things, a covered building, cement floor, tight walls, and tank washing facilities. Health inspection of the milk will be made at the transfer point. Identification of the reload location and the operator thereof are required.

While milk is considered direct-shipped when brought into the pool distributing plant in the farm pickup tank, it was contended that the conditions of transfer make the assembly function of the reload point very similar to that provided by any receiving station or country plant.

Milk moved to the marketing area through a reload point should be priced at the location of the reload point.

Bulk tank handling methods permit delivery of milk to distributing plants at farms without receipt at an intermediate plant. Transfer of producer milk in the country from farm pickup tanks to larger tank trucks facilitates the economical handling and movement of such milk where substantial distances are involved. Such milk has a high degree of mobility and may be delivered to a plant in the marketing area or at times to other plants distantly located from the marketing area.

The function of a reload point approximates that of a supply plant in that milk is assembled at such place for movement to the market. It serves for a distributing plant an essential function that is customarily performed by a supply plant. However, facilities at a reload point do not have the permanence of a supply plant since they are only for the transfer of milk from farm pickup tank trucks to larger tank trucks. Reload operations do not have the full line of receiving facilities and holding tanks that supply plants must have. Hence, they cannot be expected to perform as a supply plant in all respects and consequently should



not be treated for all order purposes on the same basis as supply plants.

The nature of the assembly function as described and the mobility factor, however, make reloaded milk appropriately subject to location pricing in this market. Providing for the reload point, as well as the supply plant, to be the point of pricing will promote uniformity of treatment to all producers similarly situated.

Moreover, distant whole milk brought in for Class II purposes should cost the handler approximately the Class II, or manufacturing, price at the point of origin plus the cost of transporting the milk to the market for processing. This is the case with respect to milk for Class II purchased from a supply plant in a location price zone. However, since the outlying bulk tank producer currently receives the uniform price f.o.b. marketing area even when his milk is handled through a reload point, he normally pays the full hauling cost to market regardless of final use made of the milk by the handler.

The purchasing handler therefore may be provided a significant advantage on distant milk so assembled for Class II purposes as compared to the handler buying distant milk through a country supply plant for similar use. This occurs because the handler buying from a supply plant is not allowed location credit from the pool on milk for Class II use but only on such milk shipped to market and allocated to Class I under normal allocation procedures. Establishing the reload point as the point of pricing would reduce the incentive to move distant milk to market for Class II use at producer expense and promote uniformity of prices to handlers. Also, uniform prices to producers would be enhanced since milk moved through the reload point and so used would be priced at the reload point and the consequent savings on transportation as to the Class II portion of such milk would be reflected in the uniform price.

It was proposed that any reload point located on or at the premises of a pool plant should be considered as part of the operations of such plant. To reduce problems of identification and accounting any reload point located on the premises of a pool plant should be considered as part of such plant's operation. The handler operating the pool plant which receives milk through a reload point should be the responsible person under the reporting and payment provisions with respect to milk so received.

Since the purpose of defining a reload point is to provide a location adjustment on milk assembled for movement to distributing plants, the definition adopted excludes any reloading operation that takes place within the area to which the f.o.b. market price applies.

(8) a. The order should be amended to provide that a handler's regular monthly report of receipts and utilization must be postmarked no later than the 6th day of the month if mailed, or, if otherwise delivered, be actually received at the market administrator's office no

later than the close of business on the 7th day of the month. The date for the announcement of the uniform price for the preceding month should be changed from the 12th to the 11th day of the current month, and payments to producers should be advanced to the 16th day of the current month. Presently the uniform price is announced by the 12th of the month and payments to producers are due by the 17th day of the month.

Producers proposed that handlers be required to submit their monthly reports of receipts and utilization to the market administrator no later than the 5th day of the month (excluding Sundays) rather than the 7th as now provided. They further proposed that the date for announcing the uniform price and the date for paying producers be moved up 2 days. Their purpose was to achieve an advance in the date producers receive payment for their milk. The proposals were opposed by handlers.

Producers understandably desire to receive full payment for their milk as early as possible. However, the process of preparing and submitting monthly reports to the market administrator and the time necessarily consumed in computing the uniform price are limiting factors in any advance in the producer payment dates.

Under the producers' proposal handlers would be required to file receipts and utilization reports 2 days earlier than is now required. Handlers testified that reporting by the 5th day of the month would be difficult, if not impossible, to comply with. This would be particularly true, they stated, when a weekend or a holiday occurs during the first 5 days of the month, as frequently happens.

The hearing disclosed that the market administrator could announce the uniform price earlier than the 12th of the month if all handlers' reports were actually received by the 7th day of the month. While there was no suggestion that handlers have been lax in meeting their reporting obligation, it nevertheless is likely that reports mailed on the 7th, as presently permissible, will not reach the market administrator's office until at least the following day, tending to cut down the time available to compute the uniform price.

Provision that handlers' reports must be postmarked no later than the 6th day of the month if mailed, or actually received by the market administrator no later than the 7th day of the month if otherwise delivered, should put little, if any, additional burden on handlers. It will assist, however, in insuring that all such reports will be in the market administrator's office on the 7th, allowing sufficient time to compute and announce the uniform price 1 day earlier. This will make it possible to move ahead by 1 day the dates for payment to producers and cooperative associations.

Corollary changes are made in other payment sections of the order so as to conform to the earlier announcement of the uniform price. Such changes include the dates for payments in and out

of the producer-settlement fund and for payment of administrative and marketing service assessments.

b. The order should be amended to provide a partial payment to producers at not less than the uniform price for the preceding month minus 75 cents for milk delivered during the first 15 days of the month. The partial payment rate should also be adjusted, for the appropriate months, by the amount of the seasonal change in the Class I differential. The present order provides for a partial payment to producers at not less than the Class II price for the preceding month.

The proposal for an increase in the amounts paid to producers in the form of a partial payment was submitted by the major cooperative association. They stated that the present rate of partial payment returns to the producer a relatively low proportion of the value of the producer milk delivered during the first 15 days of the month, and results in undue delay as to a portion of the payment for such milk.

Partial payments to producers, made on or before the last day of the month, apply to milk which was delivered to handlers during the first 15 days of the month. The costs of producing such milk have been incurred by producers, and the milk has been sold by the handler, at least several days before any payment is required. While the final value of such milk is not known before the uniform price is computed, it is reasonable for the producer to expect partial payment at a rate which more nearly approaches its true value than does the Class II price. The proposed provision should contribute to the orderly marketing of producer milk by reducing financing problems for producers.

Had the proposed rate been in effect during 1965 it would have increased the partial payment 25 cents per hundredweight. For the first 6 months of 1966 it would have resulted in a 51 cents per hundredweight increase.

Certain handlers expressed concern that under a higher rate of partial payment a low utilization handler might be required to pay producers more than the classification value of the first 15 days' milk supply. They were concerned also that such an overpayment might result because of money owed the handler by the producer for the purchase of supplies and equipment.

At the partial payment rate proposed herein it would be extremely unlikely that any pool distributing plant's utilization would be such that this could occur. Based on average prices for 1965, a plant's utilization would have to be substantially below 50 percent Class I to result in a partial payment of more than the actual value of the milk at the order's class prices. In view of the order's 50 percent route distribution requirement for such plants to qualify as pool plants the proposed provision should present no difficulty in this regard. It should be noted also that at the time the partial payment is made the remainder of the month's milk supply will



have been delivered and the amount of the partial payment on the first 15 days' milk supply will fall far short of the actual value of the full month's deliveries.

Partial payment should not be required, however, in instances where the producer has discontinued shipping to a handler during the month. At the date of partial payment there could be considerable uncertainty as to the exact amount due a producer who has not shipped the full month. In the latter case it would be preferable to permit a handler to make final settlement in the form of a single payment after the uniform price for the current month is announced.

For timely computation of its producer payroll a cooperative association receiving payment from handlers on member milk needs information concerning daily and total pounds, and the average butterfat content, for each such producer prior to the date on which payment is received from handlers. Presently the order does not require handlers to submit this information before the date on which payment actually is made to the cooperative. Although cooperatives admitted no difficulty in getting this information in a timely manner, considerable difficulty could result if it were not submitted prior to the payment date.

The order should be amended to require the submission of such information in time to assure that a cooperative will be able to compute its payroll and make prompt payment to its members. While the cooperative requested that the information be submitted as early as the 7th of the month, they stated it was not needed quite that early in the month and would not object if the submission date was made the 10th. Handlers were not opposed to the latter date. It should be adopted.

*Rulings on proposed findings and conclusions and motions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

During the course of the hearing counsel for a group of milk distributors not regulated by the order requested that official notice be taken of certain portions of the record of the original promulgation hearing on the Northwestern Ohio marketing order held in February 1964. Such hearing was concerned, in part, with the proposed inclusion of the four additional counties proposed for inclusion in the marketing area. Following objection, the Hearing Examiner denied official notice as to any part of the evidence of such hearing, but indicated that the request for official notice was in the record and subject to consideration by the Department.

From review of the colloquy on this matter it is concluded that the ruling of the Hearing Examiner was appropriate in the circumstances and such ruling is affirmed.

Same counsel also offered in evidence a letter containing aggregate sales figures of unregulated distributors made in the four counties proposed for inclusion in the marketing area. Following an objection, the letter was ruled inadmissible and an offer of proof concerning it was made.

The ruling of the Hearing Examiner as to the admissibility of the letter in the circumstances is affirmed.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Northwestern Ohio Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Northwestern Ohio Marketing Area," which have been

decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of September 1966 is tive period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Northwestern Ohio marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on November 17, 1966.

GEORGE L. MEHREN,  
Assistant Secretary.

*Order Amending the Order Regulating the Handling of Milk in the Northwestern Ohio Marketing Area*

#### § 1041.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northwestern Ohio marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northwestern Ohio marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Associate Administrator, on October 6, 1966, and published in the FEDERAL REGISTER on October 11, 1966 (31 F.R. 13136; F.R. Doc. 66-11050), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions: §§ 1041.15 (b) and (c), 1041.18, 1041.20, and 1041.53(b) are changed.

1. Section 1041.13(a) is revised to read as follows:

#### § 1041.13 Pool plant.

(a) A distributing plant with route disposition during the month, or in 5 of the immediately preceding 6 months, of not less than 50 percent of the total Grade A milk received at such plant from dairy farmers (excluding any such milk received by diversion from a plant at which such milk is fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act), pool supply plants and through reload points, and with at least 15 percent of such route disposition made within the marketing area during the month.

1a. In § 1041.15 paragraphs (a), (b), and (c) (3) are revised to read as follows:

#### § 1041.15 Producer milk.

(a) Received during the month at one or more pool plants from the producer, either directly or through a reload point, or caused to be delivered from the producer's farm to a pool plant(s) by a cooperative association.

(b) (1) Subject to the conditions set forth in subparagraph (2) of this paragraph, diverted by a handler from a pool plant to another pool plant for any number of days of the month. Milk so diverted shall be deemed to be received by the diverting handler at the location of the plant from which it is diverted, if

at least 15 days' production of the producer is delivered during the month to such plant or to other plants at which the same or a higher price applies and be priced at such location; otherwise milk diverted to other pool plants shall be deemed to be received at the plant to which diverted and be priced thereat.

(2) If producer milk is diverted to a pool plant more than 150 miles from the Toledo, Ohio, City Hall, by the shortest hard-surfaced highway distance so determined by the market administrator, it shall be priced at the location of the plant to which diverted.

(c) \* \* \*

(3) Milk diverted to a nonpool plant located more than 150 miles from the Toledo, Ohio, City Hall, by the shortest hard-surfaced highway distance as determined by the market administrator, for the account of a handler operating a pool plant or for the account of a cooperative association shall be priced at the location of the nonpool plant to which diverted. Milk so diverted to a nonpool plant located within such 150-mile distance shall be priced at the location of the pool plant from which diverted.

2. Section 1041.16 is revised to read as follows:

#### § 1041.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored or cultured milk or skim milk, buttermilk, concentrated milk, egg-nog, sweet or sour cream, and any mixture of fluid cream and milk or skim milk. Cultured sour mixtures disposed of as other than sour cream and yogurt shall be considered as fluid milk products only if disposed of under a Grade A label. The term includes these products in fluid, frozen (except cream), fortified or reconstituted form, but does not include sterilized products in hermetically sealed containers, and such products as milkshake mix, ice cream mix, and other frozen dessert mixes, aerated cream products, frozen cream, cultured sour mixtures (disposed of as other than sour cream and not disposed of under a Grade A label), pancake mixes, and evaporated or sweetened condensed milk, or skim milk in either plain or sweetened form.

3. Section 1041.18 is revised to read as follows:

#### § 1041.18 Route disposition.

"Route disposition" means a delivery of Class I milk pursuant to § 1041.41(a) (including that custom-packaged for another person and disposition from a plant's dock, plant store, vendor, or vending machine) at retail or wholesale either directly or through any distribution point other than a plant.

4. A new § 1041.20 is added to read as follows:

#### § 1041.20 Reload point.

"Reload point" means any location which is outside the Ohio counties specified in § 1041.53 and which is both 40 miles from the City Hall of Toledo, Ohio, and more than 15 miles from the City Halls of Mansfield, Marion, and Lima, Ohio, at which milk moved from the farm

in a tank truck is transferred to another tank truck and is commingled with other such milk before entering a plant, except that reloading operations on the premises of a plant shall be considered to be part of such plant's operation.

5. In § 1041.27, paragraphs (g) and (j) (2) are revised to read as follows:

#### § 1041.27 Duties.

(g) He shall publicly announce (by posting in a conspicuous place in his office and by such means as he deems appropriate), at his discretion and unless otherwise directed by the Secretary, the name of any handler with respect to a pool plant under § 1041.13(a) from which route disposition during the month is less than 50 percent of receipts as specified in such paragraph, and the name of any handler the value of whose fluid milk products is not included in the computation of the uniform price because of failure to make reports pursuant to §§ 1041.30 and 1041.32, or payments pursuant to §§ 1041.80, 1041.82, 1041.84, 1041.85, and 1041.86.

(j) \* \* \*

(2) By the 11th day after the end of each month, the uniform price computed pursuant to § 1041.71 and the butterfat differential computed pursuant to § 1041.72.

6. The introductory text of § 1041.30 is revised to read as follows:

#### § 1041.30 Reports of receipts and utilization.

Each handler for each of his pool plants, and a cooperative association with respect to milk for which it is the handler, shall report to the market administrator each month. If mailed, such report shall be postmarked on or before the 6th day after the end of such month; or if otherwise delivered, it must be received at the office of the market administrator on or before the 7th day after the end of such month. The report shall be in the detail and on forms prescribed by the market administrator and shall reflect the quantities of skim milk and butterfat contained in:

7. In § 1041.51, the introductory text and subparagraph (1) of paragraph (a) are revised to read as follows:

#### § 1041.51 Class prices.

(a) *Class I milk price.* For the period from the effective date of this paragraph through March 1968, the monthly Class I milk price shall be the basic formula price for the preceding month, plus the sum of the amounts specified under subparagraphs (1) and (2) of this paragraph:

(1) The amount set forth below for the applicable month, subject to adjustment for location pursuant to § 1041.53:

August through March	\$1.32
April through July	\$1.09



8. Section 1041.53 is revised to read as follows:

**§ 1041.53 Location adjustments to handlers.**

(a) The price for Class I milk at a plant or reload point located outside the Ohio Counties of Allen, Auglaize, Crawford, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Morrow, Ottawa, Richland, Sandusky, Seneca, Wood, and Wyandot, which is both more than 40 miles from the City Hall of Toledo, Ohio, and more than 15 miles from the City Halls of Mansfield, Marion, and Lima, Ohio, shall be the price computed pursuant to § 1041.51(a) reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant or reload point is from the nearest of the City Halls of Toledo, Mansfield, Marion, or Lima, Ohio. No location adjustment shall apply, however, at a plant or reload point which is nearer to the Public Square in Cleveland, Ohio, than the distance between such Cleveland location point and the City Hall at Mansfield, Ohio.

(b) Fluid milk products received by a handler at a pool plant from another pool plant or reload point shall be assigned for Class I location adjustment credit, at the appropriate distance rate as set forth in paragraph (a) of this section, to the extent that Class I milk (exclusive of producer milk diverted as Class I milk to nonpool plants) at the transferee-plant exceeds the sum of receipts at such plant directly from producers and any Class I milk assigned to receipts from other order plants and unregulated supply plants. Such assignment shall be made first to transferor-plants at which no location adjustment credit is applicable and then in sequence beginning with the plant or reload point at which the least location adjustment would apply.

(c) For the purpose of this section and § 1041.73, the distances to be computed shall be on the basis of the shortest hard-surfaced highway distances as determined by the market administrator.

9. In § 1041.73, paragraph (a) is revised to read as follows:

**§ 1041.73 Location differentials to producers and on nonpool milk.**

(a) For the purposes of § 1041.80, the uniform price at a plant or a reload point may be reduced on the basis of the applicable amount or rate for the location of such plant or reload point pursuant to § 1041.53;

10. In § 1041.80, paragraph (a) (1) and (2) and the introductory text of paragraph (c) are revised to read as follows:

**§ 1041.80 Time and method of payment.**

(1) On or before the last day of each month to each producer who had not discontinued shipping milk to such handler during the month, at not less than the uniform price for the preceding month minus 75 cents, adjusted by any

amount that the Class I differential pursuant to § 1041.51(a) for the preceding month is greater or lesser than such differential for the current month, for the producer milk received during the first 15 days of the month:

(2) On or before the 16th day after the end of each month, at not less than the uniform price adjusted pursuant to §§ 1041.72, 1041.73, and 1041.85, less any payment made pursuant to subparagraph (1) of this paragraph, for producer milk received during such month. If by such date the handler has not received full payment from the market administrator pursuant to § 1041.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following receipt of the balance due from the market administrator; and

(c) In making payments for producer milk pursuant to this section, each handler shall furnish a supporting statement to each producer, or cooperative association in the case of member producers for whom payment is made pursuant to paragraph (b) of this section. Such statement shall be furnished at the time payments are made pursuant to this section, except that the information included in subparagraphs (1) and (2) of this paragraph shall be furnished a cooperative association for whom payment is made pursuant to paragraph (b) of this section on or before the 10th day after the end of the month during which the producer milk was received. The supporting statement shall be in such form that it may be retained by the recipient and shall show:

11. The introductory text of § 1041.82 is revised to read as follows:

**§ 1041.82 Payments to the producer-settlement fund.**

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

12. Section 1041.83 is revised to read as follows:

**§ 1041.83 Payment out of the producer-settlement fund.**

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1041.82(b) exceeds the amount computed pursuant to § 1041.82(a).

13. In § 1041.85 paragraph (a) is revised to read as follows:

**§ 1041.85 Marketing service deductions.**

(a) In making the payments required by § 1041.80 (a) (2) and (b) to producers,

other than payments to himself and to any producer who is a member of a cooperative association which the Secretary determines is performing the services specified in paragraph (b) of this section, each handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, for marketing services. The handler shall pay the amount deducted to the market administrator on or before the 13th day after the end of the month.

14. Section 1041.86 is revised to read as follows:

**§ 1041.86 Expense of administration.**

On or before the 13th day after the end of each month, each handler shall make payment to the market administrator as his pro rata share of the expense of administration of this part. The payment shall be at the rate of 3 cents per hundredweight or such lesser amount as the Secretary may prescribe. The payment shall apply to all of the handler's receipts during the month of skim milk and butterfat contained in (a) producer milk (including a handler's own farm production); and (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1041.46 (a) (3), (a) (7) and the corresponding steps of § 1041.46(b). The payment shall apply also to the quantity of route disposition in the marketing area during the month of other source milk from a partially regulated distributing plant that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

[F.R. Doc. 66-12618; Filed, Nov. 21, 1966; 8:49 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Public Health Service

#### [ 42 CFR Part 76 ]

### PREVENTION, CONTROL AND ABATEMENT OF AIR POLLUTION FROM FEDERAL GOVERNMENT ACTIVITIES; PERFORMANCE STANDARDS AND TECHNIQUES OF MEASUREMENT

#### Notice of Proposed Sulfur Oxides Emission Limits and Control Measures

In accordance with the provisions of § 76.5(c), notice is hereby given that the Secretary of Health, Education, and Welfare intends to adopt the limits on the emission of sulfur oxides and the control measures set out in the following revision of § 76.5(c), 30 days after the publication of this notice. The limitations and control measures will be effective October 1, 1968, and will be applicable as indicated to Federal facilities located in the New York and Chicago Standard Consolidated Areas and in



Philadelphia Standard Metropolitan Statistical Area, as defined by the Bureau of the Budget.

These limitations and control measures are intended to assure that emissions of sulfur oxides from Federal facilities in the designated areas are minimized to the extent practicable, as required by section 4(c) of Executive Order 11282, May 26, 1966.

The limits to be established take cognizance of the varying severity of the sulfur oxide problem in the designated areas, which requires more restrictive measures in the New York Standard Consolidated Area than in the other areas. Such limits and the related measures will be subject to review and revision in the light of changing circumstances and technology.

It is also proposed to correct the number of the Bureau of Mines Circular referred to in § 76.1(c).

Interested persons are invited to submit written comments, suggestions or objections (in duplicate) regarding the proposed revisions to the Secretary of Health, Education, and Welfare, Washington, D.C. 20201, within 20 days after publication of this notice in the FEDERAL REGISTER. Federal, State, and local officials and affected parties who desire consultation in addition to, or in lieu of, the submission of written comments, suggestions or objections, will be arranged upon written request filed with the Secretary not later than 7 days after publication of this notice in the FEDERAL REGISTER. Data and information supporting the proposed revisions are available upon request from the Division of Air Pollution, Public Health Service, DHEW, Washington, D.C. 20201.

Part 76 would be revised as follows:

1. Section 76.1(c) would be amended to read:

(c) "Ringelmann Scale" means the Ringelmann Scale as published in the U.S. Bureau of Mines Information Circular 7718.

2. Section 76.5(c) would be amended to read:

(c) (1) Combustion units of all Federal facilities or buildings located in the following areas shall comply with the applicable emission limitations and control measures set out below:

(i) In the New York Standard Consolidated Area, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combustion units shall not exceed a maximum emission rate of 0.35 pounds per million B.t.u. (gross value).

(ii) In the Chicago Standard Consolidated Area and in the Philadelphia Standard Metropolitan Statistical Area, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combustion units shall not exceed a maximum emission rate of 0.65 pounds per million B.t.u. (gross value).

(2) If compliance with the above emission standard is to be accomplished by means of controlled fuel quality, the agency responsible for each Federal facility in the designated areas shall establish appropriate fuel specifications to insure that the above emission limita-

tions are met and shall provide for adequate tests to ascertain that delivered fuel meets the applicable specifications. If removal of sulfur oxides from flue gases is used to control emissions, the facility shall provide for continuous monitoring and recording of the sulfur oxide content of flue gases emitted. The sulfur content of fuels shall be determined in accordance with current recognized testing procedures of the American Society for Testing Materials. The sulfur content of the flue gases shall be determined in accordance with current recognized testing procedures of the American Society of Mechanical Engineers.

(3) The limitations and measures established in subparagraph (1) shall be revised or amended only after consultation with appropriate Federal, State, and local officials and affected parties. Not less than 30 days prior to prescribing such revised or amended limits or measures, the Secretary will publish in the FEDERAL REGISTER notice of his intention to adopt such limits or measures, and will thereafter publish in the FEDERAL REGISTER the limits or measures established. The Secretary may at any time designate other urban areas which suffer from extremely high air pollution levels, and after similar consultation, and publication in the FEDERAL REGISTER, prescribe such limits or measures as he determines are necessary to carry out the intent of Executive Order 11282.

(Sec. 5, E.O. 11282)

Dated: November 17, 1966.

JOHN W. GARDNER,  
Secretary.

[F.R. Doc. 66-12661; Filed, Nov. 21, 1966;  
8:50 a.m.]

## FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-310]

### ANNUAL REPORTS OF MUNICIPAL ELECTRIC UTILITIES

#### Notice of Proposed Rule Making

NOVEMBER 15, 1966.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission proposes to revise, effective for the reporting year 1967, the annual report FPC Form No. 1-M, prescribed by § 141.7 of the Commission's regulations for use by municipal electric utilities having annual operating revenues of \$250,000 or more. The ultimate purpose of the revision is to make the information supplied in this form uniform for statistical purposes with that reported by the privately owned companies in FPC Form No. 1.

Basically, the revision proposed would be accomplished by replacing the schedules on pages 8 through 12 of the existing Form 1-M<sup>1</sup> with those on pages 432

<sup>1</sup> Generating Station Statistics, p. 8; Steam Generating Stations, pp. 9-10; Hydroelectric Generating Stations, pp. 11-12.

through 441 in the current Form No. 1. Attachment A hereto indicates the change in the contents of the form which would be effected by the proposed revision. The proposed replacement of certain of the Form No. 1-M schedules by schedules similar to those in Form No. 1 will require, as well, editorial and other conforming changes. We are proposing also to require an additional copy of the report for use in the Commission's regional offices. Finally, we are proposing to add an instruction explaining the significance of the references to the Commission's uniform system of accounts in some of the schedules. We recognize that the reporting municipalities are not required to keep their accounts in accordance with the uniform system of accounts but believe that the value of the information will be enhanced by reporting, to the extent possible, within its overall frame of reference. Attachment B<sup>2</sup> contains all the pages of the form which we are proposing to add or revise. No changes are proposed on pages 2 through 7, or on pages 13 and 14.

2. The revision being proposed would (a) place the production expenses and other operating data of the large municipalities on a comparable basis with that of the privately owned company; (b) result in a uniformity of reporting; and (c) provide a more complete source of information for the interested public, the Commission's own use and in Commission publications: "Steam-Electric Plant Construction Cost and Annual Production Expenses, and Hydroelectric Plant Construction Cost and Annual Production Expenses."

3. Although the proposed revision of Form 1-M would appear to require more detail and recordkeeping, we believe that less time and effort would be required for most of the utilities, particularly the smaller systems, to complete the required schedules. Our latest information indicates that about one-half of the respondents having generating capacity would report generating plant statistics on the new "small plants" schedule (p. 13) which requires only a single line entry for each plant. Several of the larger respondents, including the federal agencies and a few REA cooperatives are already using the Form No. 1 schedules as permitted by the proviso in paragraph (a) of § 141.7, the regulation prescribing the form. We, therefore, believe that the proposed revision will not, on the whole, result in increasing the reporting burden on the respondent municipalities unreasonably in view of the more than compensating uniformity of reporting which would result from the proposed revision.

4. The revision of FPC Form 1-M and the conforming revision of § 141.7 of the Commission's regulations, under which it is prescribed, are proposed to be issued under the authority granted by the Federal Power Act, as amended, particularly sections 309 and 311 thereof (49 Stat. 858, 859; 16 U.S.C. 825h, 825j).

<sup>2</sup> Attachment B filed as part of original document.



5. Accordingly, it is proposed—

a. To revise, effective for a reporting year ending during the calendar year 1967, the Annual Report for Municipal Electric Utilities, FPC Form No. 1-M, prescribed by § 141.7, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations by revising page 1 thereof; by deleting pages 8 through 12 and, in lieu thereof, inserting new pages 8 through 20; and by adding a new page 23 all as set out in Attachment B hereto;<sup>2</sup>

b. To revise the several dates appearing in paragraphs (a) and (b) of the said § 141.7 as may be appropriate to the effective date of any final order which may be issued herein.

c. To delete from the said paragraph (b) the words "an original and two conformed copies all properly filled out and verified," and to insert, in lieu thereof, "an original and three conformed copies all properly filled out and attested."

d. To revise paragraph (c) of the said § 141.7 by deleting from the list of schedules the titles reading "Verification," "Generating Station Statistics," "Steam Generating Stations," and "Hydroelectric Generating Stations" and inserting in lieu thereof the following:

Steam-Electric Generating Plant Statistics (Large Plants).  
Hydroelectric Generating Plant Statistics (Large Plants).  
Generating Plant Statistics (Small Plants).  
Changes Made or Scheduled to be Made in Generating Plant Capacities.  
Steam-Electric Generating Plants.  
Hydroelectric Generating Plants.  
Internal-Combustion Engine and Gas-Turbine Generating Plants.  
Attestation.

6. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than January 6, 1967, data, views and comments in writing concerning the proposed revisions. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions under provisions of the Federal Reports Act of 1942 may at the same time submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Standards, Bureau of the Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name and address of the person to whom correspondence in

regard to the proposal should be addressed and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed revision of the annual report form. The Commission will consider all

such written submissions before acting on the proposed amendments.

By direction of the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

#### ATTACHMENT A—SUMMARY OF PROPOSED REVISIONS

Old page No.	Title	New page No.	Title
1.....	Identification/General Instructions/Excerpts From the Law/Verification/General Information.	1.....	Identification/General Instructions/Excerpts From the Law/General Information.
8.....	Generating Station Statistics.	8-9.....	Steam-Electric Generating Plant Statistics (Large Plants).
		10.....	Steam-Electric Generating Plant Statistics (Large Plants) Average Annual Heat Rates and Corresponding Net Kwh Output for Most Efficient Generating Units.
		11-12.....	Hydroelectric Generating Plant Statistics (Large Plants).
		13.....	Generating Plant Statistics (Small Plants).
9-10.....	Steam Generating Stations.	14.....	Changes Made or Scheduled To Be Made in Generating Plant Capacities.
11-12.....	Hydroelectric Generating Stations.	15-16.....	Steam-Electric Generating Plants.
		17-18.....	Hydroelectric Generating Plants.
		19-20.....	Internal-Combustion Engine and Gas-Turbine Generating Plants.
13.....	Transmission Line Statistics/Transmission Lines Added During the Year.	21.....	Same titles.
14.....	Electric Energy Account.	22.....	Same title.
1.....	Verification.	23.....	Attestation.

[F.R. Doc. 66-12571; Filed, Nov. 21, 1966; 8:45 a.m.]

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

#### [ 19 CFR Part 8 ]

### IMPORTATION OF SPRUCE AND PINE LUMBER

#### Additional Invoice Requirements

Under the authority vested in the Secretary of the Treasury with respect to any facts deemed necessary to a proper appraisal, examination and classification of merchandise by section 481(a) (10) of the Tariff Act of 1930, as amended (19 U.S.C. 1481(a)(10)), additional information may be required on the invoices of merchandise to be imported into the United States. These requirements and the Treasury decisions in which they appear are listed in § 8.13(h) of the Customs Regulations.

Because of the difficulty in identification and classification of shipments of spruce and pine lumber provided for under items 202.03 and 202.09, Tariff Schedules of the United States (19 U.S.C. 1202 (items 202.03, 202.09)), it is considered necessary to require that invoices for such shipments contain, in addition to all the other information required by law or regulations, a declaration by the shipper or other person having actual knowledge of the facts, as to the species of the lumber.

Accordingly, it is proposed to amend § 8.13(h) as set forth in tentative form below:

Section 8.13(h) is amended by inserting in the listing of classes of merchandise, in proper alphabetic order, the following:

§ 8.13 Contents of invoices; incomplete invoices; general requirements supplemented.

\* \* \* \* \*

(h) \* \* \*

Lumber, spruce (also termed Western white spruce) (*Picea*) and pine classifiable respectively under item 202.03 and item 202.09, Tariff Schedules of the United States. (1) A declaration by the shipper or other person having actual knowledge as to the quantity of spruce and the quantity of pine in the shipment.

\* \* \* \* \*

Prior to final action on the proposal, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received within a period of 30 days from the date of the publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] LESTER D. JOHNSON,  
Commissioner of Customs.

Approved: November 15, 1966.

TRUE DAVIS,  
Assistant Secretary  
of the Treasury.

[F.R. Doc. 66-12600; Filed, Nov. 21, 1966; 8:48 a.m.]

<sup>2</sup> Attachment B filed as part of original document.



# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Montana 498 (ND)]

### NORTH DAKOTA

### Notice of Proposed Classification of Public Lands

NOVEMBER 14, 1966.

Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands described below, for retention for multiple use management. Publication of this notice segregates the described public lands from appropriation under the homestead, desert land, and allotment laws (43 U.S.C. ch. 7, 43 U.S.C. ch. 9, and 25 U.S.C. 331), and from sale under section 2455 of the revised statutes (43 U.S.C. 1171).

For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the district manager, Bureau of Land Management, Miles City, Mont.

The public lands proposed for classification are located as described below and are shown on maps on file in the office of the State Outdoor Recreation Agency, 107 South Fifth Street, Bismarck, N. Dak.:

#### FIFTH PRINCIPAL MERIDIAN, NORTH DAKOTA

##### DIVIDE COUNTY

- T. 163 N., R. 95 W.,  
Sec. 25, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 26, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 27, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 160 N., R. 99 W.,  
Sec. 5, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 160 N., R. 100 W.,  
Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 162 N., R. 102 W.,  
Sec. 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 17, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 20, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ ;  
Sec. 29, NW $\frac{1}{4}$ ;  
Sec. 30, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 163 N., R. 102 W.,  
Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and SW $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 160 N., R. 103 W.,  
Sec. 15, W $\frac{1}{2}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 21, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 33, Lot 1.
- T. 161 N., R. 103 W.,  
Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .
- T. 162 N., R. 103 W.,  
Sec. 3, Lots 1, 2, 3, and 4, and S $\frac{1}{2}$ NE $\frac{1}{4}$ .
- T. 183 N., R. 103 W.,  
Sec. 11, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 14, S $\frac{1}{2}$ SE $\frac{1}{4}$ .

##### MCHENRY COUNTY

- T. 153 N., R. 75 W.,  
Sec. 3, Lot 6;  
Sec. 25, NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 31, Lots 2 and 4

- T. 155 N., R. 75 W.,  
Sec. 6, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 19, Lot 3;  
Sec. 23, S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 29, N $\frac{1}{2}$ SW $\frac{1}{4}$ .
- T. 155 N., R. 76 W.,  
Sec. 23, N $\frac{1}{2}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 152 N., R. 77 W.,  
Sec. 23, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .
- T. 153 N., R. 77 W.,  
Sec. 23, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 25, E $\frac{1}{2}$ SW $\frac{1}{4}$ .
- T. 156 N., R. 77 W.,  
Sec. 10, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .
- T. 151 N., R. 78 W.,  
Sec. 23, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 152 N., R. 78 W.,  
Sec. 15, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, N $\frac{1}{2}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ .

##### MCLEAN COUNTY

- T. 149 N., R. 84 W.,  
Sec. 11, E $\frac{1}{2}$ SW $\frac{1}{4}$ .
- T. 150 N., R. 84 W.,  
Sec. 27, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 150 N., R. 86 W.,  
Sec. 21, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

##### MOUNTAIN COUNTY

- T. 155 N., R. 85 W.,  
Sec. 20, Lot 4.
- T. 156 N., R. 88 W.,  
Sec. 17, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .
- T. 156 N., R. 89 W.,  
Sec. 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 7, Lots 1 and 2.
- T. 157 N., R. 89 W.,  
Sec. 29, Lot 1.
- T. 156 N., R. 90 W.,  
Sec. 20, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 158 N., R. 90 W.,  
Sec. 18, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .
- T. 156 N., R. 91 W.,  
Sec. 5, Lot 4;  
Sec. 13, W $\frac{1}{2}$ NE $\frac{1}{4}$ .
- T. 157 N., R. 91 W.,  
Sec. 34, Lot 2.

##### SHERIDAN COUNTY

- T. 145 N., R. 74 W.,  
Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 150 N., R. 75 W.,  
Sec. 14, S $\frac{1}{2}$ NW $\frac{1}{4}$ .
- T. 149 N., R. 77 W.,  
Sec. 2, Lot 7.
- T. 150 N., R. 77 W.,  
Sec. 13, Lot 1;  
Sec. 17, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 20, Lots 1 and 2;  
Sec. 28, Lot 2;  
Sec. 35, Lot 2.

##### WARD COUNTY

- T. 151 N., R. 84 W.,  
Sec. 29, NE $\frac{1}{4}$ SW $\frac{1}{4}$ .
- T. 153 N., R. 86 W.,  
Sec. 5, Lots 1 and 5.
- T. 152 N., R. 87 W.,  
Sec. 1, Lot 6;  
Sec. 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 9, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 155 N., R. 87 W.,  
Sec. 8, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

##### WILLIAMS COUNTY

- T. 159 N., R. 100 W.,  
Sec. 22, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

##### PIERCE COUNTY

- T. 157 N., R. 72 W.,  
Sec. 23, Lot 5.
- T. 152 N., R. 73 W.,  
Sec. 5, Lot 10.
- T. 152 N., R. 74 W.,  
Sec. 8, Lots 1, 5, and 6.
- T. 154 N., R. 74 W.,  
Sec. 30, NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

##### BARNES COUNTY

- T. 143 N., R. 60 W.,  
Sec. 12, Lots 1 and 2.

##### BURLEIGH COUNTY

- T. 142 N., R. 75 W.,  
Sec. 12, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 14, S $\frac{1}{2}$ SW $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 144 N., R. 77 W.,  
Sec. 22, NE $\frac{1}{4}$ .

##### EMMONS COUNTY

- T. 135 N., R. 74 W.,  
Sec. 6, Lot 1.
- T. 136 N., R. 74 W.,  
Sec. 32, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ .

##### KIDDER COUNTY

- T. 137 N., R. 71 W.,  
Sec. 24, Lot 5.
- T. 140 N., R. 71 W.,  
Sec. 6, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ .
- T. 144 N., R. 71 W.,  
Sec. 28, Lot 3.
- T. 138 N., R. 72 W.,  
Sec. 4, NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ ;  
Sec. 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 18, NW $\frac{1}{4}$ .
- T. 140 N., R. 72 W.,  
Sec. 14, Lots 1 and 2;  
Sec. 22, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ .
- T. 141 N., R. 72 W.,  
Sec. 22, Lot 1.
- T. 142 N., R. 72 W.,  
Sec. 34, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 143 N., R. 72 W.,  
Sec. 6, Lot 3.
- T. 138 N., R. 73 W.,  
Sec. 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 14, S $\frac{1}{2}$ N $\frac{1}{2}$ .
- T. 143 N., R. 74 W.,  
Sec. 4, Lots 1 and 2.

##### LOGAN COUNTY

- T. 136 N., R. 68 W.,  
Sec. 30, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .
- T. 134 N., R. 69 W.,  
Sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 34, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 135 N., R. 69 W.,  
Sec. 28, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 32, NE $\frac{1}{4}$ .
- T. 136 N., R. 69 W.,  
Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

##### MCINTOSH COUNTY

- T. 129 N., R. 68 W.,  
Sec. 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .
- T. 130 N., R. 68 W.,  
Sec. 24, Lot 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 132 N., R. 68 W.,  
Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

##### STUTSMAN COUNTY

- T. 138 N., R. 67 W.,  
Sec. 8, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 138 N., R. 68 W.,  
Sec. 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .



The public lands in the areas described aggregate approximately 7,914.09 acres.

A public hearing will be held, with a time and place to be announced, if the authorized officer determines that there is sufficient public interest to warrant such a hearing.

HAROLD TYSK,  
State Director.

[F.R. Doc. 66-12589; Filed, Nov. 21, 1966;  
8:47 a.m.]

### Fish and Wildlife Service

[Docket No. A-414]

JACK E. AND WINNIFRED V.  
CROWLEY

### Notice of Loan Application

Jack E. and Winnifred V. Crowley, 400 East Street, Juneau, Alaska 99801, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 53.1-foot wood vessel to engage in the fishery for halibut, sablefish, shrimp, and albacore.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,  
Acting Director,  
Bureau of Commercial Fisheries.

NOVEMBER 17, 1966.

[F.R. Doc. 66-12597; Filed, Nov. 21, 1966;  
8:47 a.m.]

[Docket No. S-376]

LORNE M. ALLEN

### Notice of Loan Application

Lorne M. Allen, Post Office Box 72, Agate Beach, Oreg. 97320, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 37.1-foot registered length wood vessel to engage in the fishery for salmon, tuna, and crab.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial

Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,  
Acting Director,  
Bureau of Commercial Fisheries.

NOVEMBER 17, 1966.

[F.R. Doc. 66-12610; Filed, Nov. 21, 1966;  
8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

### ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

#### Members of Administrator's Immediate Staff

The delegations of authority set forth in Division V of the statement of Organization, Functions and Delegations of Authority of Agricultural Stabilization and Conservation Service published in the FEDERAL REGISTER on May 2, 1963 (28 F.R. 4368) is amended by adding a new sentence as follows at the end of the first paragraph under the heading, B. *Members of the Administrator's immediate staff.*

#### V. Delegations of authority. \* \* \*

B. *Members of the Administrator's immediate staff.* \* \* \* The authority delegated herein to the Deputy Administrator, State and County Operations includes the authority to promulgate by publication in the FEDERAL REGISTER, determinations made by ASC State or County committees, the Executive Director of the Hawaii Agricultural Stabilization and Conservation Service State Office, and the Director, Agricultural Stabilization and Conservation Service Caribbean Area Office, designating local producing areas for purposes of considering eligibility of producers for abandonment or crop deficiency payment, or for prevented acreage credit under the Sugar Act of 1948, as amended, and regulations issued pursuant thereto.

Signed at Washington, D.C., November 17, 1966.

H. D. GODFREY,  
Administrator, Agricultural  
Stabilization and Conservation  
Service.

[F.R. Doc. 66-12614; Filed, Nov. 21, 1966;  
8:49 a.m.]

## SUGARCANE IN PUERTO RICO

### 1967-68 Crop Proportionate Shares; Notice of Hearing

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended, is preparing to conduct a public hearing to receive views and recommendations from all interested persons on the possible need for establishing proportionate shares for the 1967-68 sugarcane crop in Puerto Rico.

In accordance with the provisions of paragraph (1), subsection (b) of section 302 of the Sugar Act of 1948, as amended, the Secretary must determine for each crop year whether the production of sugar from any crop of sugarcane in Puerto Rico will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

The hearing on this matter will be conducted in Room 2W, Administration Building, U.S. Department of Agriculture, Washington, D.C., beginning at 10 a.m. on December 15, 1966.

Views and recommendations are desired on all phases of the proportionate share program. They may be submitted in writing, in triplicate, at the hearing, or may be mailed to the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, postmarked not later than December 30, 1966. Interested persons will be given the opportunity at the hearing to appear and submit orally data, views, and arguments in regard to the establishment of proportionate shares.

Restrictions on the marketing of sugarcane in Puerto Rico have not been in effect since the 1955-56 crop. The area has not marketed all of its mainland basic sugar quota in recent years. Prospects for the 1966-67 crop indicate that production will again fall short of the area's mainland basic quota.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27 (b)).

Signed at Washington, D.C., on November 15, 1966.

E. A. JAENKE,  
Acting Administrator, Agricultural  
Stabilization and Conservation  
Service.

[F.R. Doc. 66-12615; Filed, Nov. 21, 1966;  
8:49 a.m.]



**Consumer and Marketing Service  
LA GRANGE STOCKYARDS, INC., ET AL.**

**Notice of Changes in Names of Posted Stockyards**

It has been ascertained, and notice is hereby given, that the names of the live-stock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

<i>Original name of stockyard, location, and date of posting</i>	<i>Current name of stockyard and date of change in name</i>
<b>GEORGIA</b>	
La Grange Stockyards, Inc., La Grange, June 16, 1959.	La Grange Stockyards, July 1, 1966.
<b>MONTANA</b>	
Shelby Stockyards Company, Shelby, Feb. 18, 1956.	Shelby Stockyards Company, Inc., July 1, 1966.
<b>NEW YORK</b>	
Amsterdam Livestock Sales, Inc., Amsterdam, Aug. 16, 1960.	County Livestock Sales, Inc., Aug. 26, 1966.
<b>NORTH CAROLINA</b>	
Dedmons Livestock Yards, Shelby, Apr. 2, 1959.	Dedmon's Livestock Yards, July 12, 1966.
Winfield Livestock Auction Market, Chocowinity, July 9, 1959.	Winfield Stockyards, Inc., Oct. 25, 1966.
<b>OKLAHOMA</b>	
Altus Stockyards, Inc., Altus, Oct. 24, 1949.	Altus Stockyards, July 1, 1966.
<b>SOUTH DAKOTA</b>	
Platte Livestock Sales Company, Platte, Oct. 13, 1951.	Platte Livestock Auction Company, Aug. 1, 1966.
<b>TENNESSEE</b>	
Macon County Livestock Market, Inc., Lafayette, May 6, 1959.	Macon County Livestock Market, May 4, 1966.
<b>TEXAS</b>	
Graham Livestock Commission Company, Graham, Nov. 13, 1956.	Graham Livestock Commission, Inc., Sept. 1, 1966.
Gulf Coast Stockyards, Inc., Bay City, May 1, 1957.	Gulf Coast Stockyards, Aug. 26, 1966.

Done at Washington, D.C., this 16th day of November 1966.

CHARLES G. CLEVELAND,  
*Chief, Registrations, Bonds and Reports Branch,  
Packers and Stockyards Division, Consumer and Marketing Service.*  
[F.R. Doc. 66-12617; Filed, Nov. 21, 1966; 8:49 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[Docket No. FDC-D-97; NDA No. 31-406V]

#### CENTRAL SOYA CO.

#### Master Mix Broiler Concentrate "A" 377A-13C; Notice of Opportunity for Hearing

##### Correction

In F.R. Doc. 66-12465 appearing in the issue for Thursday, November 17, 1966, at page 14658, in the center column, the ninth line of the first paragraph which reads "'A' 337A-13C" should read "'A' 377A-13C". In the second paragraph, the third line from the bottom which now reads "unsafe residues of the drug of metabolites" should read "unsafe residues of the drug or metabolites".

### Office of the Secretary AIR POLLUTION CONTROL; INTER- STATE AIR POLLUTION IN THE NEW YORK-NEW JERSEY METROPOLI- TAN AREA

#### Notice of Conference of Air Pollution Control Agencies

Whereas, the Governor of the State of New York has made a written request, pursuant to section 105(c) (1) (A) of the Clean Air Act (42 U.S.C. 1857d(c) (1) (A)), that a conference be called regarding air pollution originating in the State of New Jersey which is alleged to endanger the health or welfare of persons in the State of New York, and

Whereas, on the basis of reports, surveys or studies, I have reason to believe that air pollution originating in the State of New York is endangering the health or welfare of persons in the State of New Jersey, and

Whereas, officials of the State of New York and of the State of New Jersey have been consulted pursuant to section 105(c) (1) (C) of the Clean Air Act (42 U.S.C. 1857d(c) (1) (C)),

Now, therefore, pursuant to sections 105(c) (1) (A) and 105(c) (1) (C) of the Clean Air Act, I hereby give formal notification of the air pollution described above to, and call a conference of, the air pollution control agencies of the following:

State of New Jersey—New Jersey State Health Department.

State of New York—New York State Air Pollution Control Board.

The Interstate Sanitation Commission. All municipalities, as defined in section 302(f) of the Clean Air Act (42 U.S.C. 1857h (f)), located in the following named counties:

New York—Nassau, Rockland and Westchester;

New Jersey—Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset and Union; and

The city of New York.

Mr. S. Smith Griswold of the Department of Health, Education, and Welfare is hereby designated as Presiding Officer of the Conference, and Mr. William H. Megonnell is hereby designated as the official conference participant of the Department of Health, Education, and Welfare. The first session of the conference, which will be concerned primarily with air pollution caused by sulfur compounds and carbon monoxide, will be convened at a time and place to be fixed by the Presiding Officer after consultation with air pollution control officials of the States of New York and New Jersey.

Any municipality desiring to make a formal presentation at the conference should file 5 copies of a notice of such intention with Mr. S. Smith Griswold, Room 2432, South Building, Department of Health, Education, and Welfare, Washington, D.C. 20201, not later than December 16, 1966.

The agencies called to attend such conference may bring such persons as they desire to the conference.

Dated: November 17, 1966.

[SEAL] JOHN W. GARDNER,  
*Secretary.*

[F.R. Doc. 66-12662; Filed, Nov. 21, 1966; 8:50 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-170]

### ARMED FORCES RADIOBIOLOGY RESEARCH INSTITUTE

#### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 11, set forth below, to Facility Li-



cense No. R-84 to the Armed Forces Radiobiology Research Institute (AFRRI), Bethesda, Md. The amendment authorizes AFRRI (1) to use, for startup of the reactor, an Americium-Beryllium neutron source to replace two sources previously used for that purpose, and (2) to remove the present water fission products monitor from the reactor system, as described in the licensee's application for license amendment dated May 27, 1966. Action on a third item concerning an authorization of 1 megawatt steady state operations subject to the results of environmental film badge monitoring, is being deferred until additional requested information has been submitted by AFRRI.

Within 15 days from the date of publication of this notice in the *FEDERAL REGISTER*, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated May 27, 1966, and (2) a related Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 14th day of November 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director,  
Division of Reactor Licensing.

[License No. R-84; Amdt. 11]

The Atomic Energy Commission (hereinafter referred to as "the Commission") having found that:

a. The application for amendment dated May 27, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. Operations of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

c. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

On the basis described in the application for license amendment dated May 27, 1966,

License No. R-84, issued to Armed Forces Radiobiology Research Institute, is hereby amended in the following respects:

1. Paragraph 3.C. (3) is revised in its entirety to read as follows:

"3.C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30 'Rules of General Applicability to Licensing of Byproduct Material', to receive, possess, and use a 3 curie sealed Americium-Beryllium neutron source for reactor start-up; and to possess, but not to separate such byproduct material as may be produced by operation of the reactor."

2. Armed Forces Radiobiology Research Institute is authorized to remove the present water fission products monitor from the reactor system.

This amendment is effective as of the date of issuance.

Date of issuance: November 14, 1966.

For the Atomic Energy Commission.

Director,  
Division of Reactor Licensing.

[F.R. Doc. 66-12570; Filed, Nov. 21, 1966;  
8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 17655]

LINEAS AEREAS COSTARRICENSES,  
S.A. (LACSA)

### Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference on the above-entitled application now assigned to be held on November 29, 1966, is postponed to December 13, 1966. The conference will be held at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., November 17, 1966.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 66-12605; Filed, Nov. 21, 1966;  
8:48 a.m.]

[Docket No. 17820]

REALAIRE, ET AL.

### Notice of Proposed Approval

Application of RealAire et al., for approval of control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 17820.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the order set forth below under delegated authority. Interested parties are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., November 16, 1966.

J. W. ROSENTHAL,  
Director,  
Bureau of Operating Rights.

## ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

Issued under delegated authority:

Application of RealAire and Ralph S. Newcomer, Docket 17820, for approval of interlocking relationships pursuant to section 409 of the Federal Aviation Act of 1958, as amended.

By application filed October 17, 1966, RealAire, a California corporation, and Ralph S. Newcomer request the Board to approve, pursuant to section 409 of the Federal Aviation Act of 1958, as amended (the Act), the interlocking relationships arising from the holding by Mr. Newcomer of the positions as president and director of RealAire and as principal operations officer, general manager, and sole owner of Real Transportation Co., an unincorporated company under which style and firm name Mr. Newcomer does business.

It further appears from the application that Mr. Newcomer, besides being the sole owner of Real Transportation Co., is also the sole stockholder of RealAire. Mr. Newcomer's ownership and control both of RealAire and Real Transportation is, of course, subject to section 408 of the Act. Although the application does not include a specific request for approval of such affiliation, the Board will act on the matter on its own motion.

RealAire is an applicant for domestic and international airfreight forwarder authorization and for the purpose of this proceeding is considered to be an air carrier. Real Transportation Co. is an intrastate surface carrier by motor vehicle. It is proposed that the company will serve as pickup and delivery agent in the Los Angeles basin area for RealAire on a nonexclusive basis.

No comments relative to the joint application or request for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the *FEDERAL REGISTER*, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the joint application, it is concluded that Real Transportation Co. is a common carrier within the meaning of section 408 of the Act, and that the common control of Real Transportation Co. and RealAire by Mr. Newcomer is subject to that section.

However, it has been further concluded that such control relationships do not affect a carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and essentially do not present any new substantive issues.<sup>1</sup> It therefore appears that approval of the control relationships would not be inconsistent with the public interest. However, should the drayage services now operated by Mr. Newcomer, doing business as Real Transportation Co., be expanded, new issues would be raised which could only be resolved upon the filing of a further application for prior approval by the Board. Accordingly, approval of the instant relationships will be conditioned so that such approval shall be effective only so long as the operation of motor vehicles by

<sup>1</sup> Cf. Mark IV Air Freight, Inc., et al., Docket 16233, Order E-22451, July 19, 1965. See also Trans-Pacific Air Cargo, et al., Docket 16029, Order E-22158, May 13, 1965.



Mr. Newcomer, doing business as Real Transportation Co., is limited to the State of California.

It is also found that interlocking relationships within the scope of section 409 of the Act will result from Mr. Newcomer being the sole owner of Real Transportation Co., while concurrently he is sole stockholder, director and president of RealAire. However, it is concluded that a due showing has been made in the form and manner prescribed by Part 251 of the Board's Economic Regulations that the interlocking relationships will not adversely affect the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act without a hearing, and that the interlocking relationships should be approved under section 409.

Accordingly, it is ordered:

1. That the control relationships resulting from the common control by Mr. Newcomer of RealAire and Real Transportation Co. be and they hereby are approved;

2. That, subject to the provisions of Part 251 of the Board's Economic Regulations, as now in effect or as hereafter amended, the interlocking relationships resulting from the ownership by Mr. Newcomer of Real Transportation Co. and his holding of the positions above described in RealAire be and they hereby are approved; and

3. That the approvals herein shall be effective only so long as the operation of motor vehicles by Mr. Newcomer is limited to the State of California.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By: J. W. Rosenthal,  
Director,  
Bureau of Operating Rights.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12606; Filed, Nov. 21, 1966;  
8:48 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16495; FCC 66-1040]

### DOMESTIC NONCOMMON CARRIER COMMUNICATION-SATELLITE FA- CILITIES

#### Establishment by Nongovernmental Entities; Order Extending Time for Filing Comments and Reply Com- ments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 16th day of November 1966:

1. The Commission has under consideration a motion of the Communications Satellite Corporation (Comsat) filed November 16, 1966, for an extension of time until December 16, 1966, for the filing by it and others of comments responsive to the submissions filed to

the original notice of inquiry in this matter and the Commission's supplemental notice in this matter and also for an extension until February 1, 1967, of the time for filing reply comments.

2. In support of its motion, Comsat alleges:

(a) Adequate comment on the previous submissions requires thorough consideration of various legal, technical, and economic factors;

(b) That the questions raised in the supplemental notice of inquiry are of major significance;

(c) That the recommendations of the Carnegie Commission on Educational Television expected early in January 1967, will contain recommendations on the future organization, scope, funding, and programing of American noncommercial television which should be studied and considered in the reply comments; and

(d) That unanticipated problems related to the recent launch of Intelsat II have placed a heavy burden on the staff of Comsat and thus will make it difficult to complete preparation of its submission by November 30, 1966.

3. It appearing to the Commission that good cause has been shown for a postponement as requested by Comsat and that more thorough and meaningful responses will be available to the Commission if the dates for filing comments and replies are postponed as requested by Comsat:

*It is ordered*, That the motion of Comsat is granted and that the date for filing comments responsive to the submissions made to the original notice of inquiry and the Commission's supplemental notice is postponed from November 30, 1966, to December 16, 1966, and the time for filing reply comments is postponed from December 30, 1966, to February 1, 1967.

Released: November 17, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12619; Filed, Nov. 21, 1966;  
8:49 a.m.]

[Docket Nos. 16890, 16891; FCC 66M-1534]

### LUIS PRADO MARTORELL AND AUGUSTINE L. CAVALLARO, JR.

#### Order Regarding Procedural Dates

In re applications of Luis Prado Martorell, Loiza, P.R., Docket No. 16890, File No. BP-16000; Augustine L. Cavallaro, Jr., Bayamon, P.R., Docket No. 16891, File No. BP-16182; for construction permits.

The Hearing Examiner having under consideration the procedural status of the above-styled proceeding and, in particular, (1) petition to change hearing date filed November 1, 1966, by counsel for Augustine L. Cavallaro, Jr., requesting continuance of hearing now sched-

<sup>1</sup> Chairman Hyde absent; Commissioners Bartley and Johnson dissenting.

uled for December 19, 1966, to a date early in January 1967; (2) cablegram from Luis Prado Martorell received November 8, 1966, which requests an interview in Washington, D.C., as soon as possible for discussion of matters relating to the proceeding; and (3) petition for further prehearing conference filed November 15, 1966, by Luis Prado Martorell; and

It appearing, that a further session of prehearing conference would be useful in resolving the procedure in view of the present circumstances of this proceeding:

*It is, therefore, ordered*, This 16th day of November 1966, that a further session of prehearing conference in this proceeding will be held at 10 a.m., on December 1, 1966, in the offices of the Commission, Washington, D.C.; and

*It is further ordered*, That the hearing now scheduled for December 19, 1966, and the dates for exchange of exhibits and for notification as to witnesses, heretofore fixed, are continued to dates to be fixed at such further session of the prehearing conference.

Released: November 16, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12620; Filed, Nov. 21, 1966;  
8:49 a.m.]

[Docket No. 16860; FCC 66M-1542]

### MEROCO BROADCASTING CO. Order Canceling Hearing Date

In re application of Meroco Broadcasting Co., Greeley, Colo., Docket No. 16869, File No. BPH-5266; for construction permit.

Inasmuch as the hearing in the above-entitled matter, presently scheduled for November 21, 1966, was advanced on oral motion of Meroco to October 27, 1966, at which time the hearing was held: *It is ordered*, This 16th day of November 1966, that the hearing in the above matter presently scheduled for November 21, 1966, be, and the same is, hereby canceled.

Released: November 17, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12622; Filed, Nov. 21, 1966;  
8:50 a.m.]

## FEDERAL MARITIME COMMISSION MIDDLE ATLANTIC PORTS DOCKAGE ASSOCIATION

### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as



amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Rene J. Gunning, Secretary-Treasurer, Middle Atlantic Ports Dockage Association, 300 St. Paul Place, Baltimore, Md.

Agreement No. 9025-2, between the members of the Middle Atlantic Ports Dockage Agreement modifies the basic agreement which provides for the establishment of a cooperative working arrangement with respect to the dockage of vessels at terminal facilities of the member parties. The purpose of the modification is to add to the scope of the agreement the dockage of vessels engaged in carrying of pig and scrap metal.

Dated: November 17, 1966.

By order of the Federal Maritime Commission.

THOMAS LIST,  
Secretary.

[F.R. Doc. 66-12611; Filed, Nov. 21, 1966; 8:49 a.m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-13830 etc.]

### CHEVRON OIL CO., ET AL.

#### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates <sup>1</sup>

NOVEMBER 10, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and pro-

cedure (18 CFR 1.8 or 1.10) on or before December 5, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Inter-

pretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pres-sure base
G-13830- E 10-18-66	Chevron Oil Co., Western Division (successor to Standard Oil Co. of Texas, a division of Chevron Oil Co.), Post Office Box 599, Denver, Colo. 80201.	El Paso Natural Gas Co., Blanco-Mesa Verde Field, San Juan County, N. Mex.	<sup>1</sup> 14.2486	15.025
G-18721- E 10-18-66	do.	El Paso Natural Gas Co., Aztec-Pictured Cliffs Field, San Juan County, N. Mex.	<sup>2</sup> 12.2758	15.025
G-19438- C 10-31-66	John R. Royall, 3575 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	12.0	15.025
G-20317- E 10-18-66	Chevron Oil Co., Western Division (successor to Standard Oil Co. of Texas, a division of Chevron Oil Co.).	El Paso Natural Gas Co., Bisti-Lower Gallup Field, San Juan County, N. Mex.	<sup>3</sup> 14.2678	15.025
C161-1299- E 11-2-66	Benco Drilling Co., Inc. (successor to Pace Bower Construction Co.), c/o E. N. Clark, agent, Post Office Box 3147, Charleston, W. Va. 25332.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	25.0	15.325
C162-78- E 10-18-66	Chevron Oil Co., Western Division (successor to Standard Oil Co. of Texas, a division of Chevron Oil Co.).	El Paso Natural Gas Co., Escrito-Gallup Field, Rio Arriba County, N. Mex.	<sup>2</sup> 12.2295	15.025
C162-354- E 10-31-66	Samedan Oil Corp. (Operator), et al. (successor to The Gilmer Oil Co.), Post Office Box 758, Ardmore, Okla. 73401.	Lone Star Gas Co., Sholem Alechem Field, Carter County, Okla.	<sup>4</sup> 16.0	14.65
C162-636- E 10-27-66	C. S. Sentell, M.D. (successor to Joseph B. Singer (Operator), et al.), c/o John M. Shuey, attorney, 604 Johnson Bldg., Shreveport, La. 71102.	Arkansas Louisiana Gas Co., Darley Field, Claiborne Parish, La.	<sup>4</sup> 13.333	15.025
C162-1312- E 11-2-66	Benco Drilling Co., Inc. (successor to Pace Bower Construction Co.).	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	25.0	15.325
C163-116- E 11-2-66	do.	Consolidated Gas Supply Corp., Court House District, Lewis County, W. Va.	25.0	15.325
C164-1108- E 11-1-66	Trebol Drilling Co. (successor to Southern New Mexico Oil Corp.), Post Office Box 3986, Odessa, Tex. 79760.	El Paso Natural Gas Co., Deep Lusk Unit Area, Lea and Eddy Counties, N. Mex.	<sup>5</sup> 15.5	14.65
C164-1422- C 10-31-66	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Oklahoma Natural Gas Gathering Corp., acreage in Major County, Okla.	11.0	14.65
C165-2- E 10-28-66	Arkla Exploration Co., et al., Post Office Box 1126, Shreveport, La. 71102.	Arkansas Louisiana Gas Co., acreage in Haskell County, Okla.	(7)	-----
C165-875- C 10-31-66	CWM and VLM Trust, 2300 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
C166-867- E 10-18-66	Chevron Oil Co., Western Division (successor to Standard Oil Co. of Texas, a division of Chevron Oil Co.).	El Paso Natural Gas Co., Huerfano Mesa Verde Unit, San Juan County, N. Mex.	13.0	15.025

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

See footnotes at end of table.

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.



Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pres- sure base	Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pres- sure base
C166-901 C 10-27-66	Robert E. Alkman, et al. d.b.a. A.L.K., Ltd., No. 2, c/o Charles J. McPherson, attorney at law, 702 Vaughn Bldg., Amarillo, Tex. 79101.	Michigan Wisconsin Pipe Line Co., Nacoe-Laverne Field, Beaver County, Okla.	17.0	14.65	C167-561 A 10-31-66	F. P. Schonwald Co., 900 Petroleum Club Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., South Peck Field, Ellis County, Okla.	\$ 20.4	14.65
C166-984 C 4-13-66	Amerada Petroleum Corp., (successor to George L. Buckles, et al.), Post Office Box 2440, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Langley-Mattix Field, Lea County, N. Mex.	9.0	14.65	C167-562 A 10-31-66	Wilbur J. Holleman Trust, 805 National Bank of Tulsa Bldg., Tulsa, Okla. 74103.	Natural Gas Pipeline Co. of America, South Taloka Field, Dewey County, Okla.	Depleted	14.65
C166-1050 A 4-28-66 10-17-66	Jefferson Elk Oil & Gas Co., Brockport, Pa. 15823.	United Natural Gas Co., Knox Dale Field, Jefferson County, Pa.	( <sup>1</sup> )	14.73	C167-563 B 10-28-66	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa. 19103.	Tennessee Gas Pipeline Co., a division of Tennessee Inc., Fitzsimmons and San Diego Fields, Jim Wells and Duval Counties, Tex.	Depleted	14.65
C167-36 A 7-11-66	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	Northern Natural Gas Co., Midland Division, Reeves County, Tex.	16.5	14.65	C167-572 A 10-24-66	A. B. Blenkinship, et al., c/o John T. Diederich, Attorney at Law, 500 Price Bldg., Ashland, Ky. 41101.	United Fuel Gas Co., acreage in Martin County, Ky.	16.0	15.325
C167-23 9-23-66	Walter C. Crane, et al. d.b.a. Vesta Fuel Co., 212 East Pierpoint St., Harrisville, W. Va.	Carnegie Natural Gas Co., Union District, Ritchie County, W. Va.	20.0	15.325	C167-573 A 10-24-66	George W. Hale, et al., c/o John T. Diederich, Attorney at Law, 500 Price Bldg., Ashland, Ky. 41101.	United Fuel Gas Co., acreage in Mingo County, W. Va.	16.0	15.325
C167-254 A 8-29-66	do.	do.	20.0	15.325	C167-574 A 10-24-66	do.	do.	15.0	14.65
C167-255 A 8-29-66	do.	do.	20.0	15.325	C167-575 A 10-31-66	Stephens Production Co., c/o W. R. Walker, Attorney in Fact, 36 South 7th St., Fort Smith, Ark. 72901.	Arkansas Louisiana Gas Co., acreage in Le Flore County, Okla.	Depleted	14.65
C167-541 A 8-29-66	Texaco Gulf Sulphur Co. (Operator), et al., 1819 Houston Club Bldg., Houston, Tex. 77002.	Michigan Wisconsin Pipe Line Co., Jeanette (North) Field, St. Mary Parish, La.	\$ 20.625	15.025	C167-576 B 10-31-66	Houston Natural Gas Production Co., Post Office Box 1188, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tennessee Inc., Morgan Field, San Patricio County, Tex.	15.25	14.65
C167-544 A 10-28-66	Eagle Gas Co., Lumberton, W. Va. 26336.	Cumberland & Allegheny Gas Co., North East Oakland No. 7 Field, Garrett County, Md.	\$ 20.0	15.325	C167-577 A 10-31-66	Tom M. Penn d.b.a. Penn Petroleum Co. (Operator), et al., 615 Caroline, Houston, Tex. 77002.	Trunkline Gas Co., acreage in Harris County, Tex.	20.0	15.325
C167-546 (C161-737) F 10-27-66	Pan American Petroleum Corp. (successor to Shell Oil Co.), Post Office Box 891, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Northeast Catechy Field, Ellis County, Okla.	17.0	14.65	C167-578 A 10-28-66	James V. Spunkard, et al., 410 Carlisle House, Pittsburg, Pa. 15229.	Consolidated Gas Supply Corp., Bell and Gasfill Townships, Jefferson County, Pa.	27.5	15.325
C167-547 B 10-27-66	Crescent Oil Co. (Operator), et al., 1111 Mercantile Dallas Bldg., Dallas, Tex. 75201.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Logan County, Colo.	Depleted	-----	C167-579 A 10-31-66	Big Sand Drilling Co., c/o John P. Hoots, attorney at law, Post Office Box 643, Weston, W. Va. 26452.	Equitable Gas Co., Salt Lick District, Branton County, W. Va.	28.0	15.325
C167-552 A 10-24-66	Charley Cain, Inez, Ky. 41224.	United Fuel Gas Co., acreage in Martin County, Ky.	16.0	15.325	C167-580 A 10-31-66	Diana Goff Cather and Laura Goff Freeman, c/o Howard Caplan, attorney, Post Office Box 707, Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., Oak Mound Farm, Harrison County, W. Va.	20.0	15.325
C167-553 A 10-25-66	Douglas Whitaker, Sklar Bldg., Shreveport, La. 71102.	Texas Gas Transmission Corp., South Bayou Mallet Field, Acadia Parish, La.	16.75	15.025	C167-582 B 11-1-66	Caroline Hunt Sands and Loyd B. Sands, 1401 Elm St., Dallas, Tex. 75202.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	Depleted	-----
C167-554 A 10-25-66	United Mineral Development Co., 324 Carew Tower, Cincinnati, Ohio 45202.	United Fuel Gas Co., Appalachia Gas Field, Pike County, Ky.	16.0	15.325	C167-583 B 11-1-66	Shell Oil Co., 50 West 50th St., New York, N. Y. 10020.	Tennessee Gas Pipeline Co., a division of Tennessee Inc., Riverside Field, Nueces County, Tex.	-----	-----
C167-555 A 10-27-66	The Cove Gas Co., c/o G. E. Neabon, agent, 2610 Collis Ave., Huntington, W. Va. 25701.	United Fuel Gas Co., acreage in Lincoln County, W. Va.	16.0	15.325	C167-584 A 11-1-66	Champlin Petroleum Co. (Operator), et al., Post Office Box 9365, Fort Worth, Tex. 76107.	Northern Natural Gas Co., West Tangier Field Area, Ellis and Woodward Counties, Okla.	\$ 17.0	14.65
C167-556 A 10-27-66	Nine Mile Oil & Gas Co., c/o G. E. Neabon, agent, 2610 Collis Ave., Huntington, W. Va. 25701.	do.	16.0	15.325	C167-586 A 11-1-66	Tertelene Land Co., Post Office Box 1428, Boise, Idaho 83701.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	17.0	15.025
C167-557 A 10-28-66	Irvn Miller, 805 First City National Bank Bldg., Houston, Tex. 77002.	Trunkline Gas Co., East Lake Arthur Field, Jefferson Davis Parish, La.	19.5	15.025	C167-587 A 11-2-66	May Petroleum, Inc., et al., 1435 Republic National Bank Bldg., Dallas, Tex. 75201.	Cities Service Gas Co., Waynoka Area, Woods County, Okla.	\$ 14.0	14.65
C167-558 A 10-31-66	Overton Drilling Co., Post Office Box 869, Paulsboro, N. J. 41240.	United Fuel Gas Co., acreage in Pike County, Ky.	\$ 25.0	15.523	C167-588 A 11-2-66	E. L. Lusher, Lavalette, W. Va. 25535.	United Fuel Gas Co., acreage in Mingo County, W. Va.	16.0	15.325
C167-559 B 10-31-66	Amie Norton, et al., Post Office Box 1666, Shreveport, La. 71102.	United Gas Pipeline Co., Rodessa Field, Caddo Parish, La.	( <sup>1</sup> )	-----	C167-589 A 11-2-66	Standard Oil Co. of Texas, a division of Chevron Oil Co., Post Office Box 1249, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Moheste (Deep) Field, Wheeler County, Tex.	17.0	14.65
C167-560 A 10-31-66	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Panhandle Eastern Pipe Line Co., Belva V Field, Woods County, Okla.	\$ 17.0	14.65					

See footnotes at end of table.



- <sup>1</sup> Rate in effect subject to refund in Docket No. R164-655.  
<sup>2</sup> Rate in effect subject to refund in Docket No. R164-585.  
<sup>3</sup> Rate in effect subject to refund in Docket No. R164-591.  
<sup>4</sup> Rate in effect subject to refund in Docket No. R163-467.  
<sup>5</sup> Subject to reduction for compression charges.  
<sup>6</sup> Rate in effect subject to refund in Docket No. R165-35.  
<sup>7</sup> Uneconomical for Buyer to connect to well.  
<sup>8</sup> Application previously noticed May 17, 1966 in Docket Nos. G-3250, et al. at a total initial rate of 25.0 cents per Mcf at 15.325 p.s.i.a.  
<sup>9</sup> Filing completed Oct. 17, 1966. Supplemental filing reflects a rate of 24.0 cents per Mcf, when deliveries are under 25 Mcf per day; 25.0 cents per Mcf, from 25 to 49 Mcf per day; 26.0 cents per Mcf, from 50 to 99 Mcf per day; 27.0 cents per Mcf, from 100 to 249 Mcf per day; 28.0 cents per Mcf, from 250 to 499 Mcf per day; 29.0 cents per Mcf, 500 Mcf or over per day at 14.73 p.s.i.a.  
<sup>10</sup> By amendment filed Sept. 23, 1966 Applicant agreed to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.  
<sup>11</sup> A portion of the acreage for which authorization is sought was acquired from Atlantic Richfield Co.—Docket No. C164-781.  
<sup>12</sup> Subject to deduction (up to 2.0 cents) for compression, should Seller elect to compress.  
<sup>13</sup> In the event Buyer pays an increased or decreased price for other gas in the vicinity of said lease, price will be increased or decreased accordingly.  
<sup>14</sup> Includes 2.0 cents per Mcf transportation charge.  
<sup>15</sup> Gas is no longer available in commercial quantities.  
<sup>16</sup> Subject to upward and downward B.t.u. adjustment.  
<sup>17</sup> Subject to upward and downward B.t.u. adjustment. Includes 3.4 cents upward adjustment.  
<sup>18</sup> Includes three-quarter cent per Mcf for dehydration.

[F.R. Doc. 66-12532; Filed, Nov. 21, 1966; 8:45 a.m.]

[Docket No. CP67-128]

## ALGONQUIN GAS TRANSMISSION CO.

### Notice of Application

NOVEMBER 15, 1966.

Take notice that on November 7, 1966, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP67-128 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon in place 0.67 mile of its lateral pipeline J-1 in Lexington and Arlington, Mass., and for a certificate of public convenience and necessity authorizing the construction and operation of 0.72 mile of 30-inch lateral pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the Massachusetts Department of Public Works has notified it that another portion of Massachusetts State Route 2 in Lexington and Arlington, Mass., is scheduled to be regraded, widened, and improved commencing in the summer of 1967. Applicant's lateral pipeline in this area is in the existing right of way on a revocable permit and will conflict with the proposed highway construction. Therefore, Applicant states that it is necessary for it to relocate approximately 0.67 mile of the existing lateral pipeline with approximately 0.72 mile of 30-inch lateral pipeline in the immediate area.

The estimated overall capital cost of Applicant's proposed relocation is \$305,500, which cost will be financed through retained earnings.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 12, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on

this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 66-12572; Filed, Nov. 21, 1966; 8:45 a.m.]

[Docket No. CP67-130]

## COLUMBIA GULF TRANSMISSION CO.

### Notice of Application

NOVEMBER 14, 1966.

Take notice that on November 7, 1966, Columbia Gulf Transmission Co. (Applicant), Post Office Box 683, Houston, Tex. 77001, filed a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the purchase and gathering of gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct during the calendar year 1967 and operate certain gas purchase facilities to take into its certificated pipeline system natural gas so purchased from producers in the general area of its system from time to time as gas becomes available.

The total estimated cost of the proposed facilities will not exceed \$500,000 and no single project will exceed \$125,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the

regulations under the Natural Gas Act (§ 157.10) on or before December 12, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12574; Filed, Nov. 21, 1966; 8:45 a.m.]

[Docket No. C167-624]

## HUGOTON PRODUCTION CO.

### Notice of Application

NOVEMBER 15, 1966.

Take notice that on November 8, 1966, Hugoton Production Co. (Applicant), Post Office Box 441, Garden City, Kans. 67846, filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon nunc pro tunc a producer sale in Stevens and Grant Counties, Kans., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The sale from this area was originally made to Panhandle Eastern Pipeline Co. in 1956 on a year to year basis until April 30, 1963, after which date such sale was continued on a short-notice basis until February 17, 1965, when such was terminated by mutual consent.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 12, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its



own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12575; Filed, Nov. 21, 1966;  
8:45 a.m.]

[Docket Nos. CS67-20 etc.]

## JOHN YURONKA ET AL.

### Notice of Applications for "Small Producer" Certificates<sup>1</sup>

NOVEMBER 15, 1966.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 7, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,  
*Acting Secretary.*

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket Nos.	Date filed	Name of applicant
CS67-20-----	10-11-66	John Yuronka, Operator, 120-C Central Bldg., Midland, Tex. 79701.
CS67-21-----	10-19-66	W. C. Tyrrell Trust, c/o W. C. Tyrrell, Jr., Trustee, Post Office Box 390, Beaumont, Tex. 77704.
CS67-22-----	11- 3-66	E. T. Harkins, Post Office Box 4081, Midland, Tex. 79701.
CS67-23-----	11- 3-66	Robert F. Hicks, Post Office Box 4081, Mid- land, Tex. 79701.

[F.R. Doc. 66-12576; Filed, Nov. 21, 1966;  
8:45 a.m.]

[Docket No. CP66-347]

## MANUFACTURERS LIGHT AND HEAT CO.

### Order Permitting Intervention, Prescribing Procedure and Setting Hearing Date

AUGUST 23, 1966.

Notice of application in the above-entitled case was issued May 9, 1966 (31 F.R. 7158). The final date for filing protests and petitions to intervene was June 6, 1966.

By application filed April 29, 1966, pursuant to sections 7(b) and 7(c) of the Natural Gas Act, The Manufacturers Light and Heat Co., Pittsburgh, Pa. 15219, requested a certificate of public convenience and necessity authorizing it to increase firm sales and deliveries of natural gas to its wholesale customers, and to construct and operate additional pipeline facilities in West Virginia and Pennsylvania as follows:

- (1) A 3,240 horsepower compressor station on Line No. 1804 at Bruceston Mills, Preston County, W. Va.;
- (2) 51.5 miles of 20-inch extension of its existing Line No. 1804 in Lancaster and Chester Counties, Pa.;
- (3) 21.7 miles of 20-inch extension of its loop Line No. 10110 in Chester, Montgomery, and Bucks Counties, Pa.;
- (4) 1 mile of 4-inch lateral pipeline and 4.3 miles of 6-inch lateral pipelines in Lancaster County, Pa.

Manufacturers also requested authorization to abandon the following facilities:

- (5) 37.62 miles of multiple lines 138 extending a distance of 12.54 miles from Marietta to Manheim, Lancaster County, Pa.;
- (6) 24.67 miles of multiple lines 138 extending a distance of 10.69 miles from Lititz to New Holland, Lancaster County, Pa.

Petitions to intervene were filed by Pennsylvania Gas and Water Co. (Penn Gas), Wilkes-Barre, Pa. 18701, on June 6, 1966, and by The United Gas Improvement Co. (UGI), Philadelphia, Pa. 19105, on July 27, 1966.

Although UGI did not file its petition to intervene within the time prescribed in the notice of application, it stated matters showing that it has a direct

and substantial economic interest in this proceeding which is not adequately represented by any other party and which may be adversely affected by the Commission's action herein.

The Commission finds: Good cause has been shown to allow the petitioners named above to intervene in these proceedings in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The petitioners named above are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That their participation shall be limited to matters affecting rights and interests expressly asserted in their petitions to intervene: *And provided further,* That permission to intervene shall not be construed as recognition by the Commission that any intervenor might be aggrieved by any order entered in these proceedings.

(B) A public hearing on the issues presented by the application in the above-entitled case will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., on December 6, 1966.

(C) Parties who intend to present evidence shall file with the Commission and serve on all parties and the Commission's staff on or before October 3, 1966, the proposed evidence comprising their cases in chief, including prepared testimony of witnesses and exhibits.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-12577; Filed, Nov. 21, 1966;  
8:46 a.m.]

[Docket No. G-11260]

## PECOS CO.

### Order Amending Order Issuing Certificate of Public Convenience and Necessity, Redesignating FPC Gas Rate Schedule, Making Successor Co-Respondent, Accepting Quality Statement and Accepting Agreement and Undertaking for Filing

NOVEMBER 14, 1966.

On August 19, 1966, Pecos Co. (Petitioner) filed in Docket No. G-11260 a petition to amend the order issuing a certificate of public convenience and necessity to Hunt Oil Co. (Operator) (Hunt) in said docket by authorizing Petitioner in lieu of Hunt to continue the sale of natural gas to El Paso Natural Gas Co. (El Paso) from the Wilshire Gasoline Plant, Upton County, Tex., and further to authorize Petitioner in lieu of Hunt to continue the operation of Hunt's



formerly held 50 percent interest in the aforementioned Wilshire Gasoline Plant and the appurtenant gathering facilities and properties associated therewith, as more fully set forth in the instrument of assignment from Hunt to Petitioner dated August 1, 1966, and in the subject petition to amend.

Petitioner proposes to continue the sale of natural gas pursuant to a contract on file with the Commission as Hunt Oil Co. (Operator) FPC Gas Rate Schedule No. 31. Said rate schedule will be redesignated as that of Petitioner. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-74 and Petitioner has filed a motion to be made co-respondent in said proceeding and has submitted an agreement and undertaking to assure the refund of any amounts collected in excess of the just and reasonable rate determined in said proceeding. Said agreement and undertaking will be accepted for filing in the abovementioned proceeding. Petitioner will be made co-respondent in said proceeding and the proceeding will be redesignated accordingly. Hunt will be responsible for any refunds required to be made for the period prior to August 1, 1966, in Docket No. RI65-74 and Petitioner will be responsible for any refunds required thereafter.

The Commission in Opinion Nos. 468 and 468-A determined, *inter alia*, under section 5(a) the just and reasonable rate for the subject sale by Hunt. This determination is equally applicable to Petitioner as Hunt's successor. Such determination, however, has been stayed pending court review of the Permian opinion. The issuance of the certificate herein is without prejudice to any action the Commission may take under its Permian opinion following court review.

On April 20, 1966, Hunt submitted a quality statement subsequently adopted by Petitioner for sales proposed to be made pursuant to Petitioner's FPC Gas Rate Schedule No. 4, as so redesignated herein.<sup>1</sup> Said quality statement conforms with the requirements of Opinion Nos. 468 and 468-A and it shall therefore be accepted.

Because Petitioner is a wholly owned subsidiary of El Paso, the issuance of the certificate herein to Petitioner is without prejudice to any action which may be taken by the Commission in any rate proceeding involving either Petitioner or El Paso.

After due notice, no petitions to intervene, notices of intervention or protests to the granting of the petition have been received.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order issuing the certificate of public convenience and necessity in Docket No. G-11260 be

amended by authorizing Petitioner to continue in lieu of Hunt the sale of natural gas and operation of Hunt's 50 percent interest in the Wilshire Gasoline Plant, related properties and appurtenant gathering facilities.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Petitioner should be made co-respondent in the proceeding pending in Docket No. RI65-74, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Petitioner should be accepted for filing.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Hunt Oil Co. (Operator) FPC Gas Rate Schedule No. 31 should be redesignated as that of Petitioner and that the related instrument of assignment and quality statement be accepted for filing.

The Commission orders:

(A) The order issuing the certificate of public convenience and necessity in Docket No. G-11260 is amended to authorize Petitioner to continue in lieu of Hunt the sale of natural gas, operation of Hunt's 50-percent interest in the Wilshire Gasoline Plant, related properties and appurtenant gathering facilities, and in all other respects said order will remain in full force and effect.

(B) Petitioner shall be a co-respondent in the proceeding pending in Docket No. RI65-74, said proceeding is redesignated accordingly,<sup>2</sup> and the agreement and undertaking submitted by Petitioner in said proceeding is accepted for filing.

(C) Petitioner shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreement and undertaking submitted by Petitioner in said proceeding shall remain in full force and effect until discharged by the Commission.

(D) Hunt Oil Co. (Operator) FPC Gas Rate Schedule No. 31 is redesignated as Pecos Co. (Operator) FPC Gas Rate Schedule No. 4. The Assignment dated August 1, 1966, is accepted for filing as of that date and is designated as Supplement No. 8 to Pecos Co. (Operator) FPC Gas Rate Schedule No. 4. The quality statement filed April 20, 1966, is accepted for filing and is designated as Supplement No. 9 to Pecos Co. (Operator) FPC Gas Rate Schedule No. 4.

(E) The authorization issued herein is without prejudice to any action which the Commission may take in any future rate proceeding involving either Petitioner or El Paso, or in the Permian proceeding following court review thereof.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12578; Filed, Nov. 21, 1966;  
8:46 a.m.]

[Docket No. CS67-4, etc.]

M. B. RUDMAN ET AL.

# Findings and Order After Statutory Hearing Issuing Small Producer Certificates of Public Convenience and Necessity, Severing and Terminating Proceeding, and Terminating Certificate

NOVEMBER 14, 1966.

Each Applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications and below.

Applicant in Docket No. CS67-4 has heretofore been authorized in Docket No. CI65-930 to sell gas from the Permian Basin area. Said authorization also includes sales from the interests of Applicant in Docket No. CS67-5. The certificate issued in Docket No. CI65-930 has not been accepted and no sales pursuant thereto have been made. Therefore, said certificate will be terminated and the related rate schedule canceled. Other Applicants herein have not been authorized to sell gas from the Permian Basin area. Therefore, all of the small producer certificates issued herein shall be effective on the date of initial delivery.

After due notice no petition to intervene, notice of intervention or protest to the granting of the applications has been received.

At a hearing held on November 9, 1966, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is or will be engaged in the sale of natural gas in interstate commerce subject to the jurisdiction of the Commission and each Applicant is or upon commencement of service will be a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein and in the Appendix hereto, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act

<sup>1</sup> Formerly Hunt Oil Co. (Operator) FPC Gas Rate Schedule No. 31.

<sup>2</sup> Hunt Oil Co. (Operator) and Pecos Co. (Operator).



and the requirements, rules, and regulations of the Commission thereunder.

(4) Applicants are or will be independent producers of natural gas who are not affiliated with natural gas pipeline companies and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding pending in Docket No. CI65-930 should be severed from the proceeding pending in Docket No. CP64-211, et al., that the certificate issued in Docket No. CI65-930 should be terminated and that the related FPC gas rate schedule should be canceled.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by Applicants from the Permian Basin area of Texas and New Mexico, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described below and in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission, and particularly,

(a) The subject certificates shall be applicable only to all previous and all future "small producer sales", as defined in § 157.40(a) (3) of the regulations under the Natural Gas Act, from the Permian Basin area,

(b) Sales shall not be at rates in excess of those set forth in § 157.40(b) (1) of the regulations under the Natural Gas Act, and

(c) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because Applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination Applicants will be required to file

separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms and conditions of this order is observed, the small producer certificates will still be effective as to those sales already included thereunder.

(D) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The proceeding pending in Docket No. CI65930 is severed from the proceeding pending in Docket No. CP64-211, et al.; the certificate heretofore issued in Docket No. CI65-930 is terminated; and M. B. Rudman, et al., FPC Gas Rate Schedule No. 3 is canceled.

(F) The certificates issued herein shall be effective on the date of initial delivery.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

#### APPENDIX

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.
CS67-4 ---- 8-4-66	M. B. Rudman.	3	CI65-930. <sup>1</sup>
CS67-5 ---- 8-4-66	Raymond A. Williams, Jr.	(2)	(2).
CS67-6 ---- 8-12-66	Kernit Oil Co..		
CS67-7 ---- 8-15-66	W. Stewart Boyle, et al.		
CS67-14 ---- 8-10-66	English Jackson, Inc., et al.		
CS67-17 ---- 10-7-66	Jack O. McCall.		
CS67-18 ---- 9-20-66	Meadco Properties, Ltd., et al.		
CS67-19 ---- 10-11-66	N. S. Marrow...		

<sup>1</sup> Certificate issued in the proceeding in Docket No. CP64-211, et al., and not accepted by Applicant.

<sup>2</sup> Authorization has heretofore been issued in Docket No. CI65-930 to sell gas from Applicant's interests pursuant to M. B. Rudman, et al., FPC Gas Rate Schedule No. 3.

[F.R. Doc. 66-12579; Filed, Nov. 21, 1966; 8:46 a.m.]

[Docket No. CP67-133]

## SOUTHEASTERN INDIANA NATURAL GAS CO., INC., AND TEXAS GAS TRANSMISSION CORP.

### Notice of Application

NOVEMBER 15, 1966.

Take notice that on November 8, 1966, Southeastern Indiana Natural Gas Co., Inc. (Applicant), Milan, Ind. 47031, filed in Docket No. CP67-133 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Gas Transmission Corp. (Respondent) to establish physical connection of its transmission facilities to be constructed by Applicant and to sell and deliver volumes of gas to Applicant for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks an order directing Respondent to make physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the towns of Milan, Moores Hill, and Versailles, Ind., and environs, located in Dearborn and Ripley Counties, Ind.

The estimated third year peak day and annual requirements of Applicant's proposed service are 1,443 Mcf and 129,861 Mcf, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 12, 1966.

GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 66-12580; Filed, Nov. 21, 1966; 8:46 a.m.]

[Docket No. CP66-346]

## SOUTH TEXAS NATURAL GAS GATHERING CO. AND TRUNKLINE GAS CO.

### Notice of Petition To Amend

NOVEMBER 15, 1966.

Take notice that on November 7, 1966, South Texas Natural Gas Gathering Co. (Petitioner South Texas), Post Office Drawer 521, Corpus Christi, Tex. 78403, and Trunkline Gas Co. (Petitioner Trunkline), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP66-346 a petition to amend the order issued in said docket on August 19, 1966, by requesting authorization to construct and operate certain measuring and appurtenant facilities and to increase the volumes of natural gas to be exchanged, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued on August 19, 1966, in the instant proceeding Petitioners were granted authorization to make ex-



changes of up to 15,000 Mcf of gas per day.

Petitioners specifically request that the abovementioned order be amended by authorizing an increase in the volumes of natural gas to be exchanged from 15,000 Mcf per day to 35,000 Mcf per day and by authorizing construction and operation of a new point of exchange between Petitioners in Brazoria County, Tex. In addition Petitioners seek another point of exchange in Beauregard Parish, La. Petitioner South Texas also seeks authorization for the purchase of gas from Bradco Oil and Gas Co., et al. (Bradco), in Calcasieu Parish, La., which gas will be exchanged with Petitioner Trunkline at the new point of delivery in Beauregard Parish, La.

Bradco will pay for the metering and regulating facilities at the additional delivery point in Beauregard Parish, La., and Petitioner Trunkline will furnish a valve and tap at such additional delivery point. The total estimated cost of jurisdictional facilities to be built by Petitioner Trunkline is \$18,077.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 12, 1966.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12581; Filed, Nov. 21, 1966;  
8:46 a.m.]

[Docket No. CP64-5]

## TEXAS EASTERN TRANSMISSION CORP.

### Notice of Petition To Amend

NOVEMBER 15, 1966.

Take notice that on November 8, 1966, Texas Eastern Transmission Corp. (Petitioner), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP64-5 a petition to amend the order issued in said docket on October 28, 1964, as amended on April 5, 1965, and August 24, 1965, by requesting authorization to sell additional volumes of natural gas to certain customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued on October 28, 1964, in the instant proceeding Petitioner was authorized to construct and operate additional facilities to its pipeline system to provide additional peak capacity to meet the increased requirements of its customers over a 4-year period. Petitioner seeks authority herein to use a part of the unallocated capacity of the abovementioned order to serve certain customers.

Petitioner, therefore, requests that the order of October 28, 1964, be amended by authorizing Petitioner to sell on a long-term basis 25,909 Mcf of natural gas per day to the East Ohio Gas Co.,

The Peoples Natural Gas Co., Consolidated Gas Supply Corp., and The River Gas Co. and to sell an additional 1,224 Mcf of natural gas per day to the city of Somerset, Ky.

No new facilities are required to effectuate the proposed deliveries, which will be met through the use of unallocated capacity of facilities authorized by the order of October 28, 1964.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 12, 1966.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12582; Filed, Nov. 21, 1966;  
8:46 a.m.]

[Docket No. CP67-137]

## TOWN OF BROOKLYN, IOWA, AND NATURAL GAS PIPELINE COM- PANY OF AMERICA

### Notice of Application

NOVEMBER 15, 1966.

Take notice that on November 10, 1966, the town of Brooklyn, Iowa (Applicant), filed in Docket No. CP67-137 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Company of America (Respondent) to establish physical connection of its facilities with the facilities to be constructed by Montezuma, Iowa (Montezuma), and to sell and deliver volumes of natural gas for resale and redelivery by Montezuma to Applicant which will then resell and distribute the gas in Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Concurrent with this application, Montezuma has filed in Docket No. CP67-136 an application for an order of the Commission directing Respondent to sell and deliver to it volumes of natural gas for resale and distribution in Montezuma. It is proposed that the Hawkeye Service Co. (Hawkeye) should construct a lateral line extending from a Montezuma delivery point to Applicant's town border. Hawkeye will purchase from Montezuma the gas intended for Applicant and will resell such gas to Applicant for resale and distribution.

Specifically, Applicant requests that Respondent sell and deliver to Montezuma volumes of natural gas for redelivery and resale to Hawkeye which will in turn resell and redeliver such gas to Applicant for resale through Applicant's new distribution system.

Applicant's total estimated third year peak day and annual requirements are 818 Mcf and 120,310 Mcf respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and pro-

cedure (18 CFR 1.8 or 1.10) on or before December 14, 1966.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12583; Filed, Nov. 21, 1966;  
8:46 a.m.]

[Docket No. CP67-136]

## TOWN OF MONTEZUMA, IOWA, AND NATURAL GAS PIPELINE COMPANY OF AMERICA

### Notice of Application

NOVEMBER 15, 1966.

Take notice that on November 10, 1966, the town of Montezuma, Iowa, filed in Docket No. CP67-136 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Company of America (Respondent) to establish physical connection of its facilities with the facilities to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a municipal gas-distribution system within its town borders and a lateral line of sufficient length to transport its own gas requirements as well as those of the nearby town of Brooklyn, Iowa, from the interconnection with Respondent's main transmission line to Applicant's town border. The town of Brooklyn, Iowa, has concurrently filed in Docket No. CP67-137 an application for an order of the Commission directing Respondent to sell gas to Applicant for redelivery to Brooklyn.

Specifically, therefore, Applicant requests that Respondent be ordered to sell and deliver volumes of natural gas for resale and distribution in Applicant and Brooklyn, Iowa.

The estimated third year peak day and annual requirements of Applicant alone are 843 Mcf and 148,080 Mcf respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 14, 1966.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12584; Filed, Nov. 21, 1966;  
8:46 a.m.]

[Docket No. G-3699, etc.]

## ATLANTIC RICHFIELD CO. ET AL.

### Findings and Order; Correction

OCTOBER 12, 1966.

Atlantic Richfield Co. et al., Docket Nos. G-3699, etc., George R. Brown, Docket No. G-12015 (G-17314), Petroleum Corp. of Texas (Operator), et al., Docket No. CI61-1157 (RI60-13), Cenard



Oil & Gas Co., Docket No. CI66-1276, Texaco Inc., Docket No. CI67-96.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificate, terminating rate proceeding, substituting respondent, making successors co-respondents, redesignating proceedings, making rate change effective, accepting agreements and undertakings for filing, accepting surety bond for filing, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing, issued September 19, 1966, and published in the FEDERAL REGISTER September 27, 1966 (F.R. Doc. 66-10454, 31 F.R. 12652-12659); delete "(Operator)", et al." after George R. Brown in paragraph 4; paragraph (11) of the findings; ordering paragraph (W); in footnote 8 and also footnote 6 of the footnotes listed after the chart; and in the chart after Docket No. G-12015.

Correct Docket No. "CI66-1267" to read "CI66-1276".

Insert "Geo. L. Buckles, et al." in footnote 9 after Reserve Oil and Gas Co.

Insert the filing date "7-27-66" in the chart after Docket No. CI67-96.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12573; Filed, Nov. 21, 1966;  
8:45 a.m.]

## FEDERAL RESERVE SYSTEM

[Reg. Y]

### BANK HOLDING COMPANIES

#### Annual Report Form

The Board of Governors is considering the adoption of a revision of Form F.R. Y-6<sup>1</sup> for use by a bank holding company in submitting its annual report to the Board pursuant to section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844) and § 222.8 of this part.

This notice is published pursuant to section 553(b) of title 5, United States Code, and section 1(b) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.1(b)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of the district in which such interested person is located, to be received not later than December 5, 1966.

Dated at Washington, D.C., this 16th day of November 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,  
Secretary.

[F.R. Doc. 66-12598; Filed, Nov. 21, 1966;  
8:47 a.m.]

## FEDERAL TRADE COMMISSION

### GRADING AND GRADEMARKING OF SOFTWOOD LUMBER

#### Notice of Opportunity for Interested Parties To Present Data, Views, or Arguments and Suggestions

Notice is hereby given that the Federal Trade Commission will hold a public hearing on Wednesday, January 11, 1967, commencing at 10 a.m., e.s.t., in Room 532, Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue, Washington, D.C., at which time and place all interested and affected parties may verbally present data, views, arguments, and suggestions relevant to the grading and grademarking of softwood lumber in the United States of America. Written data, views, arguments, and suggestions will also be considered if mailed to the Secretary, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580, on or before December 23, 1966. Persons submitting written presentations exceeding two pages should file 12 copies thereof, and persons desiring to make verbal presentations at the hearing on Wednesday, January 11, 1967, should notify the Secretary of the Commission to this effect, with an estimate of the time required for his verbal presentation, not later than December 23, 1966.

The purpose of this inquiry is to afford the Commission the benefit of the views of all concerned to assist it in reaching a determination as to what action, if any, the Commission should take in the public interest under the statutes administered by it.

To assist the Commission, information and suggestions on the following points are desired:

1. Procedures presently employed in grademarking of softwood lumber.
2. Whether in fact there exists the act or practice of misgrading, or mismarking such lumber, and if so,
3. To what extent there is a failure to grademark softwood lumber.
4. Whether these or any other practices in connection with the grading, grademarking, or failure to grademark, of softwood lumber results in deception of the American public and if so the extent of such deception.
5. Possible remedies in the public interest for any deceptive practices thus disclosed.

Interested persons are invited to submit any information pertinent to these matters or other aspects of the subject.

The data, views, or arguments presented orally or in writing will be available for examination by interested parties at the Federal Trade Commission, Washington, D.C.

The public hearing which will be held on Wednesday, January 11, 1967, will be before the full Commission.

Issued: November 21, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-12500; Filed, Nov. 21, 1966;  
8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2621—7-2627]

### ALLEGHENY POWER SYSTEM, INC. ET AL.

#### Notice of Applications for Unlisted Trading Privileges and of Oppor- tunity for Hearing

NOVEMBER 15, 1966.

In the matter of applications of the Boston Stock Exchange, for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Allegheny Power System, Inc., File No. 7-2621.  
Fibreboard Corp., File No. 7-2622.  
Household Finance Corp., File No. 7-2623.  
Kayser-Roth Corp., File No. 7-2625.  
Peabody Coal Co., File No. 7-2626.  
Teledyne, Inc., File No. 7-2624.  
Itek Corp., File No. 7-2627.

Upon receipt of a request, on or before November 30, 1966, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

<sup>1</sup> Filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System or to any Federal Reserve Bank.



For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12591; Filed, Nov. 21, 1966;  
8:47 a.m.]

[811-588]

# **FIRST SPRINGFIELD CORP.**

## **Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company**

NOVEMBER 16, 1966.

Notice is hereby given that First Springfield Corp. ("applicant"), 100 Chestnut Street, Springfield, Mass. 01103, a Massachusetts corporation and a closed-end, nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that it has ceased to be an investment company. All persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

At a meeting of shareholders of February 15, 1965, a plan of complete liquidation and dissolution was adopted. Pursuant to that plan, applicant has ceased transacting business as an investment company, its portfolio has been sold, all of its known liabilities have been paid, and its remaining assets have been distributed pro rata to its stockholders in cancellation of their shares. Applicant made its final distribution of assets on February 11, 1966, and now has no assets and no known liabilities. Applicant has requested the Secretary of State of Massachusetts to place it on the list of corporations to be dissolved by the Massachusetts Supreme Judicial Court.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions necessary for the protection of investors, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 30, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the

address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12592; Filed, Nov. 21, 1966;  
8:47 a.m.]

[812-2024]

## **MADISON FUND, INC., AND MISSOURI-KANSAS-TEXAS RAILROAD CO.**

### **Notice of Filing of Application**

NOVEMBER 16, 1966.

Notice is hereby given that Madison Fund, Inc. ("Madison"), 660 Madison Avenue, New York, N.Y. 10021, a Delaware corporation registered as a closed-end management investment company under the Investment Company Act of 1940 ("Act"), and the Missouri-Kansas-Texas Railroad Co. ("Katy"), 701 Commerce Street, Dallas, Tex. 75202, a Delaware corporation, have filed a joint application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act the purchase by Madison from Katy of 7 percent Convertible Collateral Trust Bonds ("Convertible Bonds"), due January 1, 1977. Madison also has applied for an order pursuant to section 17(d) of the Act and Rule 17d-1 thereunder for an order permitting a joint arrangement between Madison and National Industries, Inc. ("National"), a Kentucky corporation, regarding their respective commitments to Katy to purchase certain amounts of the Convertible Bonds. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Madison and National own, respectively, 13.3 percent and 16.8 percent of the total number of Katy shares outstanding. Madison and National are therefore affiliated persons of Katy. Madison also owns \$5,291,000 Subordinated Income Debentures of Katy which cost Madison \$1,889,709.

Katy does not have sufficient funds to meet the maturity of 5 percent Adjustment Mortgage Bonds Series A ("Mortgage Bonds") in the amount of \$4,699,865 due January 1, 1967. The only way that Katy can raise money to pay the Mortgage Bonds is to issue the Convertible Bonds. Katy proposes to obtain \$4,041,000 to be applied toward payment of the said Mortgage Bonds on maturity, by offering Convertible Bonds in that

amount to Katy stockholders for subscription at 100 percent of the principal amount thereof on a nonunderwritten basis. Any Convertible Bonds not subscribed for by stockholders will be offered to the public for sale at 100 percent of the principal amount thereof or higher plus accrued interest by means of competitive bidding.

Madison and National have separately agreed with Katy that between them they will purchase Convertible Bonds not purchased by others, up to a maximum of \$3,900,000. National's agreement is that if Madison's purchases exceed \$3 million, National will purchase one-half of the balance not purchased by others up to a maximum commitment of \$450,000 on its part. Madison's commitment is for \$3,450,000.

Mr. Bernard H. Barnett is Chairman of the Board of National and is also a director of Madison and of Katy. Because Mr. Barnett and members of his family own approximately 5.7 percent of the total number of National's outstanding voting shares, National is an affiliated person of Mr. Barnett who is, because of his directorship, an affiliated person of Madison.

Section 17(a) of the Act, as here pertinent, may be deemed to prohibit Katy from borrowing from Madison or from selling any security to Madison unless the Commission upon application pursuant to section 17(b) grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, and that it is consistent with the general purposes of the Act.

The proposed transactions may be deemed to constitute transactions in which Madison and National, an affiliated person of an affiliated person of Madison, are joint or joint and several participants within the meaning of section 17(d) and Rule 17d-1 thereunder. Section 17(d) and Rule 17d-1 prohibit an affiliated person of an affiliated person of a registered investment company acting as principal to effect any transaction in which such registered company is a joint or a joint and several participant with such affiliated person of an affiliated person unless the Commission, upon application under Rule 17d-1, grants such application. Rule 17d-1 states that the Commission shall consider, in passing upon such application, whether the participation of such registered investment company in such joint enterprise on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Madison states that an unaffiliated third party has agreed to purchase from Madison up to a maximum of \$2 million principal amount of the Convertible Bonds which Madison purchases from



Katy, at the same price Madison pays for such bonds. Madison has requested on behalf of the third party that such party's identity be accorded confidential treatment pursuant to section 45(a) of the Act on the ground that such information is not relevant to the application. The third party has also agreed to purchase from Madison \$3 million principal amount of Katy's 5½ percent Subordinated Income Debentures due 2033 and owned by Madison, at the weighted average price at which such Debentures are traded on the New York Stock Exchange during the period between September 6, 1966, and the date Madison purchases the Convertible Bonds, subject to a maximum of 34 and a minimum of 30. On October 14, 1966, the closing bid price of the Debentures was 24. Madison contends that by reason of its agreement with the third party its commitment to Katy will involve an additional investment of Madison in Katy of only \$550,000.

Madison's Board of Directors has determined that to protect Madison's investment in Katy it is essential that Katy be in a position to pay the Mortgage Bonds on maturity to prevent a reorganization in which Madison's common stock investment, and possibly the Subordinated Income Debentures, would most likely be worthless. The Convertible Bonds will be senior to the Income Debentures in the event of insolvency on the part of Katy. The Convertible Bonds are convertible into Common Stock of Katy at the rate of \$9 principal amount of bonds for each share of common stock. The price range of Katy common stock varied during 1965 from a low of 6¼ to a high of 11¾. During 1966, the stock ranged between a high of 13¾ in February and a low of 4¾ in October. As of November 3, 1966, the stock was quoted at 5½.

The Board of Directors of Madison, considering the adverse consequences to Madison of a reorganization of Katy, the third party's agreement to purchase \$2 million of the Convertible Bonds from Madison and as part of the same transaction to purchase \$3 million of Katy's Income Debentures owned by Madison, the interest rate of 7 percent on the Convertible Bonds and the conversion price of \$9, has determined that a resultant maximum purchase by Madison of \$1,450,000 of Convertible Bonds, amounting to an additional investment of \$550,000 of Madison in Katy, is prudent and proper.

Madison and Katy therefore represent that the necessary statutory requirements for granting the requested exemptive orders exist.

Notice is further given that any interested person may, not later than November 30, 1966, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission,

Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Madison and Katy at the addresses stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12593; Filed, Nov. 21, 1966;  
8:47 a.m.]

[File No. 1-4371]

## WESTEC CORP.

### Order Suspending Trading

NOVEMBER 16, 1966.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 17, 1966, through November 26, 1966, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12594; Filed, Nov. 21, 1966;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 17, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

## LONG-AND-SHORT HAUL

FSA No. 40793—Iron or Steel Articles to Gulfport, Miss. Filed by O. W. South, Jr., agent (No. A4959), for interested rail carriers. Rates on iron or steel plate or sheet, noibn, in carloads, from Alton, East St. Louis, Federal and Granite City, Ill., to Gulfport, Miss.

Grounds for relief—Market competition.

Tariff—Supplement 85 to Southern Freight Association, agent, tariff ICC S-502.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12607; Filed, Nov. 21, 1966;  
8:48 a.m.]

[Notice 288]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 17, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

### MOTOR CARRIERS OF PROPERTY

No. MC 119864 (Sub-No. 37 TA), filed November 14, 1966. Applicant: HOFER MOTOR TRANSPORTATION CO., 26740 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes as follows: *Matches, wooden or paper, when in combined shipments with canned or preserved foodstuffs, vegetable oil shortening, and cooking or salad oil, with the weight of the matches not to exceed 25 percent of the total weight of the shipment, from the plantsite and storage facilities utilized by Hunts Foods and Industries, Inc., located at Willis Day Industrial Park, near Rossford, Ohio, which is in the commercial zone of the city of Toledo, Ohio, to points in Indiana, restricted to shipments originating in the plantsite and storage facilities utilized*



by Hunts Foods and Industries, Inc., at Toledo, Ohio, and destined to points in Indiana, for 180 days. Note: Applicant already has the authority to transport all of the above items to points in Indiana from Rossford, Ohio, with the exception of matches, wooden or paper. Supporting shipper: Hunt Foods and Industries, Inc., 1645 West Valencia Drive, Fullerton, Calif. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 125608 (Sub-No. 5 TA), filed November 14, 1966. Applicant: VALER LUPU, doing business as VALER TRANSPORTATION COMPANY, 18615 Dix Avenue, Melvindale, Mich. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Malt beverages*, from Evansville and South Bend, Ind., to Detroit, Mich., under a continuing contract with Hamtramck Distributors of Hamtramck, Mich., and Central Distributors of Pfeiffer & Budweiser Beer of Detroit, Mich., for 180 days. Supporting shippers: Hamtramck Distributors, 11618 Sobieski Avenue, Hamtramck, Mich. 48212; Central Distributors of Pfeiffer & Budweiser Beer, 795 South Oakwood Boulevard, Detroit, Mich. 48217. Send protests to: District Supervisor Gerald J. Davis, Bureau of Operations and Compliance, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 125708 (Sub-No. 66 TA), filed November 14, 1966. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Lumber, pallets, and forest products*, from McLeansboro, Ill., to Toledo and Perrysburg, Ohio, for 150 days. Supporting shipper: John G. Baldwin Co., McLeansboro, Ill. 62859. Send protests to: Harold Joliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 126427 (Sub-No. 4 TA), filed November 14, 1966. Applicant: PALMER TRANSPORTATION, INC., Chester, N.Y. 10918. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Cider*, in bulk, in tank vehicles, from Highland, N.Y., to East Northport, Long Island, N.Y., for 120 days. Supporting Shipper: Oak Tree Farm Dairy, Inc., East Northport, Long Island, N.Y. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 215-217 Post Office Building, Binghamton, N.Y. 13902.

No. MC 126835 (Sub-No. 10 TA), filed November 14, 1966. Applicant: EDGAR BISCHOFF, doing business as CASKET

DISTRIBUTORS, Rural Route 5, Brookville, Ind. 47012. Applicant's representative: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Caskets, casket displays, and funeral supplies* when moving with caskets being transported, from Cincinnati, Ohio, to New York, N.Y.; Catasauqua, Pa.; East Haven, Conn.; Southington, Conn.; Providence, R.I.; Fall River, Mass.; Sioux Falls, S. Dak.; Fargo, N. Dak.; Sioux City, Iowa; Hastings, Nebr.; Oklahoma City, Okla.; Denver, Colo.; Fort Smith, Ark.; Little Rock, Ark.; Kansas City, Mo.; Dade County, Fla.; St. Petersburg, Fla., for 150 days. Supporting shipper: The Crane and Breed Casket Co., 1231 West Eighth Street, Cincinnati, Ohio 45203. Send protests to: District Supervisor R. M. Hagerty, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 127833 (Sub-No. 3 TA), filed November 14, 1966. Applicant: T. L. MYDLAND TRUCK LINE, INC., Post Office Box 10086, New Orleans, La. 70121. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Nonalcoholic beverages*, in cans, from Grena, La., to Center, Crockett, El Campo, Henderson, Jacksonville, Longview, Marshall, Nacogdoches, Lufkin, Texarkana, Tyler, Pittsburg, and Victoria, Tex.; Memphis, Tenn.; Little Rock, Camden, Pine Bluff, Hope, El Dorado, Texarkana, Monticello, Forest City, and Hot Springs, Ark.; and Gordo, Ala.; for 180 days. Supporting shipper: The Louisiana Coca-Cola Bottling Co., Ltd., Post Office Drawer 50400, 1050 South Jefferson Davis Parkway, New Orleans, La. 70150, Mr. Fred E. Lind, Vice President. Send protests to: William R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 128687 TA, filed November 14, 1966. Applicant: LEO C. TAYLOR, 2711 Manheim Road, Des Plaines, Ill. 60018. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Malt beverages*, from Milwaukee, Sheboygan, and La Crosse, Wis., St. Louis, Mo., and Fort Wayne, Ind., to Chicago, Ill., and *empty bottles and containers*, on return movements, for 180 days. Supporting shipper: Charter Beers of America, Inc., 3040 West 21st Place, Chicago, Ill. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12608; Filed, Nov. 21, 1966;  
8:48 a.m.]

[Investigation and Suspension Docket No.  
M-20877 (Sub-No. 1)]

## CALIFORNIA, ARIZONA, NEW MEXICO, TEXAS

### Increased Rates and Charges

Present: Howard Freas, Commissioner, to whom the matters which are the subject of this order have been assigned for action thereon.

It appearing, that by orders of the Commission, Board of Suspension, dated September 29 and 30, 1966, in the above-entitled proceedings, respectively, investigations were instituted into and concerning the lawfulness of the rates, charges, and regulations contained in schedules described in said orders;

It further appearing, that under section 216(g) of the Interstate Commerce Act respondents have the burden of proof to show that the proposed changed rates, charges, and regulations are just and reasonable;

And it further appearing, that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the question whether the resulting revenues would be just and reasonable, it is deemed appropriate in the public interest and pursuant to section 216(i) of the act that the information specified below be included in the record to be developed in these proceedings;

And good cause appearing therefor:

*It is ordered*, That respondents be, and they are hereby, notified and required to submit information and supporting data which shall include, among other things, actual cost and revenue data (including anticipated revenue to show the effect of the proposed increase or decrease) and operating ratios specifically related to the traffic and territories involved, overall operating ratios, detailed data to establish the representative nature of the carriers used, and detailed data to disclose carrier-affiliate financial and operating relationships and transactions, as generally indicated by the admonitions in General Increase—Middle Atlantic and New England Territories, 319 ICC 168, and in General Increases—Transcontinental, 319 ICC 792, and in addition all pertinent evidence and supporting data for the individual representative carriers as they relate to their overall operations and specifically to the traffic and territories involved.

*It is further ordered*, That the Commission will take official notice of all the respondent carriers' financial statements on file with the Commission.

*It is further ordered*, That the detailed data required to be submitted by respondents regarding carrier-affiliate financial and operating relationships and transactions shall include, with respect to any and all individuals, partnerships, and corporations affiliated with respondents, the following information:

1. Name of each affiliate from which respondent, during the year 1966, acquired, leased, or purchased lands, buildings, equipment, materials, supplies, parts, tires, tubes, gasoline, oil, or other



property or services used by respondent in its operations as a motor common carrier.

2. Kinds of property or service which each affiliate supplies to respondent.

3. Basis of charges for property or services supplied by affiliate to respondent, including the base and rate for rental charges.

4. Total charges by each affiliate to respondent during year 1966 for:

- a. Lease of vehicles.
- b. Lease of terminals.
- c. Lease of other property.
- d. Pickup and delivery of shipments.
- e. Repair and servicing of vehicles.
- f. Management, accounting, financial, legal, purchasing, or traffic solicitation services.
- g. Property sold by affiliate to respondent.

5. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than respondent, indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1966.

6. The detailed data regarding carrier-affiliate financial and operating relationships and transactions required herein may be limited to the class I and II motor carrier respondents which are members of Interstate Freight Carriers Conference, Inc., or Arizona Motor Tariff Bureau, Inc., participating in the tariffs under investigation when such transactions individually or in the aggregate amount to \$2,500 or more during the year 1966.

7. A copy of the income statements for each affiliate for the year 1966 and the latest period of 1967 for which an income statement is available where the carrier-affiliate financial or operating transactions fall within the provisions of paragraph 6 above.

8. A statement listing the amounts of wages, salaries, bonuses, and other compensation paid by the affiliate in 1966 to any individual who is also a respondent or an officer, director, or substantial stockholder of a respondent; or the wife or close relative of a respondent or officer, director, or substantial stockholder of a respondent.

9. The term "affiliate" as used in this order means:

- a. Any individual who is also a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.
- b. Any partnership in which one of the partners is a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.
- c. Any corporation whose stock is wholly or partly owned by a respondent; by an officer, director, or substantial stockholder of a respondent; or by the wife or close relative either of a respondent

or of an officer, director, or substantial stockholder of a respondent.

d. Any corporation which exercises control over the operations or finances of respondent.

*It is further ordered*, That the traffic studies to be submitted shall be based upon actual operations conducted during identical periods of time for each carrier, and the actual cost studies shall be based upon the operations of the same carriers as used in the traffic studies; and that the periods of time selected for, as well as the motor carriers used in, such cost and traffic studies shall be shown to be representative and their selection statistically sound;

*It is further ordered*, That all of the required data specified in this order shall be based upon and reflect at least the most recent annual reporting period;

*It is further ordered*, That the detailed information called for by this order with respect to carrier-affiliates shall be in writing and shall be verified by a person or persons having knowledge thereof, and a verified original and two additional copies, shall be mailed to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, in sufficient time to reach the Commission on or before February 6, 1967; and, in addition, that this information is to be introduced into evidence by respondents but may be in summary form, if so desired, cf. Surcharge on Small Shipments Within Central States, 63 M.C.C. 157;

*It is further ordered*, That:

(1) The respondents and interveners in support thereof shall serve on the parties of record on or before February 6, 1967, their direct evidence in the form of verified statements (with appendices, if any); and that they also, at the same time, shall mail two copies to this Commission, one copy to the Hearing Examiner hereinafter named, together with certificates of service in accordance with Rule 1.22(a) of the general rules of practice; and the executed original shall be tendered at the hearing;

(2) The protestants and interveners in support thereof shall serve on the parties of record on or before March 6, 1967, their evidence in the form of verified statements (with appendices, if any); and that they shall comply also with the provisions in the preceding paragraph regarding the mailing and service of statements;

(3) These proceedings be, and they are hereby, referred to Hearing Examiner Joseph T. Fittipaldi for hearing on April 3, 1967, at 9:30 a.m., U.S. standard time at the Federal Building, 300 North Los Angeles Street, Los Angeles, Calif., for the purpose of receipt in evidence of the verified statements, cross-examination thereon if requested, and the introduction of rebuttal evidence, and to permit the Hearing Examiner to close the record;

(4) Protestants desiring to cross-examine witnesses who have submitted verified statements may give notice in writing of such request to affiant and his

counsel, if any, on or before March 6, 1967;

(5) Respondents desiring to cross-examine witnesses who have submitted verified statements may give notice in writing of such request to affiant and his counsel, if any, on or before March 27, 1967;

(6) Copies of requests for cross-examination shall be filed simultaneously with this Commission and the Hearing Examiner. Failure of any witness whose attendance is requested to appear at the hearing for cross-examination shall be considered good cause for the rejection of his verified statement;

(7) All underlying data used in the preparation of evidence set forth in the verified statements (with appendices, if any) shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination;

(8) Anyone desiring to become a party of record and to participate in the hearing, and receive and/or serve copies of the evidence to be filed in accordance with the procedure set forth above, must notify the Commission, in writing, on or before January 16, 1967, a copy of such notification to be filed simultaneously with the Hearing Examiner. As soon as practicable after such date a service list of all parties of record will be prepared and served by the Commission;

(9) Evidence presented which fails to conform to the above-outlined procedure will not become a part of the record in these proceedings.

*It is further ordered*, That a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

*And it is further ordered*, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

- (1) Have been identified by name in the order or orders of investigation herein,
- (2) Specifically make written request to the Secretary of the Commission to be included on the service list, or
- (3) Have appeared at a hearing.

Dated at Washington, D.C., this 7th day of November A.D. 1966.

By the Commission, Commissioner Freas.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12609; Filed, Nov. 21, 1966; 8:49 a.m.]



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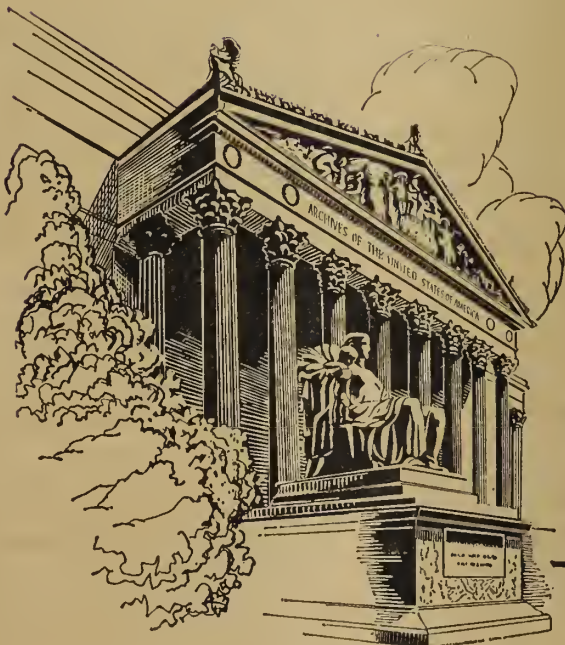
PART II

Department of Health, Education,  
and Welfare

•  
Social Security Administration

•  
Health Insurance  
Program for  
the Aged

•  
Principles of Reimbursement  
for Provider Costs and for Services  
by Hospital-based Physicians





## Title 20—EMPLOYEES' BENEFITS

### Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 5]

#### PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965—)

##### Principles for Reimbursable Costs

On June 2, 1966, there was published in the *FEDERAL REGISTER* (31 F.R. 7864) a notice of proposed rule making relating to the principles for reimbursement for provider costs for covered services furnished to beneficiaries under title XVIII of the Social Security Act (20 CFR Part 405). Interested persons were given the opportunity to submit written comments within 30 days after publication.

Written submissions were received and considered. Certain changes were made in the proposed regulations pursuant to these comments. The following changes are considered to be the most important.

(1) A new paragraph (g) discussing the method for determining cost basis for facilities purchased after July 1, 1966, has been added to § 405.415.

(2) Section 405.419 (b) and (c) has been changed to recognize, as cost, interest paid to partners, stockholders, and related organizations on certain loans.

(3) Section 405.424 has been changed to include services of voluntary workers generally in determining the value of voluntary services.

(4) Section 405.427(c) has been changed to provide an exception to the general principle on establishing costs where services are furnished by related organizations.

(5) Section 405.428(b) has been changed to remove the limitation on the 2 percent allowance in lieu of specific recognition of other costs and to indicate that in the case of proprietary facilities the percentage is 1½ percent.

(6) Section 405.429 has been added to provide an allowance for a reasonable return on equity capital as a cost of covered services furnished by proprietary facilities.

Accordingly, Subpart D of Part 405, Title 20, Code of Federal Regulations is amended by the addition of the rules set forth below. The addition to Subpart D of Part 405, Title 20, shall be effective upon publication in the *FEDERAL REGISTER*.

Dated: November 15, 1966.

[SEAL] ROBERT M. BALL,  
Commissioner of Social Security.

Approved: November 15, 1966.

WILBUR J. COHEN,  
Acting Secretary of Health,  
Education, and Welfare.

#### Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

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AUTHORITY: §§ 405.401–405.454 issued under secs. 1102, 1814(b), 1861(v), and 1871, 49 Stat. 647, as amended, 79 Stat. 296, 79 Stat. 322, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

##### § 405.401 Introduction.

(a) Under the health insurance program for the aged, the amount paid to any provider of services—i.e., hospital, extended care facility, or home health agency—for the covered services furnished to beneficiaries is required by section 1814(b) and section 1833(a) (2) of the Social Security Act to be the "reasonable cost" of such services.

(b) These principles of reimbursement and the related policies described in this subpart establish the guidelines and procedures to be used by institutional providers, fiscal intermediaries, and the Social Security Administration in determining reasonable cost.

(c) The principles of reimbursement are to be applied on behalf of the program by public and private organizations and agencies acting as fiscal intermediaries in the payment of claims. These organizations and agencies are selected after nomination by groups or associations of hospitals. Extended care facilities and home health agencies may similarly nominate such intermediaries. The fiscal intermediaries are responsible for paying the bills of beneficiaries for covered services received in participating hospitals and other institutions under the medicare program. A provider may deal directly with the Social Security Admin-

istration, in which case the same principles are to be used in making payment for services.

(d) In consideration of the wide variations in size and scope of services of providers and regional differences that exist, the principles are flexible on many points. They offer certain alternatives and options designed to fit individual circumstances and to allow time for those providers who do not already collect the statistical and financial data necessary for the reporting of costs to develop the necessary records.

(e) An important role of the fiscal intermediary, in addition to claims processing and payment, and other assigned responsibilities, is to furnish consultative services to providers in the development of accounting and cost-finding procedures which will assure them equitable payment under the program.

##### § 405.402 Cost reimbursement; general.

(a) In formulating methods for making fair and equitable reimbursement for services rendered beneficiaries of the program, payment is to be made on the basis of current costs of the individual provider, rather than costs of a past period or a fixed negotiated rate. All necessary and proper expenses of an institution in the production of services, including normal standby costs, are recognized. Furthermore, the share of the total institutional cost that is borne by the program is related to the care furnished beneficiaries so that no part of their cost would need to be borne by other patients. Conversely, costs attributable to other patients of the institution are not to be borne by the program. Thus, the application of this approach, with appropriate accounting support, will result in meeting actual costs of services to beneficiaries as such costs vary from institution to institution.

(b) Putting these several points together, certain tests have been evolved for the principles of reimbursement and certain goals have been established that they should be designed to accomplish. In general terms, these are the tests or objectives:

(1) That the methods of reimbursement should result in current payment so that institutions will not be disadvantaged, as they sometimes are under other arrangements, by having to put up money for the purchase of goods and services well before they receive reimbursement.

(2) That, in addition to current payment, there should be retroactive adjustment so that increases in costs are taken fully into account as they actually occurred, not just prospectively.

(3) That there be a division of the allowable costs between the beneficiaries of this program and the other patients of the provider that takes account of the actual use of services by the beneficiaries of this program and that is fair to each provider individually.

(4) That there be sufficient flexibility in the methods of reimbursement to be used, particularly at the beginning of the



program, to take account of the great differences in the present state of development of recordkeeping.

(5) That the principles should result in the equitable treatment of both non-profit organizations and profitmaking organizations.

(6) That there should be a recognition of the need of hospitals and other providers to keep pace with growing needs and to make improvements.

(c) As formulated herein, the principles give recognition to such factors as depreciation, interest, bad debts, educational costs, compensation of owners, an allowance for capital funds to secure, preserve, and improve service-rendering capabilities and an allowance for a reasonable return on equity capital of proprietary facilities. With respect to allowable costs some items of inclusion and exclusion are:

(1) An appropriate part of the net cost of approved educational activities will be included.

(2) Costs incurred for research purposes, over and above usual patient care, will not be included.

(3) Grants, gifts, and income from endowments will not be deducted from operating costs unless they are designated by the donor for the payment of specific operating costs.

(4) The value of services provided by nonpaid workers, as members of an organization (including services of members of religious orders) having an agreement with the provider to furnish such services, is includible in the amount that would be paid others for similar work.

(5) Discounts and allowances received on the purchase of goods or services are reductions of the cost to which they relate.

(6) Bad debts growing out of the failure of a beneficiary to pay the deductible, or the coinsurance, will be reimbursed (after bona fide efforts at collection).

(7) Charity and courtesy allowances are not includable, although "fringe benefit" allowances for employees under a formal plan will be includable as part of their compensation.

(8) A reasonable allowance of compensation for the services of owners in profitmaking organizations will be allowed providing their services are actually performed in a necessary function.

(d) In developing these principles of reimbursement for the health insurance program, all of the considerations inherent in allowances for depreciation were studied. The principles, as presented, provide options to meet varied situations. Depreciation will essentially be on an historical cost basis but since many institutions do not have adequate records of old assets, the principles provide an optional allowance in lieu of such depreciation for assets acquired before 1966. For assets acquired after 1965, the historical cost basis must be used. All assets actually in use for production of services for title XVIII beneficiaries will be recognized even though they may have been fully or partially depreciated for other purposes. Assets financed with public funds may be depreciated. In general, the options for accelerated

depreciation allowed by the income tax laws will be permitted. Although funding of depreciation is not required, there is an incentive for it since income from funded depreciation is not considered as an offset which must be taken to reduce the interest expense that is allowable as a program cost.

(e) An allowance for costs not specifically recognized is included as an element of allowable cost. The difficulty in measurement of certain costs, lack of adequate data, various uncertainties inherent in the application of any cost formula at the present stage of cost finding capabilities and other consideration have precluded specific recognition of various elements germane to costs of furnishing services. For all providers except proprietary institutions, the allowance in lieu of specific recognition of other costs is 2 percent of the total allowable costs, after exclusion of interest expense and this allowance. For proprietary providers the allowance in lieu of specific recognition of other costs is 1½ percent of total allowable costs after exclusion of interest expense, this allowance, and the return allowed to such providers on their equity capital.

(f) A return on the equity capital of proprietary facilities is an allowable cost in profit-making organizations. The rate of return may not exceed one and one-half times the average long-term rate of interest on obligations issued for purchase by the Federal Hospital Insurance Trust Fund.

#### § 405.403 Apportionment of allowable costs.

(a) Consistent with prevailing practice where third-party organizations pay for health care on a cost basis, reimbursement under the title XVIII health insurance program involves a determination of (1) each provider's allowable costs for producing services, and (2) the share of these costs which is to be borne by title XVIII. The provider's costs are to be determined in accordance with the principles reviewed in the preceding discussion relating to allowable costs; the share to be borne by title XVIII is to be determined in accordance with principles relating to apportionment of cost.

(b) In the study and consideration devoted to the method of apportioning costs, the objective has been to adopt methods for use under title XVIII of the Act that would, to the extent reasonably possible, result in the program's share of a provider's total allowable costs being the same as the program's share of the provider's total services. This result is essential for carrying out the statutory directive that the program's payments to providers should be such that the costs of covered services for beneficiaries would not be passed on to nonbeneficiaries, nor would the cost of services for nonbeneficiaries be borne by the program.

(c) A basic factor bearing upon apportionment of costs is that title XVIII beneficiaries are not a cross section of the total population. Nor will they constitute a cross section of all patients receiving services from most of the pro-

viders that participate in the program. Available evidence shows that the use of services by persons age 65 and over differs significantly from other groups. Consequently, the objective sought in the determination of the title XVIII share of a provider's total costs means that the methods used for apportionment must take into account the differences in the amount of services received by patients who are beneficiaries and other patients served by the provider.

(d) The method of cost reimbursement most widely used at the present time by third-party purchasers of inpatient hospital care apportions a provider's total costs among groups served on the basis of the relative number of days of care used. This method, commonly referred to as average per diem cost, does not take into account variations in the amount of service which a day of care may represent and thereby assumes that the patients for whom payment is made on this basis are average in their use of service.

(e) In considering the average per diem method of apportioning cost for use under the program, the difficulty encountered is that the preponderance of presently available evidence strongly indicates that the over-65 patient is not typical from the standpoint of average per diem cost. On the average he stays in the hospital twice as long and therefore the ancillary services that he uses are averaged over the longer period of time, resulting in an average per diem cost for the aged alone, significantly below the average per diem for all patients.

(f) Moreover, the relative use of services by aged patients as compared to other patients differs significantly among institutions. Consequently, considerations of equity among institutions are involved as well as that of effectiveness of the apportionment method under the program in accomplishing the objective of paying each provider fully, but only, for services to beneficiaries.

(g) A further consideration of long-range importance is that the relative use of services by aged and other patients can be expected to change, possibly to a significant extent in future years. The ability of apportionment methods used under the program to reflect such change is an element of flexibility which has been regarded as important in the formulation of the cost reimbursement principles.

(h) An alternative to the relative number of days of care as a basis for apportioning costs is the relative amount of charges billed by the provider for services to patients. The amount of charges is the basis upon which the cost of hospital care is distributed among patients who pay directly for the services they receive. Payment for services on the basis of charges applies generally under insurance programs where individuals are indemnified for incurred expense, a form of health insurance widely held throughout the Nation. Also, charges to patients are commonly a factor in determining the amount of payment to hospitals under insurance programs providing service benefits, many



of which pay "costs or charges, whichever is less" and some of which pay exclusively on the basis of charges. In all of these instances, the provider's own charge structure and method of itemizing services for the purpose of assessing charges is utilized as a measure of the amount of services received and as the basis for allocating responsibility for payment among those receiving the provider's services.

(i) An increasing number of third-party purchasers who pay for services on the basis of cost are developing methods which utilize charges to measure the amount of services for which they have responsibility for payment. In this approach, the amount of charges for such services as a proportion of the provider's total charges to all patients is used to determine the proportion of the provider's total costs for which the third-party purchaser assumes responsibility. The approach is subject to numerous variations. It can be applied to the total of charges for all services combined or it can be applied to components of the provider's activities for which the amount of costs and charges are ascertained through a breakdown of data from provider's accounting records.

(j) For the application of the approach to components, which represent types of services, the breakdown of total costs is accomplished by "cost-finding" techniques under which indirect costs and nonrevenue activities are allocated to revenue producing components for which charges are made as services are rendered.

#### **§ 405.404 Methods of apportionment under title XVIII.**

(a) The principles for reimbursement under title XVIII of the act establish two basic methods, either of which may be used at the option of a provider, for the determination of the share of allowable costs for which payment is to be made to the provider.

(b) The first alternative is to apply the beneficiaries' share of total charges, on a departmental basis, to total costs for the respective departments. Use of this department-by-department method will involve determination, by cost-finding methods, of the total costs for each of the institution's departments that are revenue-producing; i.e., departments providing services to patients for which charges are made.

(c) The second alternative is a combination method. Under this method, as applied to inpatient care, that part of a provider's total allowable cost which is attributable to routine services (room, board, nursing service) is to be apportioned on the basis of the relative number of patient days for beneficiaries and for other patients; i.e., an average cost per diem basis. The residual part of the provider's allowable cost, attributable to nonroutine or ancillary services, is to be apportioned on the basis of the beneficiaries' share of the total charges to patients by the provider for nonroutine or ancillary services. The amounts computed to be the program's share of the two parts of the provider's allowable

costs are then combined in determining the amount of reimbursement under the program. Use of the combination method will necessitate cost finding to determine the division of the provider's total allowable costs into the two parts, although it would be less involved than for the first alternative, the department-by-department method.

(d) It is recognized that many hospitals and other providers do not currently employ methods for ascertaining the cost of the services they produce, either by departmental or other groupings of services. Although the use of cost finding has become more extensive among institutions in recent years, for a large number of providers use of the apportionment methods under the program will involve compiling information needed as a basis for breaking down total costs into departmental costs or between routine services and other services, as would need to be done at the end of each accounting year. To avoid an undue burden on providers and to allow ample time for all providers to adopt the cost-finding methods needed for the apportionment methods under the program, a temporary method may be used, at the option of the provider, for accounting periods ending before January 1, 1968. Under this option, a provider may employ the combination method of apportionment by using an estimated percentage obtained from the intermediary as the basis for arriving at a division of total allowable costs between routine and other services. This estimated percentage basis for division of costs will be accepted in lieu of actual cost finding as the basis for the division in the initial reporting period(s) of any provider of service. Furthermore, where there are special factors which make the apportionment methods difficult to apply, the intermediary may approve appropriate adaptations to accomplish the objective of determining the share of the provider's allowable costs which is attributable to services rendered to beneficiaries.

#### **§ 405.405 Payments to providers.**

(a) The fiscal intermediaries will establish a basis for interim payments to each provider. This may be done by one of several methods. Where an intermediary is already paying the provider on a cost basis, the intermediary can adjust its rate of payment to an estimate of the result under the title XVIII principles of reimbursement. Where no organization is paying the provider on a cost basis, the intermediary can obtain the previous year's financial statement from the provider and, by applying the principles of reimbursement, compute or approximate an appropriate rate of payment. The interim payment may be related to the last year's average per diem, or to charges, or to any other ready basis of approximating costs.

(b) At the end of the period, the actual apportionment, based on the cost finding and apportionment methods selected by the provider, will determine the title XVIII reimbursement for the actual services provided to beneficiaries during the period.

(c) Basically, therefore, interim payments to providers will be made for services throughout the year, with final settlement on a retroactive basis at the end of the accounting period. Interim payments will be made as often as possible and in no event less frequently than once a month. The retroactive payments will take fully into account the costs that were actually incurred and settle on an actual, rather than on an estimated basis.

(d) In addition to the basic procedure for payment to a provider following the submission of bills to the intermediary, payment will be made upon request by the provider on a basis designed to reimburse currently as services are furnished to beneficiaries. The amount of such payment will be computed by the intermediary initially on an estimated basis and periodically adjusted to represent the average level of services unreimbursed by the basic payment procedure.

#### **§ 405.406 Financial data and reports.**

(a) The principles of cost reimbursement will require that providers maintain sufficient financial records and statistical data for proper determination of costs payable under the program. Standardized definitions, accounting, statistics, and reporting practices which are widely accepted in the hospital and related fields are followed. Changes in these practices and systems will not be required in order to determine costs payable under the principles of reimbursement. Essentially the methods of determining costs payable under title XVIII involve making use of data available from the institution's basic accounts, as usually maintained, to arrive at equitable and proper payment for services to beneficiaries.

(b) Costs reports will be required from providers on an annual basis with reporting periods based on the provider's accounting year. In the interpretation and application of the principles of reimbursement, the fiscal intermediaries will be an important source of consultative assistance to providers and will be available to deal with questions and problems on a day-to-day basis.

#### **§ 405.415 Depreciation: allowance for depreciation based on asset costs.**

(a) *Principle.* An appropriate allowance for depreciation on buildings and equipment is an allowable cost. The depreciation must be:

(1) Identifiable and recorded in the provider's accounting records;

(2) Based on the historical cost of the asset or fair market value at the time of donation in the case of donated assets; and

(3) Prorated over the estimated useful life of the asset using the straight-line method or accelerated depreciation under the declining balance or sum-of-the-years' digits methods.

(b) *Definitions*—(1) *Historical costs.* Historical cost is the cost incurred by the present owner in acquiring the asset.

(2) *Fair market value.* Fair market value is the price that the asset would bring by bona fide bargaining between



well-informed buyers and sellers at the date of acquisition. Usually the fair market price will be the price at which bona fide sales have been consummated for assets of like type, quality, and quantity in a particular market at the time of acquisition.

(3) *The straight-line method.* Under the straight-line method of depreciation, the cost or other basis (e.g. fair market value in the case of donated assets) of the asset, less its estimated salvage value, if any, is determined first. Then this amount is distributed in equal amounts over the period of the estimated useful life of the asset.

(4) *Declining balance method.* Under the declining balance method, the annual depreciation allowance is computed by multiplying the undepreciated balance of the asset each year by a uniform rate up to double the straight-line rate.

(5) *Sum-of-the-years' digits method.* Under the sum-of-the-years' digits method, the annual depreciation allowance is computed by multiplying the depreciable cost basis (cost less salvage value) by a constantly decreasing fraction. The numerator of the fraction is represented by the remaining years of useful life of the asset at the beginning of each year, and the denominator is always represented by the sum of the years' digits of useful life at the time of acquisition.

(c) *Recording of depreciation.* Appropriate recording of depreciation encompasses the identification of the depreciable assets in use, the assets' historical costs, the method of depreciation, estimated useful life, and the assets' accumulated depreciation. The Chart of Accounts published by the American Hospital Association and publications of the Internal Revenue Service are to be used as guides for the estimation of the useful life of assets.

(d) *Depreciation methods.* (1) Proportion of the cost of an asset over its useful life will be allowed on the straight-line, the declining balance, or the sum-of-the-years' digits methods. The provider may choose to use one of the methods on a single asset or group of assets and another method on others. In applying the declining balance or sum-of-the-years' digits method to an asset that is not new, the undepreciated balance of the asset is to be treated as the cost of a new asset in computing the depreciation.

(2) A provider may change from the straight-line method to an accelerated method or vice versa upon advance approval from the intermediary on a prospective basis with the request being made before the end of the first month of the prospective reporting period. Only one such change with respect to a particular asset may be made by a provider.

(e) *Funding of depreciation.* Although funding of depreciation is not required, it is strongly recommended that providers use this mechanism as a means of conserving funds for replacement of depreciable assets, and coordinate their planning of capital expenditures with areawide planning activities of community and State agencies. As an incentive for funding, investment income on

funded depreciation will not be treated as a reduction of allowable interest expense.

(f) *Gains and losses on disposal of assets.* Gains and losses realized from the disposal of depreciable assets are to be included in the determination of allowable cost. The extent to which such gains and losses are includable is to be calculated on a proration basis recognizing the amount of depreciation charged under the program in relation to the amount of depreciation, if any, charged or assumed in a period prior to the provider's participation in the program.

(g) *Establishment of cost basis on purchase of facility as ongoing operation.* In establishing the cost basis for a facility purchased as an ongoing operation after July 1, 1966, the price paid by the purchaser shall be the cost basis where the purchaser can demonstrate that the sale was a bona fide sale and the price did not exceed the fair market value of the facility at the time of sale. The cost basis for depreciation of depreciable assets shall not exceed the fair market value of those assets at the time of sale. If the sale is not demonstrated to be bona fide, the seller's cost basis shall be the cost basis to the purchaser.

#### § 405.416 Depreciation: optional allowance for depreciation based on a percentage of operating costs.

(a) *Principle.* With respect to all assets acquired before 1966, the provider, at its option, may choose an allowance for depreciation based on a percentage of operating costs. The operating costs to be used are the lower of the provider's 1965 operating costs or the provider's current year's allowable costs. The percent to be applied is 5 percent starting with the year 1966-67, with such percentage being uniformly reduced by one-half percent each succeeding year. The allowance based on operating costs is in addition to regular depreciation on assets acquired after 1965; however, when the optional allowance is selected, the combined amount of such allowance on pre-1966 assets and the straight-line depreciation on assets acquired or rented after 1965 may not exceed 6 percent of the provider's allowable cost for the current year.

(b) *Definitions—(1) Operating costs.* Operating costs are the total costs incurred by the provider in operating the institution or facility.

(2) *Allowable costs.* Allowable costs are the costs of a provider which are includable under the principles for cost reimbursement; by the application of apportionment methods to the total amount of such allowable costs, the share of a provider's total cost which is attributable to covered services for beneficiaries is determined.

(c) *Application.* Where a provider has inadequate historical cost records for pre-1966 depreciable assets, the provider may elect to receive an allowance for depreciation on such assets based on a percentage of operating costs. The optional allowance for depreciation for such assets may be used, however, whether or not a provider has records

of the cost of pre-1966 depreciable assets currently in use.

(d) *Allowance based on a percentage of operating costs.* (1) The allowance for depreciation based on a percentage of operating costs is to be computed by applying a specified percentage to a base amount equal to the provider's 1965 total operating costs, without adjustments to these principles or the current year's allowable operating costs, whichever is lower. The percentage to be applied would be five for 1966-67, four and one-half for 1967-68, and would so continue to decline annually by equal amounts to become zero in 1976-77.

(2) When used as a base for determining the optional allowance for depreciation, neither the 1965 operating costs nor the current year's allowable costs are to include any actual depreciation, estimated depreciation on rented depreciable-type assets, allowance in lieu of specific recognition of other costs, or return on equity capital. Such exclusions are to be made only for the purpose of computing the allowance for depreciation based on operating costs. For other purposes, the excluded amounts are recognized in determining allowable costs and for computing the costs of services rendered to the program beneficiaries during the reporting period.

(e) *Change to actual depreciation.* (1) A provider that elects this allowance may at any time before 1976 change to actual depreciation on all pre-1966 depreciable assets. In such case, this option is eliminated and the provider can no longer elect to receive an allowance for depreciation based on a percentage of operating costs.

(2) Where the provider desires to change to actual depreciation but either has no historical cost records or has incomplete records, the determination of historical cost could be made through appropriate means involving expert consultation with the determination being subject to review and approval by the intermediary.

(f) *Determination of optional allowance based on percentage of operating costs illustrated.* The following illustrates how the provider would determine the optional allowance for depreciation based on operating costs.

*Example No. 1.*—The provider keeps its records on a calendar year basis. The current year's actual allowable cost and the actual operating cost for 1965 do not include any actual depreciation or rentals on depreciable-type assets. The current year's allowable cost also does not include any allowance in lieu of specific recognition of other costs or return on equity capital.

YEAR 1966	
Current year's allowable cost	\$1,100,000
Operating cost for 1965 <sup>1</sup>	\$1,000,000
Percent for determining the allowance	5
Allowance	\$50,000

<sup>1</sup> 1965 operating cost was used in computing the allowance for depreciation based on a percentage of operating costs because it was lower than 1966 allowable cost.



## YEAR 1967

Current year's allowable cost-----	\$1,200,000
Operating cost for 1965 <sup>1</sup> -----	\$1,000,000
Percent for determining the allowance-----	4½
Allowance-----	\$45,000

<sup>1</sup> 1965 operating cost was used in computing the allowance for depreciation based on a percentage of operating costs because it was lower than 1967 allowable cost.

## YEAR 1968

Operating cost for 1965-----	\$1,000,000
Current year's allowable cost <sup>1</sup> -----	\$900,000
Percent for determining the allowance-----	4
Allowance-----	\$36,000

<sup>1</sup> The current year's allowable cost was used in computing the allowance for depreciation based on percentage of operating costs because it was lower than 1965 operating cost.

*Example No. 2.*—When the provider pays rent for depreciable-type assets rented prior to 1966, the estimated depreciation on such assets must be deducted from the allowance. The following illustration demonstrates how the allowance is determined.

The provider keeps its records on a calendar year basis. The current year's actual allowable cost and the actual operating cost for 1965 did not include any actual depreciation, allowance in lieu of specific recognition of other costs, or return on equity capital. However, such costs have been adjusted to exclude estimated depreciation on rented depreciable-type assets.

## YEAR 1966

Adjusted current year's allowable cost-----	\$1,100,000
Adjusted operating cost for 1965 <sup>1</sup> -----	\$1,000,000
Percent for determining the allowance-----	5
Allowance-----	\$50,000
Less estimated depreciation for depreciable-type assets rented prior to 1966 on which rental is paid in 1966-----	\$3,000
Adjusted allowance-----	\$47,000

<sup>1</sup> 1965 operating cost was used in computing the allowance for depreciation based on a percentage of operating costs because it was lower than 1966 allowable cost.

## YEAR 1967

Adjusted current year's allowable cost-----	\$1,200,000
Adjusted operating cost for 1965 <sup>1</sup> -----	\$1,000,000
Percent for determining the allowance-----	4½
Allowance-----	\$45,000
Less estimated depreciation for depreciable-type assets rented prior to 1966 on which rental is paid in 1967-----	\$3,000
Adjusted allowance-----	\$42,000

<sup>1</sup> 1965 adjusted operating cost was used in computing the allowance for depreciation based on a percentage of operating costs because it was lower than 1967 adjusted allowable cost.

(g) *Limitation on depreciation where optional allowance is used.* This optional

allowance only is subject to a limitation based on the provider's total allowable operating cost for the current year. To determine this limitation, compute the sum of the actual depreciation claimed, the allowance based on a percentage of operating costs and the estimated straight-line depreciation on depreciable-type assets rented after 1965. If this sum exceeds 6 percent of the provider's current year's allowable cost (exclusive of any actual depreciation claimed, estimated depreciation on rented depreciable-type assets, allowance in lieu of specific recognition of other costs, and return on equity capital), the allowance for depreciation based on a percentage of operating costs will be reduced by the amount of the excess. In applying this limitation, if the actual depreciation claimed is on an accelerated basis it must be converted to a straight-line basis only for use in calculating this limitation. It is presumed that pre-1966 assets will not be retired at a greater than normal rate, and the limitation of 6 percent, as it affects the availability of the allowance, is designed as a safeguard where the presumption is not borne out. Where the provider does not elect to use the optional allowance, the combined allowance for depreciation based on costs of pre-1966 assets and those subsequently acquired is not subject to the 6-percent limitation.

*Example No. 1.*—The following illustration demonstrates how this limitation would be determined.

## YEAR 1966

The provider keeps its records on a calendar year basis. The current year's actual allowable cost and the actual operating cost for 1965 have been adjusted to exclude actual depreciation the estimated depreciation on rented depreciable-type assets, allowance in lieu of specific recognition of other costs, and return on equity capital.

Adjusted operating cost for 1965-----	\$1,000,000
Percent for determining the allowance-----	5
In 1966 assets were acquired which produce a straight-line depreciation of-----	\$18,000
Estimated depreciation on assets rented in 1966-----	\$2,000
Adjusted allowable operating cost for 1966-----	\$1,100,000
Calculation of Allowance for Depreciation Based on a Percentage of Operation Costs	
Gross allowance:	
5% times adjusted 1965 operating costs (\$1,000,000)-----	\$50,000
Estimated depreciation on assets rented in 1966-----	2,000
Straight-line depreciation on post-1965 assets-----	18,000
Total-----	70,000
6% of adjusted 1966 allowable operating cost-----	66,000
Deduction in allowance-----	4,000
Allowance-----	50,000
Reduction-----	4,000

Adjusted allowance-----	46,000
Total depreciation allowance for 1966 (\$18,000 actual depreciation plus \$46,000 allowance based on operating cost)-----	64,000

Assume in this illustration that the provider had elected to use the declining balance method in computing its allowable depreciation and the rental expense for depreciable-type assets was \$3,500. In that case, it would include in its 1966 allowable cost not only the \$46,000 allowance based on operating costs but also \$36,000 (in this instance 2 X straight-line rate is used) in actual depreciation and the rental expense of \$3,500—or a total of \$85,000 covering all its depreciable assets.

#### § 405.417 Depreciation: allowance for depreciation on fully depreciated or partially depreciated assets.

(a) *Principle.* Depreciation on assets being used by a provider at the time it enters into the title XVIII program is allowed; this applies even though such assets may be fully or partially depreciated on the provider's books.

(b) *Application.* Depreciation is allowable on assets being used at the time the provider enters into the program. This applies even though such assets may be fully depreciated on the provider's books or fully depreciated with respect to other third-party payers. So long as an asset is being used, its useful life is considered not to have ended, and consequently the asset is subject to depreciation based upon a revised estimate of the asset's useful life as determined by the provider and approved by the intermediary. Correction of prior years' depreciation to reflect revision of estimated useful life should be made in the first year of participation in the program unless the provider has used the optional method (§ 405.416), in which case the correction should be made at the time of discontinuing the use of that method. When an asset has become fully depreciated under title XVIII, further depreciation would not be appropriate or allowable, even though the asset may continue in use. For example, if a 50-year-old building is in use at the time the provider enters into the program, depreciation is allowable on the building even though it has been fully depreciated on the provider's books. Assuming that a reasonable estimate of the asset's continued life is 20 years (70 years from the date of acquisition), the provider may claim depreciation over the next 20 years—if the asset is in use that long—or a total depreciation of as much as twenty-seventieths of the asset's historical cost. If the asset is disposed of before the expiration of its estimated useful life, the depreciation would be adjusted to the actual useful life. Likewise, a provider may not have fully depreciated other assets it is using and finds that it has incorrectly estimated the useful lives of those assets. In such cases, the provider may use the corrected useful lives in determining the amount of depreciation, provided such corrections have been approved by the intermediary.

#### § 405.418 Depreciation: allowance for depreciation on assets financed with Federal or public funds.

(a) *Principle.* Depreciation is allowed on assets financed with Hill-Burton or other Federal or public funds.

(b) *Application.* Like other assets (including other donated depreciable



assets), assets financed with Hill-Burton or other Federal or public funds become a part of the provider institution's plant and equipment to be used in rendering services. It is the function of payment of depreciation to provide funds which make it possible to maintain the assets and preserve the capital employed in the production of services. Therefore, irrespective of the source of financing of an asset, if it is used in the providing of services for beneficiaries of the program, payment for depreciation of the asset is, in fact, a cost of the production of those services. Moreover, recognition of this cost is necessary to maintain productive capacity for the future. An incentive for funding of depreciation is provided in these principles by the provision that investment income on funded depreciation is not treated as a reduction of allowable interest expense under § 405.419 (a) which follows.

**§ 405.419 Interest expense.**

(a) *Principle.* Necessary and proper interest on both current and capital indebtedness is an allowable cost.

(b) *Definitions*—(1) *Interest.* Interest is the cost incurred for the use of borrowed funds. Interest on current indebtedness is the cost incurred for funds borrowed for a relatively short term. This is usually for such purposes as working capital for normal operating expenses. Interest on capital indebtedness is the cost incurred for funds borrowed for capital purposes, such as acquisition of facilities and equipment, and capital improvements. Generally, loans for capital purposes are long-term loans.

(2) *Necessary.* Necessary requires that the interest:

(i) Be incurred on a loan made to satisfy a financial need of the provider. Loans which result in excess funds or investments would not be considered necessary.

(ii) Be incurred on a loan made for a purpose reasonably related to patient care.

(iii) Be reduced by investment income except where such income is from gifts and grants, whether restricted or unrestricted, and which are held separate and not commingled with other funds. Income from funded depreciation or provider's qualified pension fund is not used to reduce interest expense.

(3) *Proper.* Proper requires that interest:

(i) Be incurred at a rate not in excess of what a prudent borrower would have had to pay in the money market existing at the time the loan was made.

(ii) Be paid to a lender not related through control or ownership, or personal relationship to the borrowing organization. However, interest is allowable if paid on loans from the provider's donor-restricted funds, the funded depreciation account, or provider's qualified pension fund.

(c) *Borrower-lender relationship.* (1) To be allowable, interest expense must be incurred on indebtedness established with lenders or lending organizations not related through control, ownership, or personal relationship to the borrower. Presence of any of these factors could

affect the "bargaining" process that usually accompanies the making of a loan, and could thus be suggestive of an agreement on higher rates of interest or of unnecessary loans. Loans should be made under terms and conditions that a prudent borrower would make in arm's-length transactions with lending institutions. The intent of this provision is to assure that loans are legitimate and needed, and that the interest rate is reasonable. Thus, interest paid by the provider to partners, stockholders, or related organizations of the provider would not be allowable. Where the owner uses his own funds in a business, it is reasonable to treat the funds as invested funds or capital, rather than borrowed funds. Therefore, where interest on loans by partners, stockholders, or related organizations is disallowed as a cost solely because of the relationship factor, the principal of such loans shall be treated as invested funds in the computation of the provider's equity capital under § 405.429.

(2) Exceptions to the general rule regarding interest on loans from controlled sources of funds are made in the following circumstances. Interest on loans to providers by partners, stockholders, or related organizations made prior to July 1, 1966, is allowable as cost, provided that the terms and conditions of payment of such loans have been maintained in effect without modification subsequent to July 1, 1966. Where the general fund of a provider "borrows" from a donor-restricted fund and pays interest to the restricted fund, this interest expense is an allowable cost. The same treatment is accorded interest paid by the general fund on money "borrowed" from the funded depreciation account of the provider or from the provider's qualified pension fund. In addition, if a provider operated by members of a religious order borrows from the order, interest paid to the order is an allowable cost.

(3) Where funded depreciation is used for purposes other than improvement, replacement, or expansion of facilities or equipment related to patient care, allowable interest expense is reduced to adjust for offsets not made in prior years for earnings on funded depreciation. A similar treatment will be accorded deposits in the provider's qualified pension fund where such deposits are used for other than the purpose for which the fund was established.

(4) Allowable interest expense on current indebtedness of a provider will be adjusted to reflect the extent to which working capital needs which are attributable to covered services for beneficiaries have been met by payments to the provider designed to reimburse currently as services are furnished to beneficiaries.

**§ 405.420 Bad debts, charity, and courtesy allowances.**

(a) *Principle.* Bad debts, charity, and courtesy allowances are deductions from revenue and are not to be included in allowable cost; however, bad debts attributable to the deductibles and coin-

surance amounts are reimbursable under the program.

(b) *Definitions*—(1) *Bad debts.* Bad debts are amounts considered to be uncollectible from accounts and notes receivable which were created or acquired in providing services. "Accounts receivable" and "notes receivable" are designations for claims arising from the rendering of services, and are collectible in money in the relatively near future.

(2) *Charity allowances.* Charity allowances are reductions in charges made by the provider of services because of the indigence or medical indigence of the patient.

(3) *Courtesy allowances.* Courtesy allowances indicate a reduction in charges in the form of an allowance to physicians, clergy, members of religious orders, and others as approved by the governing body of the provider, for services received from the provider. Employee fringe benefits, such as hospitalization and personnel health programs, are not considered to be courtesy allowances.

(c) *Normal accounting treatment: reduction in revenue.* Bad debts, charity, and courtesy allowances represent reductions in revenue. The failure to collect charges for services rendered does not add to the cost of providing the services. Such costs have already been incurred in the production of the services.

(d) *Requirements of title XVIII.* Title XVIII of the Act costs of covered services furnished beneficiaries are not to be borne by individuals not covered by the health insurance program, and conversely, costs of services provided for other than beneficiaries are not to be borne by the health insurance program. Uncollected revenue related to services rendered to beneficiaries of the program generally means the provider has not recovered the cost of services covered by that revenue. The failure of beneficiaries to pay the deductible and coinsurance amounts can result in the related costs of covered services being borne by other than beneficiaries of title XVIII. To assure that such covered service costs are not borne by others, the costs attributable to the deductible and coinsurance amounts which remain unpaid are added to the title XVIII share of allowable costs. Bad debts arising from other sources are not allowable costs.

(e) *Criteria for allowable bad debt.* A bad debt must meet the following criteria to be allowable:

(1) The debt must be related to covered services and derived from deductible and coinsurance amounts.

(2) The provider must be able to establish that reasonable collection efforts were made.

(3) The debt was actually uncollectible when claimed as worthless.

(4) Sound business judgment established that there was no likelihood of recovery at any time in the future.

(f) *Charging of bad debts and bad debt recoveries.* The amounts uncollectible from specific beneficiaries are to be charged off as bad debts in the accounting period in which the accounts are deemed to be worthless. In some cases



an amount previously written off as a bad debt and allocated to the program may be recovered in a subsequent accounting period; in such cases the income therefrom must be used to reduce the cost of beneficiary services for the period in which the collection is made.

(g) *Charity allowances.* Charity allowances have no relationship to beneficiaries of the health insurance program and are not allowable costs. The cost to the provider of employee fringe-benefit programs is an allowable element of reimbursement.

#### § 405.421 Cost of educational activities.

(a) *Principle.* An appropriate part of the net cost of approved educational activities is an allowable cost.

(b) *Definitions—(1) Approved educational activities.* Approved educational activities means formally organized or planned programs of study usually engaged in by providers in order to enhance the quality of patient care in an institution. These activities must be licensed where required by State law. Where licensing is not required, the institution must receive approval from the recognized national professional organization for the particular activity.

(2) *Net cost.* The net cost means the cost of approved educational activities (including stipends of trainees, compensation of teachers, and other costs), less any reimbursements from grants, tuition, and specific donations.

(3) *Appropriate part.* Appropriate part means the net cost of the activity apportioned in accordance with the methods set forth in these principles.

(c) *Educational activities.* Many providers engage in educational activities including training programs for nurses, medical students, interns and residents, and various paramedical specialties. These programs contribute to the quality of patient care within an institution and are necessary to meet the community's needs for medical and paramedical personnel. It is recognized that the costs of such educational activities should be borne by the community. However, many communities have not assumed responsibility for financing these programs and it is necessary that support be provided by those purchasing health care. Until communities undertake to bear these costs, the program will participate appropriately in the support of these activities. Although the intent of the program is to share in the support of educational activities customarily or traditionally carried on by providers in conjunction with their operations, it is not intended that this program should participate in increased costs resulting from redistribution of costs from educational institutions or units to patient care institutions or units.

(d) *"Orientation" and "on-the-job training".* The costs of "orientation" and "on-the-job training" are not within the scope of this principle but are recognized as normal operating costs in accordance with principles relating thereto.

(e) *Approved programs.* In addition to approved medical, osteopathic, and

dental internships and residency programs, recognized professional and paramedical educational and training pro-

grams now being conducted by provider institutions, and their approving bodies, include the following:

Program	Approving bodies
(1) Cytotechnology-----	Council on Medical Education of the American Medical Association in collaboration with the Board of Schools of Medical Technology of the American Society of Clinical Pathologists.
(2) Dietetic internships-----	The American Dietetic Association.
(3) Hospital administration residencies-----	Members of the Association of University Programs in Hospital Administration.
(4) Inhalation therapy-----	Council on Medical Education of the American Medical Association in collaboration with the Board of Schools of Inhalation Therapy.
(5) Medical records-----	Council on Medical Education of the American Medical Association in collaboration with the Committee on Education and Registration of the American Association of Medical Record Librarians.
(6) Medical technology-----	Council on Medical Education of the American Medical Association in collaboration with the Board of Schools of Medical Technology, American Society of Clinical Pathologists.
(7) Nurse anesthetists-----	The American Association of Nurse Anesthetists.
(8) Professional nursing-----	Approved by the respective State approving authorities. Reported for the United States by the National League for Nursing.
(9) Practical nursing-----	Approved by the respective State approving authorities. Reported for the United States by the National League for Nursing.
(10) Occupational therapy-----	Council on Medical Education of the American Medical Association in collaboration with the Council on Education of the American Occupational Therapy Association.
(11) Pharmacy residencies-----	American Society of Hospital Pharmacists.
(12) Physical therapy-----	Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association.
(13) X-ray technology-----	Council on Medical Education of the American Medical Association in collaboration with the American College of Radiology.

(f) *Other educational programs.* There may also be other educational programs not included in the foregoing in which a provider institution is engaged. Appropriate consideration will be given by the intermediary and the Social Security Administration to the costs incurred for those activities that come within the purview of the principle when determining the allowable costs for apportionment under the health insurance program.

#### § 405.422 Research costs.

(a) *Principle.* Costs incurred for research purposes, over and above usual patient care, are not includible as allowable costs.

(b) *Application.* (1) There are numerous sources of financing for health-related research activities. Funds for this purpose are provided under many Federal programs and by other tax-supported agencies. Also, many foundations, voluntary health agencies, and other private organizations, as well as individuals, sponsor or contribute to the support of medical and related research. Funds available from such sources are generally ample to meet basic medical and hospital research needs. A further consideration is that quality review should be assured as a condition of governmental support for research. Provisions for such review would introduce special difficulties in the health insurance program.

(2) Where research is conducted in conjunction with and as a part of the care of patients, the costs of usual pa-

tient care are allowable to the extent that such costs are not met by funds provided for the research. Under this principle, however, studies, analyses, surveys, and related activities to serve the provider's administrative and program needs, are not excluded as allowable costs in the determination of reimbursement under title XVIII of the Act.

#### § 405.423 Grants, gifts, and income from endowments.

(a) *Principle.* Unrestricted grants, gifts, and income from endowments should not be deducted from operating costs in computing reimbursable cost. Grants, gifts, or endowment income designated by a donor for paying specific operating costs should be deducted from the particular operating cost or group of costs.

(b) *Definitions — (1) Unrestricted grants, gifts, income from endowment.* Unrestricted grants, gifts, and income from endowments are funds, cash or otherwise, given to a provider without restriction by the donor as to their use.

(2) *Designated or restricted grants, gifts, and income from endowments.* Designated or restricted grants, gifts, and income from endowments are funds, cash or otherwise, which must be used only for the specific purpose designated by the donor. This does not refer to unrestricted grants, gifts, or income from endowments which have been restricted for a specific purpose by the provider.

(c) *Application.* (1) Unrestricted funds, cash or otherwise, are generally the property of the provider to be used



in any manner its management deems appropriate and should not be deducted from operating costs. It would be inequitable to require providers to use the unrestricted funds to reduce the payments for care. The use of these funds is generally a means of recovering costs which are not otherwise recoverable.

(2) Donor-restricted funds which are designated for paying certain hospital operating expenses should apply and serve to reduce these costs or group of costs and benefit all patients who use services covered by the donation. If such costs are not reduced, the provider would secure reimbursement for the same expense twice; it would be reimbursed through the donor-restricted contributions as well as from patients and third-party payers including the title XVIII health insurance program.

**§ 405.424 Value of Services of nonpaid workers.**

(a) *Principle.* The value of services in positions customarily held by full-time employees performed on a regular, scheduled basis by individuals as nonpaid members of organizations under arrangements between such organizations and a provider for the performance of such services without direct remuneration from the provider to such individuals is allowable as an operating expense for the determination of allowable cost subject to the limitation contained in paragraph (b) of this section. The amounts allowed are not to exceed those paid others for similar work. Such amounts must be identifiable in the records of the institutions as a legal obligation for operating expenses.

(b) *Limitations; services of nonpaid workers.* The services must be performed on a regular, scheduled basis in positions customarily held by full-time employees and necessary to enable the provider to carry out the functions of normal patient care and operation of the institution. The value of services of a type for which providers generally do not remunerate individuals performing such services is not allowable as a reimbursable cost under the title XVIII health insurance program. For example, donated services of individuals in distributing books and magazines to patients, or in serving in a provider canteen or cafeteria or in a provider gift shop, would not be reimbursable.

(c) *Application.* The following illustrates how a provider would determine an amount to be allowed under this principle: The prevailing salary for a lay nurse working in Hospital A is \$5,000 for the year. The lay nurse receives no maintenance or special perquisites. A sister working as a nurse engaged in the same activities in the same hospital receives maintenance and special perquisites which cost the hospital \$2,000 and are included in the hospital's allowable operating costs. The hospital would then include in its records an additional \$3,000 to bring the value of the services rendered to \$5,000. The amount of \$3,000 would be allowable where the provider assumes obligation for the expense under a written agreement with the sis-

terhood or other religious order covering payment by the provider for the services.

**§ 405.425 Purchase discounts and allowances, and refunds of expenses.**

(a) *Principle.* Discounts and allowances received on purchases of goods or services are reductions of the costs to which they relate. Similarly, refunds of previous expense payments are reductions of the related expense.

(b) *Definitions.*—(1) *Discounts.* Discounts, in general, are reductions granted for the settlement of debts.

(2) *Allowances.* Allowances are deductions granted for damage, delay, shortage, imperfection, or other causes, excluding discounts and returns.

(3) *Refunds.* Refunds are amounts paid back or a credit allowed on account of an overcollection.

(c) *Normal accounting treatment: Reduction of costs.* All discounts, allowances, and refunds of expenses are reductions in the cost of goods or services purchased and are not income. When they are received in the same accounting period in which the purchases were made or expenses were incurred, they will reduce the purchases or expenses of that period. However, when they are received in a later accounting period, they will reduce the comparable purchases or expenses in the period in which they are received.

(d) *Application.* (1) Purchase discounts have been classified as cash, trade, or quantity discounts. Cash discounts are reductions granted for the settlement of debts before they are due. Trade discounts are reductions from list prices granted to a class of customers before consideration of credit terms. Quantity discounts are reductions from list prices granted because of the size of individual or aggregate purchase transactions. Whatever the classification of purchase discounts, like treatment in reducing allowable costs is required. In the past, purchase discounts were considered as financial management income. However, modern accounting theory holds that income is not derived from a purchase but rather from a sale or an exchange and that purchase discounts are reductions in the cost of whatever was purchased. The true cost of the goods or services is the net amount actually paid for them. Treating purchase discounts as income would result in an overstatement of costs to the extent of the discount.

(2) As with discounts, allowances, and rebates received from purchases of goods or services and refunds of previous expense payments are clearly reductions in costs and must be reflected in the determination of allowable costs. This treatment is equitable and is in accord with that generally followed by other governmental programs and third-party payment organizations paying on the basis of cost.

**§ 405.426 Compensation of owners.**

(a) *Principle.* A reasonable allowance of compensation for services of owners is an allowable cost, provided the services

are actually performed in a necessary function.

(b) *Definitions.*—(1) *Compensation.* Compensation means the total benefit received by the owner for the services he renders to the institution. It includes:

(i) Salary amounts paid for managerial, administrative, professional, and other services.

(ii) Amounts paid by the institution for the personal benefit of the proprietor.

(iii) The cost of assets and services which the proprietor receives from the institution.

(iv) Deferred compensation.

(2) *Reasonableness.* Reasonableness requires that the compensation allowance:

(i) Be such an amount as would ordinarily be paid for comparable services by comparable institutions.

(ii) Depend upon the facts and circumstances of each case.

(3) *Necessary.* Necessary requires that the function:

(i) Be such that had the owner not rendered the services, the institution would have had to employ another person to perform the services.

(ii) Be pertinent to the operation and sound conduct of the institution.

(c) *Application.* (1) Owners of provider organizations often render services as managers, administrators, or in other capacities. In such cases, it is equitable that reasonable compensation for the services rendered be an allowable cost. To do otherwise would disadvantage such owners in comparison with corporate providers or providers employing persons to perform similar services.

(2) Ordinarily, compensation paid to proprietors is a distribution of profits. However, where a proprietor renders necessary services for the institution, the institution is in effect employing his services, and a reasonable compensation for these services is an allowable cost. In corporate providers, the salaries of owners who are also employees are subject to the same requirements of reasonableness. Where the services are rendered on less than a full-time basis, the allowable compensation should reflect an amount proportionate to a full-time basis. Reasonableness of compensation may be determined by reference to, or in comparison with, compensation paid for comparable services and responsibilities in comparable institutions; or it may be determined by other appropriate means.

**§ 405.427 Cost to related organizations.**

(a) *Principle.* Costs applicable to services, facilities, and supplies furnished to the provider by organizations related to the provider by common ownership or control are includable in the allowable cost of the provider at the cost to the related organization. However, such cost must not exceed the price of comparable services, facilities, or supplies that could be purchased elsewhere.

(b) *Definitions.*—(1) *Related to provider.* Related to the provider means that the provider to a significant extent is associated or affiliated with or has



control of or is controlled by the organization furnishing the services, facilities, or supplies.

(2) *Common ownership.* Common ownership exists when an individual or individuals possess significant ownership or equity in the provider and the institution or organization serving the provider.

(3) *Control.* Control exists where an individual or an organization has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution.

(c) *Application.* (1) Individuals and organizations associate with others for various reasons and by various means. Some deem it appropriate to do so to assure a steady flow of supplies or services, to reduce competition, to gain a tax advantage, to extend influence, and for other reasons. These goals may be accomplished by means of ownership or control, by financial assistance, by management assistance, and other ways.

(2) Where the provider obtains items of services, facilities, or supplies from an organization, even though it is a separate legal entity, and the organization is owned or controlled by the owner(s) of the provider, in effect the items are obtained from itself. An example would be a corporation building a hospital or a nursing home and then leasing it to another corporation controlled by the owner. Therefore, reimbursable cost should include the costs for these items at the cost to the supplying organization. However, if the price in the open market for comparable services, facilities, or supplies is lower than the cost to the supplier, the allowable cost to the provider shall not exceed the market price.

(d) *Exception.* An exception is provided to this general principle if the provider demonstrates by convincing evidence to the satisfaction of the fiscal intermediary (or, where the provider has not nominated a fiscal intermediary, the Social Security Administration), that the supplying organization is a bona fide separate organization; that a substantial part of its business activity of the type carried on with the provider is transacted with others than the provider and organizations related to the supplier by common ownership or control and there is an open, competitive market for the type of services, facilities, or supplies furnished by the organization; that the services, facilities, or supplies are those which commonly are obtained by institutions such as the provider from other organizations and are not a basic element of patient care ordinarily furnished directly to patients by such institutions; and that the charge to the provider is in line with the charge for such services, facilities, or supplies in the open market and no more than the charge made under comparable circumstances to others by the organization for such services, facilities, or supplies. In such cases, the charge by the supplier to the provider for such services, facilities, or supplies shall be allowable as cost.

#### § 405.428 Allowance in lieu of specific recognition of other costs.

(a) *Principle.* In lieu of specific recognition of other costs in providing and improving services, an allowance amounting to 2 percent of allowable costs (with the exception of interest expense and the allowance under this principle) is includible as an element of reasonable cost of services except that, for proprietary providers, the allowance shall be 1½ percent of allowable costs (with the exception of interest expense, the allowance under this principle and the return allowed on equity capital).

(b) *Application.* Difficulty in measurement, lack of adequate data and other considerations have precluded specific recognition of various elements which are germane to costs of services for beneficiaries. Moreover, although the methods to be utilized by providers for determining the actual cost of services provided to beneficiaries are the best available, there is some lack of precision in methods for determining costs at the present stage of development of cost finding which represents a contingency for which recognition is appropriate. It is the established practice of a significant number of large third-party purchasers to include in payment for costs of services a factor in the form of an allowance to cover various elements not specifically recognized or not precisely measured. The reduction in the allowance for proprietary providers is made because a return on equity capital is specifically recognized as a cost for proprietary providers under § 405.429.

#### § 405.429 Return on equity capital of proprietary providers.

(a) *Principle.* An allowance of a reasonable return on equity capital invested and used in the provision of patient care is allowable as an element of the reasonable cost of covered services furnished to beneficiaries by proprietary providers. The amount allowable on an annual basis is determined by applying to the provider's equity capital a percentage equal to one and one-half times the average of the rates of interest on special issues of public debt obligations issued to the Federal Hospital Insurance Trust Fund for each of the months during the provider's reporting period or portion thereof covered under the program.

(b) *Application.* Proprietary providers generally do not receive public contributions and assistance of Federal and other governmental programs such as Hill-Burton in financing capital expenditures. Proprietary institutions historically have financed capital expenditures through funds invested by owners in the expectation of earning a return. A return on investment, therefore, is needed to avoid withdrawal of capital and to attract additional capital needed for expansion. For purposes of computing the allowable return, the provider's equity capital means: (1) The provider's investment in plant, property, and equipment related to patient care (net of depreciation) and funds deposited by a provider who leases plant, property, or

equipment related to patient care and is required by the terms of the lease to deposit such funds (net of noncurrent debt related to such investment or deposited funds), and (2) net working capital maintained for necessary and proper operation of patient care activities (excluding the amount of any current payment made pursuant to § 405.454(g)(1)). However, debt representing loans from partners, stockholders, or related organizations on which interest payments would be allowable as costs but for the provisions of § 405.419(b)(3)(ii), is not subtracted in computing the amount of (1) and (2), in order that the proceeds from such loans be treated as a part of the provider's equity capital. In computing the amount of equity capital upon which a return is allowable, investment in facilities is recognized on the basis of the historical cost, or other basis, used for depreciation and other purposes under the health insurance program. For purposes of computing the allowable return the amount of equity capital is the average investment during the reporting period. The rate of return allowed, as derived from time to time based upon interest rates in accordance with this principle, is determined by the Social Security Administration and communicated through intermediaries. Return on investment as an element of allowable costs is subject to apportionment in the same manner as other elements of allowable costs. For the purposes of this regulation, the term "proprietary providers" is intended to distinguish providers, whether sole proprietorships, partnerships, or corporations, that are organized and operated with the expectation of earning profit for the owners, from other providers that are organized and operated on a nonprofit basis.

#### § 405.451 Cost related to patient care.

(a) *Principle.* All payments to providers of services must be based on the "reasonable cost" of services covered under title XVIII of the Act and related to the care of beneficiaries. Reasonable cost includes all necessary and proper costs incurred in rendering the services, subject to principles relating to specific items of revenue and cost.

(b) *Definitions.*—(1) *Reasonable Cost.* Reasonable cost of any services must be determined in accordance with regulations establishing the method or methods to be used, and the items to be included. The regulations in this subpart take into account both direct and indirect costs of providers of services. The objective is that under the methods of determining costs, the costs with respect to individuals covered by the program will not be borne by individuals not so covered, and the costs with respect to individuals not so covered will not be borne by the program. These regulations also provide for the making of suitable retroactive adjustments after the provider has submitted fiscal and statistical reports. The retroactive adjustment will represent the difference between the amount received by the provider during the year for covered



services from both title XVIII and the beneficiaries and the amount determined in accordance with an accepted method of cost apportionment to be the actual cost of services rendered to beneficiaries during the year.

(2) *Necessary and proper costs.* Necessary and proper costs are costs which are appropriate and helpful in developing and maintaining the operation of patient care facilities and activities. They are usually costs which are common and accepted occurrences in the field of the provider's activity.

(c) *Application.* (1) It is the intent of title XVIII of the Act that payments to providers of services should be fair to the providers, to the contributors to the health-insurance trust funds, and to other patients.

(2) The costs of providers' services vary from one provider to another and the variations generally reflect differences in scope of services and intensity of care. The provision in title XVIII of the Act for payment of reasonable cost of services is intended to meet the actual costs, however widely they may vary from one institution to another. This is subject to a limitation where a particular institution's costs are found to be substantially out of line with other institutions in the same area which are similar in size, scope of services, utilization, and other relevant factors.

(3) The determination of reasonable cost of services must be based on cost related to the care of beneficiaries of title XVIII of the Act. Reasonable cost includes all necessary and proper expenses incurred in rendering services, such as administrative costs, maintenance costs, and premium payments for employee health and pension plans. It includes both direct and indirect costs and normal standby costs. However, where the provider's operating costs include amounts not related to patient care, or specifically not reimbursable under the program, such amounts will not be allowable. The reasonable cost basis of reimbursement contemplates that the providers of services would be reimbursed the actual costs of providing quality care however widely the actual costs may vary from provider to provider and from time to time for the same provider.

#### § 405.452 Determination of cost of services to beneficiaries.

(a) *Principle.* Total allowable costs of a provider shall be apportioned between program beneficiaries and other patients so that the share borne by the program is based upon actual services received by program beneficiaries. To accomplish this apportionment, the provider shall have the option of either of the two following methods:

(1) *Departmental method.* The ratio of beneficiary charges to total patient charges for the services of each department is applied to the cost of the department.

(2) *Combination method.* The cost of "routine services" for program beneficiaries is determined on the basis of

average cost per diem of these services for all patients; to this is added the cost of ancillary services used by beneficiaries, determined by apportioning the total cost of ancillary services on the basis of the ratio of beneficiary charges for ancillary services to total patient charges for such services.

(b) *Definitions.*—(1) *Apportionment.* Apportionment means an allocation or distribution of allowable cost between the beneficiaries of the health insurance program and other patients.

(2) *Routine services.* Routine services means the regular room, dietary, and nursing services, minor medical and surgical supplies, and the use of equipment and facilities for which a separate charge is not customarily made.

(3) *Ancillary services.* Ancillary services or special services are the services for which charges are customarily made in addition to routine services.

(4) *Charges.* Charges refers to the regular rates for various services which are charged to both beneficiaries and other paying patients who receive the services. Implicit in the use of charges as the basis for apportionment is the objective that charges for services be related to the cost of the services.

(5) *Cost.* Cost refers to reasonable cost as described in § 405.451(a).

(6) *Ratio of beneficiary charges to total charges on a departmental basis.* Ratio of beneficiary charges to total charges on a departmental basis, as applied to inpatients, means the ratio of inpatient charges to beneficiaries of the health insurance program for services of a revenue-producing department or center to the inpatient charges to all patients for that center during an accounting period. After each revenue-producing center's ratio is determined, the cost of services rendered to beneficiaries of the health insurance program is computed by applying the individual ratio for the center to the cost of the related center for the period.

(7) *Average cost per diem for routine services.* Average cost per diem for routine services means the amount computed by dividing the total allowable inpatient cost for routine services by the total number of inpatient days of care (excluding newborn days where nursery costs are excluded from routine service

costs) rendered by the provider in the accounting period.

(8) *Ratio of beneficiary charges for ancillary services to total charges for ancillary services.* Ratio of beneficiary charges for ancillary services to total charges for ancillary services, as applied to inpatients, means the ratio of the total inpatient charges for covered ancillary services rendered to beneficiaries of the health insurance program to the total inpatient charges for ancillary services to all patients during an accounting period. This ratio is applied to the allowable inpatient ancillary costs for the period to determine the amount of reimbursement to a provider for the covered ancillary services rendered to beneficiaries.

(c) *Application.*—(1) *Objective.* (i) The law provides that the costs with respect to individuals covered by the health insurance program will not be borne by individuals not so covered, and, conversely, that costs with respect to individuals who are not under the program will not be borne by the program.

(ii) The cost of services to beneficiaries of the health insurance program may be determined by either of the alternative methods, that is selected by a provider; however, the objective of whatever method of apportionment is used will be to approximate as closely as practicable the actual cost of services rendered.

(iii) The two methods of apportionment available for use in determining the cost of services rendered to beneficiaries of the program have as their goal the allocation of the total allowable costs between the beneficiaries and other patients in as equitable a manner as possible. Under these methods, if it is found that beneficiaries receive more than the average amount of services, the providers would receive reimbursement greater than average cost for all patients. Conversely, if the beneficiaries receive less than the average amount of services, the providers would be reimbursed accordingly for the services rendered.

(2) *Departmental method.* The following illustrates how apportionment based on the ratio of beneficiary charges to total charges applied to cost on a departmental basis would be determined, using only inpatient data.

HOSPITAL A

Department	Charges to program beneficiaries	Total charges	Ratio of beneficiary charges to total charges	Total cost	Cost of beneficiary services
			Percent		
Routine services.....	\$140,000	\$600,000	23½	\$630,000	\$147,000
X-ray.....	24,000	100,000	24	75,000	18,000
Operating room.....	20,000	70,000	28½	77,000	22,000
Laboratory.....	40,000	140,000	28½	98,000	28,000
Pharmacy.....	20,000	60,000	33½	45,000	15,000
Others.....	6,000	30,000	20	25,000	5,000
Total.....	\$250,000	\$1,000,000		\$950,000	\$235,000

The total reimbursement for services rendered by the provider to the beneficiaries would be \$235,000.

(3) *Combination method.*—(1) *Using cost finding.* A provider may, at its option, elect to be reimbursed on the average cost per diem for the cost of routine

services, with apportionment of the cost of ancillary services on the basis of the ratio of beneficiary charges to total patient charges applied to the cost of all such ancillary services. The cost of the ancillary services rendered to beneficiaries of the program is determined by



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computing the ratio of total inpatient charges for ancillary services to beneficiaries to the total inpatient ancillary charges to all patients. This ratio is then applied to the total allowable cost of inpatient ancillary services.

## COST-FINDING EMPLOYED BY HOSPITAL B

## Statistical and financial data:

Total inpatient days for all patients	30,000
Inpatient days applicable to beneficiaries	7,500
Inpatient routine services—total allowable cost	\$600,000
Inpatient ancillary services—total allowable cost	\$320,000
Inpatient ancillary services—total charges	\$400,000
Inpatient ancillary services—charges for services to beneficiaries	\$80,000

## Computation of cost applicable to program:

Average cost per diem for routine services: \$600,000 ÷ 30,000 days = \$20 per diem.	
Cost of routine services rendered to beneficiaries: \$20 per diem × 7,500 days	\$150,000
Ratio of beneficiary charges to total charges for all ancillary services: \$80,000 ÷ \$400,000 = 20%.	
Cost of ancillary services rendered to beneficiaries: 20% × \$320,000	\$64,000
Total cost of beneficiary services	\$214,000

(ii) *Using estimated percentage.* The provider has an option at the beginning of the program of obtaining from the intermediary and utilizing an estimated rather than a computed basis for apportioning cost between routine and ancillary services. Where a provider either elects this option or is unable to make the necessary computations by cost-finding methods as indicated in § 405.453, the intermediary will estimate the appropriate percentage of the provider's allowable cost that represents routine service costs and the appropriate percentage that represents the ancillary service costs. These percentages are to be based upon study, analysis, and judgment by the intermediary and designed to approximate the result that a cost-finding method would have produced for the particular provider. The use of estimated percentages would apply only to cost reports for periods ending before January 1, 1968. For subsequent periods, the use of cost-finding methods as described in § 405.453 will be required for the apportionment of allowable costs.

## ESTIMATED PERCENTAGES EMPLOYED BY HOSPITAL C

## Statistical and financial data:

Total inpatient days for all patients	35,000
Inpatient days applicable to beneficiaries	5,000
Total allowable inpatient cost	\$1,000,000
Estimated percent for routine inpatient services	70
Estimated percent for ancillary inpatient services	30
Inpatient ancillary services—Total charges	\$400,000
Charges for services to beneficiaries	\$80,000

## Computation of cost applicable to program:

Average cost per diem for routine services: 70% × \$1,000,000 = \$700,000 (routine service cost).	
\$700,000 ÷ 35,000 days = \$20 per diem.	
Cost of routine services rendered to beneficiaries: \$20 per diem × 5,000 days	\$100,000
Ratio of beneficiary charges to total charges for all ancillary services: \$80,000 ÷ \$400,000 = 20%.	
Cost of ancillary services rendered to beneficiaries: 30% × \$1,000,000 = \$300,000 (ancillary service costs).	
20% × \$300,000	\$60,000
Total cost of beneficiary services	\$160,000

(4) *Option to use departmental method or combination method for the first reporting period.* The provider has the option of using either the departmental method or the combination method for the first reporting period. Thereafter, a provider may change from one to the other method provided a request is made to the intermediary before the end of the first month of the period for which the change is to be applied and such request is approved.

(5) *Temporary methods of apportionment.* (i) The intermediary may find that a provider is unable to apply either the departmental method or the combination method employing cost finding or estimated percentages. In such case, the intermediary can authorize the provider to use, on a temporary basis, an apportionment based on the ratio of beneficiary inpatient charges to total inpatient charges applied to the total cost of all services. This would permit the provider time to establish the records necessary for applying either of the basic alternative methods of apportionment in the next accounting period. In some cases the intermediary may determine that a provider is unable to employ this temporary method of apportionment based on the ratio of beneficiary inpatient charges to total inpatient charges applied to total inpatient cost. In such a case any other method determined by the intermediary to be reasonable may be used on a temporary basis. Any temporary method of apportionment may not be used to cover more than one cost reporting period.

*Example.* The following illustration demonstrates the apportionment of cost based on the ratio of beneficiary inpatient charges to all inpatient charges computed on a total basis for all inpatient services.

## HOSPITAL D

## Financial data:

Inpatient services:	
Total allowable cost	\$950,000
Total charges	1,000,000
Charges for beneficiary services	200,000

## Computation of cost of beneficiary inpatient services:

Ratio of beneficiary charges to total charges: \$200,000 ÷ \$1,000,000 = 20%.	
Cost of services rendered to beneficiaries: 20% × \$950,000	\$190,000

(ii) Whenever authorization is given to apportion costs by a method other than one of the two basic alternative methods, such authorization would be considered to be a temporary expediency to cover only one accounting period. It would be available to a provider only after diligent efforts have been made by the provider to apportion its costs based upon either of the approved methods of apportionment.

## § 405.453 Adequate cost data and cost finding.

(a) *Principle.* Providers receiving payment on the basis of reimbursable cost must provide adequate cost data. This must be based on their financial and statistical records which must be capable of verification by qualified auditors. The cost data must be based on an approved method of cost finding and on the accrual basis of accounting. However, where governmental institutions operate on a cash basis of accounting, cost data based on such basis of accounting will be acceptable, subject to appropriate treatment of capital expenditures.

(b) *Definitions—(1) Cost finding.* Cost finding is the process of recasting the data derived from the accounts ordinarily kept by a provider to ascertain costs of the various types of services rendered. It is the determination of these costs by the allocation of direct costs and proration of indirect costs.

(2) *Accrual basis of accounting.* Under the accrual basis of accounting, revenue is reported in the period when it is earned, regardless of when it is collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(c) *Adequacy of cost information.* Adequate cost information must be obtained from the provider's records to support payments made for services rendered to beneficiaries. The requirement of adequacy of data implies that the data be accurate and in sufficient detail to accomplish the purposes for which it is intended. Adequate data capable of being audited is consistent with good business concepts and effective and efficient management of any organization, whether it is operated for profit or on a nonprofit basis. It is a reasonable expectation on the part of any agency paying for services on a cost-reimbursement basis. In order to provide the required cost data and not impair comparability, financial and statistical records should be maintained in a manner consistent from one period to another. However, a proper regard for consistency need not preclude a desirable change in accounting procedures when there is reason to effect such change.

(d) *Cost finding methods.* After the close of the accounting period, one of the following methods of cost finding is to be used to determine the actual costs of services rendered during that period.



(1) *Step-down method.* This method recognizes that services rendered by certain nonrevenue-producing departments or centers are utilized by certain other nonrevenue-producing centers as well as by the revenue-producing centers. All costs of nonrevenue-producing centers are allocated to all centers which they serve, regardless of whether or not these centers produce revenue. The cost of the nonrevenue-producing center serving the greatest number of other centers, while receiving benefits from the least number of centers, is apportioned first. Following the apportionment of the cost of the nonrevenue-producing center, that center will be considered "closed" and no further costs are apportioned to that center. This applies even though it may have received some service from a center whose cost is apportioned later. Generally when two centers render service to an equal number of centers while receiving benefits from an equal number, that center which has the greatest amount of expense should be allocated first.

(2) *Other methods—(i) The double-apportionment method.* The double-apportionment method may be used by a provider upon approval of the intermediary. This method also recognizes that the nonrevenue-producing departments or centers render services to other nonrevenue-producing centers as well as to revenue-producing centers. A preliminary allocation of the costs of nonrevenue-producing centers is made. These centers or departments are not "closed" after this preliminary allocation. Instead, they remain "open," accumulating a portion of the costs of all other centers from which services are received. Thus, after the first or preliminary allocation, some costs will remain in each center representing services received from other centers. The first or preliminary allocation is followed by a second or final apportionment of expenses involving the allocation of all costs remaining in the nonrevenue-producing functions directly to revenue-producing centers.

(ii) *More sophisticated methods.* A more sophisticated method designed to allocate costs more accurately may be used by the provider upon approval of the intermediary. However, having elected to use the double-apportionment method, the provider may not thereafter use the step-down method without approval of the intermediary. Request for the approval must be made on a prospective basis and must be submitted before the end of the first month of the prospective reporting period. Likewise, once having elected to use a more sophisticated method, the provider may not thereafter use either the double-apportionment or step-down methods without similar request and approval.

(3) *Temporary method for initial period.* If the provider is unable to use either cost-finding method when it first participates in the program, it may apply to the intermediary for permission to use some other acceptable method which would accurately identify costs by department or center, and appropriately

segregate inpatient and outpatient costs. Such other method may be used for cost reports covering periods ending before January 1, 1968.

(e) *Accounting basis.* The cost data submitted must be based on the accrual basis of accounting which is recognized as the most accurate basis for determining costs. However, governmental institutions that operate on a cash basis of accounting may submit cost data on the cash basis subject to appropriate treatment of capital expenditures.

#### § 405.454 Payments to providers.

(a) *Principle.* Providers of services will be paid the reasonable cost of services furnished to beneficiaries. Interim payments approximating the actual costs of the provider will be made on the most expeditious basis administratively feasible but not less often than monthly. A retroactive adjustment based on actual costs will be made at the end of the reporting period. At the request of the provider, payment will be made on a basis designed to reimburse currently for services rendered to beneficiaries.

(b) *Amount and frequency of payment.* Title XVIII of the act states that providers of services will be paid the reasonable cost of services furnished to beneficiaries. Since actual costs of services cannot be determined until the end of the accounting period, the providers must be paid on an estimated cost basis during the year. While the law provides that interim payments shall be made no less often than monthly, intermediaries are expected to make payments on the most expeditious basis administratively feasible. Whatever estimated cost basis is used for determining interim payments during the year, the intent is that the interim payments shall approximate actual costs as nearly as is practicable so that the retroactive adjustment based on actual costs will be as small as possible.

(c) *Interim payments during initial reporting period.* At the beginning of the program or when a provider first participates in the program, it will be necessary to establish interim rates of payment to providers of services. Once a provider has filed a cost report under the health insurance program, the cost report may be used as a basis for determining the interim rate of reimbursement for the following period. However, since initially there is no previous history of cost under the program, the interim rate of payment must be determined by other methods, including the following:

(1) Where the intermediary is already paying the provider on a cost or cost-related basis, the intermediary will adjust its rate of payment to the program's principles of reimbursement. This rate may be either an amount per inpatient day, or a percent of the provider's charges for services rendered to the program's beneficiaries.

(2) Where an organization other than the intermediary is paying the provider for services on a cost or cost-related basis, the intermediary may obtain from that organization or from the provider

itself the rate of payment being used and other cost information as may be needed to adjust that rate of payment to give recognition to the program's principles of reimbursement.

(3) Where no organization is paying the provider on a cost or cost-related basis, the intermediary will obtain the previous year's financial statement from the provider. By analysis of such statement in the light of the principles of reimbursement, the intermediary will compute an appropriate rate of payment.

(4) After the initial interim rate has been set, the provider may at any time request, and be allowed, an appropriate increase in the computed rate, upon presentation of satisfactory evidence to the intermediary that costs have increased. Likewise, the intermediary may adjust the interim rate of payment if it has evidence that actual costs may fall significantly below the computed rate.

(d) *Interim payments for new providers.* (1) Newly established providers will not have a cost experience on which to base a determination of an interim rate of payment. In such cases, the intermediary will use the following methods to determine an appropriate rate:

(i) Where there is a provider or providers comparable in substantially all relevant factors to the provider for which the rate is needed, the intermediary will base an interim rate of payment on the costs of the comparable provider.

(ii) If there are no substantially comparable providers from whom data are available, the intermediary will determine an interim rate of payment based on the budgeted or projected costs of the provider.

(2) Under either method, the intermediary will review the provider's cost experience after a period of 3 months. If need for an adjustment is indicated, the interim rate of payment will be adjusted in line with the provider's cost experience.

(e) *Interim payments after initial reporting period.* Interim rates of payment for services provided after the initial reporting period will be established on the basis of the cost report filed for the previous year covering health insurance services. The current rate will be determined—whether on a per diem or percentage of charges basis—using the previous year's costs of covered services and making any appropriate adjustments required to bring, as closely as possible, the current year's rate of interim payment into agreement with current year's costs. This interim rate of payment may be adjusted by the intermediary during an accounting period if the provider submits appropriate evidence that its actual costs are or will be significantly higher than the computed rate. Likewise, the intermediary may adjust the interim rate of payment if it has evidence that actual costs may fall significantly below the computed rate.

(f) *Retroactive adjustment.* (1) Title XVIII of the Act provides that providers of services shall be paid amounts determined to be due, but not less often than



monthly, with necessary adjustments due to previously made overpayments or underpayments. Interim payments are made on the basis of estimated costs. Actual costs reimbursable to a provider cannot be determined until the cost reports are filed and costs are verified. Therefore, a retroactive adjustment will be made at the end of the reporting period to bring the interim payments made to the provider during the period into agreement with the reimbursable amount payable to the provider for the services rendered to program beneficiaries during that period.

(2) In order to reimburse the provider as quickly as possible, an initial retroactive adjustment will be made as soon as the cost report is received. For this purpose, the costs will be accepted as reported—unless there are obvious errors or inconsistencies—subject to later audit. When an audit is made and the final liability of the program is determined, a final adjustment will be made.

(3) To determine the retroactive adjustment, the amount of the provider's

total allowable cost apportioned to the program for the reporting year is computed. This is the total amount of reimbursement the provider is due to receive from the program and the beneficiaries for covered services rendered during the reporting period. The total of the interim payments made by the program in the reporting year and the deductibles and coinsurance amounts receivable from beneficiaries is computed. The difference between the reimbursement due and the payments made is the amount of the retroactive adjustment.

(g) *Provision for current financing.*

(1) In addition to the basic procedure for payment to a provider following the submission of bills to the intermediary, payment will be made upon request by the provider on a basis designed to reimburse currently for services furnished to beneficiaries. The amount of such payment will be computed by the intermediary initially on an estimated basis and periodically adjusted to represent the average level of services unreimbursed by the basic payment procedure.

(2) A study will be made of the possibility that a financial requirement in the production of services arises prior to the rendition of services to beneficiaries and is not being met by the program. Among the factors to be considered in the study will be the extent to which outlays for consumable items for which payment may be made in advance of rendition of services are offset by outlays for other items, such as wages and salaries, which ordinarily are not made until after services are rendered.

(h) *Cost reporting period.* For cost-reporting purposes, the program will require submission of annual reports covering a 12-month period of operations based upon the provider's accounting year. At the option of the provider, however, during the first year of the program a short period report beginning July 1, 1966, and ending with the provider's accounting year may be submitted, provided such report covers at least 6 months.

[F.R. Doc. 66-12561; Filed, Nov. 21, 1966; 8:45 a.m.]











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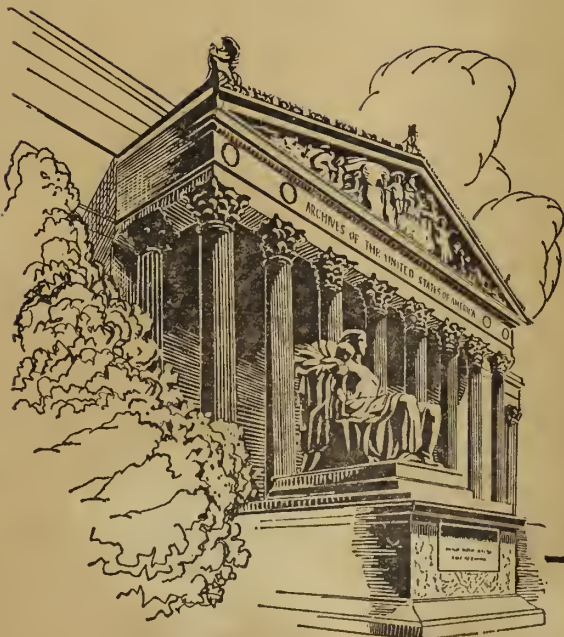
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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

#### PART 338—QUALIFICATION REQUIREMENTS (GENERAL)

##### Restriction on Temporary Appointment of Sons and Daughters of an Agency's Personnel

Sections 213.3101(b) and 338.202 are amended to restrict the temporary appointment of sons and daughters of an agency's personnel between May 14, 1967, and September 2, 1967, in conformance with the Commission's 1967 summer employment program. Section 213.3101(c) is amended to show the general application of the Commission's 1967 summer employment program to Schedule A positions filled on a part-time, seasonal, intermittent, or other temporary basis. Effective on publication in the *FEDERAL REGISTER*, paragraphs (b) and (c) of § 213.3101 and paragraphs (a) and (b) of § 338.202 are amended as set out below.

§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.

(b) An agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position listed in Schedule A for part-time, seasonal, intermittent, or other temporary employment within the United States between May 14, 1967, and September 2, 1967; except that this prohibition shall not apply to the appointment of persons who are eligible for placement assistance under the Commission's Displaced Employee (DE) Program.

(c) An agency may appoint for part-time, seasonal, intermittent, or other temporary employment within the United States, between May 14, 1967, and September 2, 1967, in positions listed in Schedule A only in accordance with the terms of the Commission's 1967 summer employment program. This restriction does not apply to positions that are excepted only when filled by particular types of individuals.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

§ 338.202 Restriction on sons and daughters.

(a) An agency (including a military department) may appoint the son or

daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, under a temporary limited appointment made for part-time, seasonal, intermittent, or other temporary employment within the United States between May 14, 1967, and September 2, 1967, only when the position is filled from a list of eligibles established under a Commission examination, and there is no other available eligible with the same or higher rating. An eligible who is the son or daughter of an official who has the authority to make selection or appointment decisions may be selected or appointed by that official only with the prior approval of an official at a higher level in the agency concerned.

(b) Paragraph (a) of this section shall not apply to the appointment of persons who are eligible for placement assistance under the Commission's Displaced Employee (DE) Program.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Acting Executive Assistant to the Commissioners.

[F.R. Doc. 66-12734; Filed, Nov. 22, 1966; 10:10 a.m.]

## Title 7—AGRICULTURE

### Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

#### SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

#### PART 26—GRAIN STANDARDS

##### Department Charges and Fees

Pursuant to the authority of section 6 of the U.S. Grain Standards Act, as amended (7 U.S.C. 78), the provisions of 7 CFR 26.74(g) prescribing charges in connection with overtime, night, or holiday work performed by employees of the Department on account of an appeal or a dispute are hereby amended by changing the phrase "\$6.40 per man-hour" to "\$7.20 per man-hour."

The U.S. Grain Standards Act provides that the Secretary of Agriculture is authorized to pay employees assigned to perform appeal inspections for all overtime, night, or holiday work at such rates as he may determine and to accept from persons, Government agencies and departments, and Government corporations for whom such work is performed reimbursement for any sums paid for such work. The Federal Salary and Fringe Benefits Act of 1966 (P.L. 89-504) has required increases in the overtime paid to

Federal employees engaged in the performance of appeal inspections. It has been determined that in order to cover the increased costs of the service, the overtime charges in connection with the performance of appeal services must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under section 4 of the Administrative Procedures Act (5 U.S.C. 553), it is found that notices and other public procedure with respect to this amendment are impractical and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the *FEDERAL REGISTER*.

(39 Stat. 484, as amended; 7 U.S.C. 78)

This amendment shall become effective January 1, 1967, with respect to appeal inspection services rendered on and after that date.

Done at Washington, D.C., this 17th day of November 1966.

G. R. GRANGE,  
Deputy Administrator,  
Marketing Services.

[F.R. Doc. 66-12645; Filed, Nov. 22, 1966; 8:47 a.m.]

### Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 112, Amdt. 1]

#### PART 907 — NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of



this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) and (iv) of § 907.412 (Navel Orange Regulation 112, 31 F.R. 14494) are hereby amended to read as follows:

§ 907.412 Navel Orange Regulation 112.

(b) *Order.* (1) \* \* \*

(i) District 1: 727,216 cartons;

(iv) District 4: 100,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 18, 1966.

F. L. SOUTHERLAND,  
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-12664; Filed, Nov. 22, 1966; 8:48 a.m.]

#### Chapter XIV—Commodity Credit Corporation, Department of Agriculture

##### SUBCHAPTER C—EXPORT PROGRAMS

[Rev. 2, Amdt. 1]

#### PART 1490—PAYMENTS ON EXPORTS OF CERTAIN KINDS OF TOBACCO

##### Subpart—Tobacco Export Program

The regulations issued by Commodity Credit Corporation, published in 31 F.R. 12997 (Oct. 6, 1966), which contain the terms and conditions of payments on exports of certain kinds of tobacco, are herein amended as follows:

1. In § 1490.3, paragraph (b) (1) is amended to include burley tobacco of the 1960, 1961, and 1962 crops of tobacco for which the export payment rate shall be \$10 per hundredweight. The amended subparagraph reads as follows:

§ 1490.3 Export payment and rate.

(b) The export payment rate shall be as follows:

(1) Ten dollars per hundredweight for (i) Flue-cured tobacco (Types 11-14) of the 1960, 1961, and 1962 crops, (ii) Fire-cured tobacco (Type 21) of the 1959, 1960, 1961, and 1962 crops, (iii) Fire-cured tobacco (Types 22-23) of the 1960, 1961, and 1962 crops, (iv) Dark air-cured tobacco (Types 35-36) of the 1961 and 1962 crops, and (v) Burley tobacco (Type 31) of the 1960, 1961, and 1962 crops. If such tobacco was purchased from CCC loan stocks (tobacco pledged to CCC as security for a price support loan) under

terms and conditions providing for or authorizing a refund of part of the purchase price upon proof of exportation, the exporter's application for export payment under this program shall constitute a waiver of his right to such refund. If the purchaser of the tobacco was other than the exporter, the exporter shall submit a waiver of the right to such refund signed by the person entitled thereto and, if the exporter does not furnish such a waiver, the rate of payment shall be as provided in subparagraph (2) of this paragraph.

2. In § 1490.7, paragraph (a) is amended to require certification by the exporter that the increased export payment provided for burley tobacco of the 1960, 1961, and 1962 crops was passed to the foreign buyer by reduction in sales price with respect to tobacco which was either (1) sold under contract entered into between the exporter and foreign buyer before the effective date of this amendment or (2) acquired prior to the effective date of this amendment under a barter contract with CCC. The amended paragraph reads as follows:

§ 1490.7 Application for tobacco export payment and evidence of export.

(a) The exporter shall submit an original of an application for tobacco export payment on the form prescribed by CCC to the Fiscal Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. Supplies of the application form may be obtained from that office. The exporter, in order to receive an export payment under this program, must submit the application required by this section within 365 days from the date of export. If the tobacco is exported pursuant to a contract of sale with a foreign buyer, and the tobacco is not 1960, 1961, or 1962 crop burley tobacco, the exporter shall certify either (1) that such contract of sale was entered into after July 6, 1966, or (2) that the sale price in the contract of sale with the foreign buyer was reduced by an amount equal to the export payment for which application is made. If burley tobacco of the 1960, 1961, or 1962 crop is exported pursuant to a contract of sale with a foreign buyer, the exporter shall certify either (i) that the sales contract was entered into after November 25, 1966, (ii) that the sales contract was entered into between July 6, 1966, and November 25, 1966, and that the sales price in the contract was reduced \$5 per hundredweight, or (iii) that the sales contract was entered into prior to July 6, 1966, and that the sales price in the contract was reduced \$10 per hundredweight. If the tobacco was acquired prior to July 6, 1966, for export under a barter contract with CCC, the exporter shall certify that the sales price in the contract of sale with the foreign buyer was reduced by an amount equal to the export payment for which application is made. If the tobacco is 1960, 1961, or 1962 crop burley tobacco and was acquired between July 6, 1966, and November 25, 1966, for export under a barter contract with CCC, the exporter

shall certify that the sales price in the contract of sale with the foreign buyer was reduced \$5 per hundredweight. Any reduction of the sale price may be made by credit invoices or other standard commercial practice acceptable to the foreign buyer. The exporter shall also certify as to the kind, type, form (i.e., unstemmed tobacco, stemmed tobacco, or blackfat) and the quantity of eligible tobacco exported and, in the event the export is made under a contract entered into under section 1490.6, the particular crop or crops of tobacco exported and the contract acceptance number. If the tobacco exported is of a kind and crop specified in § 1490.3(b) (1), the exporter shall also certify as to the particular crops exported and shall state whether or not the tobacco was purchased from CCC loan stocks by a purchaser who is other than the exporter. Each application for export payment shall show, by type and form, the unstemmed-leaf packed-weight or the unstemmed-leaf packed-weight equivalent of the eligible tobacco exported, determined in accordance with § 1490.3(d). When such weight is different from the invoice weight, the computation of the weight on which payment is claimed shall be certified to CCC. The use of a conversion rate provided for in § 1490.3(d) in determining the unstemmed-leaf packed-weight equivalent shall constitute the exporter's representation that the stemmed tobacco is of the quality, with respect to the percentage of stems remaining therein, to which the conversion factor applies. Applications for export payment shall be supported by the following documentary evidence:

Effective date: November 25, 1966.

Signed at Washington, D.C., on November 18, 1966.

H. D. GODFREY,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 66-12663; Filed, Nov. 22, 1966; 8:48 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

##### Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April



12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), and November 1, 1966 (31 F.R. 13939), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein, as follows:

**OUTSIDE METROPOLITAN AREA**

**ONE HOUR**

Add: Port of Morgan (served from Morgan, Mont.).

**THREE HOURS**

Add: Port of Morgan (when served from Malta, Mont.).

**FIVE HOURS**

Add: Brownsville, Tex. (served from Laredo or San Antonio, Tex.).

Add: Del Rio, Tex. (served from Laredo or San Antonio, Tex.).

Add: Eagle Pass, Tex. (served from Laredo or San Antonio, Tex.).

Add: Laredo, Tex. (served from Brownsville, Eagle Pass or San Antonio, Tex.).

Add: Port of Ophaim (served from Wolf Point or Plentywood, Mont.).

Add: Presidio, Tex. (served from El Paso, Tex.).

**SEVEN HOURS**

Add: Port of Morgan (when served from Wolf Point, Mont.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561)

These revised administrative instructions shall be effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 17th day of November 1966.

G. H. WISE,  
Acting Director, Animal Health  
Division, Agricultural Research Service.

[F.R. Doc. 66-12646; Filed, Nov. 22, 1966; 8:47 a.m.]

# **Title 12—BANKS AND BANKING**

## **Chapter V—Federal Home Loan Bank Board**

[No. 20,273]

### **SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM**

#### **PART 531—STATEMENTS OF POLICY**

##### **Rates of Interest or Dividends on Withdrawable Accounts**

NOVEMBER 16, 1966.

Whereas by Federal Home Loan Bank Board Resolution No. 20,192 dated September 21, 1966, as amended by Federal Home Loan Bank Board Resolution No. 20,201 dated September 22, 1966, and duly published in the FEDERAL REGISTER on September 24, 1966 (31 F.R. 12,595), this Board adopted regulations limiting the rates of interest or dividends on withdrawable accounts; that could be paid by member institutions, and

Whereas the aforesaid regulations limiting the rate of return payable on withdrawable accounts of member institutions have rendered obsolete prior published policy statements of the Board.

Now, therefore, it is hereby resolved, that §§ 531.4 and 531.8 of the regulations for the Federal Home Loan Bank System (12 CFR 531.4 and 531.8) are hereby rescinded effective immediately.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,  
Assistant Secretary.

[F.R. Doc. 66-12647; Filed, Nov. 22, 1966; 8:47 a.m.]

# **Title 14—AERONAUTICS AND SPACE**

## **Chapter I—Federal Aviation Agency**

[Docket No. 7759; Amdt. 39-313]

### **PART 39—AIRWORTHINESS DIRECTIVES**

#### **SIAT-Marchetti Model S.205 Airplanes, of Certain Serial Numbers**

Cracks have been found on the rear spar web at an area adjacent to the holes of the aileron outboard hinge bracket attaching bolts on certain SIAT-Marchetti Model S.205 airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued requiring inspection of the rear spar web for cracks and reinforcement of the rear spar when cracks are found.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days notice.

In consideration of the foregoing, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIAT-MARCHETTI. Applies to SIAT-Marchetti Model S.205 airplanes, Serial Nos. 101 through 222, 224, 228, 229, 231 through 233.

Compliance required as indicated.

To detect cracks on the rear spar web at areas adjacent to the aileron outboard hinge bracket bolts, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished within the last 90 hours' time in service, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, visually inspect the rear spar web for cracks in accordance with SIAT Service Bulletin No. 205B4, dated September 14, 1966. If cracks are detected during this inspection, comply with paragraph (b) of this AD before further flight.

(b) Modify the rear spar by incorporating a reinforcement as set forth in paragraph (b) of SIAT Service Bulletin No. 205B4, dated September 14, 1966, or an FAA-approved equivalent.

(c) The repetitive inspections required by paragraph (a) of this AD may be discontinued after the rear spar is reinforced in accordance with paragraph (b) of this AD.

This amendment becomes effective November 23, 1966.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on November 17, 1966.

C. W. WALKER,  
Director, Flight Standards Service.

[F.R. Doc. 66-12626; Filed, Nov. 22, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WA-25]

#### **PART 73—SPECIAL USE AIRSPACE**

##### **Alteration of Restricted Areas**

On October 4, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 12925) stating that the Federal Aviation Agency was considering an amendment to Part 73 of the Federal Aviation Regulations which would extend the time of designation of temporary restricted areas R-2513C and R-2513D near the Hunter-Liggett Military Reservation to December 16, 1966.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The designation of these temporary restricted areas and the proposed extension of the time of designation was requested by Joint Task Force Two to contain activities of a classified nature that might be hazardous to nonparticipating aircraft.

The Administrator has determined that, in the interest of National Defense, the designation of the temporary restricted area should be continuous, therefore, this amendment may be made



effective without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the FARs is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.25 (31 F.R. 2299, 7612, 12402) the Hunter-Liggett, Calif. (Temporary), restricted areas R-2513C and R-2513D are altered by deleting "Time of Designation: Continuous July 21, 1966, through November 30, 1966." and substituting therefor "Time of Designation: Continuous July 21, 1966, through December 16, 1966."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on November 16, 1966.

WILLIAM E. MORGAN,  
*Acting Director, Air Traffic Service.*

[F.R. Doc. 66-12627; Filed, Nov. 22, 1966;  
8:45 a.m.]

[Airspace Docket No. 66-SO-69]

## PART 73—SPECIAL USE AIRSPACE

### Alteration of Restricted Area

The purpose of this amendment to § 73.21 of the Federal Aviation Regulations is to change the designated altitudes of Restricted Area R-2102, Fort McClellan, Ala.

To assure maximum efficiency in airspace utilization, the U.S. Army has requested that R-2102 be stratified into three subareas. Such stratification would allow the Army to activate only that amount of airspace absolutely required to contain its operations, thereby leaving a maximum of airspace unrestricted.

Since the proposed modification to R-2102 imposes no additional burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 73.21 (31 F.R. 2294) Restricted Area R-2102, Fort McClellan, Ala., is amended, effective immediately, to read as follows:

#### R-2102 FORT MCCLELLAN, ALA.

Boundaries: Beginning at latitude 33°45'00" N., longitude 85°53'55" W.; to latitude 33°44'07" N., longitude 85°53'36" W.; to latitude 33°44'07" N., longitude 85°52'55" W.; to latitude 33°41'04" N., longitude 85°52'55" W.; to latitude 33°40'15" N., longitude 85°54'00" W.; to latitude 33°41'20" N., longitude 85°55'30" W.; to latitude 33°41'20" N., longitude 86°01'07" W.; to latitude 33°43'55" N., longitude 86°01'07" W.; to latitude 33°44'11" N., longitude 86°00'54" W.; to latitude 33°45'00" N., longitude 86°00'45" W.; to latitude 33°45'20" N., longitude 86°00'31" W.; to latitude 33°45'27" N., longitude 86°00'16" W.; to latitude 33°45'27" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°55'17" W.; to latitude 33°45'00" N., longitude 85°55'17" W.; to point of beginning.

Designated altitudes: Subarea A, surface to and including 5,000 feet MSL. Subarea B, from 5,000 feet MSL to and including 14,000 feet MSL. Subarea C, from 14,000 feet MSL to 24,000 feet MSL.

Time of use: Continuous.  
Controlling agency: Federal Aviation Agency, Atlanta ARTC Center.  
Using agency: Commanding Officer, Fort McClellan, Ala.  
(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on November 16, 1966.

WILLIAM E. MORGAN,  
*Acting Director, Air Traffic Service.*

[F.R. Doc. 66-12628; Filed, Nov. 22, 1966;  
8:45 a.m.]

## Title 20—EMPLOYEES' BENEFITS

### Chapter I—Bureau of Employees' Compensation, Department of Labor

#### PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NON-CITIZENS OUTSIDE THE UNITED STATES

##### Subpart C—Extensions of Special Schedule of Compensation

###### JAPANESE SEAMEN

Pursuant to the authority contained in 5 U.S.C. 8136, 8137, 8138, 8145, and 8149; Reorganization Plan No. 19 of 1950 (64 Stat. 1271, 15 F.R. 3178), and General Order No. 46 (Rev.) of the Secretary of Labor (24 F.R. 8472), Part 25 of Title 20, Code of Federal Regulations, is hereby amended by the addition of the section set forth below.

The amendment shall be effective on publication in the FEDERAL REGISTER. The provisions of 5 U.S.C. § 553, concerning notice of proposed rule making, public participation therein, and delayed effectiveness of substantive rules, do not apply, because the amendment relates to public benefits.

##### § 25.26 Japanese seamen.

(a) (1) The special schedule of compensation established by Subpart B of this part shall apply, with the modifications or additions specified in paragraphs (b) and (c) of this section, as of June 1, 1965, to injuries sustained outside the continental United States or Canada by direct-hire Japanese seamen who are neither citizens nor residents of the United States or Canada and who are employed by the Military Sea Transportation Service in Japan. Compensation in all cases pending as of June 1, 1965, shall be readjusted accordingly, with credit taken in the amount of compensation paid prior to such date.

(2) Refund of compensation shall not be required if the amount of compensation paid in any case prior to June 1, 1965, otherwise than through fraud, misrepresentation, or mistake, exceeds the amount provided for under this section; and such case shall be deemed compromised and paid under 5 U.S.C. 8137.

(b) The total compensation payable under paragraph (a) of this section in cases other than those of permanent total

disability or death, shall not exceed the sum of \$10,000, exclusive of medical costs. The maximum weekly rate of compensation in any case shall not exceed the sum of \$35 and the maximum wage on which compensation is calculated shall not exceed \$52.50 a week.

(c) Paragraphs (a) through (j), inclusive, of § 25.12 of the special schedule of compensation established by Subpart B of this part shall not be applicable to any case under this section. In lieu thereof, compensation for death shall be as follows:

(1) To the undertaker or other person entitled to reimbursement, reasonable funeral expenses not exceeding the equivalent of two months' pay or \$455, whichever is lower.

(2) To the widow, if there is no child, 41⅓ per centum of the weekly pay until her death or remarriage.

(3) To the widower, if there is no child and if wholly dependent for support upon the deceased employee at the time of her death, 41⅓ per centum of the weekly pay until his death or remarriage.

(4) To the widow or widower, if there is a child, compensation payable under subparagraph (2) or (3) of this paragraph and, in addition thereto, 10 per centum of weekly wage for each child, not to exceed a total of 66⅔ per centum for such widow or widower and children. If a child has a guardian other than the surviving widow or widower, the compensation payable on account of such child shall be paid to such guardian. The compensation of any child shall cease when he dies, marries, reaches the age of 18 years, or, if over such age and incapable of self-support, becomes capable of self-support.

(5) To the children if there is no widow or widower, 41⅓ per centum of such weekly pay for one child and 10 per centum thereof for each additional child, not to exceed a total of 66⅔ per centum thereof, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries, reaches the age of 18, or, if over such age and incapable of self-support, becomes capable of self-support. The compensation of a child under legal age shall be paid to his or her guardian, if there is one, otherwise to the person having the custody or care of such child, for such child, as the Bureau in its discretion shall determine.

(6) To the dependent parents, dependent grandparents or dependent grandchildren, 41⅓ per centum of the weekly pay, share and share alike. The compensation to a parent, grandparent, or grandchild shall be paid only if there is no widow, widower or child, but if there is a widow, widower or child entitled to compensation, there shall be paid so much of such percentage for a parent, grandparent, or grandchild, as when added to the total of the percentages for the widow, widower and children, will not exceed a total of 66⅔ per centum of such pay.

(7) If a deceased employee is not survived by an eligible widow, widower, child, parent, grandparent or grandchild,



there shall be paid to any other persons who were dependent upon the deceased for support at the time of his death, 50 per centum of the weekly pay for 312 weeks, share and share alike.

(8) The compensation of each beneficiary under subparagraph (6) of this paragraph shall be paid until he, if a parent or grandparent, dies, marries, or ceases to be dependent, and, if a grandchild, dies, marries, reaches the age of 18, or, if over such age and incapable of self-support, becomes capable of self-support. The compensation payable under subparagraph (6) or (7) of this paragraph to a beneficiary under legal age shall be paid to his or her guardian, if there is one, otherwise to the person having the custody or care of such child, for such child, as the Bureau in its discretion shall determine.

(9) Upon the cessation of any person's compensation for death under this section, the compensation of any remaining person entitled to the continuation of compensation in the same case shall be adjusted, so that the continuing compensation shall be at the same rate such person would have received, had no award been made to the person whose compensation was terminated.

(10) In case there are two or more classes of persons entitled to compensation for death under this section, and the apportionment of such compensation as above provided would result in injustice, the Bureau may in its discretion modify the apportionments to meet the requirements of the case.

(5 U.S.C. 8136, 8137, 8138, 8145, 8149; Reorg. Plan No. 19 of 1950, 64 Stat. 1271, 15 F.R. 3178; General Order No. 46 (Rev.), 24 F.R. 8472)

Signed at Washington, D.C., this 14th day of November 1966.

THOMAS A. TINSLEY,  
Director,

Bureau of Employees' Compensation.

[F.R. Doc. 66-12639; Filed, Nov. 22, 1966; 8:46 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 20—FROZEN DESSERTS

#### Ice Cream, Fruit Sherbet; Order Amending Identity Standards To List Microcrystalline Cellulose as Optional Ingredient

In the matter of amending the standard of identity for ice cream (§ 20.1) and for fruit sherbet (§ 20.4) by listing microcrystalline cellulose as an optional ingredient for these foods:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of August 16, 1966 (31 F.R. 10889), based on a petition submitted by American Viscose Division of FMC Corp., 1617 John F. Kennedy Boulevard, Philadelphia, Pa.

19103. The notice included a proposal on the initiative of the Commissioner of Food and Drugs that such use of microcrystalline cellulose be declared on the label of the frozen dessert.

The information submitted by the petitioner, comments received in response to the proposals, and other relevant material have been considered, and it is concluded that amending the standards as proposed will promote honesty and fair dealing in the interest of consumers. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008): *It is ordered*, That Part 20 be amended as set forth below.

Due to cross-references, the amendments herein to the standard for ice cream (§ 20.1) have the effect of making microcrystalline cellulose a permitted ingredient also of frozen custard (§ 20.2) and ice milk (§ 20.3).

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

**Effective date.** This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: November 16, 1966.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

Part 20 is amended as follows:

1. In § 20.1 by changing the third sentence from the end of paragraph (a), by adding to paragraph (f) a new subparagraph and by revising paragraph (g) (3), as follows:

§ 20.1 Ice cream; identity; label statement of optional ingredients.

(a) \* \* \* The finished ice cream contains not less than 1.6 pounds of total

solids to the gallon and weighs not less than 4.5 pounds to the gallon; except that when the optional ingredient microcrystalline cellulose specified in paragraph (f) (6) of this section is used, the finished ice cream contains not less than 1.6 pounds of total solids to the gallon and weighs not less than 4.5 pounds to the gallon exclusive, in both cases, of the weight of the microcrystalline cellulose.

(f) \* \* \*  
(6) Microcrystalline cellulose, in a quantity not to exceed 1.5 percent by weight of the finished frozen dessert.

(g) \* \* \*  
(3)(i) If the food is subject to the requirements of subparagraph (2)(ii) of this paragraph or if it contains any artificial flavor not simulating the characterizing flavor, the label shall also bear the words "artificial flavor added" or "artificial \_\_\_\_\_ flavor added," the blank being filled with the common name of the flavor simulated by the artificial flavor in letters of the same size and prominence as the words that precede and follow it.

(ii) When the optional ingredient microcrystalline cellulose specified in paragraph (f) (6) of this section is used, the label shall bear the statement "microcrystalline cellulose added" or "with microcrystalline cellulose".

(iii) When two or more of the optional ingredients specified in paragraphs (b) (2) and (f) (6) of this section are used, such words may be combined; for example, "microcrystalline cellulose and artificial flavor added."

(iv) Wherever the name of the characterizing flavor appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words prescribed by this subparagraph shall immediately and conspicuously precede or follow such name, in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, not less than 10-point on packages containing at least one-half gallon but less than 1 gallon, and not less than 12-point on packages containing 1 gallon or over; *Provided, however*, That where the characterizing flavor and a trade mark or brand are presented together, other written, printed, or graphic matter that is a part of or is associated with the trade mark or brand, may intervene if the required words are in such relationship with the trade mark or brand as to be clearly related to the characterizing flavor: *And provided further*, That if the finished product contains more than one flavor of ice cream subject to the requirements of this subparagraph, the statements required by this subparagraph need appear only once in each statement of characterizing flavors present in such ice cream, e.g., "VANILLA flavored, CHOCOLATE and STRAWBERRY flavored, artificial flavors added."



2. By revising § 20.3(e) to read as follows:

**§ 20.3 Ice milk; identity; label statement of optional ingredients.**

(e) The quantity of food solids per gallon is not less than 1.3 pounds; except that when the optional ingredient microcrystalline cellulose specified in § 20.1(f) (6) is used the quantity of food solids per gallon is not less than 1.3 pounds, exclusive of the weight of the microcrystalline cellulose.

3. In § 20.4 by changing the last sentence of paragraph (a), by adding to paragraph (e) a new subparagraph (11), and by adding to paragraph (g) a new subparagraph (4), as follows:

**§ 20.4 Fruit sherbets; identity; label statement of optional ingredients.**

(a) \* \* \* The finished fruit sherbet weighs not less than 6 pounds to the gallon; except that when the optional ingredient microcrystalline cellulose specified in paragraph (e) (11) of this section is used, the finished fruit sherbet weighs not less than 6 pounds to the gallon, exclusive of the weight of the microcrystalline cellulose.

(11) Microcrystalline cellulose, in a quantity not to exceed 0.5 percent of the weight of the finished fruit sherbet.

(4) When the optional ingredient microcrystalline cellulose specified in paragraph (e) (11) of this section is used, the label shall bear the statement "microcrystalline cellulose added" or "with added microcrystalline cellulose."

[F.R. Doc. 66-12677; Filed, Nov. 22, 1966; 8:48 a.m.]

**PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES**

**O,O-Diethyl O-(2-Isopropyl-4-Methyl-6-Pyrimidinyl)Phosphorothioate**

A petition (PP 6F0482) was filed with the Food and Drug Administration by Geigy Agricultural Chemicals, a division of the Geigy Chemical Corp., Yonkers, N.Y. 10702, proposing the establishment of tolerances of 40 parts per million for residues of the insecticide O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on pineapple forage, sorghum forage, and sorghum grain. The petitioner later reduced the requested tolerance level in or on sorghum forage to 10 parts per million and in or on sorghum grain to 0.75 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is use-

ful for the purposes for which the tolerances are being established.

After consideration of the data submitted in the petition and other relevant material, it is concluded that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), § 120.153 is amended to establish the requested tolerances by revising the third, fifth, and eighth paragraphs to read as follows:

**§ 120.153 Tolerances for residues of O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl)phosphorothioate.**

40 parts per million in or on alfalfa (fresh), clover (fresh), corn forage, pineapple forage.

10 parts per million in or on alfalfa hay, bean hay, clover hay, grass hay, peavine hay, sorghum forage, sugarbeet tops.

0.75 part per million in or on apples, apricots, beans (snap), beet roots, beet tops, blackberries, blueberries, boysenberries, broccoli, cabbage, carrots, cauliflower, celery, cherries, collards, corn (kernels and cob with husks removed), cranberries, cucumbers, dewberries, endive (escarole), figs, grapefruit, grapes, hops, kale, lemons, lettuce, lima beans, loganberries, melons, nectarines, onions, oranges, parsley, parsnips, peaches, pears, peas with pods (determined on peas after removing any shell present when marketed), peppers, pineapples, plums (fresh prunes), radishes, raspberries, sorghum grain, spinach, strawberries, sugarbeet roots, summer squash, Swiss chard, tomatoes, turnip roots, turnip tops, winter squash.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2))

Dated: November 14, 1966.

WINTON B. RANKIN,  
Deputy Commissioner of  
Food and Drugs.

[F.R. Doc. 66-12678; Filed, Nov. 22, 1966; 8:48 a.m.]

**SUBCHAPTER C—DRUGS**

**PART 166—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS**

**Confirmation of Effective Date of Order Listing Additional Drugs as Drugs Subject to Control**

In the matter of listing chloral betaine, chlorhexadol, petrichloral, sulfondiethylmethane, sulfonethylmethane, and sulfonmethane as depressant or stimulant drugs within the meaning of section 201 (v) of the Federal Food, Drug, and Cosmetic Act because of their depressant effect on the central nervous system:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371), and under the authority delegated by the Secretary of Health, Education, and Welfare to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of September 20, 1966 (31 F.R. 12435).

Accordingly, the amendments promulgated by that order will become effective November 19, 1966.

(Secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371)

Dated: November 9, 1966.

WINTON B. RANKIN,  
Deputy Commissioner of  
Food and Drugs.

[F.R. Doc. 66-12679; Filed, Nov. 22, 1966; 8:48 a.m.]

**Title 32—NATIONAL DEFENSE**

**Chapter I—Office of the Secretary of Defense**

**SUBCHAPTER F—TRANSPORTATION**

**PART 200—OCEAN TRANSPORTATION SERVICE**

**Miscellaneous Amendments**

**Scope and purpose.** Part 200 is updated to reflect current statutory authority for, and organization and functions of, the Military Sea Transportation Service.

1. The citation of authority for Part 200 is revised to read as follows:

**AUTHORITY:** The provisions of this Part 200 issued under R.S. 161, secs. 125, 133, 76 Stat.



515, 517; 5 U.S.C. 22, 10 U.S.C. 125, 133. Interpret or apply sec. 2202, 70A Stat. 120; 10 U.S.C. 2202.

2. Section 200.1 is amended by revising paragraph (d) to read as follows:

§ 200.1 Authority and responsibility.

(d) The Military Sea Transportation Service is a major component of the U.S. Navy and is commanded by a flag officer who is appointed by the Chief of Naval Operations subject to the approval of the Secretary of the Navy. As MSTs is a part of the Operating Forces of the Navy, the Commander Military Sea Transportation Service is under the command of the Chief of Naval Operations. The Under Secretary of the Navy shall exercise policy supervision in procurement and related areas affecting the Military Sea Transportation Service, except that the Assistant Secretary of the Navy (Installations and Logistics) shall exercise policy supervision with respect to (1) determinations and findings authorizing negotiation of contracts and (2) business clearance as required by Navy Procurement Directives 1-403.

3. Section 200.3 is amended by revising paragraph (b) to read as follows:

§ 200.3 Organization.

(b) Under the Commander Military Sea Transportation Service, with headquarters at Washington, D.C., Area Commands, headed by Flag Officers, have been established as follows:

Eastern Atlantic and Mediterranean Area (ELM), Bremerhaven.  
Atlantic Area (LANT), New York.  
Pacific Area (PAC), Oakland.  
Far East Area (FE), Yokohama.

Sub-area Commands and Port Offices have been established at locations within Area Commands. Such Port Offices are subject to inactivation or relocation as circumstances warrant to meet the sea transportation needs of military personnel and cargo.

4. Section 200.4 is amended by revising paragraphs (b), (c), and (e) to read as follows and by deleting paragraph (g):

§ 200.4 Relationships.

(b) *Departmental headquarters.* The following departmental headquarters offices are the points of contact with the Military Sea Transportation Service for the ocean transportation requirements of their respective departments:

- (1) Department of the Army, Office of the Deputy Chief of Staff (Logistics).
- (2) Department of the Air Force, Office of the Director of Transportation.
- (3) Department of the Navy:
  - (i) Navy (Cargo), Naval Supply Systems Command Headquarters; (Personnel) Bureau of Naval Personnel.
  - (ii) Marine Corps (Cargo), Naval Supply Systems Command Headquarters; (Personnel) Bureau of Naval Personnel.
- (c) *Space assignment committees.* Space assignment committees have been

established at headquarters and at each of the Area and Sub-area Commands. These committees, for passenger space allocations, are composed of representatives of each of the shipper services and are chairmanned by a representative of MSTs.

(e) *Reporting shipping requirements.* Procedures for reporting shipping requirements have been established by the Joint Chiefs of Staff, in coordination with the Military Sea Transportation Service, the Military Traffic Management and Terminal Service, and the military departments.

(g) [Deleted]

(R.S. 161, sec. 2202, 70A Stat. 120, secs. 125, 133, 76 Stat. 515, 517; 5 U.S.C. 22, 10 U.S.C. 125, 133, 2202)

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives Division, OASD  
(Administration).

NOVEMBER 16, 1966.

[F.R. Doc. 66-12625; Filed, Nov. 22, 1966;  
8:45 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 725—DISPOSITION OF CASES INVOLVING PHYSICAL DISABILITY

Miscellaneous Amendments

*Scope and purpose.* Part 725 is updated to conform to Change 2 to the Disability Separation Manual of the Department of the Navy. Change 2 will be distributed to Navy and Marine Corps commands in due course.

1. Section 725.216 is amended by revising paragraph (b) to read as follows:

§ 725.216 Incurred while entitled to receive basic pay.

(b) Every person employed in active service shall be taken to have been in sound condition when examined, accepted, and enrolled for service, except as to physical disabilities noted at time of the examination, acceptance, and enrollment, or where medical evidence or principles demonstrate that the disease or injury existed prior to acceptance and enrollment. Only those physical disabilities recorded at the time of the examination are to be considered as noted. A mere history of preservice existence of a physical disability recorded at the time of examination for acceptance does not constitute a notation but will be considered together with all other material evidence in determinations as to the incurrence of such physical disabilities.

2. Section 725.218 is amended by revising paragraph (c) (3) to read as follows:

§ 725.218 Misconduct.

(c) *Special rules.* \* \* \*

(3) Surgical and medical treatment. Continuation of disability after unreasonable refusal to submit to diagnostic, medical, dental, or surgical procedure, which a board of medical officers decides is indicated for correction of such disability, shall be considered as due to the individual's own misconduct and not in line of duty from and after the time of the unreasonable refusal in question. Art. 18-12(2) of the Manual of the Medical Department, U.S. Navy, contains applicable provisions.)

3. Sections 725.301 through 725.310 are revised to read as follows (§ 725.311, the last section of Subpart C—Medical Boards, remains unchanged):

§ 725.300 Source.

Chapter 18, section III, Manual of the Medical Department, U.S. Navy (in this part also referred to as MANMED), contains full instructions concerning the medical boards. Sections 725.301 through 725.310 contain information applicable to medical boards as they pertain to the disability separation system.

§ 725.301 Convening authority.

(a) A medical board may be ordered by the commander of a fleet, force, squadron, or flotilla, by commanding generals of Fleet Marine Force units, or by the commandant, commander, or commanding officer of a shore (field) activity of the Department of the Navy, upon any person of the naval service under his command, on the recommendation of the medical officer of the command to which such person is attached. A medical board may also be ordered by the Chief of Naval Personnel, the Commandant of the Marine Corps, and the Chief, Bureau of Medicine and Surgery. (MANMED, art. 18-7.)

(b) Individual cases shall be referred to the board in such manner as the convening authority directs. No member serving on the active list shall be referred to a medical board until he has been admitted to the sicklist. (MANMED, art. 18-10(1).)

§ 725.302 Composition.

A medical board, whenever practicable, shall consist of three medical officers of the Navy; otherwise, the board may consist, in whole or in part, of medical officers of the Army, Navy, Air Force, or of the Public Health Service. In exceptional cases, as determined by the convening authority, medical boards may consist of a lesser number of medical officers. When the board is reporting upon conditions which normally fall under the professional jurisdiction of the dental department, the membership of the board shall include a dental officer when one is available. When the party before the board is a reservist, the membership of the board shall include Reserve representation, if available. In any instance where Reserve members are not available, the convening authority



shall so indicate in his forwarding endorsement to the board's report. (MANMED, art. 18-8.)

#### § 725.303 Purpose.

A medical board is constituted to report upon the present state of health of any member of the naval service and serves as an administrative board by which the Department of the Navy obtains a considered clinical opinion regarding the physical fitness of naval personnel. There are no specific statutes or administrative holdings prescribing the procedure to be followed by medical boards. Hence, meetings and proceedings may be conducted informally, and it is not required that the information upon which the findings of the board are based meet standards of admissibility as evidence in a judicial proceeding. However, since information contained in medical board reports may play an important role in determining the rights of an individual to certain benefits (such as pensions, compensation, promotion, retirement, income tax exemption, death gratuity, and civil service preference), it is essential to include in the report all available information with adequate documentation concerning the origin, nature, conduct status, and aggravation-by-service of any condition reported upon. (MANMED, art. 18-9.)

#### § 725.304 Board procedure.

(a) The board shall meet to consider and report upon the case of a member who is referred to it by competent authority. It shall require and examine such records in the case as are necessary to formulate a considered conclusion regarding the individual's present state of health and the recommendations required. It shall conduct such examination of the member as is considered necessary, and the member shall appear before the board in person, provided he is physically and mentally able to appear, and provided it is considered by competent medical authority that such appearance will not adversely affect his health.

(b) Unless or except as far as it is considered that the information, findings, opinions and recommendation in the report might have an adverse effect on his physical or mental health,

(1) The member shall be allowed to read the board's report or be furnished a copy thereof;

(2) Findings or opinions that a condition was incurred through the member's misconduct, not in line of duty, or not aggravated by service, or that he is unsuitable for retention in the service shall be brought to his attention;

(3) He shall be afforded an opportunity to submit a statement in rebuttal to any portion of the board's report;

(4) NAVMED Form 6100/2 statement concerning the findings and recommendations of the board shall be completed, referred to the member for signature, and witnessed.

In all cases, the board's report shall contain a statement indicating whether and to what extent the foregoing steps in subparagraphs (1) to (4) of this para-

graph have been taken. If a member submits a statement in rebuttal, the board shall review its report and make any change which is considered appropriate or prepare a statement in sur-rebuttal. The member's signed NAVMED 6100/2 statement and/or statement in rebuttal shall accompany the board's report but shall not be incorporated into it. (MANMED, art. 18-19.)

#### § 725.305 Report.

(a) The medical board report shall be submitted to the convening authority of the medical board on NAVMED 6100/1 (Medical Board Report Cover Sheet), a multipage interleaf carbon format. The cover sheet shall not be mechanically reproduced. The body of the report should be prepared on plain white bond paper which may, if desired, be mechanically reproduced. The body shall present a summary, in longitudinal form, of all pertinent data concerning each complaint, symptom, disease, injury, or disability presented by the member which causes or is alleged to cause impairment of health, unfitness for duty, or military unsuitability. The facts are to be presented briefly and concisely, and show the reason for admission to the sicklist; the diagnosis and any change thereof shall be substantiated; the board's opinion relative to misconduct, and origin of the condition reported, shall be supported, and the board's recommendation justified.

(b) Where no impairment exists, the report shall so indicate.

(c) Whenever possible, impairment of function should be reported in terms of objective tests or findings rather than as opinion or conjecture.

(d) The report must contain sufficient data to permit a reviewer to conclude whether the member suffers impairment of health; and if so, to determine its nature and the degree of impairment. The discussion of each impairment should be presented in such a manner as to show the limitation of activity imposed by the disability and the significance of subjective symptoms alleged to cause impairment. Such evidence is intended for use in rating disability in the event the member is later determined to be unfit to perform the duties of his grade or rate.

(e) Any disability rating, which will be based in part on the data presented, is governed by the ability of the body as a whole, or of the psyche, or of a system or organ of the body, according to the general or localized effects of disease or injury, to function under the circumstances of ordinary activity in daily life including employment. The Manual for Medical Examiners of the Veterans' Administration indicates the scope of the report required for rating purposes.

(f) If a previous report of medical survey or medical board has been submitted, it is not necessary to repeat the detailed information contained therein. In such cases, attention may be invited to the previous report and the description of the present illness restricted to the interval history and currently pertinent

data. Any facts which are not a matter of record or of personal knowledge to a member of the board, but which are based on the individual's own statement, should be recorded as "according to the member's own statement." Medical-social reports must be held in the strictest confidence, should not be shown to the individual, and information derived therefrom shall not be entered in reports of medical boards. Such data are obtained primarily for the benefit of the patient in diagnosis and treatment, and may be utilized for the purpose of further interrogation of the patient if pertinent. Any additional history so obtained from the patient or from other direct sources contacted as a result of "lead information" may be incorporated as a part of the history of the case.

(g) The examining facility and date of the entrance physical examination shall be reported in the case of members recommended for discharge who have less than 1 year of active service.

(h) In the following instances the report shall contain a statement concerning member's capability of managing his own affairs in accordance with Part 726 of this chapter:

(1) All psychoses.

(2) Organic brain disorders when the board report indicates impairment of judgment.

(3) Psychoneuroses, severe, where possible impairment of judgment is indicated.

(4) Any case in which a member has previously been declared incapable of managing his own affairs.

(5) All psychiatric cases of sufficient severity to require further hospitalization.

(MANMED, art. 18-20(1) (a) thru (g).)

#### § 725.306 Disposition of report.

The report of the medical board shall be signed by all the members of the board and transmitted to the convening authority.

#### § 725.307 Action by convening authority.

(a) If the indicated disposition is appearance before a physical evaluation board and the convening authority of the medical board concurs and is the commanding officer of a U.S. naval hospital or the Commandant, 14th Naval District, he shall endorse and forward the medical board report, together with a copy (photostatic, quick-copy, typed, etc.) of only the history, physical examination, doctor's progress notes, all laboratory, X-ray, operative, pathological and consultation reports of the clinical record, and the member's current Health Record to the nearest physical evaluation board. Orders shall not be issued for personal appearance before a physical evaluation board until, and unless, the physical evaluation board advises the convening authority that the member has requested personal appearance before the board. Also, orders for personal appearance shall not be issued in the case of mentally incompetent members. Mentally incompetent members shall be rep-



resented by qualified counsel before the physical evaluation board and shall not be processed under the modified procedure prescribed in § 725.418. (MANMED, art. 18-21, Item 23(1) (a).)

(b) When the convening authority of the medical board is an officer other than one of those referred to in paragraph (a) of this section and appearance before a physical evaluation board is the indicated disposition, the medical-board report shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, via the Chief, Bureau of Medicine and Surgery, for appropriate action. (MANMED, art. 18-21, Item 23(1) (b).)

(c) When the indicated disposition is appearance before a physical evaluation board and the convening authority of the medical board does not concur, the convening authority shall advise the member concerned of his nonconcurrence and afford the member an opportunity to submit a statement in rebuttal. The convening authority shall then forward the medical-board report, the member's signed statement, and a full statement setting forth his reasons for nonconcurrence to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, via the Chief, Bureau of Medicine and Surgery, for determination as to disposition to be effected. (MANMED, art. 18-21, Item 23(1) (c).)

(d) If and when the senior member of the physical evaluation board advises the convening authority of the medical board of a member retained on the sicklist pending physical evaluation board proceedings, that the member has requested personal appearance before the physical evaluation board, the convening authority shall issue orders without delay directing the member to appear before the board. When such orders involve entitlement to travel and transportation allowance, they shall be issued in accordance with current instructions relating thereto. (MANMED, art. 18-21, Item 23(1) (d).)

(e) Members whose cases have been referred to a physical evaluation board shall not be retained on the sicklist solely for the purpose of awaiting action by or appearance before a physical evaluation board. If further hospitalization is not indicated, the member shall be discharged from the sicklist and transferred to an appropriate administrative command in accordance with existing instructions. If a physical evaluation board is advised that such a released-from-sicklist member requests personal appearance before the physical evaluation board, the senior member of the physical evaluation board shall so inform the member's administrative command and that command shall issue the necessary orders for the member's personal appearance before the physical evaluation board. When such orders involve entitlement to travel and transportation allowance, they shall be issued in accordance with current instructions relating thereto. (MANMED, art. 18-21, Item 23(1) (e).)

(f) For good and sufficient reason, and with the consent of the member concerned, the convening authority of a medical board may withdraw any case he has referred to a physical evaluation board, so long as the case is still before the physical evaluation board and recommended findings have not yet been made. If recommended findings have been made by the physical evaluation board and the convening authority considers that good and sufficient reasons exist for withdrawal of the case from the disability retirement system, the convening authority may, with the consent of the member concerned, request the Chief of Naval Personnel, or the Commandant of the Marine Corps, as appropriate, or the Chief, Bureau of Medicine and Surgery, to withdraw the case under the provisions of Subpart G of this part.

#### § 725.308 Cases involving discipline.

(a) When court-martial proceedings or investigative proceedings which might lead to court-martial are pending, indicated, or have been completed; in cases of uncompleted sentences of court-martial involving confinement or punitive discharge; and in cases of homosexual behavior existing concurrently with a seriously incapacitating physical disability other than a psychosis, requiring processing in accordance with current SECNAV Instruction in the 1900.9 series, the report of the medical board, together with all pertinent facts relative to the disciplinary aspects of the case, shall be forwarded by the convening authority in accordance with article 18-12(1), Manual of the Medical Department, U.S. Navy, with copy to the Judge Advocate General, for such administrative action as is deemed warranted, and no orders directing or authorizing the appearance of the member before a physical evaluation board shall be issued by the convening authority.

(b) The Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate, may either direct disciplinary processing, or direct disability processing, or direct concurrent disciplinary and disability processing of the member's case.

#### § 725.309 Requests for medical records.

When the indicated disposition of the board is appearance before a physical evaluation board and the convening authority of the medical board concurs and is the commanding officer of a U.S. naval hospital or the Commandant of the 14th Naval District, he shall advise the Chief, Bureau of Medicine and Surgery (Code 33), and request that the member's medical records be forwarded to the cognizant physical evaluation board. In all other cases, where the indicated disposition of the board is appearance before a physical evaluation board, the cognizant physical evaluation board shall take such action as may be necessary to obtain the medical records. When orders for appearance before a physical evaluation board are issued, by the convening authority of the medical board or other authority, copies of such orders shall be distributed as follows:

	Navy		Marine Corps	
	Officer	Enlisted	Officer	Enlisted
Bupers (Pers-B1541)-----	1	-----	-----	-----
Bupers (Pers-E3)-----	-----	1	-----	-----
Marcorps-----	-----	-----	1	1
Bumed (Code 33)-----	1	1	1	1
Peb-----	2	2	2	2

#### § 725.310 Requests for statements of service.

The command responsible for making the determination that a member is to appear before a physical evaluation board (generally the convening authority of the medical board, the Chief of Naval Personnel, or the Commandant of the Marine Corps) shall initiate a request to the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate, for a statement of service for the member. Requests addressed to the Chief of Naval Personnel shall be sent to Pers-E. Requests on a Navy enlisted man shall include the member's Navy Enlisted Classification (NEC) code as part of the identification of the member.

4. Section 725.402 is revised to read as follows:

#### § 725.402 Convening authorities.

(a) The Secretary of the Navy and such officers as he may designate may convene physical evaluation boards. The following officers are hereby designated as empowered to convene such boards:

Chief of Naval Personnel.  
Commandant of the Marine Corps.  
Commandants of the 1st, 3d, 4th, 5th, 6th, 8th, 9th, 11th, 12th, and 13th Naval Districts.  
Commandant, Naval District, Washington, D.C.  
Commandant, Marine Corps Schools, Quantico, Va.  
Commanding Generals of Marine Corps Bases, Camp Lejeune, N.C., and Camp Pendleton, Oceanside, Calif.  
Commanding General, Marine Corps Recruit Depot, Parris Island, S.C.

(b) No officer may appear as the party whose case is to be evaluated before a physical evaluation board which has been convened by him or any one temporarily succeeding to his office or by any one under him in the chain of command (as distinguished from one under his direction for specified purposes only).

5. Section 725.408 is revised to read as follows:

#### § 725.408 Counsel for the physical evaluation board.

(a) The counsel for the physical evaluation board shall be a competent, mature officer of sound judgment, who is familiar with procedures, regulations, and instructions relating to such board. When reasonably available, an officer who is a member of the bar of a Federal court or the highest court of a State should be designated as counsel for the board when the party is represented by an officer or civilian counsel with similar qualifications.

(b) Notwithstanding the provisions of paragraph (a) of this section, the con-



vening authority may appoint an employee who is a member of the bar of a Federal court or the highest court of a State to serve as counsel for the board when the party is represented by an officer or civilian counsel with similar qualifications.

6. Section 725.436 is revised to read as follows:

**§ 725.436 Forwarding of record of proceedings.**

(a) The complete record of proceedings of the physical evaluation board, together with all documents which were before the board, shall be submitted to the Physical Review Council. A copy of the record of proceedings shall be furnished the party or his counsel by registered mail, return receipt requested, except for the following restrictions:

(1) Copies of medical records or reports received from sources other than the Armed Forces of the United States shall not be furnished parties with mental disorders or to parties imprisoned or confined to correctional institutions.

(2) Copies of medical records shall not be furnished parties when such records contain information which may be deleterious to the party's physical or mental health.

The foregoing provisions of this paragraph, however, shall not preclude the review of these records by the counsel for the party as provided in § 725.420. The recipient of such copy of the record of proceedings shall give a dated receipt therefor. The record of proceedings forwarded to the Physical Review Council shall include party's signed and dated statement of intention, his statement in rebuttal if one was filed, and/or a properly executed registered mail return receipt for party's copy of the proceedings. The physical evaluation board shall indicate when a party has not been provided a copy of the proceedings or, where only part of the proceedings was provided the party, indicate what part of the record was not provided. The physical evaluation board shall request the party to indicate a mailing address where he can be most expeditiously reached. If these documents are not received by the physical evaluation board within ten (10) working days after transmittal of party's copy of the proceedings, the proceedings shall be forwarded to the Physical Review Council with notification concerning nonreceipt.

(b) A copy of the record of proceedings having been furnished to party or his counsel, a charge of \$0.25 per page will be made for any subsequent copy requested.

(c) The physical evaluation board shall prepare a Standard Form 600 which will be filed in the party's Health Record, setting forth its recommended findings as prescribed in §§ 725.424 through 725.431, as appropriate. Overprint of SF 600 is permissible.

7. Section 725.502 is revised to read as follows:

**§ 725.502 Composition.**

The Physical Review Council shall consist of the Chief of Naval Personnel or his designated representative acting for him, or, when acting in cases involving personnel of the Marine Corps, the Director of Personnel, Marine Corps, or his designated representative acting for him, the Chief, Bureau of Medicine and Surgery or his designated representative acting for him, and the Judge Advocate General or his designated representative acting for him, as members, and a recorder. The designated representative of the Chief of Naval Personnel shall be Chairman and the designated representative of the Commandant of the Marine Corps shall be Vice Chairman of the Physical Review Council.

8. Section 725.511 is revised to read as follows:

**§ 725.511 Action when party fails to report for scheduled periodic physical examination.**

(a) Notice by registered mail shall be mailed to a party on the Temporary Disability Retired List who has failed to report for his periodic physical examination scheduled pursuant to subpart I of this part. This notice shall inform the party that failure to report for the scheduled physical examination, or otherwise arrange for a current medical examination acceptable to the Secretary of the Navy, unless he gives just cause for such failure, may result in loss of benefits. If the party fails to report for the physical or otherwise arrange for an acceptable current medical examination, the Physical Review Council shall consider all available records pertaining to the physical condition of the party concerned and, on the basis thereof, recommend to the Secretary that one of the following actions be taken:

(1) That in accordance with accepted medical principles party is presumed to have undergone maximum improvement consonant with those principles and is considered to be fit for duty.

(2) That based on the available evidence, considered together with accepted medical principles, party is unfit for duty because of physical disability ratable at (----) percent.

(3) In the case of a party who has failed to report for a periodic physical examination, after receipt of proper notification by registered mail, the Council may recommend to the Secretary that party's name be removed from the Temporary Disability Retired List. The foregoing does not affect any statutory rights if it is subsequently shown that proper notification was not received or that there was just cause for his failure to report (10 U.S.C. 1210(a)).

(b) Action under this section shall be prepared by the Council in such form as it may desire and shall be signed by each member acting in the case and by the Recorder. It shall be transmitted to the Secretary prior to the end of the 5-year period during which the name of the party is carried on the Temporary Disability Retired List.

9. Section 725.703 is amended by revising paragraph (a)(4) and adding paragraph (a)(6) to read as follows:

**§ 725.703 Delegation of authority to act for the Secretary.**

(a) \* \* \*

(4) The Physical Review Council makes findings or concurs in findings which result in the temporary retirement of a party in terminal cases.

\* \* \*

(6) The Naval Physical Disability Review Board (or a majority thereof) concurs in unanimous or majority findings of the physical evaluation board which are acceptable to the party.

\* \* \*

10. Section 725.704 is revised to read as follows:

**§ 725.704 Effective date of retirement.**

(a) Unless the final disposition directed in a case specifies an effective date of retirement pursuant to the authority contained in 10 U.S.C. 1221, the effective date of retirement because of physical disability (either temporary or permanent) shall be specified by the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. The date specified by the Chief of Naval Personnel or the Commandant of the Marine Corps shall be the date upon which all administrative procedures incident to retirement are completed, but shall be no later than the first day of the month following the month during which final disposition was directed.

(b) The Judge Advocate General, Deputy Judge Advocate General, or any Assistant Judge Advocate General is hereby authorized, except as the Secretary of the Navy may otherwise direct, to take action for the Secretary under the provisions of § 725.311 to specify an effective date for the retirement for permanent physical disability or placement on the Temporary Disability Retired List of parties of the naval service, earlier than the date otherwise provided, as recommended by the Physical Review Council pursuant to the provisions of this part.

11. Section 725.801 is amended by revising paragraph (c) and adding paragraph (d) to read as follows:

**§ 725.801 General considerations.**

\* \* \*

(c) The representative of the Chief, Bureau of Medicine and Surgery, on the Physical Review Council shall advise whether duty in a limited assignment status will or will not jeopardize the member's health or that of other members of the service. Further, the representative of the Chief of Naval Personnel or the Director of Personnel, Marine Corps, on the Physical Review Council shall certify whether the member's services can or cannot be utilized in a limited assignment status and, if so, whether his services can or cannot be considered to contribute to the effectiveness of the service. The Physical Review Council, acting as a body, shall recommend to the



Secretary whether to retain the member in a limited duty assignment.

(d) Consideration similar to that given members on active duty shall be afforded members of the Naval and Marine Corps Reserve on inactive duty, except that the certification of the representative of the Chief of Naval Personnel or the Director of Personnel, Marine Corps, as appropriate, shall refer to the utilization of the member in an effective limited assignment under mobilization conditions.

12. Section 725.901 is amended by revising paragraphs (c) and (h), deleting paragraph (i), and revising paragraph (k) to read as follows:

**§ 725.901 Periodic physical examination.**

(c) First endorsement to report for a scheduled periodic physical examination may be by regular mail. However, when the party fails to report as directed and a second notification must be forwarded, certified or registered mail with return receipt shall be used, putting the party on notice that failure to report may prejudice his disability payments and may later be considered as manifesting an intent to abandon benefits, resulting in removal from the Temporary Disability Retired List.

(h) The report of periodic physical examination shall be prepared in letter form. It should contain an accurate interval history and a report of all clinical evaluations and laboratory studies done.

(i) [Deleted]

(k) The report of periodic physical examination requires only signature by the medical officer designated to conduct the examination and, unless the orders for the examination otherwise direct, should be transmitted to the Physical Review Council via the commanding officer.

13. Sections 725.902 through 725.907 are renumbered §§ 725.903 through 725.908 and new § 725.902 is added to read as follows:

**§ 725.902 Reevaluation of members detained by civil authorities.**

The procedures contained in this part are subject to modification whenever the party is undergoing confinement by civil authorities or is hospitalized in an institution under state or local control. The following procedures may be utilized whenever the circumstances of the party's confinement or hospitalization indicate that he will be unable to respond to the orders calling for his appearance for physical examination or physical evaluation board hearing:

(a) The report of the medical officer or medical assistant serving the confinement facility or institution in which the party is hospitalized may be submitted for the periodic physical examination.

(b) The party will be informed by a notice in writing that his case will be considered by a physical evaluation board 30 days from the date of said notice, that unless he waives his right to a full and

fair hearing he will be afforded such hearing on that date but, in the event he fails or is unable to appear on that date, such hearing will be held in his absence with representation by counsel; i.e., by the appointed counsel named in the notice or by civilian counsel of his choice provided at his own expense. In the case of a party who is found to be mentally incompetent, the provisions of §§ 725.409 and 725.421 apply.

14. Subpart J, consisting of § 725.951, is added to read as follows:

**Subpart J—List of Forms**

**§ 725.951 Forms used by physical evaluation boards.**

The following is a list of forms to be used by physical evaluation boards in preparing records of proceedings:

- NAVSO 6100/9—Cover and Processing Time Sheet.
- NAVSO 6100/9a—Cover and Processing Time Sheet—Reevaluation.
- NAVSO 6100/10—Summary Sheet.
- NAVSO 6100/10a—Summary Sheet—Adversely Affect.
- NAVSO 6100/11—Findings.
- NAVSO 6100/12—Case Work Sheet.
- NAVSO 6100/13—Statement of Intention by Individual Having Appeared Before a Physical Evaluation Board With Regard to Submitting a Rebuttal.
- NAVSO 6100/14—Statement of Rights of Individual Appearing Before a Physical Evaluation Board.
- Standard Form 600—Chronological Record of Medical Care.

(Sec. 1216, 70A Stat. 100, sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 1216)

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,  
Rear Admiral, U.S. Navy, Judge  
Advocate General of the Navy.

NOVEMBER 16, 1966.

[F.R. Doc. 66-12624; Filed, Nov. 22, 1966; 8:45 a.m.]

**Title 39—POSTAL SERVICE**

**Chapter I—Post Office Department  
PART 43—MAIL DEPOSIT AND  
COLLECTION**

**Specification for Construction of Mail  
Chutes**

A notice of a proposed revision in § 43.6(c)(2)(i) of Title 39, Code of Federal Regulations was published in the FEDERAL REGISTER of October 15, 1966 (31 F.R. 13394) concerning the construction of mail chutes with slip-joints to reduce manpower costs due to maintenance. Interested persons were given 30 days in which to submit comments regarding the proposal.

After consideration of the comments received, the Department has reached the conclusion to adopt the proposal. The amendment to be effective upon publication in the FEDERAL REGISTER reads as follows:

**§ 43.6 Mail chutes and receiving boxes.**

(c) *Specification for construction of chutes.* \* \* \*

(2) *Material.* (i) Every mailing chute must be made entirely of metal and glass. The metal parts of the chute must be of such form, weight, and character as to insure rigidity, safety, and durability. Panel moldings must be of metal of suitable strength and resilience to insure a constant grip on the glass. At least three-fourths of the front of the chute in each story must be of tempered glass not less than three-sixteenths of an inch in thickness or heavy sheet or plate glass not less than one-fourth inch in thickness. All joints in the chute must be tight so that mail matter cannot catch or lodge therein. Slip-joint construction shall be utilized whereby the upper section will fit into the end of the lower section providing an overlap of not less than 2 inches.

Note: The corresponding Postal Manual section is 153.632a.

(5 U.S.C. 301, 39 U.S.C. 501, 6001, 6003)

TIMOTHY J. MAY,  
General Counsel.

NOVEMBER 18, 1966.

[F.R. Doc. 66-12640; Filed, Nov. 22, 1966; 8:46 a.m.]

**Title 41—PUBLIC CONTRACTS  
AND PROPERTY MANAGEMENT**

**Chapter 50—Division of Public Con-  
tracts, Department of Labor**

**PART 50-202—MINIMUM WAGE  
DETERMINATIONS**

**Revocation of Machine Tools  
Industry**

On May 13, 1963, the Secretary of Labor, pursuant to the provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq., 49 Stat. 2036, 66 Stat. 308), determined that the prevailing minimum wages for persons employed in the Machine Tools Industry were \$1.65 an hour for blueprint machine operators and draftsmen, and \$1.80 an hour for those employees engaged in other occupations (28 F.R. 4898). The effectiveness of this wage determination was postponed by court orders, and the matter is now before me on remand from the U.S. District Court for the District of Columbia, pursuant to orders entered in accordance with the directions of the Court of Appeals in Industrial Union Department v. Barber-Colman Co., and Wirtz v. Barber-Colman Co., 348 F. 2d 787 (C.A.D.C.).

After careful consideration, I have concluded that the minimum wage determination for the Machine Tools Industry should be revoked, and that no new determination should be issued, based on the present administrative record. Although I am satisfied that the administrative record amply supports the dual-rate determination, and that appropriate findings could be made, the



record is so obsolete that a meaningful wage determination is not possible without beginning anew.

The \$1.65 and \$1.80 rates established by the postponed determination were based on evidence of minimum wages paid in April 1960, and April 1961 (see the tentative decision in this matter, 27 F.R. 898 at 901). Since that time, wages have increased so substantially that the previously determined rates no longer prevail. Monthly wage statistics regularly published by the Bureau of Labor Statistics show that straight-time average hourly earnings for the most important segment of this industry had increased 4.2 percent from April 1961, to May 1963, and an additional 9.6 percent from May 1963, to August 1966—or a total of 14.2 percent over the 5-year period. "Employment and Earnings," June 1964, p. 38, January 1966, p. 38, October 1966, p. 64.

Accordingly, 29 CFR 50-202.28 is hereby revoked, effective immediately.

Signed at Washington, D.C., this 18th day of November 1966.

W. WILLARD WIRTZ,  
Secretary of Labor.

[F.R. Doc. 66-12688; Filed, Nov. 22, 1966; 8:50 a.m.]

## Title 45—PUBLIC WELFARE

### Chapter I—Office of Education, Department of Health, Education, and Welfare

#### PART 177—FEDERAL, STATE, AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

##### Miscellaneous Amendments

The issuance of Part 178 of this chapter, governing programs of low-interest loans to vocational students under the National Vocational Student Loan Insurance Act of 1965, makes appropriate certain conforming amendments to Part 177, governing programs of low-interest loans to higher education students under Title IV, Part B, of the Higher Education Act of 1965. The amendment to § 177.12(a) (1) (i) provides for the taking into account by guarantee agencies loans covered by the higher education as well as the vocational student loan program; likewise the amendment to § 177.2(b) (4) requires the applicant student borrower to disclose to the lender information concerning loans under both the higher education and the vocational student loan programs. The other amendments set forth below are intended to make corrections and clarifying changes of a technical nature.

For the reasons stated above, Part 177 of Chapter I of Title 45 of the Code of Federal Regulations is amended as follows:

1. In § 177.2, paragraphs (a) and (b) (4) are revised respectively, to read as follows:

#### § 177.2 Student eligibility for interest benefits.

(a) A student (1) who has received a loan from an eligible lender under a student loan insurance program meeting the requirements of § 177.12 or § 177.13, under a direct State student loan program meeting the requirements of § 177.14, or under the Federal loan insurance program, (2) who is enrolled or has been accepted for enrollment as at least a half-time student in an eligible institution, (3) whose adjusted family income is less than \$15,000, and (4) who is a national of the United States or is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, is eligible for payment on his behalf of a portion of the interest determined under § 177.15(a).

(b) \* \* \*

(4) Information concerning other loans made to him which are covered under this part or 45 CFR Part 178.

2. In § 177.12, subdivision (i) of paragraph (a) (1) is revised to read as follows:

§ 177.12 Agreements for Federal payments to reduce student interest for insured loans.

(a) (1) \* \* \*

(i) Authorizes the insurance of loans in amounts up to least \$1,000, but not exceeding \$1,500, to any individual student in any academic year or its equivalent after taking into account other loans covered by this part and 45 CFR Part 178 which the student has received in the same academic year or its equivalent;

3. Section 177.15 is revised to read as follows:

§ 177.15 Amount of interest benefits and procedures for payment.

(a) After a loan is made to a student meeting the requirements of § 177.2 (or an application is received from such student for Federal interest payments), a report shall be submitted to the Commissioner in such form as the Commissioner may require. On the basis of such report, the Commissioner shall periodically inquire of the guarantee agency (or State loan agency) or of the institution, or of both, as to the enrollment status of the student borrower. On the basis of such reports and inquiries, the Commissioner will compute the interest to be paid at the applicable rate to each holder on behalf of each student. Upon certification of the computation, the Commissioner will pay the amount so determined at least every 6 months.

(b) The payment shall be limited to:

(1) The total amount of the interest on the unpaid principal balance of each loan which accrued prior to the beginning of the repayment period of such loan; and

(2) Three percent per year of the unpaid principal balance of any such loan thereafter.

(c) In no event shall payments under subparagraphs (1) or (2) of paragraph

(b) of this section include any interest on interest added to principal or exceed the interest payable by the student, after taking into consideration the amount of any interest on that loan which the student is entitled to have paid on his behalf for that period under any insured loan program.

(d) The Commissioner's obligation to pay interest shall terminate upon default by the borrower, or upon endorsement of the note in favor of the guarantee agency, whichever occurs first.

Dated: November 1, 1966.

[SEAL] HAROLD HOWE II,  
U.S. Commissioner of Education.

Approved: November 15, 1966.

WILBUR J. COHEN,  
Acting Secretary of Health,  
Education, and Welfare.

[F.R. Doc. 66-12680; Filed, Nov. 22, 1966; 8:48 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 15852; FCC 66-1018]

#### PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

##### Replacement of Equipment by Station Licensees

*Report and order.* 1. A notice of proposed rule making in the above-captioned matter was released February 19, 1965, and was published in the FEDERAL REGISTER, 30 F.R. 2471 (Feb. 25, 1965). The dates for filing comments and replies have passed.

2. This proceeding was instituted by the Commission to provide a more efficient and expeditious procedure in certain instances for the replacement of transmitters in the Domestic Public Radio Services. At present, § 21.121 requires that if a replacement transmitter does not conform exactly to the specifications on the licensee's current instrument of authorization, formal application procedures must be utilized to replace an authorized transmitter. With improvements in the efficiencies of transmitters in recent years, it has become increasingly difficult to find replacement transmitters having the same specifications for input and output power as the authorized transmitter. To resolve this situation, the Commission proposed a rule which would lessen the need for formal application procedures by permitting licensees to replace transmitters without regard to make, type, or power input: *Provided*, That the replacement transmitter is type-accepted for use under Part 21 of the Commission's rules with a rated power equal to the authorized power output of the transmitter being replaced: *And provided*, That the replacement transmitter otherwise conforms to the frequency, class of station and emission specified in the cur-



rent instrument of authorization and all other applicable rules and regulations. At the time of installation of a replacement transmitter meeting these criteria a notification disclosing certain particulars would then be given to the Commission at Washington, D.C., and the Engineer in Charge of the radio district wherein operation is to be conducted. It appears that such a notification would satisfy the administrative necessities and minimize the filing of formal applications.

3. The only comments received in this proceeding were submitted by the American Telephone and Telegraph Co. which supports the Commission's proposal.

4. By reason of the foregoing, the Commission finds that the public interest, convenience, and necessity will be served by the amendment ordered herein and pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

5. *It is ordered*, That effective December 27, 1966, § 21.121 of the Commission's rules is amended as set forth below.

6. *It is further ordered*, That this proceeding is hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: November 16, 1966.

Released: November 18, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

Section 21.121 is amended to read as follows:

#### § 21.121 Replacement of equipment.

(a) The licensee of a station in this service may replace a transmitter without specific authorization by notifying the Commission at Washington, D.C. 20554, and its Engineer in Charge of the radio district wherein operation is to be conducted, at the time of the installation of the transmitter, if the replacement transmitter complies with the following conditions:

(1) Appears on Commission's current type-acceptance list for use under this Part 21 (see § 21.120) and is installed without modification.

(2) Its type-accepted output power is equal to the authorized output power for the transmitter being replaced.

(3) Conforms to the frequency, class of station and emission specified in the current instrument of authorization and all other applicable rules and regulations.

(b) For all transmitter replacements made pursuant to paragraph (a) of this section, any changes in input power, make and type of transmitting equipment must also be indicated on the next application for renewal of license or in the next application for modification of license, whichever is filed first. Requests for authority to make other changes in equipment shall be submitted

to the Commission in appropriate applications and replacements which require applications may not be made until an authorization has been issued by the Commission. Notification is not required for a replacement which conforms in all respects to the authorized transmitter.

(c) The notification required by paragraph (a) of this section shall include:

(1) Radio service and station call sign.

(2) Location of replacement transmitter as shown on current license.

(3) Name of the manufacturer and type number of transmitter installed, as it appears on the current type-acceptance list.

(4) Rated output power of such transmitter.

(5) Identification of the transmitter being replaced (and where applicable, point(s) of communication) and the frequency on which such transmitter operates.

(6) Date of replacement.

[F.R. Doc. 66-12666; Filed, Nov. 22, 1966; 8:48 a.m.]

[Docket No. 16833; FCC 66-1031]

### PART 73—RADIO BROADCAST SERVICES

#### Educational UHF Television Broadcast Channel; Norfolk, Nebr.

*Report and order.* In the matter of amendment of § 73.606 of the Commission rules and regulations to assign and reserve for educational use, a UHF television broadcast channel at Norfolk, Nebr.; Docket No. 16833, RM-998.

1. The Commission has before it for consideration the proposal to assign Channel 16 to Norfolk, Nebr., for educational noncommercial use.

2. The notice of proposed rule making, adopted August 24, 1966 (FCC 66-771), sets for the reasons for such assignment. The Nebraska Educational Television Commission (NETC), an instrumentality of the State of Nebraska charged by law with the responsibility for inaugurating a statewide educational television network, petitioned for a Norfolk channel so as to provide adequate coverage for northeastern Nebraska. Prompt action was requested because of the desire to implement plans for operation of a station by the beginning of the 1967 Fall term. The petition was supported by NAEB.

3. In its comments filed in this proceeding, the petitioner (NETC) refers to its original request for Channel 19 and urges that it be assigned instead of Channel 16 as proposed by the Commission. It notes the Commission's statement that Channel 16 has been found to be the most efficient assignment for Norfolk based upon the criteria used in developing the overall UHF assignment plan but argues that its engineering consultant also employed an electronic computer and found that there was no meaningful distinction between the two channels so far as concerns efficiency and that in fact, Channel 19 has less impact on available assignments at Norfolk than Chan-

nel 16. It argues further that the use of Channel 16 at a site some 15 miles north-northeast of Norfolk would barely meet the minimum separation requirement of 175 miles to the Channel 16 assignment at Fairmont, Minn. This, it is alleged, would restrict the choice of a transmitter site for the Fairmont assignment.

4. We are unable to confirm petitioner's claim that there is no meaningful difference in efficiency between Channel 16 and Channel 19 assigned to Norfolk. The table below shows that Channel 19 at Norfolk would affect 14 potential assignments in 9 cities while a Channel 16 affects only 9 potential assignments in 5 cities:

#### POTENTIAL ASSIGNMENTS LOST

##### CHANNEL 16

1. Bassett, Nebr.....	16
2. Lexington, Nebr.....	16
3. Norfolk, Nebr.....	16
4. North Platte, Nebr.....	16
5. Norfolk, Nebr.....	19
6. Norfolk, Nebr.....	24
7. Norfolk, Nebr.....	30
8. Albion, Nebr.....	30
9. Norfolk, Nebr.....	31

##### CHANNEL 19

1. Norfolk, Nebr.....	16
2. Bassett, Nebr.....	19
3. Kearney, Nebr.....	19
4. Lexington, Nebr.....	19
5. Norfolk, Nebr.....	19
6. North Platte, Nebr.....	19
7. Superior, Nebr.....	19
8. Vermillion, S. Dak.....	19
9. Norfolk, Nebr.....	24
10. Sioux City, Iowa.....	33
11. Albion, Nebr.....	33
12. Norfolk, Nebr.....	33
13. Vermillion, Nebr.....	33
14. Albion, Nebr.....	34

It is not sufficient to consider only the impact on available assignments at Norfolk as the NETC's engineering consultant apparently has done. A meaningful measure of efficiency must consider the total impact of a contemplated assignment.

5. The argument about the loss of flexibility in the choice of a transmitter site for Channel 16 at Fairmont, Minn., is largely speculative. In the petition, NETC did not indicate that it contemplated the use of a site 15 miles north-northeast of Norfolk and its comments merely state that this "site which NETC has tentatively determined would provide the most efficient coverage to the northeastern portion of the State" would be at the minimum required separation from the standard reference point in Fairmont. It is, of course, not known where a potential applicant for Fairmont would locate its transmitter; however, if a separation problem should arise there would appear to be no problem with respect to finding a substitute channel, since ample unassigned channels to meet any foreseeable need in Fairmont are available. Thus, there is no persuasive reason for assigning the less efficient Channel 19 to Norfolk.

6. It appears that the public interest, convenience and necessity will be best served by assigning Channel 16 to Norfolk. Authority for the amendment adopted herein is contained in sections

<sup>1</sup> Chairman Hyde absent.



4(i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That, effective December 27, 1966, the Television Table of Assignments (§ 73.606(b)) of the Commission's rules and regulations is amended to read as follows:

City	Channel No.
Norfolk, Nebr-----	*16

8. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: November 16, 1966.

Released: November 18, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12667; Filed, Nov. 22, 1966;  
8:48 a.m.]

<sup>1</sup> Chairman Hyde absent.

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 32—HUNTING

#### Shiawassee National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

#### MICHIGAN

#### SHIAWASSEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Shiawassee National Wildlife Refuge is permitted from 6 a.m. to 7 p.m. each day from November 19, 1966, through December 4, 1966, only on the area designated by signs as open to hunting. This open area, comprising 6,000 acres, is de-

lineated on a map available at the refuge headquarters, Saginaw, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting or deer subject to the following conditions:

(1) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

(2) The use of rifles for hunting deer is prohibited on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 4, 1966.

JOHN R. FRYE,  
Refuge Manager, Shiawassee  
National Wildlife Refuge,  
Saginaw, Mich.

NOVEMBER 15, 1966.

[F.R. Doc. 66-12621; Filed, Nov. 22, 1966;  
8:45 a.m.]



# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[211.12]

### [ 19 CFR Parts 2, 3 ]

### PLEASURE VESSELS

#### Optional Simplified Admeasurement

Public Law 89-476, approved June 29, 1966 (80 Stat. 229), permits the assignment of gross and net tonnages to vessels intended to be used exclusively as pleasure vessels, without the necessity of formal admeasurement, by the application of appropriate coefficients to the product of length, breadth, and depth, so defined that the owner can take the measurements himself. If an owner does not elect to have tonnages assigned in this way, or if the vessel is subsequently sought to be documented for use other than exclusively as a pleasure vessel, the vessel will be required to be measured under the previously existing provisions which have been preserved.

Notice is hereby given that under authority of section 4148 of the Revised Statutes, as amended (46 U.S.C. 71), it is proposed to amend Parts 2 and 3 of the regulations as set forth in tentative form below.

The citation of authority for Part 2 is amended to read:

**AUTHORITY:** The provisions of this Part 2 issued under R.S. 161, as amended, secs 2, 3, 23 Stat. 118, as amended, 119, as amended, R.S. 4148, as amended, 4149, as amended, 4150 as amended, 4151, as amended, 4153, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 71, 72, 74, 75, 77.

1. Section 2.2 is amended to read:

#### § 2.2 What vessels are to be admeasured.

(a) Before any vessel is registered, enrolled, and licensed, or licensed, or issued a certificate of record, her tonnages shall be ascertained by an officer of the customs as provided in these regulations.

(b) In the discretion of the Commissioner of Customs, a vessel not required by law to be admeasured may nevertheless be admeasured upon his own motion or upon application by the owner, a Federal or State agency, or a foreign government.

2. Section 2.5 is amended as follows:

The text in paragraph (b) preceding subparagraph (1) is amended to read:

(b) Except in the case of a vessel which is measured under the provisions of sections 2.80 through 2.100, or under the provisions of sections 2.101 through 2.104, the gross register tonnage of a vessel shall consist of the following items:

A paragraph is added as follows:

(d) The gross tonnage of a vessel measured under the provisions of §§ 2.101

through 2.104 shall be determined as provided by § 2.103.

3. Section 2.6 is amended by adding a paragraph (a) as follows:

(c) The net tonnage of a vessel measured under the provisions of §§ 2.101 through 2.104 shall be determined as provided by § 2.104.

4. Section 2.7 is amended as follows: The existing text is designated paragraph (a); the first clause thereof is amended by inserting after the words "every vessel" the words "except one admeasured under the provisions of §§ 2.101 through 2.104"; and a paragraph (b) is added, as follows:

#### § 2.7 The marine document.

(a) The marine document of every vessel except one admeasured under the provisions of §§ 2.101 through 2.104 shall show the date and place of build, the register length, breadth, depth, and the height of the upper deck to the hull above the tonnage deck; \* \* \*.

(b) The marine document of every vessel admeasured under the provisions of §§ 2.101 through 2.104 shall show the date and place of build, the register length, breadth, and depth, and the gross and net tonnages.

5. Section 2.8 is amended to read:

#### § 2.8 Application for measurement.

The builder of a new vessel which is to be admeasured, the person having supervision of changes and/or alterations affecting a vessel's register tonnage, and the owner of a vessel who elects to have her admeasured under the provisions of §§ 2.101 through 2.104 or who, having had the vessel so admeasured, elects or is required to have her admeasured under the appropriate provisions of §§ 2.11 through 2.100, shall apply in writing for admeasurement or tonnage adjustment, as the case may be, to the director of customs in the district in which the vessel is located. Except in the case of admeasurement under §§ 2.101 through 2.104, application should be made in time to permit admeasurement before cargo or ballast is taken on, and in case of a new vessel, before boilers or engine are installed or compartments partitioned off. The application shall state the name and the official number of the vessel, if any, the name, address, and telephone number of the owner, the exact location of the vessel, the date and place of build and the builder's name, the rig, and model or other identifying numbers.

6. Section 2.11 is amended by adding a paragraph as follows:

(c) These directions do not apply to admeasurement under the provisions of §§ 2.101 through 2.104.

7. Part 2 is amended to add a center-head and new §§ 2.101 through 2.105 as follows:

#### OPTIONAL SIMPLIFIED ADMEASUREMENT METHOD FOR PLEASURE VESSELS

#### § 2.101 Application for simplified admeasurement.

Upon application by the owner for simplified admeasurement, filed with and approved by the director of the district where the vessel is located, a vessel which is intended to be used exclusively for pleasure shall, whether or not it has been previously admeasured, be admeasured in accordance with the provisions of §§ 2.103 and 2.104. Such application shall state the vessel's overall length, breadth, and depth, as defined in § 2.102, the name of the builder, and the vessel's model and serial numbers, if any. Where the vessel appears to be subject to admeasurement under the provisions of § 2.103 (b) and/or (c), the application shall be accompanied by rough dimensioned sketches, not necessarily to scale, of the arrangement, profile, and cross-section of the vessel, indicating thereon the points to which the dimensions were taken.

#### § 2.102 Definition of terms used in §§ 2.101 through 2.105.

(a) "Overall length" means the horizontal distance between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments.

(b) "Overall breadth" is the horizontal distance from the outside of the skin (outside planking or plating) on one side to the outside of the skin on the other, taken at the widest part of the hull, and excluding rub rails.

(c) "Overall depth" is the vertical distance taken at or near midships from a line drawn horizontally through the uppermost edges of the skin at the sides of the hull (excluding trunks, cabins, or deckhouses) to the outboard face of the bottom skin of the hull. This excludes the keel unless the keel is covered by the skin.

(d) Overall length and depth are measured in the vertical plane of the centerline; overall breadth, in a line at right angles to the vertical plane of the centerline.

(e) The overall length, breadth, and depth, as defined in this section, of a vessel measured under the provisions §§ 2.101 through 2.104 of this Part 2 shall be deemed to be the vessel's register length, breadth, and depth.

(f) "Vessel designed for sailing" means a vessel, whether or not equipped with an auxiliary motor, which has the fine lines of a sailing craft and is in fact propelled by sail.

#### § 2.103 Calculation of gross tonnage.

(a) Except as provided in paragraphs (b) and (c) of this section, the gross tonnage of a vessel designed for sailing



shall be one-half (LBD/100), and the gross tonnage of a vessel not designed for sailing shall be two-thirds (LBD/100), LBD being the product of overall length, breadth, and depth.

(b) Where a vessel's hull approximates in shape a regular geometric solid, the gross tonnage of the hull shall be her volume as calculated by the use of appropriate geometric formulae and expressed in tons of 100 cubic feet.

(c) Where the volume of the deckhouse is disproportionate to the volume of the hull, as in the case of certain houseboats, the volume of the deckhouse, calculated by the use of appropriate geometric formulae and expressed in tons of 100 cubic feet, shall be added to the gross tonnage of the hull as previously calculated.

(d) The gross tonnage of a catamaran shall be arrived at by adding the gross tonnages of her hulls as calculated under this section.

#### § 2.104 Calculation of net tonnages.

(a) Except as provided in paragraph (b) of this section, the net tonnage of a vessel designed for sailing shall be nine-tenths of her gross tonnage, and the net tonnage of a vessel not designed for sailing shall be eight-tenths of her gross tonnage.

(b) The net tonnage of a vessel which has no propelling machinery in the hull shall be the same as her gross tonnage.

#### § 2.105 Readmeasurement of vessels admeasured under §§ 2.101 through 2.104.

(a) A vessel admeasured under the provisions of §§ 2.101 through 2.104 may at the owner's option be readmeasured under the appropriate provisions of §§ 2.11 through 2.100.

(b) A vessel admeasured under the provisions of §§ 2.101 through 2.104 which is thereafter to be documented for use other than exclusively as a pleasure vessel shall be readmeasured under the appropriate provisions of §§ 2.11 through 2.100.

8. Section 3.9 is amended to read:

#### § 3.9 Marine documents to include dimensions and tonnage.

(a) The marine document of every vessel except one admeasured under the provisions of §§ 2.101 through 2.104 shall express her length, breadth, and depth; if applicable, the depth (D,) and the length (L,) used with the tonnage mark table and the distances to the tonnage mark from the line of the upper deck and from the molded line or equivalent of the second deck; the number of decks and masts; capacity under the tonnage deck, that of the between decks, and also separately, permanently enclosed spaces on or above the upper deck to the hull required to be included in the gross tonnage, and the omitted spaces, whether open or closed-in, on, above, or below the upper deck; the gross tonnage or tonnages; items of deduction; and the net tonnage or tonnages. In appropriate cases it shall also show the height of

the upper deck to the hull above the tonnage deck.

(b) The marine document of every vessel admeasured under the provisions of §§ 2.101 through 2.104 shall express her length, breadth, depth, and gross and net tonnages.

9. Part 3 is amended to add a new § 3.15 as follows:

#### § 3.15 Verification of overall dimensions.

(a) A vessel document issued upon admeasurement under the provisions of §§ 2.101 through 2.104 may, in the discretion of the customs officer concerned, not be renewed, nor another document issued for a vessel documented upon such admeasurement, until a customs officer has verified the overall dimensions stated in the application for such admeasurement.

(b) Any correction of the stated overall dimensions of a vessel as the result of the verification provided for in paragraph (a) of this section shall be deemed a change in the description of the vessel within the meaning of § 3.6(c).

(R.S. 4149, as amended, 4150, as amended, 4153, as amended; 46 U.S.C. 72, 74, 77.)

Prior to final action on the proposal consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Washington, D.C., and received within a period of 20 days from the date of the publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] LESTER D. JOHNSON,  
Commissioner of Customs.

Approved: November 14, 1966.

TRUE DAVIS,  
Assistant Secretary  
of the Treasury.

[F.R. Doc. 66-12649; Filed, Nov. 22, 1966;  
8:47 a.m.]

## DEPARTMENT OF LABOR

Bureau of Employment Security  
[ 20 CFR Part 602 ]

### ALIENS PERFORMING TEMPORARY LABOR

#### Minimum Standards Regarding Wages and Working Conditions

Pursuant to section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as implemented by 8 CFR 214.2(h), regulations have been established (20 CFR 602.10) setting forth the policies that will be followed in the certification and use of temporary foreign labor for agricultural employment in the United States. These policies establish minimum standards with regard to wages and working conditions which must be offered to United States workers before certification to permit the admission of foreign workers will be made and which must be afforded foreign workers upon admission.

As most of these policies have not been reviewed for almost 2 years, I have decided to and do hereby commence public proceedings to determine whether any revisions are now appropriate.

Accordingly, all interested persons are invited to submit data, views, or argument either orally or in writing concerning this subject to a duly assigned hearing examiner appointed under section 11 of the Administrative Procedure Act (5 U.S.C. 1010) on December 5, 1966, at the U.S. Department of Labor Building, Room 216, 14th Street and Constitution Avenue NW., Washington, D.C., or on December 7, 1966, at the Bay Front Auditorium, Miami, Fla., or on December 9, 1966, at the John F. Kennedy Federal Building, Boston, Mass., Room 2003 A, or on December 12, 1966, at Nourse Auditorium, 275 Hayes Street, San Francisco, Calif. All of these proceedings will commence at 10 a.m.

The proceedings shall be stenographically reported. Transcripts will be made available to interested persons on such terms as the hearing examiner shall prescribe. The hearing examiner shall regulate the proceedings, dispose of procedural requests, objections, and related matters and confine the proceedings to the matters pertinent to those hereinbefore stated. After the record has been closed, the hearing examiner shall certify it to me for determination of what changes, if any, should be made in 29 CFR 602.10.

Persons who do not attend the oral proceeding may submit written comments by mailing them on or before December 12, 1966, to the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210.

Signed at Washington, D.C., this 18th day of November 1966.

W. WILLARD WIRTZ,  
Secretary of Labor.

[F.R. Doc. 66-12689; Filed, Nov. 22, 1966;  
8:50 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration  
[ 21 CFR Parts 1, 3 ]

### CERTAIN DRUG-LABELING EXEMPTIONS

#### Proposed Termination

In the FEDERAL REGISTER of September 6, 1961 (26 F.R. 8389), § 1.106 of the regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act was amended to require that labeling for human and veterinary prescription drugs and devices bear adequate information for their safe and effective use; however, it was provided that for those prescription drugs and devices for which directions, hazards, warnings, and use information are commonly known to licensed practitioners, the full disclosure information required by paragraphs (b) (3)



and (c) (3) of that section could be omitted from the dispensing package.

Pursuant to these provisos, § 3.515 was published in the *FEDERAL REGISTER* of December 28, 1961 (26 F.R. 12563), and amended in the *FEDERAL REGISTER* of June 8, 1962 (27 F.R. 5428), listing certain prescription drug preparations for which the Commissioner of Food and Drugs offered the opinion that, when intended for those uses for which they were generally employed by the medical profession, they should be exempt from the requirements of § 1.106 (b) (3) or (c) (3) within specified conditions.

Recent experience, and other evidence not available at the time § 1.106 was amended (Sept. 6, 1961), indicate that new information on directions, hazards, warnings, and use has been acquired and is continually being acquired in the use of all drugs including those listed in § 3.515; that such new information is not commonly known to physicians or veterinarians; and that prompt dissemination of such new information is necessary to assure safe and effective use of all drugs for the purpose for which they are intended, including all purposes for which they are advertised or represented.

Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502(f), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(f), 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), it is proposed that Parts 1 and 3 be amended:

1. To delete the subject provisos by revising § 1.106 (b) (3) (ii) and (c) (3) (ii) to read as follows:

§ 1.106 Drugs and devices; directions for use.

(b) *Exemption for prescription drugs.*

(ii) If the article is subject to section 505, 506, or 507 of the act, the labeling bearing such information is the labeling authorized by the approved new-drug application or required as a condition for the certification or the exemption from certification requirements applicable to preparations of insulin or antibiotic drugs.

(c) *Exemption for veterinary drugs.*

(ii) If the article is subject to section 505 or 507 of the act, the labeling bearing such information is the labeling authorized by the approved new-drug application or required as a condition for the certification or the exemption from certification requirements applicable to preparations of antibiotic drugs.

§ 3.515 [Revoked]

2. By revoking § 3.515 *Exemption from certain drug-labeling requirements.*

Any interested person may, within 60 days from the date of publication of this notice in the *FEDERAL REGISTER*, file with the Hearing Clerk, Department of Health,

Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: November 15, 1966.

WINTON B. RANKIN,  
Deputy Commissioner of  
Food and Drugs.

[F.R. Doc. 66-12681; Filed, Nov. 22, 1966;  
8:48 a.m.]

## FEDERAL AVIATION AGENCY

[14 CFR Parts 71, 73]

[Airspace Docket No. 66-SO-57]

### RESTRICTED AREA AND CONTROL AREA EXTENSION

#### Proposed Alteration

The Federal Aviation Agency is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would change the time of designation of R-7103 Salinas, P.R., redesignate the area as joint use, and eliminate the exclusion of R-7103 within the San Juan control area extension.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 45 days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rule Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Army has informed the Agency that the present time of designation of R-7103 is too restrictive for it to accomplish its required training. In order that sufficient time might be provided, the Army has requested that the time of designation of R-7103 be changed. In addition, to allow maximum use of the area by other airspace users, the Army has requested that the area be redesignated as joint use.

In conjunction with the alteration of R-7103, the San Juan control area extension would be redescribed to provide the required controlled airspace for joint use of R-7103.

If the aforementioned proposals are adopted, Restricted Area R-7103, Salinas, P.R., would be redescribed to change the

time of designation to "continuous June 1 through August 31, other times as activated by NOTAM at least 24 hours in advance" and the area would be established as a joint-use restricted area.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 16, 1966.

T. McCORMACK,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[F.R. Doc. 66-12629; Filed, Nov. 22, 1966;  
8:45 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 66-EA-65]

### RESTRICTED AREA

#### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations which would raise the ceiling of Restricted Area R-6501 Underhill, Vt., and establish the area as a joint use restricted area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The U.S. Army has requested that the ceiling of Restricted Area R-6501 be raised to accommodate the firing of the Vulcan Anti-Aircraft Defense System. The Army informs us that the altitude increase is necessitated by engineering and production firing tests on the Vulcan Anti-Aircraft Defense System which require firing 20 mm. projectiles to 13,500 feet MSL.

Because the higher altitudes will not be required at all times the Army has agreed to the establishment of R-6501 as a joint use restricted area. Such designation would meet Army requirements and, at the same time, preclude the restriction of airspace not required.

In view of the foregoing, it is proposed that the designated altitudes of R-6501 be changed from "Surface to 4,000 feet MSL" to "Surface to 13,600 feet MSL"



and the area be established as a joint use restricted area.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 16, 1966.

T. McCORMACK,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[F.R. Doc. 66-12630; Filed, Nov. 22, 1966;  
8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 73 ]

[Docket No. 16988 (RM-976); FCC 66-1030]

#### TV BROADCAST STATIONS

##### Table of Assignments; Oneonta and Elmira, N.Y.

1. Susquehanna Broadcasting, Inc. filed a petition, dated June 6, 1966, requesting a first commercial UHF channel assignment to Oneonta, N.Y.

2. Oneonta, population 13,412,<sup>1</sup> is the county seat of Otsego County which has a population of 51,942 persons. Because of Oneonta's importance as the economic hub of the area, petitioner believes that Oneonta needs and deserves a commercial television outlet for self-expression. Oneonta's only assignment, Channel 42, is reserved for educational use. Petitioner plans to file an application for a construction permit when a channel becomes available.

3. Elmira (90 miles to the west) is currently assigned Channels 18 and 36. WSYE-TV operates on Channel 18 with an effective radiated power of 113 kw from an antenna 1,220 feet above average terrain. Channel 36 is unused, and there are no pending applications therefor. The petitioner requests that Channel 36 be shifted from Elmira to Oneonta, and that it be replaced with Channel 65 in Elmira. These changes may be accomplished without affecting any other assignments in the Table, and Channel 36 at Oneonta will meet all the required minimum geographic separations both at the standard reference point in Oneonta and at the site contemplated for use by the petitioner. The overall efficiency of the assignment plan will not be adversely affected.

4. Oneonta is located approximately 65 miles from Albany, N.Y., 50 miles from Binghamton, N.Y., 70 miles from Syracuse, N.Y., and 45 miles from Utica, N.Y. With respect to predicted service contours of television stations in the above cities, Oneonta lies well within the Grade B contour of Stations WBNF-TV, Channel 12, Binghamton and WKTV, Channel 2, Utica; just inside the Grade B contour of Station WSYR-TV, Channel 3, Syracuse; just outside the Grade B of Stations WHEN-TV, Chan-

nel 5, and WNYS-TV, Channel 9, Syracuse; and outside the Grade B contour of all the Albany stations. According to the 1966 edition of the TV Factbook, Oneonta Video, Inc. operates a CATV system which has 3,975 subscribers with a potential of 4,100 subscribers expected within 5 years and carries Stations WPIX, WNDT, WNEW-TV, and WOR-TV, New York City; WBNF-TV, WINR-TV, and WBJA-TV, Binghamton; WKTV, Utica; WRGB, Schenectady; and WHEN-TV and WNYS-TV, Syracuse. It is apparent that Oneonta depends on distant television broadcast stations and CATV for service. The requested channel change will provide both Oneonta and Elmira with commercial television channels.

5. Accordingly, pursuant to the authority contained in sections 4(l), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission's rules, insofar as the cities listed below are concerned, to read as follows:

City	Channel No.
Oneonta, N.Y.-----	36, *42
Elmira, N.Y.-----	18, 65

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before December 27, 1966, and reply comments on or before January 6, 1967. All submissions by parties to the proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: November 16, 1966.

Released: November 18, 1966.

#### FEDERAL COMMUNICATIONS COMMISSION,<sup>2</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12670; Filed, Nov. 22, 1966;  
8:48 a.m.]

### [ 47 CFR Part 73 ]

[Docket No. 16989; FCC 66-1032]

#### FM BROADCAST STATIONS

##### Table of Assignments; Thomson, Ga., etc.

In the matter of amendment of § 73.202, *Table of assignments*, FM broadcast stations (Thomson, Ga., New Richmond, Wis., Chippewa Falls, Wis., Rochester, Ind., Shell Lake, Wis., Hardinsburg, Ky., Oneonta, Ala., Prince Frederick and Pocomoke City, Md., Magnolia, Ark., York and Grand Island, Nebr., Lima, Ohio, Hudson and Amsterdam, N.Y., and Tucson, Ariz.); Docket No. 16989, RM-1026, RM-1028, RM-1040, RM-1046, RM-1052, RM-1055, RM-1057, RM-1037, RM-1042, RM-1045, RM-1049.

1. Notice is hereby given of proposed rule making in the above-entitled matters, concerning amendments of the FM Table of Assignments in § 73.202 of the rules. All proposed assignments are alleged and appear to meet the minimum separation requirements of the rules. All proposed assignments which are within 250 miles of the United States-Canadian border require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. Except as noted, all channels proposed for shift or deletion are unoccupied and not applied for, and all population figures are from the 1960 U.S. Census.

2. RM-1026; Thomson, Ga. (Walter J. Brown). RM-1028; New Richmond, Wis. (Smith Broadcasting Co., Inc.). RM-1040; Chippewa Falls, Wis. (Bushland Radio Specialties). RM-1046; Rochester, Ind. (C. Edward Swain). RM-1052; Shell Lake, Wis. (Erwin Gladdenbegk and Charles Lutz). RM-1055; Hardinsburg, Ky. (Blancett Broadcasting Co.). RM-1057; Oneonta, Ala. (Blount County Broadcasting Service). In these seven cases, interested parties have sought the assignment of a first Class A channel in a community, without requiring any other changes in the Table. The communities are of substantial size and appear to warrant the proposed assignments. Comments are therefore invited on the following additions to the FM Table:

City	Channel No.
Thomson, Ga.-----	269A
Rochester, Ind.-----	* 221A
Hardinsburg, Ky.-----	* 232A
Chippewa Falls, Wis.-----	288A
New Richmond, Wis.-----	* 206A
Shell Lake, Wis.-----	237A
Oneonta, Ala.-----	249A

<sup>1</sup> A site about 2 miles out of the community will have to be selected to meet the spacing requirements.

<sup>2</sup> This assignment would require the selection of a site about 3 miles east or northeast of the city.

<sup>3</sup> Attention is invited to the notice of inquiry adopted on November 9, 1966, in Docket No. 14185, FCC 66-1007, inviting comments on a table of assignments for the educational FM band, adjacent to Channel 221A. Comments are invited on the possible impact that the proposed assignment will have on the availability of educational Channels 218, 219, and 220 in the general area. Proponents of this use of Channel 221A may wish to file comments in Docket 14185, on or before Dec. 30, 1966.

3. RM-1037; Prince Frederick, Md. In a petition filed on September 21, 1966, Richard A. Myers, prospective applicant for a new FM station in Prince Frederick, Md., requests the assignment of Channel 224A to Prince Frederick by substituting Channel 221A for 224A in Pocomoke City, Md., as follows:

City	Channel No.	
	Present	Proposed
Prince Frederick, Md.-----	-----	224A
Pocomoke City, Md.-----	224A	* 221A

<sup>4</sup> See footnote 3, above.

<sup>1</sup> Population figures are from the 1960 U.S. Census.

<sup>2</sup> Chairman Hyde absent.



Prince Frederick is a small unincorporated community of 500 persons but is the county seat of Calvert County, which has a population of 15,826. There are no radio stations in the county. Petitioner states that Prince Frederick serves as the political, educational, and economic center for the county and that he will file an application for the channel in the event it is assigned.

4. Comments are invited on petitioner's request in order that all interested parties may submit their views and relevant data.

5. *RM-1042; Magnolia, Ark.* On October 3, 1966, William Bigley, a stockholder of Magnolia Broadcasting Co., licensee of Station KVMA (AM), Magnolia, Ark., filed a petition for rule making requesting the substitution of Channel 300 for 224A at Magnolia, Ark., as follows:

City	Channel No.	
	Present	Proposed
Magnolia, Ark.-----	224A	300

Magnolia, the county seat and largest community in Columbia County (population 26,400), has a population of 10,651 persons. It is located in the southwestern portion of the State approximately 50 miles from Texarkana, Ark., and 60 miles from Shreveport, La. Daytime-only station KVMA, licensed to petitioner is the only station in the community and no applications have been filed for the sole Class A FM channel assigned. Mr. Bigley submits that there are no other broadcast stations or FM assignments in Columbia County and in the adjoining county of Lafayette, which has a population of 11,030. He urges that since Magnolia is the center of activities for a substantial area the coverage of a Class C channel is required to serve its regional educational and cultural needs.

6. While Magnolia is the type of community to which we would normally assign a Class A channel, it may warrant a departure of our policy of assigning Class B/C channels to the large cities and metropolitan areas, in view of petitioner's claims regarding the need for a regional radio service in the area and the distance to large population centers. We are therefore inviting comments on petitioner's proposal to assign Channel 300 to Magnolia in lieu of Channel 224A.

7. *RM-1045; York, Nebr.* On October 12, 1966, The Prairie States Broadcasting Co., licensee of station KAWL (AM), York, Nebr., filed a petition requesting rule making looking toward the addition of a Class C channel to York, Nebr., by substituting a Class A for a Class C assignment at Grand Island, Nebr., as follows:

City	Channel No.	
	Present	Proposed
York, Nebr.-----	285A	243, 285A
Grand Island, Nebr.-----	239, 243	239, 276A

York is a community of 6,173 persons. It is the county seat and largest community in York County, which has a population of 13,724. KAWL, licensed to petitioner, is a daytime-only operation. There are two competing applications for the sole FM assignment at York, that of petitioner (BPH-5548) and that of Capital Broadcasting, Inc. (BPH-5357) for use at Aurora, Nebr. Grand Island has a population of 25,742 and is the county seat and largest community in Hall County (population 35,757). It has two unlimited time AM stations but no applications have been filed for the two Class C channels assigned to it.

8. Prairie urges that a Class C assignment is needed in York since it would make the comparative hearing unnecessary, would provide a large portion of east-central Nebraska with a first FM service, and make possible an additional FM service to east-central Nebraska. With respect to Grand Island, Prairie contends that the considerable difference in the cost of a Class C station as against a Class A could be a deterrent to bringing FM service to this community whereas a choice of class of station could be more attractive to a wider range of potential applicants and thus would serve the interests of the Grand Island citizens.<sup>5</sup>

9. We have carefully considered the contentions made by Prairie for a first Class C assignment and a second FM assignment in York by substituting a Class A for the second Class C assignment in Grand Island, and find that there are not sufficient public interest considerations to merit the requested amendments. Grand Island is a much larger community than York, the community having four times the population, and the county in which it is located having over two and one-half times the population of York's county. Normally, York is the type of community which has been assigned Class A channels. While Prairie submits that a Class C assignment would provide a portion of the State with a first FM service, no showing is made to support this. There are a number of Class C assignments in communities surrounding York (Grand Island, Lincoln, Beatrice, Columbus, Kearney, and Omaha) which would provide FM service to the area in which a Class C assignment would provide service if located at York. Neither are we sure that the proposed addition of a Class C assignment would eliminate the need for a comparative hearing since the present applicant for Aurora or another party may file for the wide-area channel requested. Further, the proposal would mix Class A and C channels in both York and Grand Island, a situation we have tried to avoid wherever possible in order

<sup>5</sup> On Nov. 14, 1966, Cornhusker Television Corp., licensee of Station KOLN-TV, Channel 10, Lincoln, Nebr., filed an opposition to the Prairie petition, on the grounds that Channel 243 at York would cause second harmonic interference to the reception of Channel 10 in that city. In view of the action taken herein, no further consideration will be given to the Cornhusker opposition.

to retain equivalent technical facilities in the same market. For the above reasons, we are denying the Prairie request. Since however, there are two applicants for the sole Class A channel in York (one for the community of Aurora, under the "25 mile-rule") it may be appropriate to assign a Class A channel to Aurora. Since Channel 276A is available for assignment there, thus eliminating the need for a comparative hearing between the two applicants for different communities, comments are invited on the following:

City	Channel No.	
	Present	Proposed
Aurora, Nebr.-----	-----	276A

10. *RM-1049; Lima, Ohio.* In a petition filed on October 18, 1966, Citizen Broadcasting Corp., licensee of Station WCIT (AM), Lima, Ohio, requests the addition of a third FM assignment to Lima as follows:

City	Channel No.	
	Present	Proposed
Lima, Ohio.-----	249A, 271	249A, 271, 285A

Lima has a population of 51,037 and its county (Allen) has a population of 103,691. It has one unlimited time AM station (WIMA) and one daytime-only AM station, WCIT, licensed to petitioner. Station WIMA-FM operates on Channel 271 and Station WTGN operates on Channel 249A.

11. Petitioner submits that Lima is the largest inland city in northwestern Ohio within a radius of 60 miles and that it is an important industrial, cultural, and market center for the surrounding area. It states that it is eager to maximize its service to the public but is handicapped as a daytime-only station. Petitioner states that WTGN offers a sustaining program service oriented almost exclusively to religion and religious matters, and that WIMA-FM duplicates its AM programs exclusively except during the baseball season. Finally, petitioner notes that the area in which this channel can be assigned is small in view of the nearby cochannel and adjacent channel assignments in the general area.

12. We invite comments on the petitioner's proposal as outlined above in order that all interested parties may submit their views and relevant data.

13. *Hudson and Amsterdam, N.Y., and Tucson, Ariz.* The Commission wishes to make additional changes in the Table, on its own motion, with respect to the assignments in Hudson and Amsterdam, N.Y. Channel 244A is presently assigned to Hudson, N.Y., but due to the location of an adjacent channel station in Hartford some miles west of the city, a site for the assigned channel would have to be located close to 6 miles out of town. Since such a location may be a hardship



on prospective applicants (a pending application requests a waiver of the separation rules) we are proposing to assign Channel 228A to Hudson, which can be located in the city itself, by substituting Channel 249A for 228A at Amsterdam as follows:

City	Channel No.	
	Present	Proposed
Amsterdam, N.Y. ....	228A, 285A	249A, 285A
Hudson, N.Y. ....	244A	228A

Station KSOM previously operated on Channel 221A at Tucson, Ariz., but it has since ceased operations and its call letters have been deleted. Since Tucson has been assigned five Class C channels, it is proposed to delete Channel 221A in order to remove the mixture of Class A and C channels in this city as follows:

City	Channel No.	
	Present	Proposed
Tucson, Ariz. ....	221A, 225, 229, 235, 241, 258.	225, 229, 235, 241, 258.

14. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

15. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before December 19, 1966, and reply comments on or before December 30, 1966. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

16. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: November 16, 1966.

Released: November 18, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>4</sup>  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12671; Filed, Nov. 22, 1966;  
8:49 a.m.]

<sup>4</sup> Chairman Hyde absent.

## [ 47 CFR Part 73 ]

[Docket No. 16991; FCC 66-1051]

### FM BROADCAST STATIONS

#### Table of Assignments; Harrisonburg, Va., etc.

In the matter of amendment of § 73.202, *Table of assignments*, FM broadcast stations (Harrisonburg, Staunton, and Waynesboro, Va., Buckhannon, Elkins, Richmond, and Weston, W. Va.); Docket No. 16991.

1. The Commission has under consideration the FM assignments contained in § 73.202(b) for the above-named communities and § 73.215, outlining the area known as the "quiet zone". The FM assignments in the communities named are as follows:

City	Channel No.
Harrisonburg, Va. ....	264, 288A
Staunton, Va. ....	228A, 272A
Waynesboro, Va. ....	224A
Buckhannon, W. Va. ....	237A
Elkins, W. Va. ....	232A
Richwood, W. Va. ....	244A
Weston, W. Va. ....	228A

Stations are in operation on Channel 264 at Harrisonburg and on Channel 228A at Staunton. An educational FM station is also in operation on Channel 219 at Harrisonburg. Two competing applications are on file for Channel 224A at Waynesboro, Docket Nos. 15967 and 15968, and no applications are on file for the remaining assignments.

2. It is proposed to remove all the unused FM assignments in the quiet zone as we have done in the TV Table of Assignments (§ 73.606(b)). See fourth report and order issued in Docket 14229 et al. on June 8, 1965, 30 F.R. 7711. Consideration will be given to future petitions for assignments in this area filed by parties contemplating the construction and operation of new FM stations. Such requests will, however, be judged as to the impact they will have on the quiet zone. Our proposal includes deletion of the Channel 224A assignment at Waynesboro, Va., but we will not do this if, within a period of 120 days from the date of issuance of this notice, the two applicants for this channel can work out an agreement on facilities to be proposed, acceptable to the National Radio Astronomy Observatory at Green Bank, W. Va., and to the Naval Radio Research Observatory at Sugar Grove, W. Va.

3. In view of the foregoing, comments are invited on the following:

(a) Delete the following entries in the Table of Assignments:

Buckhannon (237A), Elkins (232A), Richwood (244A) and Weston, W. Va. (228A).

(b) Amend the following entries in Virginia to read:

City	Channel No.
Harrisonburg .....	264
Staunton .....	228A

4. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303(r), and 307(b) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before December 19, 1966, and reply comments on or before December 30, 1966. All submissions by parties to this proceeding or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents, shall be furnished the Commission.

Adopted: November 16, 1966.

Released: November 18, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12672; Filed, Nov. 22, 1966;  
8:49 a.m.]

## [ 47 CFR Part 73 ]

[Docket No. 16992; FCC 66-1052]

### FM BROADCAST STATIONS

#### Minimum Power Requirements

1. Class C FM stations are those which operate on a Class C channel (Zone II) and which are designed to serve a community, city, or town, and a large surrounding area. Normally, Class C assignments are made to large cities and metropolitan areas on the theory that applicants in such population centers can and will construct facilities with close to the maximum permitted power and antenna height, thereby obtaining the full capability of these channels in serving the public in the surrounding area. These stations are permitted a maximum power of 100 kw and an antenna height of 2,000 feet above average terrain. These facilities, even when the station is surrounded by similar stations at the minimum spacings, provide "interference-free" service to about 65 miles.

2. The Commission has in a number of cases made exceptions to the general policy by permitting Class C assignments in small communities, where the community was the center of a large rural area and where it was far removed from large cities and metropolitan areas. However, in a number of cases applicants requesting such Class C assignments have filed for the minimum power permitted by § 73.211(a) (25 kw) and often for very low antenna heights. Some of these have requested permission to use the AM tower for the supporting structure of the FM antenna with the result that the antenna height for the FM station is in the order of 100 to 200 feet or less above average terrain. Thus, the

<sup>1</sup> Chairman Hyde absent; concurring and dissenting statement of Commissioner Cox filed as part of original document.



objective of the Class C type of station, and the reasons advanced for the assignment of such a channel to a small community, are largely defeated by use of such small facilities. We are of the view that the overall public interest may best be served by increasing the minimum power for a Class C station from the present 25 kw to 50 kw. While it may be desirable to specify a minimum antenna height also, we realize that many potential FM applicants are also AM station licensees who would prefer to utilize the AM tower for the FM antenna, and so we are not at this time proposing any minimum antenna height.

3. Section 73.211(d) provides that stations which were in existence prior to the adoption of the FM Table of Assignments and the new technical rules as of September 10, 1962, may continue to operate as authorized even though they utilize facilities different from those specified in the new rules. It further provides that such stations may make changes under certain conditions without having to comply with the new minimum powers. A number of existing stations have filed applications for major changes in facilities, such as changes in station location, and have requested powers below the minimums under the provision of the subject rule. We are of the view that such operation represents an inefficient use of the available frequency and should not be continued, unless the changes requested by the station are very minor and inconsequential.

4. We are not proposing a similar increase in the minimum power for Class B stations since there are very few such assignments available for application and since most applicants have filed for powers close to the maximum permitted by the rules. Similarly, there has not been any problem of this nature with the Class A assignments and stations.

5. With respect to those stations which presently operate on Class C assignments with powers below the proposed minimum of 50 kilowatts, we are of the view that such inefficient operations should not be permitted indefinitely. We therefore propose to limit such operations to a period of 5 years, after which the new proposed minimum requirement will apply.

6. In view of the foregoing, it is proposed to amend § 73.211(a) to specify that the minimum effective radiated power for a Class C FM station be 50 kw. Stations which are presently authorized to operate with less than this power will be permitted to continue to operate with their present power for a period of 5 years. It is also proposed to delete the last sentence of § 73.211(d) which now reads as follows: "The provisions of this section shall not apply to applications to increase facilities for those stations operating with powers less than the minimum powers specified in paragraph (a) of this section."

7. Authority for the adoption of the proposed amendment is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before December 19, 1966, and reply comments on or before December 30, 1966. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished to the Commission.

Adopted: November 16, 1966.

Released: November 18, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12673; Filed, Nov. 22, 1966;  
8:49 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[ 17 CFR Part 239 ]

[Release No. 33-4849]

### SHORT FORM FOR REGISTRATION

#### Notice of Proposed Form

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed short form for registration under the Securities Act of 1933 of equity securities (including convertible debt) and subordinated debt securities of certain issuers which are to be offered to the public for cash. Use of the form, which would be designated Form S-7 (17 CFR 239.26), would be limited to domestic and Canadian companies which meet certain sales volume and earnings tests, which have a class of equity securities listed on a national securities exchange and registered under section 12(b) of the Securities Exchange Act of 1934 and which have filed reports under section 13 or 15(d) of the Act for a period of at least 5 years.

The proposed form has been limited to reporting companies having securities listed on a national securities exchange, submitting to their shareholders proxy material or equivalent information, having long records of earnings and having stability of management and business.

Briefly stated, the form would require that a prospectus for securities registered thereon need contain only the following information: The price and underwriting data; information as to the use of the proceeds; information with respect to the business and any material changes therein; earnings statements; a description of the securities to be regis-

tered; and balance sheets of the registrant and its subsidiaries. The only exhibits required would be those pertinent to the proposed offering, including any material contracts referred to in the prospectus.

The Commission anticipates that prospectuses and registration statements on this form would be substantially shorter than heretofore and would, therefore, be substantially easier both for the issuer to prepare and for the Commission to process. For this reason, bearing in mind the information about the issuer publicly available, the Commission hopes to be in a position to consider favorably, in such cases, requests to shorten substantially the waiting period between filing and effectiveness of statements on the new form. The success of this program depends, of course, on the cooperation of issuers and underwriters in preparing the registration statement so that Commission review and comment can be held to a minimum.

The proposed form represents a closer integration of the requirements of the Securities Act of 1933 and the Securities Exchange Act of 1934 within the present statutory framework. In this connection, the Commission and its staff is engaged in a careful review of the existing reporting and disclosure requirements under the Securities Exchange Act of 1934 with a view to modifying these requirements to improve both the information contained in, and the timeliness of the reports filed under that Act.

A copy of the proposed form appears below.

It is also proposed to amend paragraph (a) of Rule 174 under the Securities Act (17 CFR 230.174) so that securities registered on the proposed form would be exempt from the prospectus delivery requirements of section 4(3) of the Act. Under this amendment a dealer would not be required to deliver a prospectus to his customer if he is no longer acting as an underwriter of the offering or is not engaged in a transaction involving his participation in the offering.

All interested persons are invited to submit their views and comments on the proposed form and rule amendment, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before December 16, 1966. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, November 16, 1966.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

§ 239.26 Form S-7, for registration under the Securities Act of 1933 of securities of certain issuers to be offered for cash.

#### (a) General instructions.

##### A. Rule as to use of Form S-7.

Any issuer which meets the following conditions may use this form for registration under the Securities Act of 1933 of equity securities (including convertible debt securities) and subordinated debt securities to be offered for cash:

<sup>1</sup> Chairman Hyde absent.



(a) The registrant is organized under the laws of the United States or any State or Territory or the District of Columbia, or under the laws of Canada or any political subdivision thereof, and has its principal business operations in the United States, its Territories or Canada.

(b) The registrant has a class of equity securities registered pursuant to section 12(b) of the Securities Exchange Act of 1934 and has filed reports pursuant to section 13 or 15(d) of that Act for a period of at least 5 years.

(c) The issuer has been engaged in business of substantially the same general character for at least the last 10 years.

(d) A majority of the existing board of directors of the registrant have been directors of the registrant during each of the last 3 fiscal years.

(e) The registrant and its subsidiaries have not during the past 10 years defaulted in the payment of any dividend or sinking fund installment on preferred stock, or in the payment of any principal, interest, or sinking fund installment on any indebtedness for borrowed money, or in the payment of rentals under long-term leases.

(f) The registrant and its consolidated subsidiaries had sales or gross revenues of at least \$100 million for the last fiscal year, and a net income (after taxes but before any special items) of at least \$5 million for the last fiscal year and of at least \$1 million for each of the preceding 4 fiscal years.

(g) If convertible debt or subordinated debt securities are to be registered, the conditions set forth in paragraphs (a) (4) and (5) of the rule as to the use of Form S-9 (17 CFR 239.22) shall be met. Paragraphs (b), (c), and (d) of that rule shall apply in determining whether such conditions are met. Debt securities being registered shall amount to not less than \$1 million principal amount.

(h) If the securities to be registered are common stock, or securities convertible into common stock, the registrant shall have paid cash dividends on its common stock in each of the last 5 fiscal years and shall have earned in each such year the cash dividends paid in that year on all classes of securities.

#### B. Application of General Rules and Regulations.

Attention is directed to the general rules and regulations under the Act, particularly those comprising Regulation C (17 CFR 230.400 et seq.). That regulation contains general requirements regarding the preparation and filing of the registration statement. The definitions contained in Rule 405 (17 CFR 230.405) should be especially noted.

#### C. Documents Comprising Registration Statement.

The registration statement shall consist of the facing sheet of the form, the prospectus containing the information specified in Part I, the information called for by Part II, the required signatures, consents of experts, financial statements and exhibits and any other prospectus, information, undertaking, or documents which are required or which the registrant may file as a part of the registration statement.

#### D. Form and Content of Prospectus.

(a) The information set forth in the prospectus should be presented in clear, concise, understandable fashion. Avoid unnecessary and irrelevant details, repetition or the use of unnecessary technical language. The prospectus shall contain the information called for by all of the items of Part I of the form, except that no reference need be made to inapplicable items, and negative answers to any item may be omitted.

(b) Unless clearly indicated otherwise, information set forth in any part of the prospectus need not be duplicated elsewhere in the prospectus. Where it is deemed necessary or desirable to call attention to such information in more than one part of the prospectus, this may be accomplished by appropriate cross reference. In lieu of restating information in the form of notes to the financial statements, references should be made to other parts of the prospectus where such information is set forth.

#### E. Foreign Subsidiaries.

Information required by any item or other requirement of this form with respect to any foreign subsidiary may be omitted to the extent that the required disclosure would be detrimental to the registrant, provided a statement is made that such information has been omitted. In such case, a statement of the names of the subsidiaries omitted shall be separately furnished. The Commission may, in its discretion, call for justification that the required disclosure would be detrimental.

#### F. Filing of Other Financial Statements in Certain Cases.

The Commission may, upon the informal written request of the registrant, and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

#### G. Preparation of Part II.

Part II of the registration statement shall contain the numbers and captions of the items in Part II of the form, but the text of the items may be omitted provided the answers are so prepared as to indicate to the reader the coverage of the items without the necessity of referring to the text of the items or the instructions thereto. If the information required by any item of Part II is completely disclosed in the prospectus, reference may be made to the specific page or caption of the prospectus which contains such information.

#### (b) Facing page.

SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

#### Form S-7

#### REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

-----  
(Exact name of registrant as specified in its charter)

-----  
(State or other jurisdiction of incorporation or organization)

-----  
(I.R.S. employer identification No.)

-----  
(Address of principal executive offices)

-----  
(ZIP Code)

-----  
(Name and address of agent for service)

-----  
(Approximate date of commencement of proposed sale to the public)

Title of each class of securities to be registered	Amount to be registered	Proposed maximum offering price per unit	Proposed maximum aggregate offering price	Amount of registration fee

#### (c) Part I. Information Required in Prospectus.

**Item 1. Distribution spread.** The information called for by the following table shall be given in substantially the tabular form indicated, on the outside front cover page of the prospectus as to all securities to be registered (estimated, if necessary).

	Price to public	Underwriting discounts and commissions	Proceeds to registrant or other persons
Per unit.....	-----	-----	-----
Total.....	-----	-----	-----

**Instructions.** 1. Only commissions paid by the registrant or selling security holders in cash are to be included in the table. Commissions paid by other persons, and other considerations to the underwriters, shall be set forth following the table with a reference thereto in the second column of the table. Any finder's fee or similar payments shall be appropriately disclosed.

2. If it is impracticable to state the price to the public, the method by which it is to be determined shall be explained. In addition, if the securities are to be offered at the market, or if the offering price is to be determined by a formula related to market prices, indicate the market involved and the market price as of the latest practicable date.

3. If any of the securities being registered are to be offered for the account of security holders, refer on the first page of the prospectus to the information called for by Item 4.

**Item 2. Plan of Distribution.** (a) If the securities to be registered are to be offered through underwriters, give the names of the principal underwriters, and state the respective amounts underwritten. Identify each such underwriter having a material relationship to the registrant and state the nature of the relationship. State briefly the nature of the underwriters' obligation to take the securities.

**Instruction.** All that is required as to the nature of the underwriters' obligation is whether the underwriters are or will be committed to take and to pay for all of the securities if any are taken, or whether it is merely an agency or "best efforts" arrangement under which the underwriters are required to take and pay for only such securities as they may sell to the public. Conditions precedent to the underwriters' taking the securities, including "market outs", need not be described except in the case of an agency or "best efforts" arrangement.

(b) State briefly the discounts and commissions to be allowed or paid to dealers, including all cash, securities, contracts, or other consideration to be received by any dealer in connection with the sale of the securities.

**Instruction.** If any dealers are to act in the capacity of subunderwriters and are to be allowed or paid any additional discounts or commissions for acting in such capacity, a general statement to that effect will suffice without giving the additional amounts to be so paid.



(c) Outline briefly the plan of distribution of any securities to be registered which are to be offered otherwise than through underwriters.

**Item 3. Use of proceeds to registrant.** State the principal purposes for which the net proceeds to the registrant from the securities to be offered are intended to be used, and the approximate amount intended to be used for each such purpose.

**Instruction.** Details of proposed expenditures are not to be given; for example, there need be furnished only a brief outline of any program of construction or addition of equipment. If any material amount of other funds is to be used in conjunction with the proceeds, state the amount and sources of such other funds. If any material amount of the proceeds is to be used to acquire assets, otherwise than in the ordinary course of business, briefly describe the assets and give the names of the persons from whom they are to be acquired. State the cost of the assets to the registrant and the principle followed in determining such cost.

**Item 4. Selling security holders.** If any of the securities to be registered are to be offered for the account of security holders, name each such security holder and state the amount of securities of the class owned by him, the amount to be offered for his account and the percentage of the class (if 1 percent or more) to be owned by him after completion of the offering.

**Item 5. Business.** (a) Identify the business done and intended to be done by the registrant and its subsidiaries and indicate the products or services which constitute the principal sources of sales or revenues, or both. In the case of an extractive enterprise, give appropriate information as to reserves.

(b) Include information of material significance to investors in appraising (i) the results shown in the statements of income and surplus and (ii) the financial condition of the company as reflected by the latest balance sheet of the registrant and the latest consolidated balance sheet of the registrant and its subsidiaries.

(c) Briefly describe any pending legal proceedings to which the registrant or its subsidiaries is a party which could have a substantial effect upon the earnings or financial condition of the registrant.

**Item 6. Statements of income and earned surplus.** Furnish in comparative columnar form a statement of income for the registrant, or for the registrant and its subsidiaries consolidated, or both, as appropriate, for each of at least the last 5 fiscal years of the registrant and for any interim period between the end of the latest of such fiscal years and the date of the latest balance sheet furnished pursuant to Item 9(a), and for the corresponding interim period of the preceding fiscal year. Include comparable data for any additional fiscal years necessary to keep the statement from being misleading. An analysis of earned surplus shall be furnished for each period covered by an income statement, as a continuation thereof or elsewhere in the prospectus.

**Instructions.** 1. The statements required shall be prepared in compliance with the applicable profit and loss and surplus requirements of Regulation S-X (17 CFR Part 210) and shall be certified to the date of the respective certified balance sheets included in the prospectus. The statement shall reflect the retroactive adjustment of any material items affecting the comparability of the results.

2. If the registrant is engaged primarily (i) in the generation, transmission, or distribution of electricity, the manufacture, mixing, transmission, or distribution of gas, the supplying or distribution of water or the furnishing of telephone or telegraph serv-

ice, or (ii) in holding securities of companies engaged in such business, it may at its option include a statement of income for the 12 months period prior to the date of the latest balance sheet furnished, in lieu of the statements for the interim periods specified.

3. If common stock is to be registered, the statements shall be prepared to present earnings applicable to common stock. Per share earnings and dividends declared for each period of the statement shall also be included and the basis of computation stated.

4. If preferred stock is to be registered, there shall be shown the annual dividend requirements on such preferred stock. To the extent that an issue represents refinancing, only the additional dividend requirements shall be stated.

5. If long-term debt is to be registered, the registrant shall show in tabular form for each fiscal year or other period, the ratio of earnings (computed in accordance with generally accepted accounting principles after all operating and income deductions, except fixed charges and taxes based on income or profits) to fixed charges. The term "fixed charges" shall mean (i) interest and amortization of debt discount and expenses and premium on all indebtedness; (ii) one-third of all rental reported in Schedule XVI, or such portion as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases, items eliminated in consolidation. In the case of utilities, interest credits charged to construction shall be added to gross income and not deducted from interest. A pro forma ratio of earnings to fixed charges adjusted to give effect to the issuance of securities to be registered and to any presently proposed issuance, retirement, or redemption of securities shall be shown. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computations of such ratios. For the purpose of this exhibit and the pro forma ratio referred to above, an assumed maximum interest rate may be used on securities as to which the interest rate has not yet been fixed, which assumed rate shall be shown.

6. In connection with any unaudited statement for an interim period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period have been included. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished as supplemental information but not as a part of the registration statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

7. Statements of income and earned surplus conforming to the foregoing shall be furnished, here or elsewhere in the prospectus, for each subsidiary or group of subsidiaries or 50-percent owned persons for which a balance sheet is furnished pursuant to Item 9(b).

**Item 7. Capital stock to be registered.** If capital stock is to be registered, state the title of the class and furnish the following information:

(a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) preemptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions; and (8) liability to further calls or to assessment by the registrant.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the registrant while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

**Instructions.** 1. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by the securities to be registered. No information need be given, however, as to any class of securities all of which will be redeemed and retired, provided appropriate steps to assure such redemption and retirement will be taken prior to or upon delivery by the registrant of the securities to be registered.

3. If the securities described are to be offered pursuant to warrants or rights, state the amount of securities called for by such warrants or rights, the period during which the price at which the warrants or rights are exercisable.

**Item 8. Debt securities to be registered.** If debt securities are to be registered, outline briefly such of the following as are relevant:

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund, or retirement.

(b) Provisions with respect to the kind and priority of any lien securing the issue, together with a brief identification of the principal properties subject to such lien.

(c) The nature and effect of provisions with respect to the subordination of the rights of holders of the securities registered to other security holders or creditors of the registrant.

(d) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(e) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

**Instructions.** 1. In the case of secured debt, there should be stated (i) the approximate amount of unbonded bondable property available for use against the issuance of bonds, as of the most recent practicable date, and (ii) whether the securities being registered are to be issued against such property, against the deposit of cash, or otherwise.

2. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described.

(f) The name of the trustee and the nature of any material relationship with the registrant or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

(g) The general type of event which constitutes a default and whether or not any periodic evidence is required to be furnished as to the absence of default or as to compliance with the terms of the indenture.



**Instruction.** The instructions to Item 7 shall also apply to this item. Section 305(a)(2) of the Trust Indenture Act of 1939 shall not be deemed to require the inclusion in the registration statement or in the prospectus of any information not required by this form.

**Item 9. Other securities being registered.** If securities other than capital stock or debt are being registered, outline briefly the rights evidenced thereby. If subscription warrants or rights are being registered, state the title and amount of securities called for, the period during which and the price at which the warrants or rights are exercisable.

**Instruction.** The instructions to Item 7 shall also apply to this item.

**Item 10. Other financial statements and schedules.** (a) There shall be furnished a balance sheet of the registrant and a consolidated balance sheet of the registrant and its subsidiaries as of a date within 6 months prior to the date of filing the registration statement. These balance sheets need not be certified but if they are not certified, there shall be furnished in addition certified balance sheets as of a date within 1 year, unless the fiscal year of the registrant has ended within 90 days prior to the date of filing, in which case the certified balance sheets may be as of the end of the preceding fiscal year. These balance sheets shall be prepared in compliance with the applicable balance sheet requirements of Regulation S-X.

**Instructions.** The individual balance sheets of the registrant may be omitted if (i) consolidated balance sheets of the registrant and one or more of its subsidiaries are furnished, (ii) either one of the following conditions is met, and (iii) the Commission is advised as to the reasons for such omission:

(1) The registrant is primarily an operating company and all subsidiaries included in the consolidated balance sheets furnished are totally held subsidiaries; or

(2) The registrant's total assets, exclusive of investments in and advance to the consolidated subsidiaries, constitute 85 percent or more of the total assets shown by the consolidated balance sheets furnished.

(b) (1) Subject to Rule 4-03 of Regulation S-X (17 CFR 210.4-03), regarding group statements of unconsolidated subsidiaries, there shall be furnished for each majority-owned subsidiary of the registrant not included in the consolidated statements, the balance sheets which would be required if the subsidiary were itself a registrant.

(2) If the registrant owns, directly or indirectly, approximately 50 percent of the voting securities of any person and approximately 50 percent of the voting securities of such person is owned, directly or indirectly, by another single interest, there shall be filed for each such person the balance sheets which would be required if it were a registrant. The statements filed for each such person shall identify the other single interest.

**Instructions.** 1. Insofar as practicable, these balance sheets shall be as of the same dates as those of the registrant.

2. There may be omitted all balance sheets of any one or more unconsolidated subsidiaries or 50 percent owned persons if all such subsidiaries and person whose balance sheets are so omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

(c) (1) There shall be filed for any business directly or indirectly acquired by the registrant after the date of the latest balance sheet filed pursuant to (a) above and for any business to be directly or indirectly acquired by the registrant, the financial statements which would be required if such business were a registrant.

(2) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control.

(3) No financial statements need be filed, however, for any business acquired or to be acquired from a totally held subsidiary. In addition, the statements of any one or more business may be omitted if such businesses, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

(d) Notwithstanding the provision of Regulation S-X, no schedules other than those prepared in accordance with Rules 12-16, 12-27, and 12-32 (17 CFR 210.12-16, 210.12-27, 210.12-32) of that regulation need be furnished.

**Item 11. Statement of available information.** A statement shall be included in the prospectus to the effect that the registrant is subject to the continuous reporting requirements of the Securities Exchange Act of 1934 and in accordance therewith files reports and information which can be inspected without charge at the principal office of the Securities and Exchange Commission, 500 North Capitol Street NW, Washington, D.C. 20549. The statement shall also indicate that copies of such reports and information can be obtained from the Commission at prescribed rates. In addition, the national securities exchanges on which the registrant's securities are listed and where reports and information concerning the registrant can be inspected, should be named.

**(d) Part II. Information Not Required in Prospectus.**

**Item 12. Marketing arrangements.** Briefly describe any arrangement known to the registrant, any person named in answer to Item 4 or to any principal underwriter of the securities being registered which is not contained in an exhibit filed with the registration statement and has been made for any of the following purposes:

(a) To limit or restrict the sale of other securities of the same class as those to be offered for the period of distribution.

(b) To stabilize the market for any of the securities to be offered.

(c) For withholding commissions, or otherwise to hold each underwriter or dealer responsible for the distribution of his participation.

**Item 13. Other expenses of issuance and distribution.** Furnish a reasonably itemized statement of all expenses in connection with the issuance and distribution of the securities being registered, other than underwriting discounts and commissions.

**Instruction.** Insofar as practicable, registration fees, Federal taxes, State taxes and fees, trustees' and transfer agents' fees, cost of printing and engraving, and legal, accounting, and engineering fees shall be separately itemized. The information may be given as subject to future contingencies. If the amounts of any items are not known, estimates designated as such shall be given.

**Item 14. Relationship with registrant of experts named in registration statement.** If any expert named in the registration statement as having prepared or certified any part thereof was employed for such purpose on a contingent basis or, at the time of such preparation or certification or at any time thereafter, had a substantial interest in the registrant or any of its parents or subsidiaries or was connected with the registrant or any of its subsidiaries as a promoter, underwriter, voting trustee, director, officer, or employee, furnish a brief statement of the nature of such contingent basis, interest, or connection.

**Instruction.** In the case of an accountant, any direct financial interest or any ma-

terial indirect financial interest held during the period covered by the financial statements prepared or certified shall be deemed a "substantial interest" for the purpose of this item.

**Item 15. Indemnification of directors and officers.** State the general effect of any charter provisions, bylaws, contract, arrangement, or statute under which any director or officer of the registrant is insured or indemnified in any manner against any liability which he may incur in his capacity as such.

**Item 16. Treatment of proceeds from stock to be registered.** If capital stock is to be registered hereunder and any portion of the consideration to be received by the registrant for such stock is to be credited to an account other than the appropriate capital stock account, state to what other account such portion is to be credited and the estimated amount per share. If the consideration from the sale of par value shares is less than par value, state the amount per share involved and its treatment in the accounts.

**Item 17. Exhibits.** List all exhibits filed as a part of the registration statement.

**(e) Undertakings.**

A. The following undertaking, with appropriate modifications to suit the particular case, shall be included in the registration statement if the securities being registered are to be offered in a continuous offering over an extended period of time:

"The registrant undertakes (a) to file any prospectuses required by section 10(a)(3) as posteffective amendments to the registration statement, (b) that for the purpose of determining any liability under the Act each such posteffective amendment may be deemed to be a new registration statement relating to the securities offered therein and the offering of such securities at that time may be deemed to be the initial bona fide offering thereof, and (c) that all posteffective amendments will comply with the applicable forms, rules, and regulations of the Commission in effect at the time such posteffective amendments are filed, (d) to remove from registration by means of a posteffective amendment any of the securities being registered which remain unsold at the termination of the offering and (e) to furnish the Division of Corporation Finance a letter informing said Division when all of the securities registered have been sold."

B. The following undertaking, with appropriate modifications to suit the particular case, shall be included in the registration statement if the securities being registered are to be offered to existing security holders pursuant to warrants or rights and any securities not taken by security holders are to be reoffered to the public:

"The undersigned registrant hereby undertakes to supplement the prospectus, after the expiration of the subscription period, to set forth the results of the subscription offer, the transactions by the underwriters during the subscription period, the amount of unsubscribed securities to be purchased by the underwriters and the terms of any subsequent reoffering thereof. If any public offering by the underwriters is to be made on terms differing from those set forth on the cover page of the prospectus, a posteffective amendment will be filed to set forth the terms of such offering."

C. The following undertaking, with appropriate modifications to suit the particular case, shall be included in the registration statement if the securities being registered are to be offered at competitive bidding:

"The undersigned registrant hereby undertakes to file an amendment to the registration statement reflecting the results of bidding, the terms of the reoffering and related matters to the extent required by the appli-



cable form, not later than the first use, authorized by the registrant after the opening of bids, of a prospectus relating to the securities offered at competitive bidding, unless no further public offering of such securities by the registrant and no reoffering of such securities by the purchasers is proposed to be made."

(f) *Signatures.*

Pursuant to the requirements of the Securities Act of 1933, the registrant has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of \_\_\_\_\_, and State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Registrant)

By \_\_\_\_\_  
(Signature and title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.

_____ (Signature)	_____ (Title)	_____ (Date)
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*Instructions.* 1. The registration statement shall be signed by the registrant, its principal executive officer or officers, its principal financial officer, its controller or prin-

cipal accounting officer and by at least the majority of the board of directors or persons performing similar functions. If the registrant is a foreign person, the registration statement shall also be signed by its authorized representative in the United States.

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement.

(g) *Instructions as to exhibits.*

Subject to the rules regarding incorporation by reference, the following exhibits shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits called for by Item 15.

1. Copies of each underwriting contract with a principal underwriter, each syndicate agreement and each purchase, subunderwriting, or selling group agreement or letter pursuant to which the securities being registered are to be distributed or, if the terms of such documents are not determined, the proposed forms thereof.

2. (a) Specimens or copies of all securities to be registered hereunder.

(b) If any of the securities to be registered are, or are to be, issued under an indenture to be qualified under the Trust Indenture Act of 1939, the copy of such indenture which is filed as an exhibit shall include or be accompanied by (1) a reasonably itemized and informative table of contents, and (2) a cross-reference sheet showing the location in the indenture of the provisions inserted pursuant to sections 310 through 318(a) inclusive of the Trust Indenture Act of 1939.

3. An opinion of counsel, as to the legality of the securities to be registered, indicating whether they will when sold be legally issued, fully paid and nonassessable, and, if debt securities, whether they will be binding obligations of the registrant.

4. Copies of all indemnification contracts or arrangements described in answer to Item 13.

5. Copies of every material contract not made in the ordinary course of business which is referred to in the prospectus. Only contracts need be filed as to which the registrant or a subsidiary of the registrant is a party or has succeeded to a party by assumption or assignment, or in which the registrant or such subsidiary has a beneficial interest.

(Secs. 6, 7, 10, and 19; 48 Stat. 78, 81, and 85, as amended; 15 U.S.C. 77f, 77g, 77j, and 77s)

[F.R. Doc. 66-12641; Filed, Nov. 22, 1966; 8:46 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[361.2]

### IMPORTED CIGARETTE PACKAGES

### Health Hazard Warning Labeling; Unlabeled Articles Permitted Entry

NOVEMBER 14, 1966.

There is published below Bureau of Customs Circular MAR-2-RM x RES-36-RM, November 14, 1966, instructing customs officers at ports of entry that certain cigarette importations additional to those specified in its circular of July 1, 1966 (31 F.R. 9468), are not required to display the health hazard warning labeling required under Public Law 89-92 of July 27, 1965, 79 Stat. 282 (15 U.S.C. 1331-9).

[SEAL] EDWIN F. RAINS,  
Acting Commissioner of Customs.

TREASURY DEPARTMENT

BUREAU OF CUSTOMS

WASHINGTON

Circular: MAR-2-RM

x RES-36-RM

Date: November 14, 1966.

Subject: MARKING, LABELING, PACKING, and STAMPING; Health hazard warning labeling on imported cigarette packages. References: Public Law 89-92 of July 27, 1965, 79 Stat. 282 (15 U.S.C. 1331-9), cited as "Federal Cigarette Labeling and Advertising Act;" Bureau Circular MAR-2-RM x RES-36-RM dated July 1, 1966.

1. *Purpose.* To inform customs officers of additional classes of cigarette importations which are not considered to be among those for which labeling is required by the Act referenced and to extend the exception in the referenced circular to permit unlabeled importations for all personal uses.

2. *Background.* The Bureau has received further inquiries as to whether certain cigarette importations may be treated as outside the scope of the health hazard labeling required under Public Law 89-92:

1. Importations of test samples which are declared to be for use solely in quality control tests conducted by members of the tobacco industry and not for sale commercially.

2. Importations for any personal use and not for resale.

3. *Action.* Customs officers are advised that the types of cigarette importations additionally specified above are deemed not to come within the scope of Public Law 89-92 requiring that the health hazard caution statement appear on the packages. Such importations, unlabeled, will be admitted to entry in all cases where the normal customs procedures incident to entry have been fully complied with. Customs officers shall exercise local discretion as to whether, from the particular circumstances of the transaction, the quantity imported is not excessive for release unlabeled for any personal use. Where doubt remains unresolved at the district or region, the quantity shall be held and the matter referred to the Bureau for review with full report of the factual circumstances.

The action paragraph of the referenced circular is modified accordingly.

EDWIN F. RAINS,  
Acting Commissioner of Customs.

File: RM 361.2 W

Distribution: L

[F.R. Doc. 66-12648; Filed, Nov. 22, 1966;  
8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[Docket No. A-415]

NED FRANK

### Notice of Loan Application

Ned Frank, Box 27, Yakutat, Alaska 99689, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of one new wood gillnet boat and one used skiff to engage in the fishery for salmon.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,  
Acting Director,  
Bureau of Commercial Fisheries.

NOVEMBER 18, 1966.

[F.R. Doc. 66-12650; Filed, Nov. 22, 1966;  
8:47 a.m.]

### Bureau of Land Management

### NEVADA

### Notice of Classification of Public Land

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal in satisfaction of valid scrip rights pursuant to section 3 of the act of August 31, 1964 (78 Stat. 751).

For satisfaction of valid Valentine, Sioux Halfbreed, Wyandotte, Porterfield, Gerard, McKee, and Railroad Lieu Selection Claims:

### MOUNT DIABLO MERIDIAN, NEVADA

- T. 18 N., R. 19 E.,  
Sec. 26, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 15 N., R. 20 E.,  
Sec. 23, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 17 N., R. 20 E.,  
Sec. 18, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 18 N., R. 20 E.,  
Sec. 34, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described aggregate approximately 120 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 722, Washington, D.C. 20240 (43 CFR 2411.12 (d)).

JOHN O. CROW,  
Associate Director.

NOVEMBER 16, 1966.

[F.R. Doc. 66-12634; Filed, Nov. 22, 1966;  
8:46 a.m.]

### NEVADA

### Proposed Classification of Public Lands

Notice is hereby given that it is proposed to classify, pursuant to section 3 of the act of August 31, 1964 (78 Stat. 751; 43 U.S.C. 254), the public lands described below for disposal in satisfaction of valid scrip rights. This publication is made pursuant to section 2 of the act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1412). For a period of 60 days from the date of this publication, interested parties may submit comments to the Director, Bureau of Land Management, Washington, D.C. 20240.

Regulations (43 CFR 221.0—2221.2-4) governing selection of classified lands were published August 24, 1966 (31 F.R. 11178, 11179). As stated therein, scrip claimants may submit recommendations of areas to be classified for satisfaction of claims, specifying the type of claim for which the land should be classified. Recommendations should be sent to the State Director, Bureau of Land Management, of the State in which the recommended lands are located (see 43 CFR 1821.2-1).

The lands affected by this proposal are described as follows:

For satisfaction of Valid Valentine, Sioux Halfbreed, Wyandotte, Porterfield, Gerard, McKee, and Railroad Lieu Selection Claims:



## MOUNT DIABLO MERIDIAN

T. 15 N., R. 20 E.,  
Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The areas described aggregate approximately 2.5 acres.

For satisfaction of Valid Soldiers Additional Homestead, Isaac Crow, Merritt W. Blair, and Forest Lieu Claims:

## MOUNT DIABLO MERIDIAN

T. 12 N., R. 21 E.,  
Sec. 5, S $\frac{1}{2}$ S $\frac{1}{2}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 8, N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 9, NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 13 N., R. 21 E.,  
Sec. 16, W $\frac{1}{2}$ ;  
Sec. 17, W $\frac{1}{2}$ W $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 18, E $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 19, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 20, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 21, W $\frac{1}{2}$ ;  
Sec. 28, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 29, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 32, E $\frac{1}{2}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 33, E $\frac{1}{2}$ ;  
Sec. 34, NW $\frac{1}{4}$ .

The areas described aggregate approximately 3,600 acres.

JOHN O. CROW,  
Associate Director.

NOVEMBER 16, 1966.

[F.R. Doc. 66-12635; Filed, Nov. 22, 1966;  
8:46 a.m.]

## National Park Service

## GUNNISON NATIONAL MONUMENT

### Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Superintendent of Curecanti Recreation Area, Colorado and Black Canyon of the Gunnison National Monuments, National Park Service, proposes, thirty (30) days after the date of publication of this notice, to issue for the period January 1, 1967, through December 31, 1971, the concession permit under which Kathleen Koch provides concession facilities and services for the public in Black Canyon of the Gunnison National Monument.

The foregoing concessioner has performed obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

Dated: November 2, 1966.

HENRY R. DURING,  
Superintendent of Curecanti  
Recreation Area, Colorado  
and Black Canyon of the Gun-  
nison National Monuments.

[F.R. Doc. 66-12636; Filed, Nov. 22, 1966;  
8:46 a.m.]

## ISLE ROYALE NATIONAL PARK

### Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Superintendent of Isle Royale National Park, National Park Service, proposes, thirty (30) days after the date of publication of this notice, to issue for the period January 1, 1967, through December 31, 1971, the concession permit under which Ward L. Grosnick provides boat transportation of passengers and freight between Copper Harbor, Mich., and Isle Royale National Park for the public, and to use certain Government-owned boat docks located in Isle Royale National Park.

The foregoing concessioner has performed his obligations under prior special use permits to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above is entitled to be given preference in the negotiation of a new concession permit.

However, under the act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

Dated: November 2, 1966.

CARLOCK E. JOHNSON,  
Superintendent,  
Isle Royale National Park.

[F.R. Doc. 66-12637; Filed, Nov. 22, 1966;  
8:46 a.m.]

## ISLE ROYALE NATIONAL PARK

### Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Superintendent of Isle Royale National Park, National Park Service, proposes, thirty (30) days after the date of publication of this notice, to issue for the period January 1, 1967, through December 31, 1971, the concession permit under which Sivertson Bros. Fisheries provides boat transportation of passengers and freight between Grand Portage, Minn. and Isle Royale National Park for the public, and to use certain Government-owned boat docks located in Isle Royale National Park.

The foregoing concessioner has performed its obligations under prior special use permits to the satisfaction of the National Park Service, and, therefore, pursuant to the act cited above is entitled to be given preference in the negotiation of a concession permit.

However, under the act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

Dated: November 2, 1966.

CARLOCK E. JOHNSON,  
Superintendent,  
Isle Royale National Park.

[F.R. Doc. 66-12638; Filed, Nov. 22, 1966;  
8:46 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### REPORTS OF INFORMATION FOR ANTIBIOTIC DRUG EFFECTIVENESS

#### Extension of Time for Submitting

A notice was published in the FEDERAL REGISTER of October 6, 1966 (31 F.R. 13014), announcing that each person engaged in manufacturing, compounding, processing, packing, or labeling any antibiotic drug in dosage form (other than distributors whose labeling is identical, except for such information as distributors' trade names and addresses, to that under which such antibiotic drug is marketed by its supplier), which antibiotic drug is certified, released, or exempted from certification under the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act on any basis other than approval of a form "5" after October 9, 1962, or an investigational exemption, shall submit certain information on drug effectiveness by November 6, 1966.

The phrase "antibiotic drug in dosage form" includes, in the case of veterinary drugs, antibiotic premixes intended for use in the manufacture of medicated feed. The subject reports of information are not desired from feed manufacturers who make finished medicated feeds that contain an antibiotic premix which has been the basis of an approved antibiotic form 5.

The Commissioner of Food and Drugs has received requests for an extension of time for submitting the subject reports. Good reasons therefor appearing, the time for submitting such reports of information is extended to January 4, 1967. This applies whether the antibiotic drug is intended for human or veterinary use.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507(g), 59 Stat. 463, as amended 76 Stat. 787; 21 U.S.C. 357(g)) and under authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008).

Dated: November 14, 1966.

JAMES L. GODDARD,  
Commissioner of Food and Drugs.

[F.R. Doc. 66-12682; Filed, Nov. 22, 1966;  
8:48 a.m.]

### 2-AMINO BUTANE

#### Notice of Extension of Temporary Tolerance

A temporary tolerance of 20 parts per million for residues of the fungicide 2-aminobutane in or on apples, lemons, and oranges, which was established at the request of Elanco Products Co., a division of Eli Lilly and Co., Indianapolis, Ind. 46206, expired November 9, 1966, and the company has requested an extension to permit additional tests in accordance with the experimental permit issued by the U.S. Department of Agriculture.

The Commissioner of Food and Drugs has determined that extension of this



temporary tolerance will protect the public health; therefore, an extension has been granted that will expire November 9, 1967.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a (j)) and delegated by him to the Commissioner (21 CFR 2.120; 31 F.R. 3008).

Dated: November 14, 1966.

WINTON B. RANKIN,  
Deputy Commissioner of  
Food and Drugs.

[F.R. Doc. 66-12683; Filed, Nov. 22, 1966;  
8:50 a.m.]

### CHEMAGRO CORP.

#### Notice of Filing of Petitions for Pesticide and Food Additive O,O-Dimethyl S-[2-(Ethylsulfinyl)Ethyl] Phosphorothioate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348 (b)(5)), notice is given that a petition (PP 7F0540) has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of pesticide tolerances for residues of the insecticide O,O-dimethyl S-[2-(ethylsulfinyl)ethyl] phosphorothioate in or on raw agricultural commodities as follows:

5 parts per million in or on blackberries, peaches, plums (fresh prunes), raspberries, turnip tops.

2 parts per million in or on cucumbers, eggplants.

0.75 part per million in or on apples, cabbage, citrus fruits, peppers.

0.1 part per million in or on broccoli, brussels sprouts, cauliflower, corn (including field corn, sweet corn, and popcorn), corn fodder and forage (including field corn, sweet corn, and popcorn), cottonseed, melons (including cantaloups, muskmelons, watermelons, and other melons), pears, potatoes, pumpkins, sugarbeets, sugarbeet tops, summer squash, turnip roots, walnuts, winter squash.

Notice is also given that Chemagro Corp. has filed a related petition (FAP 7H2120) proposing the establishment of a food additive tolerance of 5 parts per million for residues of the insecticide in dried citrus pulp for livestock feed resulting from carryover and concentration of residues after application of the insecticide to growing citrus fruits.

The analytical method proposed for determining residues of the insecticide is a total phosphorus method based upon the procedure described by Martin & Doty, Analytical Chemistry, volume 21, page 965 (1949).

Dated: November 14, 1966.

R. E. DUGGAN,  
Acting Associate  
Commissioner for Compliance.

[F.R. Doc. 66-12684; Filed, Nov. 22, 1966;  
8:50 a.m.]

### MILES LABORATORIES, INC.

#### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7J2103) has been filed by Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Ind. 46514, proposing the issuance of a regulation to provide for the safe use in cheese production of a milk-clotting enzyme derived from *Bacillus cereus* by a pure-culture fermentation process.

Dated: November 14, 1966.

R. E. DUGGAN,  
Acting Associate  
Commissioner for Compliance.

[F.R. Doc. 66-12685; Filed, Nov. 22, 1966;  
8:50 a.m.]

### PAINT SPECIALTIES CO.

#### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6B1901) has been filed by Paint Specialties Co., 1336 16th Street, Oakland, Calif. 94607, proposing an amendment to § 121.2548 Zinc-silicon dioxide matrix coatings to provide for the safe use of polyvinyl butral as a component of zinc-silicon dioxide matrix coatings for food-contact use.

Dated: November 15, 1966.

R. E. DUGGAN,  
Acting Associate  
Commissioner for Compliance.

[F.R. Doc. 66-12686; Filed, Nov. 22, 1966;  
8:50 a.m.]

### W. R. GRACE & CO.

#### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7B2119) has been filed by W. R. Grace & Co., Dewey & Almy Chemical Division, 62 Whittemore Avenue, Cambridge, Mass. 02140, proposing an amendment to § 121.2550 Closures with sealing gaskets for food containers to provide for the safe use of polyethoxylated (20 moles) oleyl alcohol in the manufacture of closure-sealing gaskets for food containers when used at levels not to exceed 1 percent by weight of the gasket composition.

Dated: November 15, 1966.

R. E. DUGGAN,  
Acting Associate  
Commissioner for Compliance.

[F.R. Doc. 66-12687; Filed, Nov. 22, 1966;  
8:50 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 16236]

### IATA JOINT CONFERENCES

#### Agreements Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November 1966.

Agreement adopted by Joint Conferences 1-2, 3-1, and 1-2-3 of the International Air Transport Association relating to specific commodity rates; Agreement CAB 18934, R-43 through R-47.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2, 3-1, and 1-2-3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated November 1, 1966,<sup>1</sup> as set forth in the attachment hereto,<sup>2</sup> names rates under a new commodity description. The new rates reflect reductions of 57.1 and 66.5 percent, respectively, and are consistent with the present level of specific commodity rates within the applicable area.

Additionally, the agreement (1) cancels the expiry date of December 31, 1966, from all rates listed under commodity Item 9521—Buttons, (2) cancels the expiry date of November 30, 1966, for those rates from Budapest to New York under commodity Item 9995—Personal Effects, consisting of Wearing Apparel, Cosmetics, Toilet Articles, and Articles Used By An Individual, not for resale, (3) cancels the expiry date of December 31, 1966, for the rate from Vienna to New York under commodity Item 1296—Manicure Cases, Fitted or Unfitted, and (4) amends the commodity description for Item 2196 by the inclusion of Curtains.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act: *Provided that*, approval thereof is conditioned as hereinafter ordered.

*Accordingly, It is ordered, That:*

Agreement CAB 18934, R-43 through R-47, be approved: *Provided*, that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the

<sup>1</sup> Received in the Board Nov. 7, 1966.

<sup>2</sup> Attachment filed as part of original document.



statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12658; Filed, Nov. 22, 1966;  
8:48 a.m.]

[Docket No. 16236]

## IATA TRAFFIC CONFERENCE

### Agreement Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November 1966.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Agreement CAB 19054, R-5.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unopposed notices to the carriers and promulgated in an IATA letter dated November 1, 1966,<sup>1</sup> names rates under an existing commodity description as set forth below. The new rates reflect reductions ranging from 36.4 to 43.5 percent and are consistent with the present level of specific commodity rates within the applicable area.

Commodity Item 1204—Leather, tanned, dyed, finished, or unfinished, or cut to shape, n.e.s., 35 cents per kg., minimum weight 1000 kgs. Rio de Janeiro/Sao Paulo/Buenos Aires/Montevideo to New York.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act: *Provided*, That, approval thereof is conditioned as hereinafter ordered.

*Accordingly, It is ordered,*

That Agreement CAB 19054, R-5, be approved: *Provided*, That, approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and

19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12659; Filed, Nov. 22, 1966;  
8:48 a.m.]

[Docket No. 17952]

## VARANAI-SIAM AIR CO., LTD.

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held before an examiner of the Board on November 25, 1966, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., November 18, 1966.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 66-12660; Filed, Nov. 22, 1966;  
8:48 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16944, 16945; FCC 66M-1547]

### PRAIRIELAND BROADCASTERS AND RICHARD P. LAMOREAUX

#### Order Regarding Procedural Dates

In re applications of Stephen P. Belinger, Joel W. Townsend, Ben H. Townsend, Morris E. Kemper and James A. Mudd, doing business as Prairieland Broadcasters, Monmouth, Ill., Docket No. 16944, File No. BPH-5296; Richard P. Lamoreaux, Monmouth, Ill., Docket No. 16945, File No. BPH-5441; for construction permits.

To formalize the agreements and rulings made on the record at a prehearing conference held on November 16, 1966, in the above-entitled matter concerning the future conduct of this proceeding:

*It is ordered*, This 16th day of November 1966 that:

Exchange of exhibits is scheduled for January 17, 1967;

Further prehearing conference is scheduled for January 25, 1967;

Notification of witnesses is scheduled for January 27, 1967; and

Hearing presently scheduled for December 5, 1966, is continued to February 7, 1967.

Released: November 17, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12668; Filed, Nov. 22, 1966;  
8:48 a.m.]

## FEDERAL MARITIME COMMISSION

[8485-C-3]

### AMERICAN MAIL LINE ET AL.

#### Operational Economies

Agreement 8485, approved August 11, 1960, establishes a coordinating committee comprised of representatives of American Mail Line, American President Lines, and Pacific Far East Line to determine what operational economies may be effected through such means as consolidation of office space, joint use of terminal facilities, coordination of sailings and joint purchasing of services and supplies.

The Commission has approved six supplements to the agreement and a seventh modification has been submitted for section 15 consideration. The approved modifications cover a joint purchasing program, a joint insurance program, and the conduct of joint husbanding and terminal facilities by a wholly owned corporation, Consolidated Marine, Inc. The pending modification enlarges the functions of Consolidated Marine, Inc. to include the joint purchasing program, the institution of a joint data processing service for the member lines, and the performance by Consolidated Marine of husbanding services at Southern California ports.

Matson Navigation Co. has entered a protest requesting a hearing not only on the pending modification (8485-C-3), but also on the entire agreement, as approved to date on the ground that any steps taken by the three companies toward an amalgamation or merger, are equally repugnant to the Shipping Act, 1916, whether done pursuant to Agreement 9551, now under consideration in Docket 66-45, Agreement 8485, as it now stands approved, or pending Agreement 8485-C-3, further modifying Agreement 8485. The protestant further suggests that the proceeding in Docket 66-45 be enlarged to cover all these agreements.

Upon review, the Commission at this time finds no basis in Matson's protest of Agreement 8485 as it now stands approved. It is further found that on the basis of the information now before us, effectuation of Agreement 8485-C-3 will probably result in substantial cost savings to the parties to the agreement and would not be unjustly discriminatory, operate to the detriment of the commerce of the United States, be contrary to the public interest, or in violation of the Shipping Act. Moreover, it does not appear that approval of Agreement 8485-C-3 will have any immediate detrimental effect on any presently existing service of Matson. Matson's primary concern is apparently with such future impact as the agreement may have on its planned Far East operations. In order to afford Matson an opportunity to present evidence and argument in support of its assertions concerning the future impact of Agreement 8485-C-3, we will amend the order of investigation in Docket 66-45 to include this issue. Accordingly:

<sup>1</sup> Received in the Board Nov. 7, 1966.



It is ordered, That Agreement 8485-C-3 be approved.  
It is further ordered, That this order be published in the FEDERAL REGISTER and a copy served upon all parties to Docket 66-45.

By the Commission November 17, 1966.  
THOMAS LISI,  
Secretary.  
[F.R. Doc. 66-12674; Filed, Nov. 22, 1966; 8:49 a.m.]

**GREAT LAKES-UNITED KINGDOM  
WESTBOUND CONFERENCE**

**Notice of Agreement Filed for  
Approval**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).  
Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.  
Notice of agreement filed for approval by:

Mr. J. J. Johanns, Chairman, Great Lakes-United Kingdom Westbound Conference, Veerkade 1, Rotterdam, Holland.

Agreement 8140-3 modifies the basic agreement (1) to provide for the extension of its geographic scope to include ports of Eire as origin ports; (2) to change the second paragraph of Article 16 to provide that rates and other costs pertaining to ocean transportation shall be established and altered by agreement of two-thirds of the members, and continues to provide that all other matters pertaining to this Agreement or to the Conference shall be adopted or altered only on unanimous agreement of the members, and (3) to add paragraph (h) to Article 17 which provides that any carrier who fails to have a sailing for 3 consecutive months during the period from March 1st to November 30th shall have no vote on Conference matters until its service is resumed.

By order of the Federal Maritime Commission.

Dated: November 17, 1966.  
THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12675; Filed, Nov. 22, 1966; 8:49 a.m.]

**PORTUGAL/UNITED STATES NORTH  
ATLANTIC RATE AGREEMENT**

**Notice of Agreement Filed for  
Approval**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).  
Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

The Secretariat, Portugal/United States North Atlantic Rate Agreement, c/o Gremio dos Agentes de Navegacao do Centro de Portugal, Rua do Alecrim 19, Lisbon 2, Portugal.

Agreement 9349-1 modifies the basic agreement to provide for the employment by the parties thereto of a common tariff issuing agent who shall be responsible for its filing with the Government Agency charged with the administration of section 18(b) of the Shipping Act, 1916, and of all supplements, changes, and reissues thereof to the extent required by law.

Dated: November 17, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12676; Filed, Nov. 22, 1966; 8:49 a.m.]

**FEDERAL RESERVE SYSTEM**

**ALLIED BANKSHARES CORP.**

**Notice of Application for Approval  
of Acquisition of Shares of Banks**

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) (1) of the Bank Holding Company Act of 1956, as amended by Public Law 89-485, by Allied Bankshares Corp., Norfolk, Va., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 50 percent or more of the voting shares of each of the following banks: Virginia National Bank, Norfolk, Va., and the Central National Bank of Richmond, Richmond, Va.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 15th day of November 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,  
Secretary.

[F.R. Doc. 66-12632; Filed, Nov. 22, 1966; 8:45 a.m.]

**OTTO BREMER FOUNDATION AND  
OTTO BREMER CO.**

**Order Approving Applications Under  
Bank Holding Company Act**

In the matter of the applications of Otto Bremer Foundation and Otto Bremer Co. for approval of the acquisition of additional voting stock of the Citizens State Bank, Rugby, N. Dak.

There have come before the Board of Governors, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a), as amended by Public Law 89-485), and section 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), applications on behalf of Otto Bremer Foundation and Otto Bremer Co., both bank holding companies located in St. Paul, Minn., for the Board's approval of the acquisition, directly or indirectly, of an additional 50 percent of the voting shares of the Citizens State Bank, Rugby, N. Dak., a subsidiary bank of Applicants.

As required by section 3(b) of the Act, the Board notified the State Examiner for North Dakota of receipt of the applications and requested his views and recommendation. The Acting State Examiner recommended approval of the applications.



Notice of receipt of the applications was published in the FEDERAL REGISTER on September 30, 1966 (31 F.R. 12814), which provided an opportunity for submission of comments and views regarding the proposed acquisition. Time for filing such comments and views has expired and all those filed with the Board have been considered by it.

It is hereby ordered, For the reasons set forth in the Board's Statement<sup>1</sup> of this date, that said applications be and hereby are approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 16th day of November 1966.

By order of the Board of Governors.<sup>2</sup>

[SEAL]

MERRITT SHERMAN,  
Secretary.

[F.R. Doc. 66-12633; Filed, Nov. 22, 1966;  
8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

### CONTINENTAL VENDING MACHINE CORP.

#### Order Suspending Trading

NOVEMBER 17, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 18, 1966, through November 27, 1966, both dates inclusive.

By the Commission.

[SEAL]

NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12642; Filed, Nov. 22, 1966;  
8:46 a.m.]

<sup>1</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis. Dissenting Statement of Governor Mitchell also filed as part of the original document and available upon request.

<sup>2</sup> Voting for this action: Chairman Martin, and Governors Robertson, Shephardson, Maisel, and Brimmer. Voting against this action: Governor Mitchell. Absent and not voting: Governor Daane.

[812-2004]

### TOTAL AMERICAN, INC.

#### Notice of Filing of Application for Order Exempting Company From All Provisions of Act

NOVEMBER 17, 1966.

Notice is hereby given that Total American, Inc., 610 Fifth Avenue, New York, N.Y. ("applicant"), a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The applicant was organized by Compagnie Francaise des Petroles ("CFP") on February 15, 1966. All of the outstanding securities of applicant, except a note issued to a bank in the United States, are owned by CFP or an affiliate of CFP.

CFP is a French corporation, which with its subsidiaries and affiliates, comprises a leading international integrated oil enterprise engaged in all phases of the oil business. Applicant was organized by CFP to serve as a vehicle for carrying out CFP's intention to commence petroleum operations in the United States. Applicant states that it will conduct such operations either directly or through other corporations in which applicant will own a significant interest.

The application indicates that the principal assets of applicant consist of (1) 403,638 shares (approximately 32 percent) of the outstanding common stock of Leonard Refineries, Inc. ("Leonard"); (2) an investment in applicant's wholly owned subsidiary Total Trading Qatar, Inc. ("Trading"); and (3) an interest in the crude oil arrangements described below. Leonard is primarily engaged directly and indirectly through subsidiaries, in the business of gathering and refining crude oil and marketing the refined products. Trading was organized by applicant on July 13, 1966, under the laws of Delaware for the purpose of acquiring from CFP the right to receive until after 1986 a portion of certain crude oil which CFP is entitled to receive under agreements with Qatar Petroleum Co., Ltd. Such rights will be acquired by Trading in exchange for the issuance to CFP of shares of applicant's stock and the agreement of applicant to pay royalties to CFP on the crude oil so received by Trading.

Applicant states that in the future it may, among other things, acquire additional securities of Leonard as well as securities of other companies.

Of applicant's holdings of Leonard stock, 398,838 shares were acquired on March 8, 1966, at a cost of \$6,840,071 and the balance of 4,800 shares was purchased subsequently at an aggregate cost of \$62,450, exclusive of brokerage commissions. Applicant expects to derive about

\$500,000 of net income annually from the oil arrangements mentioned hereinabove.

Applicant obtained the funds used in acquiring assets through the sale of common stock to CFP, the making of a short-term loan of \$4 million from a United States bank and by making a short-term loan of \$2 million (of which \$1,750,000 has been drawn) from an affiliate of CFP.

Applicant proposes to borrow \$6 million from Aetna Life Insurance Co. to be evidenced by applicant's 6½ percent Guaranteed Notes due October 1, 1986 ("Notes"). CFP will unconditionally guarantee the notes, which will be secured by the pledge of 398,838 shares of Leonard stock.

Proceeds of the borrowing after deduction of expenses will be used by applicant to retire the existing bank loan and the loan from the CFP affiliate referred to hereinabove. Applicant represents that it will not issue any securities (other than debt securities) to any person other than CFP or a corporation all of the outstanding securities of which (other than directors' qualifying shares) are owned, directly or indirectly, by CFP (which corporation is sometimes hereinafter referred to as "fully-owned" subsidiary); and it is also represented that CFP will not dispose of any securities issued by applicant now or hereafter owned by it, except to applicant or to one or more fully-owned subsidiaries of CFP.

It appears that applicant is an "investment company" as defined in section 3(a)(3) of the Act. Section 3(b)(3) of the Act, generally speaking, excepts from the definition of investment company any issuer all of the outstanding securities of which (other than short-term paper and directors' qualifying shares) are owned by a company primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities. As stated hereinabove, all of the outstanding securities of applicant are now owned by CFP except for the short-term bank loan and the affiliate loan, both of which are to be paid following the borrowing by applicant on its notes. Also as noted hereinabove, applicant has stated that it will not issue any securities (other than debt securities) to any person other than CFP or a fully-owned subsidiary of CFP and that CFP will not dispose of any securities of applicant except to applicant or to a fully-owned subsidiary of CFP. Therefore, it appears that applicant would be entitled to an exception under section 3(b)(3) of the Act except for the fact that its long-term debt to be outstanding will be owned by an institution rather than by CFP.

Section 6(c) of the Act provides that the Commission may, conditionally or unconditionally, exempt any persons, securities or transactions from any provision of the Act or of any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.



Applicant has agreed, in the event that the Commission grants the application, that the Commission's order may be issued subject to the following conditions:

1. Applicant will—

(a) File with the Commission, within 90 days after the close of each fiscal year of the Company, the data required by Items 1.08 (except with respect to information relating to persons under common control with applicant), 1.09, 1.10, and 1.11(a) (with respect only to directors and officers of the applicant) of Form N-1R adopted by the Commission pursuant to section 30 of the Investment Company Act of 1940;

(b) File with the Commission, within 120 days after the close of each fiscal year of the applicant, a balance sheet as of the close of such fiscal year, a statement of income and expense for such fiscal year, and a statement of surplus and a schedule of investments as of the close of such fiscal year; and

(c) File with the Commission, within 30 days after the happening of any of the following events, information as to (1) any request to exchange any of the notes for notes of smaller denominations, and (2) any transfer of notes and the name and address of each transferee, to the extent that such information shall be available to, or can reasonably be obtained by, the applicant.

2. Applicant will—

(a) Not issue any additional debt securities (other than evidences of its subordinated indebtedness to CFP or one or more corporations all of the outstanding securities of which, other than directors' qualifying shares, are owned, directly or indirectly, by CFP and other than short-term paper, as defined in the Act), following the issuance of the \$6 million aggregate principal amount of notes, unless the applicant shall have first given written notice to the Commission describing the proposed issuance of such additional debt securities not less than 45 days prior to the date of such proposed issuance; subject, however, to the right of the Commission, upon request of the applicant, to decrease such number of days. The applicant further agrees that if the Commission shall, after receipt of said written notice, determine that a substantial question shall exist as to whether or not the exemption granted by the order hereby requested should continue and shall mail or otherwise give notice to that effect to the applicant at its offices at 610 Fifth Avenue, New York, N.Y. (or at such other address as the applicant may have previously specified in writing to the Commission), within 15 days after the receipt by the Commission of said written notice from the applicant, the applicant will not issue such additional debt securities unless after receipt by the applicant of such notice from the Commission and not less than 15 days prior to the issuance of such additional debt securities, the applicant shall mail or otherwise give written notice to the Commission stating its intention to issue such additional securities and upon the giving of such notice

by the applicant the exemption granted by the order hereby requested shall be deemed to have been terminated as of the date the applicant shall have mailed or otherwise given such notice to the Commission.

Notice is further given that any interested person may, not later than November 30, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12643; Filed, Nov. 22, 1966;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 993]

### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 18, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

#### APPLICATIONS ASSIGNED FOR ORAL HEARING MOTOR CARRIERS OF PROPERTY

No. MC 105413 (Sub-No. 23), filed October 28, 1966. Applicant: PETROLEUM

TRANSPORT SERVICE, INC., Highway 275, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, fertilizer solutions, acids, and chemicals*, from points in Woodbury County, Iowa, and points in the Sioux City, Iowa, commercial zone, including the South Sioux City, Nebr., commercial zone, to points in Iowa, South Dakota, North Dakota, Minnesota, and Nebraska.

HEARING: January 23, 1967, at the Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

No. MC 45626 (Sub-No. 60) (Republication), filed July 21, 1966, published FEDERAL REGISTER issue of August 11, 1966, and republished, this issue. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt. 05402. Applicant's representative: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. By application filed July 21, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, in special operations, (1) between junction U.S. Highway 5 and Vermont Highway 25 south of Bradford, Vt., and Wentworth, N.H.: From junction U.S. Highway 5 and Vermont Highway 25, over Vermont Highway 25 to the Vermont-New Hampshire State line, thence over New Hampshire Highway 25 to Piermont, N.H., thence over New Hampshire Highway 25C to Warren, N.H., thence over New Hampshire Highway 25 to Wentworth, and return over the same route, serving all intermediate points, and including the right of joinder at Warren, N.H., and Wentworth, N.H., with carrier's certificated routes; (2) between Fairlee, Vt., and Piermont, N.H.: From Fairlee, over the Connecticut River Bridge to Orford, N.H., thence over New Hampshire Highway 10 to Piermont, and return over the same route, serving all intermediate points, and including the right of joinder at Orford, N.H., with carrier's certificated routes; and (3) between junction U.S. Highway 2 and unnumbered highway at Bolton, Vt., and Bolton Valley ski area on Ricker Mountain, over unnumbered highway, serving all intermediate points. An order of the Commission, Operating Rights Board No. 1, dated October 19, 1966, and served November 8, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of passengers and their baggage, and express and newspapers in the same vehicle with passengers.

(1) Between junction U.S. Highway 5 and Vermont Highway 25 at or near Bradford, Vt., and Wentworth, N.H., from junction U.S. Highway 5 and Vermont Highway 25, over Vermont Highway 25 to the Vermont-New Hampshire



State line, thence over New Hampshire Highway 25 to Piermont, N.H., thence over New Hampshire Highway 25C to Warren, N.H., thence over New Hampshire Highway 25 to Wentworth, and return over the same route, serving all intermediate points, (2) between Fairlee, Vt., and Piermont, N.H., from Fairlee, over the Connecticut River Bridge to Orford, N.H., thence over New Hampshire Highway 10 to Piermont, and return over the same route, serving all intermediate points, and (3) between junction U.S. Highway 2 and unnumbered highway at Bolton, Vt., and Bolton Valley ski area on Ricker Mountain, over unnumbered highway, serving all intermediate points; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 94265 (Sub-No. 182) (Republication), filed May 18, 1966, published *FEDERAL REGISTER* issue of June 9, 1966, and republished, this issue. Applicant: **BONNEY MOTOR EXPRESS, INC.**, Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C. 20006. By application filed May 18, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meats, meat products, meat byproducts, packinghouse products, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Madison, Wis., to Charleston, W. Va. Restriction: The above authority is restricted to shipments which are stopped in Charleston, W. Va., for partial unloading with final deliveries being made in Virginia and/or North Carolina. An order of the Commission, Operating Rights Board No. 1, dated October 31, 1966, and served November 15, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Madison, Wis., to Charleston, W. Va.; that applicant is fit, willing, and able properly to

perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 112750 (Sub-No. 162) (Republication), filed September 23, 1963, published *FEDERAL REGISTER* issue of June 17, 1964, and republished, this issue. Applicant: **ARMORED CARRIER CORPORATION**, 222-17 Northern Boulevard, Bayside, N.Y. (retitled), **AMERICAN COURIER CORPORATION**, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. By application filed September 23, 1963, applicant seeks a permit authorizing operations in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) bank checks, drafts, and other bank stationery, from Riverside, R.I., to points in Connecticut, Maine, Massachusetts, and New Hampshire, under a continuing contract or contracts with C. Parker Loring, (2) checks, business papers, records, and audit and accounting media of all kinds (except plant removals), (a) between Cambridge, Mass., on the one hand, and, on the other, points in Rhode Island, New Hampshire, and Maine, under a continuing contract or contracts with Star Market Co., (b) between Boston, Mass., on the one hand, and, on the other, Manchester, Torrington, and Waterbury, Conn., Bangor, Maine, and Manchester, N.H., under a continuing contract or contracts with Gorin Stores, Inc., of Boston, Mass., (c) between Boston and Worcester, Mass., on the one hand, and, on the other, points in Berkshire and Hampden Counties, Mass., over routes in Connecticut for operating convenience only, (3) commercial papers, documents, and written instruments (except coin, currency, bullion, and negotiable securities) as are used in the conduct of the business of banks and banking institutions, between Boston, Mass., on the one hand, and, on the other, Washington, D.C., under a continuing contract or contracts with banks and banking institutions.

(4) Ophthalmic goods and commercial papers (excluding supplies and plant removals) between Boston and Southbridge, Mass., on the one hand, and, on the other, points in Berkshire and Hampden Counties, Mass., over routes in Connecticut for operating convenience only. An order of the Commission, Operating Rights Board No. 1, dated November 7, 1966, and served November 16, 1966, as amended, finds that operation by applicant, in interstate or foreign commerce,

as a contract carrier by motor vehicle, over irregular routes, of such commercial papers, documents, and written instruments (except currency and negotiable securities), as are used in the business of banks and banking institutions, between Boston, Mass., on the one hand, and, on the other, Washington, D.C., under a continuing contract or contracts with banks or banking institutions, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate permit should be issued. That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of checks, business papers, business records, and audit and accounting media (except cash letters), (a) between Cambridge, Mass., on the one hand, and, on the other, points in Rhode Island, New Hampshire, and Maine, and

(b) Between Boston, Mass., on the one hand, and, on the other, Manchester, Torrington, and Waterbury, Conn., Bangor, Maine, and Manchester, N.H.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that notice of this finding should be published in the *FEDERAL REGISTER*; but that this portion of the proceeding should be held open for further consideration of this dual operations problem following the final determination of applicant's conversion proceedings Nos. MC 111729 (Sub-Nos. 169, 170, and 171), MC 126745 (Sub-No. 19), MC 127431 (Sub-No. 8), filed in accordance with the requirements set forth in the Commission's report in *Armored Carrier Corp. Extension—Vermont*, 102 M.C.C. 411. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the common carrier authority for which a need is found in this order will be published in the *FEDERAL REGISTER*, and for a period of 30 days from the date of such publication, any proper party in interest may file an appropriate protest or other pleading.

No. MC 124569 (Sub-No. 9) (Republication), filed April 4, 1966, published *FEDERAL REGISTER* issue of April 28, 1966, and republished, this issue. Applicant: **JOHN HUSZAR, JR.**, doing business as **HUSZAR'S VEGETABLE FARM**, Route 1, Box 204, Holden, La. 70744. By application filed April 4, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) root beer, in bottles, in boxes, from Ponchatoula, La., to points in Alabama, Mississippi, Texas, and Georgia; and empty root beer bot-



tles, on return, and (2) root beer concentrate, from Chicago, Ill., to Ponchatoula, La.; for the account of Dad's Bottling Co. An order of the Commission, Operating Rights Board No. 1, dated October 25, 1966, and served November 8, 1966, as amended, finds that operation by applicant, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of (1) *root beer*, in bottles, from Ponchatoula, La., to points in Alabama, Georgia, and Mississippi, (2) *new root beer bottles* from Atlanta, Ga., to Ponchatoula, La., and (3) *root beer concentrate*, from Chicago, Ill., to Ponchatoula, La., under a continuing contract with Dad's Bottling Co., of Ponchatoula, La., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

#### NOTICE OF FILING OF PETITION

No. MC 1367 (Sub-No. 2) (Notice of filing of petition for modification of certificate), filed October 24, 1966. Petitioner: OWL TRANSFER & STORAGE CO., INC., 616 Sixth Avenue South, Seattle 4, Wash. Petitioner's representative: Joseph O. Earp (same address as above). Petitioner states that it holds authority to conduct operations as a motor common carrier, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), over a regular route, when moving to territories and possessions of the United States, from Seattle, Wash., to Tacoma, Wash.: From Seattle over U.S. Highway 99 to Tacoma, and return over the same route, with no transportation for compensation on the return. Service is not authorized to or from intermediate points. By the instant petition, petitioner prays that its certificate be modified so that the portion now reading: "when moving to Territories and Possessions of the United States" will be changed to read: "when moving between the Continental United States, on the one hand, and, on the other, Alaska, Hawaii and Territories and Possessions of the United States." Any interested person desiring to participate, may file an origi-

nal and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the *FEDERAL REGISTER*.

#### APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 60325 (Sub-No. 6) filed November 7, 1966. Applicant: JEFFERSON TRANSPORTATION COMPANY, a corporation, 1114 Currie Avenue, Minneapolis, Minn. 55403. Applicant's representative: D. C. Nolan, 405 Iowa State Bank Building, Iowa City, Iowa 52240. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, and newspapers* in the same vehicle with passengers, (1) between Rochester, Minn., and junction U.S. Highway 63 and Interstate Highway 90, over U.S. Highway 63, serving the intermediate point of Rochester Airport, and (2) between Mason City, Iowa, and junction U.S. Highways 18 and 69, over U.S. Highway 69, serving no intermediate points. NOTE: Applicant states the purpose of this application is the retention of the segments named herein, so as to continue its service to points beyond on the routes involved in presently held authorized authority. This application is to be handled concurrently with MC-F-9475, published *FEDERAL REGISTER* issue of July 27, 1966.

No. MC 125533 (Sub-No. 3), filed November 9, 1966. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Post Office Box 6064, Ellet Station, Akron, Ohio 44312. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products*, from Pottstown, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Rhode Island, Virginia, District of Columbia, Maine, New Hampshire, Vermont, Illinois, Indiana, Michigan, North Carolina, South Carolina, Tennessee, Wisconsin, and West Virginia, (2) *rejected and returned clay products and materials and supplies* used in the manufacture of clay products, on return, in connection with (1) above, (3) *refractory materials, refractory products and materials* used in the installation of refractory materials and refractory products from Pottstown, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Virginia, Vermont, and the District of Columbia, (4) *refractory materials, refractory products and materials* used in the installation of refractory materials and refractory products which had a prior origination at Pottstown, Pa., from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of

Columbia, to Pottstown, Pa., (5) *fiber pipe, plastic pipe, cast iron pipe, man-hole covers, gratings and castings, and attachments, parts and fittings therefor* (a) from the plantsites and warehouses of the Robinson Clay Products Co. at Pottstown, Pa., to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, and Wisconsin, and (b) *returned shipments* of the commodities specified on return, in connection with 5(a) above.

(6) *Clay products*, (a) from Clearfield, Pa., to points in Delaware, Maryland, New York, New Jersey, Virginia, West Virginia, District of Columbia, Illinois, Indiana, Michigan, North Carolina, South Carolina, Tennessee, and Wisconsin, and (b) from the plantsite of the Robinson Clay Products Co. at Clearfield, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Ohio, Rhode Island, and Vermont, (7) *rejected and returned clay products and materials and supplies* used in the manufacture of clay products, on return in connection with 6 (a) and (b) above, (8) *refractory materials, refractory products, and materials* used in the installation of refractory materials and refractory products (a) from Clearfield, Pa., to points in Delaware, Maryland, New York, New Jersey, Virginia, West Virginia, District of Columbia, and (b) from the plantsite of the Robinson Clay Products Co. at Clearfield, Pa., to points in Connecticut, Ohio, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, (9) *refractory materials, refractory products, and materials* used in the installation of refractory materials and refractory products which had a prior origination at Clearfield, Pa., from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia to Clearfield, Pa., (10) *clay products* (a) from Mogadore, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, and (b) from the site of the United States Concrete Pipe Co. plant at Mogadore, Ohio, to points in Maine, Vermont, New Hampshire, Connecticut, Rhode Island, Massachusetts, New Jersey, Delaware, and the District of Columbia,

(11) *Rejected and returned clay products and materials and supplies* used in the manufacture of clay products, on return in connection with 10 (a) and (b) above, (12) *refractory materials, refractory products and materials* used in the installation of refractory materials and refractory products from the plantsite of the United States Concrete Pipe Co. at Mogadore, Ohio, to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, Vermont, Delaware, New Jersey, and the District of Columbia, (13) *refractory materials, refractory products, and materials* used in the installation of refractory materials and re-



fractory products which had a prior origination at Mogadore, Ohio, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, to Mogadore, Ohio, (14) *fiber pipe, plastic pipe, cast iron pipe, manhole covers, gratings and castings, and attachments, parts and fittings therefor* (a) from the plantsites and warehouses of the United States Concrete Pipe Co. at Mogadore, Ohio, to points in Connecticut, Delaware, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Illinois, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (b) *returned shipments*, on return in connection with 14(a) above, (15) *clay products* (a) from Parrell, Ohio, to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (b) from the site of the Robinson Clay Products Co. plant at Parrell, Ohio, to points in Maine, Vermont, New Hampshire, Connecticut, Rhode Island, and Massachusetts.

(16) *Rejected and returned clay products and materials and supplies* used in the manufacture of clay products, on return in connection with 15 (a) and (b) above, (17) *refractory materials, refractory products, and materials* used in the installation of refractory materials and refractory products from the plantsite of the Robinson Clay Products Co. at Parrell, Ohio, to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, and Vermont, (18) *refractory materials, refractory products and materials* used in the installation of refractory materials and refractory products which had a prior origination at Parrell, Ohio, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia to Parrell, Ohio, (19) *clay products*, from Strasburg, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, (20) *rejected and returned clay products, and materials, and supplies* used in the manufacture of clay products, on return in connection with (19) above, (21) *clay products*, from the site of the Robinson Clay Products Co. plant at Midvale, Ohio, to points in Maine, Vermont, New Hampshire, Connecticut, Rhode Island, and Massachusetts.

(22) *Rejected and returned clay products, and materials, and supplies* used in the manufacture of clay products, on return in connection with 21 above, (23)

*fiber pipe and attachments, parts and fittings therefor* (a) from Berlin, N.H., to points in Delaware, Maine, Maryland, New Jersey, New York, North Carolina, Tennessee, and Virginia, and (b) *returned shipments* on return, in connection with 23(a) above, (24) *fiber pipe and attachments, parts and fittings therefor* (a) from points in Lumberton Township, N.J., to points in Delaware, Kentucky, Maine, New York, North Carolina, Tennessee, Vermont, and Pennsylvania, and (b) *returned shipments*, on return, in connection with 24(a) above, (25) *manhole covers, gratings, castings and attachments, parts and fittings therefor* (a) from Brillion, Wis., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, and (b) *returned shipments*, on return, in connection with 25(a) above, (26) *plastic pipe and attachments, parts and fittings therefor* (a) from Kenilworth, N.J., to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Vermont, and Wisconsin, and (b) *returned shipments*, on return, in connection with 26(a) above.

(27) *Cast iron pipe and attachments, parts and fittings therefor* (a) from Williamstown, N.J., to point in Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Michigan, Minnesota, Missouri, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, and Wisconsin, and (b) *returned shipments*, on return, in connection with 27(a) above, (28) *such commodities as are manufactured, processed or dealt in by rubber manufacturers and steel product manufacturers, and equipment, materials, and supplies* used in the conduct of such businesses, from Akron, Ohio, to points in Rhode Island, Massachusetts, Connecticut, those in that part of New York east of a line beginning at Port Jervis, N.Y., and extending along U.S. Highway 209 to Kingston, N.Y., thence along U.S. Highway 9W to Albany, N.Y., thence along U.S. Highway 20 to Fayette, N.Y., thence along U.S. Highway 11 to Watertown, N.Y., and thence along New York Highway 12 to Clayton, N.Y., including the points named and including New York, N.Y., points on Long Island, N.Y., those on the indicated portions of the highways specified, and those in New Jersey on and north of New Jersey Highway 33, (29) *tire fabric* from Fall River and New Bedford, Mass., to Akron, Ohio, (30) *chemicals*, from Naugatuck, Conn., to Akron, Ohio, (31) *scrap tires and tubes* from Boston, Cambridge, New Bedford, Pittsfield, Fall River, and Springfield, Mass., Hartford, Conn., Newark, N.J., and Albany and New York, N.Y., and points on Long Island, N.Y., to Akron, Ohio. NOTE: The application is directly related to No. MC-F-9583, published in the

FEDERAL REGISTER issue of November 23, 1966. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio, or Washington, D.C.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-9472 (Amendment) (BERNARD A. BROWN—Control—SERVICE TRUCKING CO., INC.), published in the July 27, 1966, issue of the FEDERAL REGISTER, on page 10164. By amendment filed November 1, 1966, applicant seeks additional authority to include purchase of the operating rights and certain operating equipment of SERVICE TRUCKING CO., INC., and also a petition seeking change in form of temporary control was filed. By petition filed November 3, 1966, SATELLITE EXPRESS, INC., Post Office Box 792, Somerville, N.J., seeks to be substituted as applicant, in lieu of BERNARD A. BROWN. NOTE: Per action by the Commission, Division 3, November 16, 1966, the amended temporary authority was denied.

No. MC-F-9572 (Correction) (TRANSAMERICAN FREIGHT LINES, INC. — PURCHASE — FOWSER FAST FREIGHT, INC.), published in the November 9, 1966, issue of the FEDERAL REGISTER, on page 14431. The operating rights sought to be transferred should have also included the following: *Glass products*, as a common carrier, over irregular routes, from Millville, N.J., to Hudson, N.Y., Hoboken, Jersey City, and Newark, N.J., Wilmington and Seaford, Del., Washington, D.C., certain specified points in Maryland and Pennsylvania, and points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665; *closures* for glass containers, between Salem and Millville, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia; *pallets, platforms, and skids*, and *damaged and returned glassware*, from points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, to Salem and Millville, N.J.; and *empty glass containers, battery jars, carboys, and insulators*, from Salem, N.J., to points in Maryland, except Baltimore and Relay, Md.

No. MC-F-9583. Authority sought for purchase by GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, Ohio 44312, of the operating rights and property of PHILIP R. GRIMM, 1994 Krumroy Road, Akron, Ohio 44312, and for acquisition by GEORGE W. KUGLER, 2800 East Waterloo Road, Akron, Ohio 44312, of control of such rights and



property through the purchase. Applicants' attorney: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be transferred: *Such commodities as are manufactured, processed or dealt in by rubber manufacturers and steel product manufacturers, and equipment, materials, and supplies used in the conduct of such businesses, as a contract carrier, over irregular routes, from Akron, Ohio, to points in Rhode Island, Massachusetts, Connecticut, and certain specified points in New York and New Jersey: tire fabric, from Fall River and New Bedford, Mass., to Akron, Ohio; chemicals, from Naugatuck, Conn., to Akron, Ohio; and scrap tires and tubes, from certain specified points in Massachusetts, Hartford, Conn., Newark, N.J., and certain specified points in New York, to Akron, Ohio.* Vendee is authorized to operate as a *contract carrier* in Pennsylvania, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Virginia, Ohio, Minnesota, Missouri, West Virginia, Kentucky, Maine, New Hampshire, Vermont, Michigan, North Carolina, South Carolina, Tennessee, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-125533, Sub-No. 3, is a matter directly related.

No. MC-F-9584. Authority sought for purchase by BULK CARRIERS, INC., 2247 Country Squire Lane, Toledo, Ohio 43615, of the operating rights of ROBERT DIBBLE, 1109 South 24th Street, Saginaw, Mich. 48601, and for acquisition by ROBERT N. DERDERIAN, 1300 Sandringham, Birmingham, Mich., ROBERT WALLACE, also of Toledo, Ohio, FRANK SALUCCI, 37619 Summers, Livonia, Mich., and H. S. DERDERIAN, 960 Trallwood Path, Birmingham, Mich., of control of such rights through the purchase. Applicants' attorney: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Operating rights sought to be transferred: *Pickles, sauerkraut, and peppers, in glass containers, as a contract carrier, over irregular routes, from Bridgeport, Mich., to points in Illinois, Indiana, Kentucky, and Ohio, points in Iowa, on and east of U.S. Highway 63, points in New York on and west of U.S. Highway 11, points in Pennsylvania on and west of U.S. Highway 219, points in West Virginia on and west of U.S. Highway 119, Roanoke and Salem, Va., and Atlanta, Ga.; empty glass containers, from Streator, Ill., Dunkirk and Winchester, Ind., Lancaster, N.Y., Washington, Pa., and Hunting, W. Va., to Bridgeport, Mich., with restriction; and pickled vegetables, in cans and containers, from certain specified points in Michigan, to points in Illinois, Indiana, Kentucky, Ohio, New York, points in Iowa on and east of U.S. Highway 63, points in Pennsylvania on and west of U.S. Highway 219, points in West Virginia on and west of U.S. Highway 119, Roanoke and Salem, Va., Atlanta, Ga., and Landover, Md., with restriction.* Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, Illinois, Kentucky, Maryland, Michigan,

Missouri, New York, Pennsylvania, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9585. Authority sought for merger into EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind., of the operating rights and property of WHEELLOCK BROS., INC., 720 East Third Street, Kansas City, Mo., and for acquisition by WILSON M. HOUSE, also of Terre Haute, Ind., of control of such rights and property through the transaction. Applicants' attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, 8, Ind. Operating rights sought to be merged: *General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier, over regular routes, between Chicago, Ill., and Denver, Colo., serving certain intermediate and off-route points with restrictions, between Russell, Kans., and Great Bend, Kans., serving no intermediate points, between Topeka, Kans., and junction U.S. Highway 54 and Kansas Highway 99, serving certain intermediate points, between McPherson, Kans., and Hutchinson, Kans., serving no intermediate points, between Kansas City, Kans., and Wichita, Kans., serving certain intermediate and off-route points, between the junction of U.S. Highway 40 and Missouri Highway 7, and Lake City, Mo., between Kansas City, Mo., and Lake City, Mo., serving intermediate and off-route points within 2 miles of Lake City; several alternate routes for operating convenience only; packinghouse products and supplies, poultry, and eggs, between Kansas City, Mo., and Chicago, Ill., serving certain intermediate points with restriction, and the off-route point of Kansas City, Kans.; sugar, between Sugar City, Colo., and Rocky Ford, Colo., serving no intermediate points; general commodities, over irregular routes, between Denver, Colo., and points within 6 miles of Denver, with restriction; canned goods, beans, pickles, and seed, from certain points in Colorado, to certain points in Missouri and Kansas; and soap and soap products, from Kansas City, Kansas, and Kansas City, Mo., to points in Kansas and certain points in Colorado.* EASTERN EXPRESS, INC., is authorized to operate as a *common carrier* in Pennsylvania, Michigan, Missouri, New Jersey, Indiana, Illinois, Wisconsin, Connecticut, New York, Massachusetts, Rhode Island, Ohio, Maryland, West Virginia, Iowa, Kentucky, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: F.D. No. 24377 filed simultaneously. EASTERN EXPRESS, INC., controls WHEELLOCK BROS., INC., pursuant to authority granted April 21, 1966, in docket No. MC-F-9240, by the Commission, Finance Board No. 1. Protest must be filed within 15 days from date notice is published in the FEDERAL REGISTER of this section 5 application.

No. MC-F-9586. Authority sought for purchase by UNITED STATES TRUCKING CORPORATION, 66 Murray Street,

New York, N.Y., of the operating rights and property of MANNIE HURWITZ, doing business as DISTRICT DELIVERIES, 1162 42 South Sharp Street, Baltimore, Md., and for acquisition by THE PITTSSTON COMPANY, 250 Park Avenue, New York, N.Y., of control of such rights and property through the purchase. Applicants' attorney and representative: Herbert Burstein, 160 Broadway, New York, N.Y., and Louis Epstein, 5320 Park Heights Avenue, Baltimore, Md. Operating rights sought to be transferred: *General commodities, except those of unusual value, livestock, classes A and B explosives, uncrated furniture, automobiles, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a common carrier, over a regular route, between Baltimore, Md., and Washington, D.C., serving all intermediate points and off-route points in the Washington, D.C., commercial zone, as defined by the Commission.* Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Pennsylvania, Rhode Island, and Vermont. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12652; Filed, Nov. 22, 1966;  
8:47 a.m.]

[Notice 422]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 18, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

### MOTOR CARRIERS OF PROPERTY

No. MC 43421 (Deviation No. 13) DOHRN TRANSFER COMPANY, Post Office Box 1237, Rock Island, Ill. 61202, filed November 10, 1966. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Car-



rier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 30 and U.S. Highway 67, at Eighth Avenue South and Fourth Street, in Clinton, Iowa, over U.S. Highway 67 to junction Interstate Highway 80, near Le Claire, Iowa, thence over Interstate Highway 80 to junction Illinois Highway 84 (formerly Illinois Highway 80), near Rapids City, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over Alternate U.S. Highway 30 via Sterling, Ill., to junction unnumbered highway, thence over unnumbered highway via Emerson, Ill., to junction U.S. Highway 30, thence over U.S. Highway 30 to Clinton, Iowa, and (2) from junction U.S. Highway 30 and Illinois Highway 84 (formerly Illinois Highway 80) over Illinois Highway 84 to Moline, Ill., thence across the Mississippi River to Davenport, Iowa, and return over the same routes.

No. MC 87786 (Deviation No. 1) **LIGHTNING EXPRESS, INC.**, 2701 Railroad Street, Pittsburgh, Pa. 15222, filed November 10, 1966. Carrier's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 19 and Interstate Highway 79, near the Borough of Zelienople, Pa., over Interstate Highway 79 to junction U.S. Highway 422 thence over U.S. Highway 422 to New Castle, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Pittsburgh, Pa., over U.S. Highway 19 to Zelienople, Pa., thence over Pennsylvania Highway 288 to Ellwood City, Pa., thence over Pennsylvania Highway 88 to New Castle, Pa., and return over the same route.

By the Commission.

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12653; Filed, Nov. 22, 1966;  
8:47 a.m.]

[Notice 995]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 18, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the *FEDERAL REGISTER* issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the

Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

### APPLICATIONS ASSIGNED FOR ORAL HEARING MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

#### SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 124774 (Sub-No. 63), filed November 8, 1966. Applicant: **CARAVELLE EXPRESS, INC.**, Post Office Box 384, Norfolk, Nebr. 68701. Applicant's representative: David D. Tews, 605 South 14th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquids in bulk, in tank vehicles), from points in Nebraska (except Omaha and West Point), to points in Illinois, Indiana, Michigan, and Ohio.

**HEARING:** December 1, 1966, at the New Federal Building, 215 North 17th Street, Omaha, Nebr., before Examiner Frank R. Saltzman.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12654; Filed, Nov. 22, 1966;  
8:47 a.m.]

## NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 18, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the *FEDERAL REGISTER*, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State docket No. 8678-CCT, filed September 14, 1966. Applicant: **SCARLET TRUCK SERVICE, INC.**, Post Office Box 6665, West Palm Beach, Fla. 33405. Applicant's representative: Richard J. Brooks, Post Office Box 1531, Tallahassee, Fla. 32302. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *raw sugar*, in bulk, over irregular routes and on irregular schedules, in intrastate, interstate, and foreign commerce between points and places in Glades, Hendry, and Palm Beach Counties, Fla.; or in the alternative an extension of certificate No. 705 to include the above. Both intrastate and interstate authority sought.

**HEARING:** Friday, December 9, 1966, at 901 Evernia Street, West Palm Beach, Fla., at 9:30 a.m.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla., and should not be directed to the Interstate Commerce Commission.

State docket No. 15844, filed October 31, 1966. Applicant: **HILLER TRUCK LINES, INC.**, Post Office Box 1012, Jasper, Ala. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Certificate of public convenience and necessity sought to operate a freight service as follows: General commodities, serving Brown's Ferry (site of the TVA installation) approximately 10 miles northwest of Decatur, Ala., and unincorporated points within 5 miles thereof as off-route points in connection with operations of applicant under Alabama Public Service Commission certificate Nos. 678 and 684 registered with the Interstate Commerce Commission under section 206(a) (b) of the Interstate Commerce Act, as amended, under certificate of registration No. MC-97629. Both intrastate and interstate authority is sought.



**HEARING:** Not set. Contact the Secretary, Alabama Public Service Commission, 702 State Office Building, Post Office Box 991, Montgomery, Ala.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Alabama Public Service Commission, Montgomery, Ala. 36102, and should not be directed to the Interstate Commerce Commission.

State docket No. 15851, filed November 14, 1966. Applicant: ROBERT F. COATES, doing business as COATES MOTOR EXPRESS, 2118 Holmes Avenue, Huntsville, Ala. 35805. Applicant's representative: Moring, Giles, Watson & Willisson, Huntsville, Ala. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *commodities generally* as authorized in applicant's APSC certificate No. 1482, certificate of registration MC 96951, Sub 1, seeking terminal or commercial zone authority (Alabama Rule 60) surrounding applicant's presently authorized Alabama points of Athens, Decatur, Florence, Huntsville, Muscle Shoals, Sheffield, Tuscumbia, and Wilson Dam. Commercial zones under Alabama Rule 60 are similar to commercial zones under Part 170 issued by the Interstate Commerce Commission. Both intrastate and interstate authority sought.

**HEARING:** Interested persons should contact Secretary, Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Alabama Public Service Commission, Montgomery, Ala. 36102, and should not be directed to the Interstate Commerce Commission.

State Docket No. 15852, filed November 14, 1966. Applicant: ROBERT F. COATES, doing business as COATES MOTOR EXPRESS, 2118 Holmes Avenue, Huntsville, Ala. 35805. Applicant's representative: Moring, Giles, Watson, and Willisson, Huntsville, Ala. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *commodities generally* as authorized in applicant's APSC certificate No. 1482 over an alternate route for operating convenience between Tuscumbia, Ala., and Huntsville, Ala. From Tuscumbia over Alabama Highway No. 133 to Junction of U.S. Highway No. 72A; thence over U.S. 72A to Huntsville, Ala. Return over the same route. Applicant proposes to serve all of its presently authorized routes in connection with the alternate route. Applicant's service route and other authority is described in Alabama certificate No. 1482 and certificate of registration MC 96951, Sub 1. Both intrastate and interstate authority sought.

**HEARING:** Interested persons should contact Secretary, Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala. Requests for procedural information, including the time for filing protests, concerning this ap-

plication should be addressed to the Alabama Public Service Commission, Montgomery, Ala. 36102, and should not be directed to the Interstate Commerce Commission.

State Docket No. 19754, filed November 3, 1966. Applicant: ROCKET FREIGHT LINES COMPANY, 2921 Dawson Road, Tulsa, Okla. Applicant's representative: Charles D. Dudley, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Certificate of public convenience and necessity sought to operate a freight service as follows: Freight, from and between Oklahoma City and the Oklahoma-Kansas State line, and intermediate points, over U.S. Highway No. 66, excepting and excluding therefrom intrastate freight originating at Oklahoma City destined to Edmond, and like freight originating at Edmond destined to Oklahoma City. Freight, to, from and between any and all points between a point on U.S. Highway 66 at the Oklahoma-Kansas State line and Tulsa, Okla., via U.S. Highway 66, serving all intermediate points and the termini; between the junction of U.S. Highway 66 and U.S. Highway 69, west of Vinita, Okla., and Muskogee, Okla., via U.S. Highway 69, serving all intermediate points and the termini, including the off-route points of Tullahassee, Porter, Redbird, and Coweta, Okla., on State Highway 51-B; between Muskogee, Okla., and the Oklahoma-Texas State line south of Colbert, Okla., via U.S. Highway 69, serving Muskogee, McAlester, Atoka, Durant and Colbert, Okla.; between the junction of State Highway 39 and U.S. Highway 69 south of Chouteau, Okla., and Tulsa, Okla., via State Highway 33, serving all intermediate points and the termini. Freight between Pryor, Okla., via State Highway No. 20 to Salina, thence county road to Strang, and State Highway No. 28 to Spavinaw, thence via U.S. Highway 59 and county highway to Cleora, Ketchum, Grand River Dam Site, Pensacola, and Big Cabin; thence via U.S. Highway 69 to Adair and Pryor; and to serve the off-route points of Disney and the Mossman Construction Co. camp; the loop route northeast of Pryor to be served in either or both directions: *Provided, however,* That no freight shall be transported originating at Chouteau or Pryor and thereupon destined to Pryor or Chouteau; and that no intrastate freight shall be transported originating at Chouteau and thereupon destined to Big Cabin or Adair.

Freight from Tulsa, Okla., to Ponca City, Okla., and Blackwell, Okla., and return over the following Highways: State Highway 11 from Tulsa, Okla., to Pawhuska, Okla.; thence over U.S. Highway 60 to Ponca City, Okla.; thence west to the junction of U.S. Highway 177; thence North to Blackwell, Okla., and return. Restrictions as follows: No service authorized between Tulsa and Pawhuska, and the intermediate points between Tulsa and Pawhuska. And, for the transportation of freight over the following alternate routes for operating convenience only: Between Oklahoma City, Okla., and Miami, Okla., via Inter-

state Highway 44. Between Oklahoma City, Okla., and Muskogee, Okla., via Interstate Highway 40 to Checotah, thence U.S. Highway 69 to Muskogee, and return over the same route. Between Tulsa, Okla., and McAlester, Okla., via U.S. Highway 75 and the Indian Nation Turnpike. Between Blackwell, Okla., and Tulsa, Okla., via State Highway 11 from Blackwell to junction with Interstate Highway 35, thence via Interstate Highway 35 to junction with U.S. Highway 64 west of Perry, thence via U.S. Highway 64 to Tulsa and return over the same route. Between Ponca City, Okla., and Tulsa, Okla., from Ponca City via U.S. Highway 177 to junction with U.S. Highway 64, thence via U.S. Highway 64 to Tulsa, and return over the same route. Between junction of U.S. Highway 60 and State Highway 20 and junction State Highway 11 and State Highway 20, via State Highway 20. Both intrastate and interstate authority is sought.

**HEARING:** Not set. Contact Secretary, Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Okla. 73105. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12655; Filed, Nov. 22, 1966;  
8:47 a.m.]

[Notice 289]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 18, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.



## MOTOR CARRIERS OF PROPERTY

No. MC 13651 (Sub-No. 7 TA), filed November 14, 1966. Applicant: PEO-  
PLE'S TRANSFER, INC., 701 North 22d  
Avenue, Phoenix, Ariz. 85009. Appli-  
cant's representative: A. Michael Bern-  
stein, 1327 Guaranty Bank Building, 3550  
North Central, Phoenix, Ariz. 85012. Au-  
thority sought to operate as a *common*  
*carrier*, by motor vehicle, over irregular  
routes, as follows: *Dry animal and poul-*  
*try feed and feed supplements*, in bulk,  
from points in Maricopa, Pinal, and Pima  
Counties, Ariz., to points in Los Angeles,  
Orange, Riverside, San Bernadino and  
San Diego Counties, Calif., for 180 days.  
Supporting shipper: Phoenix Tallow Co.,  
Post Office Box 12005, Phoenix, Ariz.  
85034. Send protests to: Andrew V.  
Baylor, District Supervisor, Interstate  
Commerce Commission, Bureau of Op-  
erations and Compliance, 4006 Federal  
Building, Phoenix, Ariz. 85025.

No. MC 25798 (Sub-No. 147 TA), filed  
November 14, 1966. Applicant: CLAY  
HYDER TRUCKING LINES, INC., 502  
East Bridgers Avenue, Post Office Box  
1186, Auburndale, Fla. 33823. Appli-  
cant's representative: George W. Clapp  
(same address as applicant). Authority  
sought to operate as a *common carrier*,  
by motor vehicle, over irregular routes,  
as follows: *Animal food and feed* (except  
in bulk), from the plantsites of Usen  
Products Co., at or near Golden Meadow,  
La., and from storage facilities of Usen  
Products Co. at or near Lockport, La., to  
points in Florida, Georgia, Illinois, Iowa,  
Kansas, Minnesota, Missouri, Nebraska,  
North Carolina, South Carolina, and  
Wisconsin, for 180 days. Supporting  
shipper: Director of Traffic, P. Lorillard  
Co., 200 East 42d Street, New York, N.Y.  
Send protests to: Joseph B. Teichert, Dis-  
trict Supervisor, Interstate Commerce  
Commission, Bureau of Operations and  
Compliance, Room 1621, 51 Southwest  
First Avenue, Miami, Fla. 33130.

No. MC 41255 (Sub-No. 65 TA), filed  
November 14, 1966. Applicant: GLOS-  
SON MOTOR LINES, INC., Hargrave  
Road, Lexington, N.C. 27292. Appli-  
cant's representative: Harry Ross, 848  
Warner Building, Washington, D.C. Au-  
thority sought to operate as a *common*  
*carrier*, by motor vehicle, over irregular  
routes, as follows: *Animal food and ani-*  
*mal feed* (except in bulk), from plant-  
sites and/or storage facilities of Usen  
Products Co. at or near Golden Meadow  
and Lockport, La., to points in Florida,  
Georgia, North Carolina, South Carolina,  
Kentucky, West Virginia, Maryland,  
Pennsylvania, Massachusetts, and the  
District of Columbia, and Virginia, for  
180 days. Supporting shipper: Usen  
Products Co. (a subsidiary of P. Lorillard  
Co.), 200 East 42d Street, New York,  
N.Y., Attention: Frank Krause, Jr. Send  
protests to: Jack K. Huff, District Super-  
visor, Bureau of Operations and Compli-  
ance, Interstate Commerce Commission,  
Room 206, 327 North Tryon Street, Char-  
lotte, N.C. 28202.

No. MC 43012 (Sub-No. 6 TA), filed  
November 14, 1966. Applicant: ROCK-  
ET TRANSPORTATION COMPANY,  
Box 310, Old York Road, New Cumber-

land, Pa. 17070. Applicant's represent-  
ative: John W. Frame, Post Office Box  
626, Camp Hill, Pa. 17011. Authority  
sought to operate as a *common carrier*,  
by motor vehicle, over irregular routes,  
as follows: *General commodities* (except  
articles of unusual value, classes A and  
B explosives, household goods as defined  
by the Commission, commodities in bulk,  
and commodities requiring special equip-  
ment), restricted to the transportation  
of shipments having a prior or subse-  
quent movement by air, (1) between  
Chambersburg, Pa., and Philadelphia,  
Pa., from Chambersburg over U.S. High-  
way 11 to junction Harrisburg Express-  
way, thence over said expressway to New  
Cumberland, Pa., thence over city streets  
and access roads to junction Pennsyl-  
vania Turnpike, thence over said turn-  
pike, to junction Pennsylvania Highway  
42 (Schuylkill Expressway), thence over  
Pennsylvania Highway 43 to Philadel-  
phia, Pa., and return over the same route,  
serving all intermediate and off-route  
points in Cumberland, Dauphin, Perry,  
and York Counties, Pa., and (2) between  
Lancaster, Pa., and Philadelphia, Pa.,  
over U.S. Highway 30, serving all inter-  
mediate points and off-route points in  
Lebanon and Lancaster, Pa., for 180 days.  
Supporting shippers: Carlisle Tire &  
Rubber Corp., Carlisle, Pa.; General  
Grinding Wheel Corp., Carlisle, Pa.;  
Lambert Hudnut Pharmaceutical Corp.,  
Lititz, Pa.; I.T.T. Terryphone Corp.,  
Harrisburg, Pa.; American Machine &  
Foundry Co., York, Pa.; Capitol Prod-  
ucts Corp., Mechanicsburg, Pa.; C. H.  
Masland & Sons, Carlisle, Pa.; Inclinator  
Co. of America, Harrisburg, Pa.; and  
Trailer Co. of Lancaster, Lancaster, Pa.  
Send protests to: Robert W. Ritenour,  
District Supervisor, Bureau of Op-  
erations and Compliance, Interstate Com-  
merce Commission, 218 Central Indus-  
trial Building, 100 North Cameron Street,  
Harrisburg, Pa. 17101.

No. MC 52751 (Sub-No. 68 TA), filed  
November 15, 1966. Applicant: AVE  
LINES, INC., 4143 East 43d Street, Post  
Office Box 1351, Des Moines, Iowa, 50305.  
Applicant's representative: William A.  
Landau, Post Office Box 1634, Des Moines,  
Iowa 50306. Authority sought to op-  
erate as a *common carrier*, by motor ve-  
hicle, over irregular routes, as follows:  
*Agricultural chemicals*, other than in  
bulk, from plantsite of Monsanto Co.  
near Muscatine, Iowa, to points in Illi-  
nois, Indiana, Kansas, Michigan, Minne-  
sota, Missouri, Nebraska, North Dakota,  
South Dakota, and Wisconsin, for 180  
days. Supporting shipper: Monsanto  
Co., 800 North Lindbergh Boulevard, St.  
Louis, Mo. 63166. Send protests to:  
Ellis L. Annett, District Supervisor, Bu-  
reau of Operations and Compliance, In-  
terstate Commerce Commission, 227  
Federal Office Building, Des Moines,  
Iowa 50309.

No. MC 64112 (Sub-No. 35 TA), filed  
November 14, 1966. Applicant: NORTH-  
EASTERN TRUCKING COMPANY, 2508  
Starita Road, Post Office Box 1493, Char-  
lotte, N.C. 28201. Applicant's represent-  
ative: Harry Ross, 848 Warner Building,  
Washington, D.C. Authority sought to

operate as a *common carrier*, by motor  
vehicle, over irregular routes, as follows:  
*Animal food and animal feed* (except in  
bulk), from plantsites and/or storage  
facilities of Usen Products Co. at or near  
Golden Meadow and Lockport, La., to  
points in Georgia, Florida, North Caro-  
lina, South Carolina, Virginia, Kentucky,  
Ohio, Indiana, West Virginia, Maryland,  
Pennsylvania, and the District of Col-  
umbia, for 180 days. Supporting ship-  
per: Usen Products Co. (a subsidiary of  
P. Lorillard Co.), 200 East 42d Street,  
New York, N.Y., Attention: Frank  
Krause, Jr. Send protests to: Jack K.  
Huff, District Supervisor, Bureau of  
Operations and Compliance, Interstate  
Commerce Commission, Room 206, 327  
North Tryon Street, Charlotte, N.C.  
28202.

No. MC 66562 (Sub-No. 2201 TA), filed  
November 14, 1966. Applicant: Railway  
Express Agency, Incorporated, 219 East  
42d Street, New York, N.Y. 10017. Ap-  
plicant's representative: Robert C.  
Boozar, 80 Broad Street, Atlanta, Ga.  
30303. Authority sought to operate as  
a *common carrier*, by motor vehicle, over  
regular routes, as follows: *General com-*  
*modities* moving in express service, in  
interstate or foreign commerce, over reg-  
ular routes and serving specified points  
as follows: (1) Between Jacksonville,  
Fla., and New Orleans, La., serving the  
intermediate and/or off-route points of  
Baldwin, Macclenny, Glen St. Mary, Lake  
City, Live Oak, Lee, Madison, Greenville,  
Monticello, Lloyd, Tallahassee, Quincy,  
Chattahoochee, Sneads, Marianna,  
Cottondale, Chipley, Bonifay, Ponce de  
Leon, De Funiak Springs, Crestview, Mil-  
ton, Pensacola, and Cantonment, Fla.,  
Mobile, Ala., Pascagoula, Biloxi, Gulf-  
port, Pass Christian, and Bay St. Louis,  
Miss., from Jacksonville, over U.S. High-  
way 90/Interstate Highway 10 to New  
Orleans, and return over the same route.  
(2) Between Pensacola, Fla., and At-  
more, Ala., serving the intermediate point  
of Cantonment, Fla., from Pensacola over  
U.S. Highway 29 to junction Florida  
Highway 97, thence over Florida High-  
way 97 to junction Alabama Highway 21  
at Atmore, and return over the same  
route. (3) Between Valdosta, Ga., and  
Madison, Fla., serving no intermediate  
points, from Valdosta over Interstate  
Highway 75 to junction Georgia Highway  
31, thence over Georgia Highway 31 to  
junction Florida Highway 145, thence  
over Florida Highway 145 to Madison,  
and return over the same route. (4)  
Serving Cottondale, Fla., as an inter-  
mediate point on applicant's authorized  
regular route operations between  
Dothan, Ala., and Panama City, Fla., over  
U.S. Highway 231, under certificate No.  
66562 Sub 1307, for 150 days. Restric-  
tions: The service to be performed shall  
be limited to that which is auxiliary to  
or supplemental of express service of the  
Railway Express Agency. Shipments  
transported by applicant shall be limited  
to those moving on through bills of lad-  
ing or express receipts. Supporting ship-  
pers: The application is supported by  
statements from 41 shippers which may  
be examined here at the Interstate Com-  
merce Commission in Washington, D.C.



Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 89693 (Sub-No. 42 TA), filed November 14, 1966. Applicant: HARMS PACIFIC TRANSPORT, INC., 1430 130th Avenue NE., Post Office Box 66, Bellevue, Wash. 98004. Applicant's representative: H. E. Barker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Edible lard*, in bulk, in tank vehicles, from Tacoma, Wash., to the port of entry on the international boundary line between the United States and Canada at Sumas, Wash., and *rejected or contaminated shipments* on return, for 150 days. Supporting shipper: H. Cleveland Co., Ltd., 633 East Hastings Street, Vancouver, British Columbia, Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 106760 (Sub-No. 68 TA), filed November 14, 1966. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio 43609. Applicant's representative: C. J. Leopold (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Building board insulation board, fiberboard, pulpboard, and wall board, and parts, materials, and accessories* incidental to the transportation and installation thereof, from Trenton, N.J., to points in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Hamasote Co., Trenton, N.J. 08603. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 107403 (Sub-No. 697 TA), filed November 14, 1966. Applicant: MATTLECK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Silica gel catalyst*, dry in bulk, in tank vehicles, from Paulsboro, N.J., to Alma, Mich., for 150 days. Supporting shipper: Mobile Oil Corp., 150 East 42d Street, New York, N.Y. 10017. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations and Compliance, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 109435 (Sub-No. 43 TA), filed November 16, 1966. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., Post Office Drawer J, 116 North Allied Road., Stroud, Okla. 74079. Applicant's representative: K. C. Elliott (same address as above). Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in packages, from Ada, Okla., to points in Texas. Supporting shipper: Ideal Cement Co., Paul S. Barnett, General Traffic Manager, 821 17th Street, Denver, Colo. 80202. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla.

No. MC 111103 (Sub-No. 21 TA), filed November 14, 1966. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725-29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: Morris Cheston, Jr., Land Title Building, Philadelphia, Pa. 19110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: (1) For the account of Philadelphia National Bank, Philadelphia, Pa., *checks, coupons, and bank accounting papers*, between the Data Center of the Philadelphia National Bank on Pennsylvania Traffic Highway No. 641 near its intersection with Interstate Highway 81 in Cumberland County, Pa., on the one hand, and, on the other, points in Anne Arundel, Caroline, Kent, Prince Georges, and Talbot Counties, Md.; Broome, Chemung, Tioga, and Steuben Counties, N.Y.; the city and county of Arlington, Va.; the city of Alexandria, Va.; Augusta, Fauquier, Loudoun, Prince William, Rockingham, Shenandoah, and Warren Counties, Va.; and Hampshire and Morgan Counties, W. Va., and (2) for the account of Dauphin Deposit Trust Co., Harrisburg, Pa., *check transit letters, checks, and items relating thereto*, between points in Dauphin, Cumberland, and York Counties, Pa., and Baltimore City, Md., for 180 days. Supporting shippers: The Philadelphia National Bank, Philadelphia, Pa., Dauphin Deposit Trust Co., 213 Market Street, Harrisburg, Pa. Send protests to: Peter R. Guman, District Supervisor, 900 U.S. Customhouse, 2d and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 114789 (Sub-No. 17 TA), filed November 16, 1966. Applicant: NATIONWIDE CARRIERS, INC., 719 Second Street SE., Minneapolis, Minn. 55414. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: (1) *Floor coverings, stair treads, rubber base and vinyl base, adhesives, floorstone, ceramic tile, rubber tile, plastic tile, asphalt tile, vinyl tile, vinyl asbestos tile, rubber matting, counter top material, and metal moldings*, and (2) *tools, materials, and supplies* used in installation, maintenance and repair of the above-named commodities, from points in Maine, Massachusetts, Connecticut, New York, New Jersey, Ohio, and Chicago, Ill., to points in Iowa, North Dakota, South Dakota, Wisconsin, and Minnesota, for 180 days. Supporting shipper: General Floor Coverings Co., 1900-1910 Washington Avenue North, Minneapolis,

Minn. 55411. Send protests to: District Supervisor C. H. Bergquist, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Office Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 119349 (Sub-No. 3 TA), filed November 16, 1966. Applicant: C. R. STEVENSON, Ninth and East Plant Streets, Post Office Box 1108, Winter Gardens, Fla. 32787. Applicant's representative: Richard J. Brooks, Post Office Box 1531, Title Building, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Petroleum products*, in containers or packages, from Emlenton, Pa., to points in Florida, in and south of Levy, Marion, Lake, and Volusia Counties, Fla., for 150 days. Supporting shipper: Quaker State Oil Refining Corp., Oil City, Pa. Send protests to: District Supervisor George H. Fauss, Jr., Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla. 32201.

No. MC 119632 (Sub-No. 28 TA), filed November 14, 1966. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, Ohio 43512. Applicant's representative: A. Charles Tell, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Food, foodstuffs, and food preparations, cooking oils, shortening, and matches*, from the plant site of Hunt-Wesson Foods, Inc., at or near Rossford, Ohio, to points in Ohio, West Virginia, Pennsylvania, and Kentucky, for 180 days. Supporting shipper: Hunts Foods and Industries, Inc., 1645 West Valencia Drive, Fullerton, Calif. Send protests to: District Supervisor Keith D. Warner, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 120634 (Sub-No. 12 TA), filed November 14, 1966. Applicant: JOE HODGES TRANSPORTATION CORPORATION, Post Office Box 82397, 107 South West Seventh Street, Oklahoma City, Okla. 73125. Applicant's representative: John E. Maupin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, Commodities in bulk, and those requiring special equipment), (1) serving the sites of the shipping and receiving facilities (a) of Continental Oil Co., about 4 miles west of Agawam, Okla., (b) of Magnolia Petroleum Co. (Chitwood Plant) about 12 miles east and north of Rush Springs, Okla., and (c) of Cameron Oil Co., about 8 miles west of Marlow, Okla., as intermediate or off-route points in connection with the six regular routes described immediately below, and also in connection with carrier's regular route operations over U.S. Highway 81 between



Comanche and Agawam, Okla., authorized herein. (2) Between Duncan, Okla., and junction Oklahoma Highways 53 and 76, about 4 miles south of Fox, Okla., serving all intermediate points, and off-route points within 8 miles of Velma, Okla., within 5 miles of County Line, Okla., within 3 miles of Ratliff City, Okla., and within 4 miles of Fox, Okla.: From Duncan over Oklahoma Highway 7 to junction Oklahoma Highway 76, at Ratliff City, Okla., and thence over Oklahoma Highway 76 to junction Oklahoma Highway 53, about 4 miles south of Fox, Okla., and return over the same route. (3) Between Springer, Okla., and junction Oklahoma Highway 53 and Oklahoma Highway 76, about 1 mile south of Fox, Okla., over Oklahoma Highway 53, and return over the same route.

(4) Between Comanche and Ardmore, Okla., serving all intermediate points. (5) Between Comanche, Okla., and the junction of Oklahoma Highways 53 and 76, including said junction and serving off-route points within 5 miles of Oklahoma 53 between Comanche and Loco, Okla.: From Comanche over Oklahoma Highway 53 to junction Oklahoma Highway 76, about 4 miles south of Fox, Okla., thence over Oklahoma Highway 76 to junction U.S. Highway 70 about 4 miles west of Wilson, Okla., and thence over U.S. Highway 70 to Ardmore, and return over the same route. (6) Between Comanche, Okla., and the Oklahoma-Texas State line, about 2 miles south of Terral, Okla., serving all intermediate points, and serving the off-route points of the site of the shipping and receiving facilities of Oscar, Okla., oilfields about 13 miles east and south of Ryan, Okla.: From Comanche, over U.S. Highway 81 to the Oklahoma-Texas State line, and return over the same route. (7) Between Walters and Waurika, Okla., serving all intermediate points: From Walters over Oklahoma Highway 5 to Waurika, and return over the same route. (8) Between Temple, Okla., and the junction Oklahoma Highways 53 and 65, about 6 miles north of Temple, Okla., serving all intermediate points: From Temple over Oklahoma Highway 65 to junction Oklahoma Highway 53, and return over the same route. Restriction: The service authorized above is subject to the following conditions: The carrier's service at Springer and Ardmore, Okla., is restricted to traffic (1) Interchanged or interlined with connecting carriers at those points, or (2) tacked to operating authority otherwise held by the above-named carrier at those points. The carrier's service is restricted to preclude the transportation of any traffic moving between Wichita Falls, on the one hand, and, on the other, other points in Texas, via Springer or Ardmore, Okla.

(9) Between Oklahoma City and Frederick, Okla., serving all intermediate points: From Oklahoma City over U.S. Highway 277 to junction Oklahoma Highway 37, thence over Oklahoma Highway 37 to Tuttle, Okla., thence over unnumbered highway to Chickasha, Okla., thence over U.S. Highway 53 to Walters, Okla., and thence over Oklahoma Highway 5 to Frederick, and re-

turn over the same route. (10) Between Frederick and Hobart, Okla., serving all intermediate points: From Frederick over U.S. Highway 183 to junction Oklahoma Highway 9, thence over Oklahoma Highway 9 to Hobart, and return over the same route. (11) Between Frederick, Okla., and junction Oklahoma Highway 36 and U.S. Highway 277, serving all intermediate points: From Frederick over Oklahoma Highway 5 to junction U.S. Highway 36, thence over Oklahoma Highway 36 to junction U.S. Highway 277, and return over the same route. (12) Between Hollis, Okla., and junction Oklahoma Highway 7 and U.S. Highway 81, serving all intermediate points: From Hollis over U.S. Highway 62 to junction U.S. Highway 277, thence over U.S. Highway 277 to Lawton, Okla., and thence over Oklahoma Highway 7 to junction U.S. Highway 81, and return over the same route. (13) Between Altus and Grandfield, Okla., serving all intermediate points: From Altus over U.S. Highway 283 to junction Oklahoma Highway 5, thence over Oklahoma Highway 5 to Frederick, Okla., thence over unnumbered highway via Hollister and Loveland, Okla., to junction Oklahoma Highway 36, and thence over Highway 36 to Grandfield, and return over the same route. (14) Between Davidson, Okla., and junction unnumbered highway, and U.S. Highway 277, serving all intermediate points: From Davidson over U.S. Highway 70 to junction unnumbered highway (west of Randlett, Okla.), thence south over unnumbered highway to junction U.S. Highway 277, and return over the same route. (15) Between Hinton and Geary, Okla., serving all intermediate points: From Hinton over U.S. Highway 281 to Geary and return over the same route. (16) Between Taloga and Clinton, Okla., serving all intermediate points: From Taloga over U.S. Highway 183 to Clinton, and return over the same route.

(17) Between Rocky, Okla., and junction U.S. Highway 183 and Oklahoma Highway 9, serving all intermediate points: From Rocky over U.S. Highway 183 to junction Oklahoma Highway 9 and return over the same route. (18) Between Elk City, Okla., and junction Oklahoma Highway 47 and U.S. Highway 183, serving all intermediate points: From Elk City over Oklahoma Highway 34 to Leedey and thence over Oklahoma Highway 47 to junction U.S. Highway 183, and return over the same route. (19) Between Altus, Okla., and junction Oklahoma Highway 44 and U.S. Highway 66, serving all intermediate points: From Altus over Oklahoma Highway 44 to junction U.S. Highway 66 and return over the same route. (20) Between Sentinel and Rocky, Okla., serving all intermediate points: From Sentinel over Oklahoma Highway 55 to Rocky and return over the same route. (21) Between Granite and Hobart, Okla., serving all intermediate points: From Granite over Oklahoma Highway 9 to Hobart and return over the same route. (22) Between Roosevelt and Cooperton, Okla., serving all intermediate points: From Roosevelt over Oklahoma Highway 19 (formerly unnumbered

highway) to Cooperton and return over the same route. (23) Between Chickasha and Hobart, Okla., serving all intermediate points: From Chickasha over all intermediate points: From Chickasha over U.S. Highway 62 to junction Oklahoma Highway 9, thence over Oklahoma 9 to Hobart, and return over the same route. (24) Between Granite and Mangum, Okla., serving all intermediate points: From Granite over Oklahoma Highway 9 to Mangum, and return over the same route. *General commodities* (except explosives). (25) Between Lawton and Chickasha, Okla., serving all intermediate points: From Lawton over U.S. Highway 62 to Chickasha, and return over the same route. *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. (26) Between Oklahoma City and Sayre, Okla., serving all intermediate points: From Oklahoma City over Oklahoma Highway 152 (formerly Oklahoma Highway 31) to Sayre, and return over the same route.

(27) Between Hinton and Gracemont, Okla., serving all intermediate points: From Hinton over U.S. Highway 281 to Gracemont, and return over the same route. (28) Between Clinton and Rocky, Okla., serving all intermediate points: From Clinton over U.S. Highway 183 to Rocky and return over the same route. (29) Between Carter, Okla., and junction Oklahoma Highway 34 and U.S. Highway 66, near Merritt, Okla., serving all intermediate points: From Carter over Oklahoma Highway 34 to junction U.S. Highway 66, and return over the same route. Serving the off-route points of Delhi, Minco, Albert, Alfalfa, Swan Lake, Lake Valley, Cloud Chief, Cowden, Colony, Corn, Sentinel, Dill, and Retrop, Okla., in connection with the routes in the four paragraphs next above. (30) Between Oklahoma City, Okla., over U.S. Highway 66 and the Texas-Oklahoma State line approximately 1 mile west of Texola over U.S. Highway 66 (I-40), serving all intermediate points. (31) Between Clinton and Cheyenne, Okla., via Butler and Hammon over Highways 14, 33, and 283, serving all intermediate points. (32) Between Clinton and Thomas, Okla., serving all intermediate points over Highways 183 and 33. (33) Between Weatherford and Thomas, Okla., over Highways 54 and 33, serving all intermediate points. (34) Between Sayre and Cheyenne, Okla., serving all intermediate points and the off-route points of Strong City and Sweetwater via Highways 283, 33, 152, and 6. (35) Between Waurika over Highway 70 to the junction of 70 and 277, serving all intermediate points. (36) Between Lawton and Walters, Okla., serving all intermediate points, over Highways 277 and 5. (37) Between Hammon and Elk City, Okla., over Oklahoma Highway 34, serving all intermediate points.

(38) Especially including service from, to, and/or between the following cities and towns in Oklahoma: Aledo, Altus, Anadarko, Apache, Arapaho, Bessie, Bethany, Binger, Blanchard, Bridgeport,



Burns Flat, Butler, Cache, Canute, Carter, Carpenter, Cement, Chattanooga, Cheyenne, Chickasha, Clinton, Cloud Chief, Comanche, Cordell, Corn, Cowden, Custer City, Cyril, Davidson, Dill City, Duke, Duncan, Eakly, Elgin, Elk City, El Reno, Fort Sill, Faxon, Fay, Fletcher, Foss, Frederick, Geary, Gould, Grace-mont, Granite, Grandfield, Greenfield, Hammon, Headrick, Hobart, Hollis, Hol-lister, Hinton, Hydro, Indianahoma, Law-ton, Leedey, Lonewolf, Lookeba, Love-land, Lugert, Mangum, Marlow, Mc-Queen, Middleburg, Minco, Moorehead, Mountain Park, Mustang, Ninnekah, Oklahoma City, Putnam, Randlett, Rhea, Rocky, Roosevelt, Rush Springs, Sayre, Sentinel, Snyder, Strong City, Tabler, Tipton, Thomas, Union, Verden, Walters, Wheatland, Weatherford. Alternate routes: (a) Between Elk City and Granite, Okla., serving no intermediate points, and serving junction Oklahoma Highways 6 and 152 for purposes of joinder only: From Elk City over Okla-homa Highway 6 to Granite, and return over the same route. (b) Between junc-tion U.S. Highways 81 and 66 south of El Reno, 152 east of Union City, Okla., serving no intermediate points and serv-ing junction U.S. Highways 81 and 66 and junction U.S. Highway 81 and Okla-homa Highway 152 for purposes of joinder only: From junction U.S. High-ways 81 and 66 over U.S. Highway 81 to junction Oklahoma Highway 152, and re-turn over the same route. (c) Between junction U.S. Highway 81 and Oklahoma Highway 152, 2 miles north of Minco, Okla., and junction U.S. Highways 81 and 62, serving no intermediate points: From junction U.S. Highway 81 and Oklahoma Highway 152 over U.S. Highway 81 to junction U.S. Highway 62, and return over the same route. (d) Between junc-tion Oklahoma Highways 54 and 152, 8 miles east of Cordell and Gotebo, Okla., serving no intermediate points and serv-ing junction Oklahoma Highways 54 and 152 for purposes of joinder only: From junction Oklahoma Highways 54 and 152 over Oklahoma Highway 54 to Gotebo, and return over the same route. (e) Between Gotebo, Okla., and junc-tion Oklahoma Highway 54 and U.S. Highway 62, serving no intermediate points and serving junction Oklahoma Highway 54 and U.S. Highway 62 for pur-poses of joinder only: From Gotebo over Oklahoma Highway 54 to junction U.S. Highway 62 and return over the same route. (f) Between Blair, Okla., and junction Oklahoma Highway 19 and U.S. Highway 183 north of Roosevelt, Okla., serving no intermediate points and serv-ing junction Oklahoma 19 and U.S. High-way 183 for purposes of joinder only: From Blair over Oklahoma Highway 19 to junction U.S. Highway 183, and re-turn over the same route. (g) Between Mangum, Okla., and junction Oklahoma Highway 34 and U.S. Highway 62 east of Duke, Okla., serving no intermediate points and serving junction Oklahoma Highway 34 and U.S. Highway 62 for pur-poses of joinder only: From Mangum over Oklahoma Highway 34 to junction U.S. Highway 62, and return over the

same route. (h) Between Carter, Okla., and junction U.S. Highway 283 and Okla-homa Highway 9, 6 miles north of Man-gum, Okla., serving no intermediate points and serving junction U.S. High-way 283 and Oklahoma Highway 9 for purposes of joinder only: From Carter over Oklahoma Highway 34 to junction U.S. Highway 283, thence over U.S. High-way 283 to junction Oklahoma Highway 9, and return over the same route. (i) Between junction U.S. Highway 283 and Oklahoma Highway 34, serving no in-termediate points and serving junction U.S. Highways 66 and 283 and junction U.S. Highway 283 and Oklahoma High-way 34 for purposes of joinder only: From junction U.S. Highways 66 and 283 over U.S. Highway 283 to junction Okla-homa Highway 34, and return over the same route, for 180 days. Supporting shippers: There are approximately 75 supporting statements from shippers which may be examined here at the In-terstate Commerce Commission, in Washington, D.C. Send protests to: C. L. Phillips, District Supervisor, Inter-state Commerce Commission, Bureau of Operations and Compliance, Room 350, American General Building, 210 North-west Sixth, Oklahoma City, Okla.

No. MC 124813 (Sub-No. 32 TA), filed November 15, 1966. Applicant: UM-THUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, Post Office Box 1634, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Agricultural chemicals*, other than in bulk, from plantsite of Monsanto Co. near Muscatine, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Min-nesota, Missouri, Nebraska, North Da-kota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Mon-santo Co., 800 North Lindbergh Boule-vard, St. Louis, Mo. 63166. Send protests to: Ellis L. Annett, District Su-pervisor, Bureau of Operations and Com-pliance, Interstate Commerce Commis-sion, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 125254 (Sub-No. 5 TA), filed November 15, 1966. Applicant: DONALD L. MORGAN, doing business as MOR-GAN TRUCKING CO., 1807 Oneida Ave-nue, Muscatine, Iowa 52761. Applicant's representative: William A. Landau, 1307 East Walnut Street, Post Office Box 1634, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Agricultural chemicals*, other than in bulk, from plantsite of Mon-santo Co., near Muscatine, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Mon-santo Co., 800 North Lindbergh Boule-vard, St. Louis, Mo. 63166. Send pro-tests to: Chas. C. Biggers, District Super-visor, Interstate Commerce Commission, Bureau of Operations and Compliance, 332 Federal Building, Davenport, Iowa 52801.

No. MC 126867 (Sub-No. 4 TA), filed November 16, 1966. Applicant: CON-TRACT TRANSPORTATION, INC., 914 North Cedar Ridge Drive, Post Office Box 233, Cedarburg, Wis. 53012. Ap-plicant's representative: William C. Di-neen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from the plantsite of Passini Cheese Co. located in the town of Mitchell, Sheboy-gan County, Wis., to points in Michigan, Massachusetts, Rhode Island, New York, Pennsylvania, New Jersey, Ohio, and Connecticut, for 180 days. Supporting shipper: Passini Cheese Co., Inc., Plym-outh, Wis. 53073 (Attilio Passini, presi-dent). Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Com-merce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 128356 (Sub-No. 1 TA), filed November 15, 1966. Applicant: DOWN-INGTOWN TRAILER CARRIER'S, INC., 410 South Brandywine Avenue, Downingtown, Pa. 19335. Applicant's representative: John H. Derby, 2122 Cross Road, Glenside, Pa. 19038. Au-thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *New trailers*, except house trailers, from plantsites of the Gindy Manufacturing Corp., in Lebanon, Honeybrook, Downingtown, Philadel-phia, and the village of Eagle, Upper Uwchland Township, Chester County, Pa., and Pennsauken Township, N.J., to points in Ohio, West Virginia, Virginia, North Carolina, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, and *used trailers*, from points in those States named above, to named plantsites in Pennsylvania, and New Jersey, for 180 days. Supporting shipper: Gindy Manu-facturing Corp., Downingtown, Pa. Send protests to: Peter R. Guman, District Supervisor, 900 U.S. Customhouse, Sec-ond and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 128557 (Sub-No. 2 TA), filed November 14, 1966. Applicant: LIN-COLN LUMBER SALES, INC., Yaquina Bay Road East, Post Office Box 126, New-port, Ore. 97365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Lumber, and forest products* (such as veneer, plywood, hardboard, liner board, particle board, chip board and wood pulp), from points in Linn, Lane, Benton, Polk, Tillamook, Yamhill, and Marion Counties, Ore., to points in Lincoln County, Ore., and from points in Lin-coln County, Ore., to the harbor situated at Newport, Ore., and from the harbor in Newport, Ore., to points in Lane, Linn, Benton, and Lincoln Counties, Ore., for 180 days. Supporting shippers: Cascadia Lumber Co., Toledo, Ore.; Guy Roberts Lumber Co., Toledo, Ore.; Lundy Bros., Inc., Waldport, Ore.; W. W. Lumber Co., Eddyville, Ore.; Morgan-Staley Lumber Co., Grand



Ronde, Oreg.; Sheridan Pressure Treated Lumber, Inc., Beaverton, Oreg.; Larson Lumber Co., Philomath, Oreg.; Yaquina Bay Dock & Dredge Co., Newport, Oreg. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 128643 (Sub-No. 1 TA), filed November 16, 1966. Applicant: WARREN BALL, doing business as THE ARNEL COMPANY, 1709 Kemper Avenue, Muscatine, Iowa. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Agricultural chemicals* (other than in bulk), from the plantsite and warehouse facility of Monsanto Co., near Muscatine, Iowa (approximately 3½ miles south of the Muscatine City limits), to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis Mo. 63166. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 332 Federal Building, Davenport, Iowa 52801.

No. MC 128690 TA, filed November 14, 1966. Applicant: JANET RAE BARNES, doing business as JAN PAM'S WESTVIEW BOARDING FARM, R.F.D. No. 1, Frederick, Md. 21701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Horses*, between points in Frederick County, Md., and Charles Town, W. Va., and points in Maryland, West Virginia, Virginia, Pennsylvania, New Jersey, and Delaware, for 180 days. Supporting shippers: Marvin H. Everhart, R.F.D. Cool Spring Farm, Charles Town, W. Va. 25414; Robt. L. Gheen, 307 Jefferson Avenue, Charles Town, W. Va.; Glade Valley Farms, Inc., Route 1, Frederick, Md. 21701; O'Sullivan Farms, Charles Town, W. Va.; C. R. Archer, Pine Ridge Farm, Box 250, Charles Town, W. Va.; Glenn E. Price, Hagerstown, Md.; Robt. R. Hilton, Charles Town, W. Va. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Room 1220, 12th and Constitution NW., Washington, D.C. 20423.

No. MC 128695 TA, filed November 15, 1966. Applicant: JORDARO TRANSPORTATION CO., INC., 15 Jean Place, Syosset, N.Y. 11791. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Such commodities* as are used or dealt in by manufacturers of chemicals, pharmaceuticals, drugs, paint, rubber, cosmetics, plastics, and cement products (except commodities in bulk) under continuing contract with Smith Chemicals & Color Co., Inc., from New York, N.Y., and points in the port of New York Harbor, as defined by the Com-

mission, to points in New York City, Westchester, Nassau, and Suffolk Counties, N.Y., and points in New Jersey, for 180 days. Supporting shipper: Smith Chemical & Color Co., Inc., 124 Commerce Street, Brooklyn, N.Y. 11231. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 128697 TA, filed November 16, 1966. Applicant: B & M MOVING & STORAGE, North Farmers Market Road, Post Office Box 3745, Fort Pierce, Fla. 33450. Applicant's representative: Bernard W. Varley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Telephone equipment, materials, and supplies*, having a prior or subsequent movement in interstate commerce, between Fort Pierce, Fla., and points in Indian River, Okeechobee, Martin, and St. Lucie Counties, Fla., for 180 days. Supporting shippers: Western Electric Co., Inc., 3300 Lexington Road, Winston-Salem, N.C. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12656; Filed, Nov. 22, 1966;  
8:47 a.m.]

[Notice 1443]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 18, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69125. By order of November 10, 1966, the Transfer Board approved the transfer to Thompson Enterprises, Inc., 4066 South Four Mile Run Drive, Arlington, Va., of certificate No. MC-109427, issued October 21, 1955, to Northern Vanlines, Inc., 3315 Joy Road, Detroit, Mich., authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between points in southeastern Michigan, on the one hand, and, on the other, points in Michigan, Illinois, Indiana,

Ohio, Pennsylvania, New York, and New Jersey; between points in the Washington, D.C., commercial zone, on the one hand, and, on the other, points in 35 States; between New York, N.Y., and points in New Jersey, on the one hand, and, on the other, points in 11 Eastern States and the District of Columbia; and household goods, between Washington, D.C., on the one hand, and, on the other, points in Maryland and Virginia within 50 miles of Washington, D.C., and between points in Fayette County, Pa., on the one hand, and, on the other, points in Maryland and West Virginia.

No. MC-FC-69165. By order of November 10, 1966, the Transfer Board approved the transfer to Eureka Van & Storage Co., Inc., 2926 Prosperity Avenue, Falls Church, Va., of certificate No. MC-20337, issued March 28, 1958, to Thompson Transfer & Storage, Inc., 4066 South Four Mile Run Drive, Arlington, Va., authorizing the transportation of household goods, as defined by the Commission (with exceptions), between Washington, D.C., on the one hand, and, on the other, points in Maryland and Virginia, and between Washington, D.C., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Maryland, Pennsylvania, Delaware, New Jersey, and New York.

No. MC-FC-69170. By order of November 10, 1966, the Transfer Board approved the transfer to W. I. Sones, doing business as Arrow Bus Lines, 1111 South Broadway, McComb, Miss., of certificate No. MC-113928, issued October 9, 1953, to Karey Andrews and W. I. Sones, a partnership, doing business as Arrow Bus Lines, 1111 South Broadway, McComb, Miss., and authorizing, after partial revocation pursuant to order entered September 28, 1966, the transportation of passengers and their baggage, and, express, mail and newspapers in the same vehicle with passengers over regular routes, between McComb, Miss., and Hattiesburg, Miss., serving all intermediate points.

No. MC-FC-68998. By order of November 14, 1966, the Transfer Board approved the transfer to Lottie E. Greggs, doing business as Greggs Motor Lines, 2409 Amelia Avenue, Scranton, Pa. 18509, of the operating rights of William R. Greggs, 2409 Amelia Avenue, Scranton, Pa. 18509, in certificates Nos. MC-82667 (Sub-No. 5) and MC-82667 (Sub-No. 6), issued April 27, 1948, and November 28, 1950, respectively, authorizing the transportation, over a regular route, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Scranton, Pa., and Hawley, Pa., and, over irregular routes, of household goods, as defined, and machinery, between Scranton, Pa., on the one hand, and, on the other, points in New York and New Jersey.

No. MC-FC-69206. By order of November 14, 1966, the Transfer Board approved the transfer to Weiss Trucking, Inc., Rangeley, Colo., of the operating rights of Arnold A. Weiss, doing business as Weiss Trucking Co., Rangeley Colo., in certificates Nos. MC-115092 and MC-



115092 (Sub-No. 2), issued by the Commission, August 29, 1955, and January 2, 1958, respectively, authorizing the transportation, over irregular routes, of machinery, equipment, materials, and supplies, with certain specified exceptions, between points in Garfield, Mesa, Moffat, and Rio Blanco Counties, Colo., on the one hand, and, on the other, points in Utah, crude oil and road oil, in bulk, in tank trucks, between points in Colorado on and west of U.S. Highway 85, on the one hand, and, on the other, points in

Utah, oil-based drilling mud, in bulk, in tank vehicles, between points in Colorado, on the one hand, and, on the other, points in Wyoming, oil-based drilling mud, in bulk, in tank trucks, between points in Colorado, and machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Moffat, Rio

Blanco, Mesa, and Garfield Counties, Colo., and between points in the counties named just above, on the one hand, and, on the other, points in Colorado. John H. Lewis, the 1650 Grant Street Building, Denver, Colo. 80203, attorney for applicants.

[SEAL]

N. NEIL GARSON,  
*Secretary.*

[F.R. Doc. 66-12657; Filed, Nov. 22, 1966;  
8:47 a.m.]



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# Rules and Regulations

## Title 7—AGRICULTURE

**Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture**

### PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

#### Subpart—U.S. Standards for Grades of Green Olives

##### Correction

In F.R. Doc. 66-11945 appearing in the issue for Friday, November 4, 1966, at page 14249, make the following changes:

1. In § 52.5451(d) (1) insert a comma following "20 percent".
2. In Table V in the column headed "Defects", in the last entry, add the word "minor" following the word "by".
3. In § 52.5454(e) in the third line, delete the comma following the word "chopped".

**Chapter IX—Consumer and Marketing Service (Marketing Agreement and Orders; Fruits, Vegetables, Nuts), Department of Agriculture**

### PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

#### Expenses of Raisin Administrative Committee and Rate of Assessment for 1966-67 Crop Year

Notice was published in the November 5, 1966, issue of the *FEDERAL REGISTER* (31 F.R. 14316) regarding proposed expenses of the Raisin Administrative Committee for the 1966-67 crop year and rate of assessment for that crop year, pursuant to §§ 989.79 and 989.80 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Raisin Administrative Committee, and other available information, it is found that the expenses of the Raisin Administrative

Committee and the rate of assessment for the crop year beginning September 1, 1966, shall be as follows:

§ 989.317 Expenses of the Raisin Administrative Committee and rate of assessment for the 1966-67 crop year.

(a) *Expenses.* Expenses (other than those specified in § 989.82) in the amount of \$113.200 are reasonable and likely to be incurred by the Raisin Administrative Committee during the crop year beginning September 1, 1966, for the maintenance and functioning of the Committee and the Raisin Advisory Board and for such purpose as the Secretary may, in accordance with § 989.79, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 989.80, to pay to the Raisin Administrative Committee as his pro rata share of the expenses is fixed at 80 cents per ton applicable to each of the following:

(1) Free tonnage raisins acquired by the handler during the crop year, exclusive of such quantity thereof as represents the assessable portions of other handlers' raisins pursuant to subparagraph (3) of this paragraph;

(2) Reserve tonnage raisins sold to the handler by the Committee pursuant to § 989.67 during the crop year; and

(3) Standard raisins (which he does not acquire) recovered by the handler by the reconditioning of off-grade raisins but only to the extent of the aggregate quantity of the free tonnage portions of these standard raisins that are acquired by other handlers during the crop year.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said amended marketing agreement and order require that the rate of assessment fixed for a particular crop year which handlers are required to pay shall be applicable to all free tonnage raisins of the crop year and to all reserve tonnage raisins sold to handlers by the Committee during the crop year; and (2) the current crop year began on September 1, 1966, and the rate of assessment fixed herein will automatically apply to all such raisins beginning with that date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 21, 1966.

PAUL A. NICHOLSON,  
Deputy Director,  
Fruit and Vegetable Division.

[F.R. Doc. 66-12725; Filed, Nov. 23, 1966; 8:48 a.m.]

## Title 15—COMMERCE AND FOREIGN TRADE

**Chapter II—National Bureau of Standards, Department of Commerce**

### SUBCHAPTER A—TEST FEE SCHEDULES

#### PART 205—ANALYTICAL CHEMISTRY

### SUBCHAPTER B—STANDARD REFERENCE MATERIALS

#### PART 230—STANDARD REFERENCE MATERIALS

##### Subpart D—Standards of Certified Properties and Purity

##### CARBON-14 AND HYDROGEN-3 LABELED SUGARS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the *FEDERAL REGISTER*.

The amendment deletes §§ 205.301 and 205.302, 15 CFR, Chapter II, Subchapter A, and combines them in the form of a new § 230.8-25, 15 CFR, Subchapter B, Subpart D. The items previously listed in §§ 205.301 and 205.302 are being deleted because they no longer come under the test and calibration services program of the Bureau. However, the items will be available as standard reference materials as found in § 230.8-25.

Section 230.8-25 is added as follows:

#### § 230.8-25 Carbon-14 and Hydrogen-3 labeled sugars.

##### (a) Terminal Carbon-14 sugars.

Sample Nos.	Kind	Amount of activity	Price
1525 series.	Carbon-14 labeled sugars and related products, Type 1 (carbohydrates labeled at carbon 1).	10 micro-curies.	\$12.50

##### (b) Interior Carbon-14 sugars.

Sample Nos.	Kind	Amount of activity	Price
1500 series.	Carbon-14 labeled sugars and related products, Type 2 (carbohydrates labeled in positions other than carbon 1).	10 micro-curies.	\$17.50



## (c) Tritium labeled sugars.

Sample Nos.	Kind	Amount of activity	Price
1575 series.	Tritium-labeled carbohydrates labeled without extensive alteration of the carbon skeleton).	10 micro-curies.	\$12.50

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: November 8, 1966.

A. V. ASTIN,  
Director.

[F.R. Doc. 66-12692; Filed, Nov. 23, 1966;  
8:45 a.m.]

## Title 25—INDIANS

### Chapter I—Bureau of Indian Affairs, Department of the Interior

#### SUBCHAPTER T—OPERATION AND MAINTENANCE

#### PART 221—ORDERS FIXING OP- ERATION AND MAINTENANCE CHARGES

##### Fort Hall Indian Irrigation Project, Idaho

On October 13, 1966, there was published in the daily issue of the *FEDERAL REGISTER*, Volume 31, Number 199, page 13242, notice of intention to amend § 221.32, Subchapter T, Chapter I of the Code of Federal Regulations Title 25. This section deals with the operation and maintenance charges on assessable lands under the Fort Hall Indian Irrigation Project, Fort Hall Indian Reservation, Idaho. Interested persons were thereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or argument in writing to Dale M. Baldwin, Area Director, within 30 days from the date of publication of the notice. No comments, suggestions, or objections have been received and, accordingly § 221.32 of Title 25, Code of Federal Regulations, Chapter I, Bureau of Indian Affairs, Subchapter T, is amended as follows:

#### § 221.32 Basic and other water charges.

(a) In compliance with the provisions of the Acts of March 1, 1907 (34 Stat. 1024), and August 31, 1954 (68 Stat. 1026), the annual basic water charges for the operation and maintenance of the lands in non-Indian ownership and Indian-owned lands leased to a non-Indian or a nonmember of the Shoshone-Bannock Tribe of the Fort Hall Indian Reservation, Idaho, to which water can be delivered for irrigation are hereby fixed for the calendar year 1967 and subsequent years until further notice as follows:

	Per acre
(1) Fort Hall Project:	
Basic rate-----	\$5.00

- (2) Michaud Division, Fort Hall Reservation:
- |  |      |
|--|------|
| Basic rate-----  | 9.00 |
| Additional rate for sprinkler irrigation when pressure is supplied by the project----- | 3.00 |
- (3) Minor Units, Fort Hall Reservation:
- |                 |      |
|-----------------|------|
| Basic rate----- | 2.50 |
|-----------------|------|

(b) In addition to the foregoing charges, there shall be collected a minimum charge of \$5 for the first acre or fraction thereof on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus \$5.

DALE M. BALDWIN,  
Area Director.

[F.R. Doc. 66-12702; Filed, Nov. 23, 1966;  
8:46 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

#### SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

#### PART 7—CONTRACT CLAUSES

##### Correction

1. F.R. Doc. 66-7892, appearing at 31 F.R. 9851-9861, July 21, 1966, is corrected by deleting the following sections and references thereto, on pages 9856 and 9857:

SECTIONS		
7.104-57	7.403-36	7.607-27
7.104-58	7.403-37	7.705-17
7.204-41	7.504-6	7.705-18
7.204-42	7.504-7	7.902-23
7.303-41	7.603-43	7.902-24
7.303-42	7.606-15	

2. F.R. Doc. 66-11182, appearing at 31 F.R. 13326-13337, October 14, 1966, is corrected, as to § 7.205-7 on page 13332: Immediately preceding the stop work order clause, delete second "order" and insert in place thereof, the paragraph heading, "(c) Clause".

KENNETH G. WICKHAM,  
Major General, U.S. Army,  
The Adjutant General.

[F.R. Doc. 66-12669; Filed, Nov. 23, 1966;  
8:45 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 5B—Public Buildings Service, General Services Administration

#### PART 5B-2—PROCUREMENT BY FORMAL ADVERTISING

#### PART 5B-53—CONTRACT ADMINISTRATION

##### Miscellaneous Amendments

The following materials set forth miscellaneous amendments to Chapter 5B relating to listing of subcontractor re-

quirements and to bidders' qualifications for special work.

#### Subpart 5B-2.2—Solicitation of Bids

1. Section 5B-2.202-70 is amended to revise paragraphs (d) and (e) so as to clarify the requirements for listing of subcontractors. As amended, the section reads as follows:

#### § 5B-2.202-70 Listing of subcontractors.

(d) The list of categories of work for which subcontractors are required to be named shall be set forth in a supplement to the bid form.

(e) The following clause shall be included in the Special Conditions:

##### LISTING OF SUBCONTRACTORS

(a) For each category on the List of Subcontractors which is included as part of the bid form, the bidder shall submit the name and address of the individual or firm with whom he proposes to subcontract for performance of such category: *Provided*, That the bidder may enter his own name for any category which he will perform with personnel carried on his own payroll (other than operators of leased equipment) to indicate that the category will not be performed by subcontract.

(b) If the bidder intends to subcontract with more than one subcontractor for a category or to perform a portion of a category with his own personnel and subcontract with one or more subcontractors for the balance of the category, the bidder shall list all such individuals or firms (including himself) and state the service to be furnished by each.

(c) If alternate bids are required under this invitation, the bidder may list both the name of the individual or firm with whom he proposes to subcontract (or his own name) if awarded the contract on the base bid only, and the name of a different individual or firm with whom he proposes to subcontract for a category (or his own name) if award is made on the basis of base bid plus an alternate (or alternates) which affects the category for which alternate subcontractors are so listed, provided that the bidder clearly indicates after each such listing the basis upon which each named individual or firm shall be deemed to be the listed subcontractor for that category.

(d) The list may be submitted with the bid or separately by telegraph, mail, or otherwise. If mailed separately, the envelope must be sealed, identified as to content, and addressed in the same manner as prescribed for submission of bids. Failure to submit the list by the time set for bid opening shall cause the bid to be considered nonresponsive except under the conditions set out in Instruction No. 7 of the Instructions to Bidders (Standard Form 22).

(e) Except as otherwise provided herein, the successful bidder agrees that he will not have any of the listed categories involved in the performance of this contract performed by any individual or firm other than those named for the performance of such categories.

(f) The term "subcontractor" for the purpose of this requirement shall mean the individual or firm with whom the bidder proposes to enter into a subcontract for manufacture, fabricating, installing, or otherwise performing work under this contract pursuant to specifications applicable to any category included on the list.

(g) Nothing contained in this clause shall be construed as changing the percentage requirement in the General Conditions for the contractor to perform with his own forces.



(h) The Contractor shall be responsible for all aspects of performance by subcontractors.

(i) No substitutions for the individuals or firms named will be permitted except in unusual situations and then only upon the submission in writing to the Contracting Officer of a complete justification therefor and receipt of the Contracting Officer's written approval.

(j) Notwithstanding any of the provisions of this clause, the Contracting Officer shall have authority to disapprove or reject the employment of any subcontractor he has determined nonresponsible or who does not meet the requirements of an applicable Specialist or Competency of Bidder clause.

(k) The Contracting Officer shall have the right to require any information concerning the cost of performance of any portion of this contract by any subcontractor which is listed or which is proposed as a substitute for a listed subcontractor, as well as the right to require any other information he deems necessary concerning any listed subcontractor or any subcontractor proposed as a substitute. Imposition of any requirements under subparagraph (j) or this subparagraph of this clause shall not give rise to any cause of action against the Government by the successful bidder or by any subcontractor engaged or proposed to be engaged hereunder.

(l) Nothing contained in this clause shall in itself be construed to create any contract or property rights in the successful bidder or any subcontractor.

(m) If the bidder fails to comply with the requirements of subparagraphs (a), (b), or (c) of this clause, the bid will be rejected as nonresponsive to the invitation.

(n) In order to effectively implement the objectives of the foregoing provisions and to assure the timely receipt of accurate bids, the bidder is requested to urge all subcontractors intending to submit a proposal for work involved in the project to submit to all bidders to whom they intend to bid, a written proposal (or written abstract) with or without price, outlining in detail the specific sections of the specifications to be included in their work as well as any exceptions or exclusions therefrom. It is suggested that such written proposal be submitted to the bidder at least 48 hours in advance of the bid opening.

2. Section 5B-2.202-73 is amended to substitute three revised clauses for the four previously prescribed. As revised, the section reads as follows:

**§ 5B-2.202-73 Bidders' qualifications for special work.**

(a) *Airconditioning.* The following clause shall be inserted in the Special Conditions of all PBS specifications which include installation of new air-conditioning systems of 26 tons or more and, where appropriate, may be included in specifications for repair or improvement of airconditioning systems:

**COMPETENCY OF BIDDER (AIRCONDITIONING)**

(a) The bidder shall furnish with his bid the following certification completed by the individual or firm who will install the air-conditioning equipment.

"I certify that (name of firm or individual) has had at least 3 years' successful experience in the installation and servicing of air-conditioning equipment and has installed on at least two prior projects airconditioning equipment for systems with a rated capacity of not less than 40 percent of the total capacity specified for this project and with at least one refrigerating machine of a capacity of not less than 25 percent of the largest single refrigerating machine specified for

this project, all of which have performed satisfactorily for a period of not less than 1 year prior to the date of bid opening for this project.

By: \_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Title)

(b) The bid may be rejected if the bidder fails to furnish the required certification from the individual or firm who will install the airconditioning equipment, or if such named individual or firm has established on former jobs, either Government, municipal, or commercial, a record for unsatisfactory installation of airconditioning equipment or has repeatedly failed to complete contracts awarded to him within the contract time.

(c) A list of the prior installations to which the certification has reference, together with the names and addresses of the buildings, the names of the owners or managers thereof, and any other relevant information required by the contracting officer, shall be submitted promptly upon request. Notwithstanding any other provision in this contract, the Government shall have the right (in addition to any other legal rights and remedies) to disapprove, at any time, the individual or firm named in the bid for installation of air-conditioning equipment if the contracting officer finds any statement in the certification to be false or at variance with the facts.

(b) *Elevators.* The following clause shall be inserted in the Special Conditions of all PBS specifications which include installation of new elevators and, where appropriate, may be included in specifications for repair or improvement of elevators.

**COMPETENCY OF BIDDER (ELEVATOR)**

(a) The bidder, or the subcontractor whom the bidder will use for performance of the elevator work, shall have had at least 3 years' successful experience in installing and servicing elevators.

(b) In addition, the bidder or the subcontractor, shall have installed, on at least two prior projects, elevators which are comparable to those required for this project and which have performed satisfactorily under conditions of normal use for a period of not less than 1 year. To be considered comparable, prior installations shall have not less than the same number of elevators operating together in one group as the largest number in any group specified for this project, except that a group of four may be considered comparable to a larger group specified for this project.

(c) A list of the prior comparable installations by the bidder or by the subcontractor, together with the names and addresses of the buildings, the names of the owners or managers thereof, and any other pertinent information required shall be submitted promptly upon request of the Government.

(d) The names, addresses, experience, and a statement of the work to be performed by each subcontractor or second-tier subcontractor whom the bidder or the principal subcontractor, as the case may be, will use for performance of minor portions of the installation of elevators, shall also be submitted promptly upon request by the Government.

(e) The bid may be rejected if the bidder or the elevator subcontractor has established on former jobs, either Government, municipal, or commercial, a record for unsatisfactory elevator installations, has repeatedly failed to complete contracts awarded to him within the contract time, or otherwise fails to meet the experience requirements of this clause.

(c) *Specialist.* The following clause shall be inserted in the Special Conditions of all PBS specifications where a specialist is required:

**SPECIALIST**

The term "specialist" as used in the specification shall mean an individual or firm of established reputation (or, if newly organized, whose personnel have previously established a reputation in the same field), which is regularly engaged in, and which maintains a regular force of workmen skilled in either (as applicable) manufacturing or fabricating items required by the contract, installing items required by the contract, or otherwise performing work required by the contract. Where the contract specification requires installation by a specialist, that term shall also be deemed to mean either the manufacturer of the item, an individual or firm licensed by the manufacturer, or an individual or firm who will perform the work under the manufacturer's direct supervision.

**Subpart 5B-2.4—Opening of Bids and Award of Contract**

Section 5B-2.404-70(a) (4) is amended to reflect the changes made in § 5B-2.202-73. As amended, the section reads as follows:

**§ 5B-2.404-70 Causes arising from subcontractor listing requirements.**

(a) \* \* \*

(4) An individual or firm named on the list does not meet the specified requirements of an applicable Specialist or Competency of Bidder clause, unless the contracting officer finds that substitution is justifiable under the conditions prescribed in § 5B-53.7001(a) (9) of this chapter or that the deficiency in qualifications is so minor as not to be considered substantive (e.g., a lack of 1 month of a required 3 years' experience).

**Subpart 5B-53.70—Administration of Construction Contracts**

Section 5B-53.7001(a) (9) is amended to reflect the changes made in § 5B-2.202-73. As amended, the section reads as follows:

**§ 5B-53.7001 Circumstances permitting substitution for subcontractor named in bid.**

(a) \* \* \*

(9) Failure to meet the qualifications requirements of an applicable Specialist or Competency of Bidder clause, but only when the contracting officer, in the exercise of sound discretion, after discussion with the contractor or bidder and, if appropriate, the named subcontractor, finds that substitution for this cause would be in the best interests of the Government as specified in subparagraph (8) of this paragraph.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* These regulations are effective with respect to invitations for bids issued after December 31, 1966, but may be observed earlier.

Dated: November 15, 1966.

WILLIAM A. SCHMIDT,  
Commissioner,  
Public Buildings Service.

[F.R. Doc. 66-12716; Filed, Nov. 23, 1966; 8:47 a.m.]



## Chapter 8—Veterans Administration MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

### PART 8-6—FOREIGN PURCHASES

1. Section 8-6.5302 is revised to read as follows:

#### § 8-6.5302 Exceptions.

Contracting officers may deviate from the policy set forth in § 8-6.5301 only when it has been unequivocally established that the required merchandise or an acceptable substitute is not available from any other source. Complete justification for any purchase so made will be submitted through the Director, Supply Service (134I), for review by the Administrator.

### PART 8-7—CONTRACT CLAUSES

2. In § 8-7.150-11, paragraph (b) is amended to read as follows:

#### § 8-7.150-11 Patent indemnification.

(b) The clause in paragraph (a) of this section will not be included in those contracts wherein the Veterans Administration is required to take possession of the property outside the United States or the Commonwealth of Puerto Rico, except when its use is approved by the Director, Supply Service (134C).

### PART 8-14—INSPECTION AND ACCEPTANCE

3. Section 8-14.151 is revised to read as follows:

#### § 8-14.151 Determination authority.

The determinations required in § 8-14.150 will be made by:

(a) The Assistant Administrator for Construction, for those items and services for which purchase authority has been assigned to him.

(b) The Director, Veterans Canteen Service, DM&S, for those items and services purchased, or contracted for, by the Veterans Canteen Service (except those items purchased from Veterans Administration supply sources).

(c) The Director, Supply Service, for all other supplies, equipment and services.

### PART 8-75—DELEGATIONS OF AUTHORITY

4. Sections 8-75.201-6 and 8-75.201-7 are revised to read as follows:

#### § 8-75.201-6 Printing and binding.

Authority to execute, award, and administer contracts, purchase orders and agreements, involving the expenditure of funds, for the acquisition of printing and binding is delegated to the Chief, Publications Service, Office of the Manager, Administrative Services, Central Office.

#### § 8-75.201-7 Issue of Government bills of lading—Transportation of remains of deceased beneficiaries.

The Chief, Medical Administration Division at a Veterans Administration

hospital, or the person acting in that capacity, is delegated authority to issue and to sign as "Issuing Officer," Government bills of lading for the shipment of the remains of beneficiaries expiring in a Veterans Administration hospital.

5. Section 8-75.201-11 is revised to read as follows:

#### § 8-75.201-11 Authority to purchase narcotics.

Heads of field stations and the Assistant Director, Supply Service for Marketing are authorized to certify to the appropriate District Director, Internal Revenue Service, on the form prescribed by the Treasury Department, the names of procurement personnel they have accredited as officials of the Veterans Administration to purchase narcotics in accordance with Bureau of Narcotics Regulation No. 5 revised. Credentials will be renewed each fiscal year.

6. In § 8-75.201-13, paragraph (c) is amended to read as follows:

#### § 8-75.201-13 Vocational rehabilitation and education programs.

(c) The Chief Benefits Director, Director, Compensation, Pension, and Education Service, Manager, Regional Offices and Center Directors (hospital and regional office), are delegated authority to execute contracts, agreements, or supplements thereto with educational institutions and other approved agencies for the purpose of providing services relative to the counseling of persons eligible for vocational rehabilitation or educational assistance under Title 38, United States Code.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: November 18, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,  
Deputy Administrator.

[F.R. Doc. 66-12717; Filed, Nov. 23, 1966; 8:47 a.m.]

## Title 45—PUBLIC WELFARE

### Chapter I—Office of Education, Department of Health, Education, and Welfare

#### PART 114—FEDERAL ASSISTANCE UNDER PUBLIC LAW 815, 81ST CONGRESS, AS AMENDED, IN CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

##### First Deadline for Applications With Respect to Funds Available During Fiscal Year 1967

Subpart B of Part 114, 45 CFR (23 F.R. 7291, Sept. 19, 1958, as amended), issued pursuant to Public Law 815, 81st Con-

gress, as amended (64 Stat. 967), (20 U.S.C. 631-645), is hereby amended by adding a new § 114.29f, establishing a first deadline date for filing applications with respect to funds available during fiscal year 1967. The new § 114.29f reads as follows:

#### § 114.29f First deadline for applications with respect to funds available during fiscal year 1967.

For the purposes of sections 3 and 14 of the Act, February 20, 1967, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under the Act from funds then available for such purposes shall be filed.

(Sec. 12, 72 Stat. 554; 20 U.S.C. 642; applies sec. 3, 72 Stat. 548; 20 U.S.C. 633)

Dated: November 15, 1966.

[SEAL] HAROLD HOWE II,  
U.S. Commissioner of Education.

Approved: November 17, 1966.

WILBUR J. COHEN,  
Acting Secretary of Health,  
Education, and Welfare.

[F.R. Doc. 66-12720; Filed, Nov. 23, 1966; 8:48 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2d Rev. S.O. 979, Amdt. 1]

### PART 95—CAR SERVICE

#### Demurrage and Detention on Freight Cars

At a session of the Interstate Commerce Commission held in Washington, D.C., on the 18th day of November A.D. 1966.

Upon further consideration of Second Revised Service Order No. 979 (31 F.R. 6547) and good cause appearing therefor:

It is ordered, That:

Section 95.979 *Service Order No. 979* (Demurrage and detention on freight cars), be, and it is hereby amended by substituting the following paragraph (k) for paragraph (k) thereof:

(k) *Expiration date.* This section shall expire at 6:59 a.m., July 1, 1967, unless otherwise modified, changed, or suspended by order of this Commission.

*Effective date.* This amendment shall become effective at 6:59 a.m., December 1, 1966.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10-17), 15(4), 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), 17(2))

It is further ordered, That copies of this amendment to Second Revised Service Order No. 979 shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of



that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12722; Filed, Nov. 23, 1966;  
8:48 a.m.]

**SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES**

[Ex Parte No. MC-19 (Sub-No. 3)]

**PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTER-STATE OR FOREIGN COMMERCE**

**Estimates of Charges; Reweighing**

NOVEMBER 10, 1966.

On March 16, 1966, a notice of proposed rule making regarding an amendment of 49 CFR 176.10(d) was published in 31 F.R. 4460.

A rule making proceeding was held under modified procedure, and the hearing examiner issued a recommended report and order. Interested parties were given 30 days from the date of the service of such report and order to file exceptions thereto.

In the absence of a stay or postponement by the Interstate Commerce Commission or the timely filing of exceptions, the order of the hearing examiner amending 49 CFR 176.10(d) (redesignated as paragraph (f), 31 F.R. 8917) became effective by operation of law.

The amendment, set out below, became effective on October 7, 1966.

**§ 176.10 Estimates of charges.**

(f) *Reweighing.* The carrier, upon request of shipper, owner, or consignee, made prior to delivery of a shipment, and when practicable to do so will reweigh the shipment. The lower of the two net scale weights shall be used for determining the applicable charges. If the reweigh develops a net scale weight in excess of the initial net scale weight or if the difference between the initial net scale weight and the reweigh net scale weight is less than 100 pounds on a shipment weighing 5,000 pounds or less or 2 percent or less of the lower net scale weight on shipments in excess of 5,000 pounds, a reasonable reweigh charge may be established.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12723; Filed, Nov. 23, 1966;  
8:48 a.m.]

**Title 46—SHIPPING**

**Chapter IV—Federal Maritime Commission**

**SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES**

[General Order 4, Amdt. 10; Docket No. 66-31]

**PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS**

**Subpart B—Duties and Obligations**

**NOTICE OF POSTPONEMENT OF EFFECTIVE DATE**

On October 22, 1966, the Commission published final rules in this proceeding in the FEDERAL REGISTER (31 F.R. 13650), effective 30 days after date of publication.

New York Foreign Freight Forwarders and Brokers Association, Inc., has petitioned for postponement of the effective date of certain of these rules pending disposition by the Commission of the Association's petition for reconsideration.

Good cause appearing, the effective date of §§ 510.22(a), 510.23(f), and 510.24(a) and (f) is postponed until further order of the Commission.

By the Commission.

[SEAL] THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12718; Filed, Nov. 23, 1966;  
8:47 a.m.]

**Title 50—WILDLIFE AND FISHERIES**

**Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior**

**PART 28—PUBLIC ACCESS, USE, AND RECREATION**

**Kenai National Moose Range, Alaska**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 28.28 Special regulations, public access, use and recreation; for individual wildlife refuge areas.**

**ALASKA**

**KENAI NATIONAL MOOSE RANGE**

The use of lightweight, motorized vehicles commonly identified by the general term "snow-traveler" is permitted on areas of the Kenai National Moose Range that are closed to travel by conventional vehicles, subject to the following special conditions:

1. The use of "snow-travelers" will be permitted only during the period December 1, 1966, through March 31, 1967.

2. Only "snow-travelers" with an overall width of 46" or less will be permitted.

3. The use of "snow-travelers" as an aid in big-game hunting or for transporting big game is prohibited.

"Snow-travelers" are excepted from the above special regulations when used on roads within the Range open to conventional vehicle travel. When used on such roads "snow-travelers" are subject to regulations applicable to conventional vehicles.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through March 31, 1967.

PAUL T. QUICK,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

NOVEMBER 14, 1966.

[F.R. Doc. 66-12703; Filed, Nov. 23, 1966;  
8:46 a.m.]

**PART 33—SPORT FISHING**

**Havasu Lake National Wildlife Refuge, Arizona and California**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

**ARIZONA AND CALIFORNIA**

**HAVASU LAKE NATIONAL WILDLIFE REFUGE**

Sport fishing on the Havasu Lake National Wildlife Refuge, Arizona and California, is permitted only on waters designated by signs as open to fishing. These waters, comprising 6,674 acres, are delineated on a map available at the refuge headquarters, Needles, Calif., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1967, inclusive, except that the closed area in Topock Marsh is closed to fishing during the waterfowl hunting season.

(2) The taking of fish with such devices as bow and arrow, spear, spear gun, or other mechanical devices capable of propelling pellets or shafts is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1967.

BLAYNE D. GRAVES,  
Refuge Manager, Havasu Lake  
National Wildlife Refuge,  
Needles, Calif.

NOVEMBER 8, 1966.

[F.R. Doc. 66-12704; Filed, Nov. 23, 1966;  
8:46 a.m.]



**PART 33—SPORT FISHING****Salt Plains National Wildlife Refuge, Okla.**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.****OKLAHOMA****SALT PLAINS NATIONAL WILDLIFE REFUGE**

Sport fishing on the Salt Plains National Wildlife Refuge, Okla., is permitted only on areas designated by signs as open to fishing. These open areas, comprising 7,800 acres, are delineated on a map available at refuge headquarters, Jet, Okla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from April 15 through October 15, 1967 inclusive, in Great Salt Plains Lake as posted, in Sand Creek, the three main channels of Salt Fork River, and the right-of-way of Oklahoma State Highway 11 as posted.

(2) It is illegal to take game fish by any means other than hook and line. Trotlines must be removed from waters at the close of the fishing season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1967.

FRED L. BOLWAHN,  
*Refuge Manager, Salt Plains  
National Wildlife Refuge, Jet,  
Okla.*

NOVEMBER 7, 1966.

[F.R. Doc. 66-12705; Filed, Nov. 23, 1966;  
8:46 a.m.]

**PART 33—SPORT FISHING****Buffalo Lake National Wildlife Refuge, Tex.**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.****TEXAS****BUFFALO LAKE NATIONAL WILDLIFE REFUGE**

Sport fishing on the Buffalo Lake National Wildlife Refuge, Tex., is permitted

only on the areas designated by signs as open to fishing. These open areas, comprising 2,358 acres, are delineated on maps available at refuge headquarters, Umbarger, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) The open season for sport fishing on the refuge extends from March 1, 1967, through October 31, 1967, inclusive, on all waters of the Buffalo Lake National Wildlife Refuge; from January 1 through February 28, 1967, inclusive, and November 1 through December 31, 1967, inclusive, on all waters lying north of a diagonal line extending across the lake from the northwest corner of section 116 to the southeast corner of section 117. Also, the east shoreline, for bank fishing only, from the above-mentioned diagonal line on the east shore to the Tierra Blanca Creek at the west refuge boundary except that said shoreline will be closed to fishing during the waterfowl hunting season in that part of Texas.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1967.

GORDON H. HANSEN,  
*Refuge Manager, Buffalo Lake  
National Wildlife Refuge, Um-  
barger, Tex.*

NOVEMBER 7, 1966.

[F.R. Doc. 66-12706; Filed, Nov. 23, 1966;  
8:46 a.m.]

**Title 14—AERONAUTICS AND SPACE****Chapter I—Federal Aviation Agency****SUBCHAPTER C—AIRCRAFT**

[Docket No. 7331; Amdt. 39-311]

**PART 39—AIRWORTHINESS DIRECTIVES****Piper Model PA-30 Airplanes**

Amendment 39-311 (31 F.R. 14547) amended AD 66-12-2 by requiring certain modifications to Piper Model PA-30 airplanes to be accomplished within the next 50 hours' time in service after November 25, 1966. This date was inadvertently omitted in paragraph (b) of that amendment. In addition a typo-

graphical error was made in paragraph (b) (2). Accordingly, this amendment is being issued to correct these matters.

Since this amendment is editorial in nature and a situation exists that requires immediate adoption of this amendment, it is found that notice and public procedure are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending Amendment 39-311 as follows:

1. By striking out the figure "1966" and inserting the date "November 25, 1966" in place thereof in the introductory sentence of paragraph (b).

2. By amending paragraph (b) (2) to read as follows:

(2) For airplanes that have not had the stabilator or stabilator trim tab repainted, altered, or repaired after leaving the factory, add balance weights, Piper P/Ns 25780-02 and 25780-03, to the stabilizer arm by means of AN4-36A bolt, AN 960-416 washers, and MS20365-428C nut in accordance with Piper Service Bulletin No. 229A, dated June 17, 1966, and Sketch A. If plates, Piper P/N 23179-00, are presently installed, they must all be installed on the left side of the balance weight arm as shown in Piper Service Bulletin No. 229A, Sketch A. Insure that stabilator controls have proper movement before further flight.

This amendment is effective November 25, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on November 23, 1966.

JAMES F. RUDOLPH,  
*Acting Director,  
Flight Standards Service.*

[F.R. Doc. 66-12794; Filed, Nov. 23, 1966;  
12:21 p.m.]

**SUBCHAPTER E—AIRSPACE**

[Airspace Docket No. 66-SW-26]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Transition Area****Correction**

In F.R. Doc. 66-10109, appearing at page 12083 of the issue for Friday, September 16, 1966, the following matter should appear between the 32d and 33d lines of the description of the Houston, Tex., transition area (§ 71.181):

thence NE along V-20 to the INT of the N boundary of V-20



# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[ 7 CFR Part 319 ]

### CITRUS FRUIT

#### Restricted Importation of Unshu Oranges From Japan

Notice is hereby given under the administrative procedure provisions of 5 U.S.C. 553 that a proposal has been made to the U.S. Department of Agriculture to amend notice of quarantine No. 28 relating to the importation of citrus fruits (7 CFR 319.28) pursuant to the Plant Quarantine Act (7 U.S.C. 151 et seq.) to permit the importation of Unshu (Satsuma) oranges from Japan. At the present time, such oranges are prohibited entry into the United States because of the existence of the citrus canker disease (*Xanthomonas citri* (Hasse) Dowson) in Japan.

The proposal submitted to the Department suggested a number of safeguards that might be applied to prevent the introduction of the disease. The following safeguards would apply:

(1) The Unshu oranges would be grown and packed in certain isolated canker-free export areas established by the Japanese Plant Protection Service. In such areas only Unshu oranges would be grown and necessary steps would be taken to prevent the movement into those areas from any source of fruits, peel, plants, or budwood of the genera *Citrus* and *Poncirus*. The isolated areas would be chosen by qualified plant pathologists of both Japan and the United States as being apparently canker-free and would have no citrus trees except Unshu oranges. These isolated areas would be separated from other citrus groves by a buffer zone which would be free of any non-Unshu citrus.

(2) Inspection of the Unshu oranges would be performed jointly by plant pathologists of Japan and the United States in the groves prior to and during harvest, and in the packing houses during packing operations.

(3) Before packing, such oranges would be given a surface sterilization as prescribed by the U.S. Department of Agriculture.

(4) The identity of the fruit would be maintained in the following manner:

(i) Each orange would be marked to show the country of origin, while on its tissue paper wrapping, and on the individual box in which such oranges would be shipped, there would be stamped or printed a statement specifying the States into which the Unshu oranges could be imported.

(ii) Each shipment of oranges handled in accordance with these procedures would be accompanied by a certificate of the Japanese Plant Protection Service certifying that the fruit was believed to be free of citrus canker disease.

(5) Entry would be limited to the port of Seattle, Wash., with destinations limited to points in the States of Washington, Idaho, and Montana.

(6) Such Unshu oranges would be subject to a final examination at the Port of Seattle, Wash., by inspectors of the U.S. Department of Agriculture before release.

(7) All salary, travel, and subsistence expenses incident to the assignment of personnel of the U.S. Department of Agriculture to such operations in Japan would be paid by those requesting the service of such personnel.

The proposed amendment, were it adopted, would make it possible, under specific safeguards against the introduction of the citrus canker disease, to import Unshu (Satsuma) oranges into the States of Washington, Idaho, and Montana from certain isolated areas of Japan that had been determined by Japanese and United States plant pathologists to be apparently free of the citrus canker disease. The basic proposed safeguards would be carried out in the isolated producing areas under the observation of personnel of the U.S. Department of Agriculture, whose expenses would be paid by those requesting such service.

To assist the Department in determining whether the proposed safeguard procedures are adequate to prevent the introduction of citrus canker disease, the Department wishes to take advantage of all the available scientific information that may have a bearing on the matter. Scientists knowledgeable in this area and all others who wish to do so are invited to submit written data, views, or arguments in connection with the matter to the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 30 days after the date of publication of this notice in the *FEDERAL REGISTER*. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 21st day of November 1966.

[SEAL] R. J. ANDERSON,  
Acting Administrator,  
Agricultural Research Service.

[F.R. Doc. 66-12726; Filed, Nov. 23, 1966;  
8:48 a.m.]

## ATOMIC ENERGY COMMISSION

[ 10 CFR Parts 50, 70 ]

### SPECIAL NUCLEAR MATERIAL

#### Discontinuance of Procedures for Allocation and Distribution

The Atomic Energy Commission has under consideration amendments to its regulations, 10 CFR Part 50, "Licensing of Production and Utilization Facilities," and 10 CFR Part 70, "Special Nuclear Material," which would eliminate the Commission's present regulatory procedure of allocating and distributing special nuclear material to production and utilization facility licensees and to special nuclear material licensees.

The procedure for allocating special nuclear material by license was adopted in 1956 as a means of assuring construction permittees and licensees of the availability to them for long periods of time of the special nuclear material required for their activities. The Commission offered such assurance since it was the sole source of supply for special nuclear materials. At the time the allocation procedure was adopted, the Commission lacked authority to enter into long-term contracts for the supply of special nuclear material to its licensees.

The enactment in 1964 of Public Law 88-489, "Private Ownership of Special Nuclear Materials Act," amending the Atomic Energy Act of 1954, as amended, authorized the private ownership of special nuclear material and authorized the Commission to sell, lease, or grant special nuclear material to licensees. It also authorized the Commission to enter into long-term contracts with licensees to provide them with uranium enrichment services. As a result of the amendments, Commission licensees may obtain the special nuclear material required for their licensed activities from private sources as well as from the Commission.

On October 1, 1965, the Commission published in the *FEDERAL REGISTER* (30 F.R. 12550), for public comment, proposed criteria for the uranium enrichment services which Public Law 88-489 authorized the Commission to provide to licensees. The proposed criteria provided for long-term contractual assurance of enrichment services from the Commission. It is expected that the effective criteria will be published soon.

The availability of long-term contracts for uranium enrichment services from the Commission, coupled with the future availability of special nuclear material from private sources, makes it unnecessary for the Commission to provide a regulatory procedure for the allocation or distribution of special nuclear material.



In view of the foregoing, the Commission is proposing to adopt the amendments set forth below, to eliminate from Parts 50 and 70 provisions related to the allocation and distribution of special nuclear material.

**Proposed amendments to Part 50.** The proposed amendment of § 50.33(f) would delete the requirement that applicants for facility licenses include in their applications, if they are also applying for a special nuclear material license, information as to their financial qualifications to pay Commission charges for special nuclear material. This requirement is no longer necessary since licensees may obtain special nuclear material from private sources. If the material is obtained from the Commission, the financial qualifications of the applicant to pay any charges can be considered in connection with the contractual arrangements for the material.

The proposed amendment of § 50.60 would be the most significant of the changes now proposed for 10 CFR Part 50. This section would be revised to provide that facility construction permits and operating licenses issued after the effective date of the amendments would not contain any provision relating to the allocation of special nuclear material unless such a provision was incorporated in a construction permit issued prior to the effective date of the amendments in which case the provision could be incorporated in a license issued after the effective date.

The revised § 50.60 would also provide that provisions relating to allocation of special nuclear material in construction permits or operating licenses issued prior to the effective date of the amendments would not be affected unless the Commission, in accordance with the procedures of 10 CFR Part 2, were to reduce the allocation upon the ground that the quantities of special nuclear material allocated exceeded those reasonably required, or estimated to be required, for the conduct of the activities authorized by the permit or license. Any allocation granted by the Commission would be deemed to be satisfied to the extent that (1) the Commission contracts to provide special nuclear material to a permittee or licensee under a contract for the supply of special nuclear material, whether by toll enrichment services, sale, lease, or otherwise, and/or (2) the Commission determines that special nuclear material is available, whether by toll enrichment services, sale, lease, or otherwise, from a source or sources other than the Commission on terms and conditions and at charges which are considered by the Commission to be reasonable and nondiscriminatory. The holder of a construction permit or operating license who desires to have reduced or eliminated any allocation included in his permit or license may request an amendment to the permit or license, pursuant to Subpart A of 10 CFR Part 2.

The proposed amendments of §§ 50.55 (a) and 50.103(a)(2) would delete certain words to bring these provisions into conformity with other proposed changes.

**Proposed amendments to Part 70.** The proposed amendment of § 70.1(a) would delete as one of the purposes of 10 CFR Part 70 the establishment of procedures for the distribution by the Commission of special nuclear material to licensees. The enactment of Public Law 88-489 eliminated the need for such regulatory procedures.

The proposed amendment of § 70.22(a)(5) would delete the requirement that an applicant for a special nuclear material license include in its application, when applicable, estimated schedules relating to delivery, consumption, production and transfers of special nuclear material. Section 70.23 would be amended by deleting paragraph (f) which provides that special nuclear material be made available to an applicant substantially in accordance with an estimated schedule and, where applicable, in accordance with a specified priority system.

The proposed amendment to the "Note" following § 70.22(a)(8) would delete the requirement that the applicant furnish information relative to its financial qualifications to assume responsibility for the payment of Commission charges for special nuclear material. The proposed amendments of §§ 70.23(e) and 70.43 would delete similar provisions.

The proposed amendments of § 70.31 (b) (1) and (2) would delete provisions which provide a procedure for the allocation of special nuclear material to licensees.

The proposed amendments of §§ 70.31 (d) and 70.62 would delete references to the "distribution" of special nuclear material.

The proposed amendment of § 70.38 sets forth changes consistent with those discussed above in connection with § 50.60.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, notice is hereby given that adoption of the following amendments of 10 CFR Parts 50 and 70 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within sixty (60) days after publication of this notice in the *FEDERAL REGISTER*. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

#### § 50.33 [Amended]

1. Paragraph (f) of § 50.33 of 10 CFR Part 50 is amended by deleting the last sentence.

#### § 50.55 [Amended]

2. Paragraph (a) of § 50.55 of 10 CFR Part 50 is amended by deleting the words in the second sentence "and any scheduled delivery of materials from the Commission".

3. Section 50.60 of 10 CFR Part 50 is revised to read as follows:

#### § 50.60 Allocation of special nuclear material.

(a) The Commission will not incorporate in construction permits or licenses issued after -----<sup>1</sup> provisions allocating quantities of special nuclear material: *Provided, however,* That such provisions may be incorporated in a license if they have been incorporated in the construction permit for the facility. Any allocation granted by the Commission shall be deemed to be satisfied to the extent that (1) the Commission contracts to provide special nuclear material to a permittee or licensee under a contract for the supply of special nuclear material, whether by toll enrichment services, sale, lease, or otherwise, and/or (2) the Commission determines that special nuclear material is available, whether by toll enrichment services, sale, lease, or otherwise, from a source or sources other than the Commission on terms and conditions and at charges which are considered by the Commission to be reasonable and nondiscriminatory. Subject to paragraph (b) of this section, provisions allocating quantities of special nuclear material in construction permits and licenses issued prior to -----<sup>1</sup> shall remain in effect in accordance with their terms.

(b) The Commission may, in accordance with the procedures provided in Part 2 of this chapter, reduce the quantities of special nuclear material allocated to a permittee or licensee pursuant to this part, upon the ground that the quantities allocated exceed those reasonably required, or estimated to be required, for use by the facility. Except as provided in paragraph (a) of this section, the expiration, revocation or other termination of a construction permit or license shall terminate all allocations incorporated in such permit or license.

**NOTE:** With respect to quantities of special nuclear material allocated to construction permittees and licensees prior to -----<sup>1</sup> and pursuant to the provisions of this part, the Commission will continue its practice of not distributing the material to the permittee or licensee until the material is needed.

#### § 50.103 [Amended]

4. Section 50.103(a)(2) of 10 CFR Part 50 is amended by deleting the word "distributed".

5. Paragraph (a) of § 70.1 of 10 CFR Part 70 is revised to read as follows:<sup>2</sup>

#### § 70.1 Purpose.

(a) The regulations in this part establish procedures and criteria for the issuance of licenses to receive title to, own, acquire, deliver, receive, possess, use, transfer, import, and export special nuclear material; and establish and provide for the terms and conditions upon

<sup>1</sup> Effective date of the amendment.

<sup>2</sup> Proposed amendments of §§ 70.1(a), 70.22(a), the Note following § 70.22(a)(8) and § 70.23(e) were published in the *FEDERAL REGISTER* on Sept. 21, 1965. It is those proposed amendments which are proposed for further revision in this notice.



which the Commission will issue such licenses.

§ 70.22 [Amended]

6. Subparagraph (5) of § 70.22(a) of 10 CFR Part 70 is deleted.

7. The Note following § 70.22(a) (8) of 10 CFR Part 70 is revised to read as follows:

NOTE: Where the nature of the proposed activities is such as to require consideration of the applicant's financial qualifications to engage in the proposed activities in accordance with the regulations in this chapter, the Commission may request the applicant to submit information with respect to his financial qualifications.

8. Paragraph (e) of § 70.23 of 10 CFR Part 70 is revised to read as follows:

§ 70.23 Requirements for the approval of applications.

(e) Where the nature of the proposed activities is such as to require consideration by the Commission, that the applicant appears to be financially qualified to engage in the proposed activities in accordance with the regulations in this part.

9. Paragraph (f) of § 70.23 of 10 CFR Part 70 is deleted.

§ 70.31 [Amended]

10. Paragraph (b) of § 70.31 of 10 CFR Part 70 is deleted.

11. Paragraph (d) of § 70.31 of 10 CFR Part 70 is revised to read as follows:

§ 70.31 Issuance of licenses.

(c) No license will be issued by the Commission to any person within the United States if the Commission finds that the issuance of such license would be inimical to the common defense and security or would constitute an unreasonable risk to the health and safety of the public.

12. Paragraph (a) of § 70.38 of 10 CFR Part 70 is revised to read as follows:

§ 70.38 Reduction and termination of allocations.

(a) The Commission may, in accordance with the procedures provided in Part 2 of this chapter, reduce the quantities of special nuclear material allocated to a licensee pursuant to this part, upon the ground that the quantities allocated exceed those reasonably required, or estimated to be required, for conduct of the activities authorized by the license. Any allocation granted by the Commission shall be deemed to be satisfied to the extent that (1) the Commission contracts to provide special nuclear material to a permittee or licensee under a contract for the supply of special nuclear material, whether by toll enrichment services, sale, lease, or otherwise, and/or (2) the Commission determines that special nuclear material is available, whether by toll enrichment services, sale, lease, or otherwise, from a source or sources other than the Commission

on terms and conditions and at charges which are considered by the Commission to be reasonable and nondiscriminatory.

§ 70.43 [Deleted]

13. Section 70.43 of 10 CFR Part 70 is deleted.

§ 70.62 [Amended]

14. Paragraph (b) of § 70.62(b) of 10 CFR Part 70 is amended by deleting the word "distributed".

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 16th day of November 1966.

For the Atomic Energy Commission,

W. B. McCool,  
Secretary.

[F.R. Doc. 66-12690; Filed, Nov. 23, 1966; 8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 73 ]

[Docket No. 16987; FCC 66-1029]

## STANDARD, FM, AND NONCOMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

### Remote Control Authorization

In the matter of amendment of §§ 73.66, 73.274 and 73.572 of the Commission's rules and regulations pertaining to remote control authorizations for standard, FM, and noncommercial educational FM broadcast stations, with respect to reliability showings for transmitters with power in excess of 10 kilowatts; Docket No. 16987, RM-1004.

1. On July 19, 1966, the National Association of Broadcasters (NAB) filed a petition for a rule making proceeding looking toward the adoption of certain amendments of the broadcasting rules concerning transmitter operation by remote control.

2. In particular, NAB seeks modification of §§ 73.66(c) (3) of the Standard Broadcast rules and 73.274(b) (2) of the FM Broadcast rules, with other ancillary rule changes. Each of the specified rules requires that a transmitter with power in excess of 10 kw be shown to be reliable and capable of being operated by remote control, as a prerequisite for issuance of authority for remote control operation. NAB would also amend Question No. 12 of Form 301-A (used for remote control applications). In implementation of the above mentioned rules, Question No. 12 requires the submission of an exhibit setting forth an analysis of transmitter operating logs and maintenance logs and records for the 12-month period immediately prior to the application for remote control.

3. NAB points out that the imposition of this requirement necessitates that a new station operating with transmitter output power in excess of 10 kilowatts, or an existing station increasing power to

above 10 kilowatts, have operators in attendance at the transmitter for at least a 12 month period before application can be made for remote control. This mode of operation is both costly and burdensome.

4. When the Commission established the requirement for the reliability showing in 1957, there was a dearth of information as to the reliability of higher-powered transmitters, and this precaution was justifiable. NAB says it is no longer necessary in view of the demonstrated dependability of modern high-powered transmitters. It suggests that, in lieu of an on-the-spot reliability showing, we consider the amendment of the Type Acceptance Standards in Part 2 of the rules, to provide for reliability tests by transmitter manufacturers, the results of which would be submitted as a part of Type Acceptance applications. NAB would substitute for the present language of Question No. 12, a requirement for the filing of an elementary block diagram of the remote control system, with identification of its functions and transmitter connections.

5. On August 22, 1966, WGBH Educational Foundation, licensee of WGBH-FM, Boston, and WFCR-FM, Amherst, Mass., and Washington Post Co., licensee of WTOP and WTOP-FM, Washington, D.C., filed a joint statement supporting the NAB petition. They point out in particular that the present rules discourage FM stations from applying for higher power, because of the additional costs involved, and thus impede the full development of the FM service.

6. The present requirement of the rules with respect to transmitters of more than 10 kw power stems from a 1957 rulemaking proceeding, 23 F.C.C. 454 (1957). In the ensuing period manufacturers have made great strides in improving the reliability of broadcast transmitters of both high and low power. As a matter of fact, during this period the Commission has never found it necessary to deny an application for remote control of a transmitter of power in excess of 10 kw on the basis that the showing made in response to Question No. 12 indicated that the transmitter was too unreliable to justify unattended operation.

7. Under the circumstances, we believe a rule making proceeding concerning this matter is now appropriate. We are not convinced of the need for a reliability test as a part of the type acceptance requirement for broadcast transmitters, and accordingly do not propose rule amendments in this connection. However, comments are invited as to this aspect of the NAB proposal. Similarly, we are not adopting at this time NAB's suggestion that the rules retain a capability showing, and the applicant for remote control be required by a revised Question No. 12 to submit a block diagram of his system. We do not believe there is a serious question as to the technical feasibility of adapting either a high or low powered transmitter for remote control, and considerable flexibility is permitted in the manner in which it is accomplished, providing that the re-



quirements of §§ 73.67, 73.275, and 73.573 of the rules are met. Our present thinking, therefore, is that if the changes in the rules are adopted substantially as proposed, the matter in §§ 73.66(c)(3), and 73.274(b)(2) would be deleted without substitute language being provided. However, we invite comments on this point.

8. NAB has not proposed an amendment of § 73.572(b)(2) which requires a showing similar to that previously discussed with respect to transmitters with power in excess of 10 kw used by non-commercial educational broadcast stations. The relief which NAB requests is as appropriate for this category of stations as for other aural stations. Accordingly, we are proposing a parallel amendment of § 73.572(b)(2).

9. Comments and reply comments are invited on the rule amendments proposed below, and in other matters discussed.

10. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set forth in § 1.415 of the Commission rules, interested persons may file comments on or before December 27, 1966, and reply comments on or before January 6, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

12. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: November 16, 1966.

Released: November 18, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

1. Section 73.66 would be amended by deleting the last 8 words of paragraph (a) and all of subparagraph (3) of para-

<sup>1</sup> Chairman Hyde absent.

graph (c) thereof so that the amended paragraphs (a) and (c) would read as follows:

#### § 73.66 Remote control authorization.

(a) Application to operate a station by remote control may be made as a part of the application for construction permit for a new station, provided that the proposal is for nondirectional operation.

(c) An authorization for remote control will be issued only after a satisfactory showing has been made in regard to the following, among others:

(1) The location of the remote control point(s);

(2) The directional antenna system, if such is authorized, is in proper adjustment and is stable.

2. Section 73.274(b) would be amended to read as follows:

#### § 73.274 Remote control authorization.

(b) An authorization for remote control will be issued only after a satisfactory showing has been made including, among other things, the location of the remote control point(s).

3. Section 73.572(b) would be amended to read as follows:

#### § 73.572 Remote control authorization.

(b) An authorization for remote control will be issued only after a satisfactory showing has been made, including, among other things, the location of the remote control point(s).

[F.R. Doc. 66-12727; Filed, Nov. 23, 1966; 8:48 a.m.]

## FEDERAL POWER COMMISSION

### [ 18 CFR Part 2 ]

[Docket No. R-297]

### HYDROELECTRIC PROJECT LICENSES

#### Calculation of "Net Investment"; Extension of Time

NOVEMBER 2, 1966.

Hydroelectric project licenses; calculation of "net investment" under section 3(13) of the Federal Power Act (18 CFR 2.8); Docket No. R-297.

Upon consideration of the respective responses filed in the subject proceeding, including those upon behalf of the Secretary of the Interior and the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., which request time within which to file supplemental comments concerning the proposals set forth in the notice of proposed rule making issued in the above-designated matter on January 20, 1966, 31 F.R. 1079, and the other responses thereto;

Notice is hereby given that an additional period of time is granted within which interested persons may file comments, initial or supplemental. Those comments shall be filed on or before December 16, 1966. An original and fourteen copies of such submittals shall be filed.

By direction of the Commission.

GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 66-12693; Filed, Nov. 23, 1966; 8:45 a.m.]

### [ 18 CFR Parts 141, 260 ]

[Docket No. R-309]

### INDEPENDENT CERTIFICATION OF COMPLIANCE WITH ACCOUNTING REQUIREMENTS; REPORTS

#### Notice of Extension of Time

NOVEMBER 15, 1966.

Independent Certification of Compliance with Accounting Requirements—Annual Reports of Public Utilities, Licensees and Natural Gas Companies—FPC Form Nos. 1 and 2; Docket No. R-309.

Upon consideration of the requests for extension of time filed October 27, and November 3, 1966, by Electric Energy, Inc., and American Gas Association, respectively, in the above-designated matter;

Notice is hereby given that the time is extended to and including March 1, 1967, within which to file comments on the amendment in the above-designated matter.

GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 66-12697; Filed, Nov. 23, 1966; 8:45 a.m.]



# Notices

## DEPARTMENT OF STATE

### Agency for International Development

#### ASSOCIATE ASSISTANT ADMINISTRATOR FOR FAR EAST

#### Redelegation of Authority

By virtue of the authority delegated to me by the Administrator, I hereby redelegate the following authorities to the Associate Assistant Administrator for the Far East for the countries and areas within the responsibility of this Regional Bureau, retaining for myself concurrent authority to exercise any of the functions herein delegated:

#### DEVELOPMENT LOANS

1. Pursuant to Delegation of Authority No. 5, as amended, dated December 29, 1961, and all other authorities conferred on me with regard to Development Loans, authority to negotiate, execute, and implement:

(a) All loan agreements authorized under the Foreign Assistance Act of 1961, as amended;

(b) All loan agreements which have been authorized by the Board of Directors of the corporate Development Loan Fund;

(c) All amendments of, and ancillary agreements with respect to, the loans enumerated in 1(a) and 1(b) above as the Associate Assistant Administrator may deem necessary or desirable, together with authority to approve such amendments or agreements: *Provided, however,* That the foregoing authority may not be utilized to approve amendments which would increase the maximum total amount of a loan.

#### -CONTRACTS FINANCED BY AID

2. Pursuant to Delegation of Authority No. 17, as amended, dated June 14, 1962, authority to sign or approve:

(a) Contracts and amendments to Contracts financed in whole or in part by AID, other than contracts exclusively for the supply of commodities;

(b) Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for contracts described in 2(a) above;

(c) Project Implementation Orders—Technical Services (PIO/T).

#### P.A.S.A.'s

3. Pursuant to Delegation of Authority No. 19, as amended, dated October 24, 1964, authority to enter into and to implement agreements with any agency of the U.S. Government to undertake specific projects or programs financed in whole or in part by AID, subject to the terms of the basic agreements between AID and such agencies; however, this Redelegation does not include authority to make such basic agreements.

#### P.L. 480

4. Pursuant to Delegation of Authority No. 23, as amended, dated December 28, 1962, the functions of:

(a) Negotiating, executing, and implementing such loan and grant agreements and such other documents as may be necessary to carry out the purposes described in the following lettered paragraphs of section 104 of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480):

(1) Section 104(c) to procure equipment, materials, facilities, and services for the common defense including internal security, subject as necessary to my prior agreement with the Department of Defense;

(2) Section 104(d) for financing the purchase of goods or services for other friendly countries;

(3) Section 104(e) for promoting balanced economic development and trade among nations;

(4) Section 104(g) for loans to promote multilateral trade and economic development; and

(5) Section 104(q) for assistance to meet emergency or extraordinary relief requirements other than requirements for surplus food commodities;

including authority to amend such agreements or documents, and to make agreements or issue documents ancillary thereto, and to amend or make ancillary agreements relating to loans heretofore entered into under section 104(e) by the Export-Import Bank of Washington;

(b) Requesting or authorizing the transfer of surplus agricultural commodities pursuant to sections 201 and 202 of Title II of Public Law 480 (with the exception of the function of signing Transfer Authorizations to be issued to the Commodity Credit Corporation) and of requesting or authorizing, pursuant to section 203 of Title II of Public Law 480, the transfer of funds for the purchase, from the U.S. Treasury, of foreign currencies accruing under Title I of Public Law 480;

(c) Determining the agencies, pursuant to section 203 of Title II, including intergovernmental organizations, other than the World Food Program, through which and the manner, terms, and conditions upon which, transfers under sections 201 and 202 shall be made, and of authorizing the payment of ocean freight and inland transportation with respect to commodities transferred pursuant to sections 201 and 202, other than those transferred through the World Food Program, upon certification that such payment is necessary to accomplish the purposes of Title II of Public Law 480;

(d) Determining the agencies, including intergovernmental organizations through which and the manner, terms, and conditions upon which transfers of

funds authorized under section 203 of Title II of Public Law 480 for the purchase, from the U.S. Treasury, of foreign currencies accruing under Title I shall be made in order to meet costs (except the personnel and administrative costs of cooperating sponsors, distributing agencies, and recipient agencies, and the costs of construction or maintenance of any church owned or operated edifice or any other edifices to be used for sectarian purposes) designed to assure that commodities made available under Title II or III are used to carry out more effectively the purposes for which such commodities are made available or to promote community and other self-help activities designed to alleviate the causes of the need for such assistance and of determining that such funds are supplemental to and not in substitution for funds normally available for such purposes from other non-U.S. sources.

#### COMMODITY PROCUREMENT SOURCE WAIVER

5. Pursuant to Delegation of Authority No. 40, dated April 17, 1964, and M.O. 1414.1.1, authority to make the following certifications or determinations, and to carry out the following functions:

(a) With respect to commodity procurement from any free world source: The function in any specific case of waiving the source requirement and authorizing the procurement of any commodity having a source in any of the excluded countries as set forth in any applicable Presidential Determination pursuant to section 604(a) of the Foreign Assistance Act of 1961, or, to the extent applicable, as set forth in AID (ICA) Circular 13 of December 6, 1960 ("Excluded Countries") to an amount not to exceed \$100,000 (exclusive of transportation costs) of funds made available under the Act or the Mutual Security Act of 1954: *Provided, however,* That the Associate Assistant Administrator shall certify that the exclusion of procurement from one or more of the "Excluded Countries" would seriously impede the attainment of U.S. foreign policy objectives and the objectives of the foreign assistance program;

(b) With respect to commodity procurement from any limited free world source:

(1) The function of authorizing the waiver of any U.S. source requirement contained in any loan agreement or other document to permit the procurement of any commodity from the cooperating country or any country of the free world (as defined by Code 899 of the AID Geographic Code Book) except an "Excluded Country", in any of the following situations:

a. If the procurement of said commodity is anticipated to require the expenditure of an amount not to exceed \$100,000



(exclusive of transportation costs) of funds made available under the Foreign Assistance Act of 1961 or the Mutual Security Act of 1954; or

b. If the United States is a net importer of the commodity:

*Provided, however,* That in each case the Associate Assistant Administrator shall certify that procurement of said commodity from one or more of said countries is necessary to the attainment of U.S. foreign policy objectives or the objectives of the foreign assistance program.

(2) The function of authorizing the waiver of any U.S. source requirement in the cases of technical assistance or administrative procurement where the lowest available U.S. price of a required commodity exceeds that from alternative limited free world sources by 50 percent or more.

#### SECTION 607 AGREEMENTS

6. Pursuant to Delegation of Authority No. 41, dated May 8, 1964, authority to execute on behalf of AID transfer or transfer/trust agreements, as appropriate, with friendly countries or international organizations to furnish services and commodities pursuant to section 607 of the Foreign Assistance Act of 1961, as amended.

#### OTHER AUTHORITIES

7. Pursuant to the following AID Manual Orders, authority to make all necessary determinations, and to approve and authorize where appropriate:

(a) M.O. 1423.2—To approve salary exceptions for commercial, nonprofit, and university contract employees;

(b) M.O. 1412.1—To make the necessary determinations and authorize procurement of services from firms other than those listed in paragraphs III(A) (1) and (2) of M.O. 1412.1 (Geographic Source);

(c) M.O. 417.5—To make the necessary determinations and approve Personal Services Contracts; and

(d) M.O. 1033.1—To execute Implementation Approval Documents (IAD's).

8. The authority hereby delegated is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within AID. This authority may not be redelegated.

9. This Redelegation of Authority does not revise or revoke any Redelegations of Authority previously issued by me which are presently in effect.

10. This Redelegation of Authority shall be effective as of October 1, 1966.

Dated: November 10, 1966.

RUTHERFORD M. POATS,  
Assistant Administrator, Far East.

[F.R. Doc. 66-12715; Filed, Nov. 23, 1966;  
8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management IDAHO

#### Notice of Amendment of Proposed Withdrawal and Reservation of Lands and Partial Termination

NOVEMBER 18, 1966.

The Bureau of Reclamation, Department of the Interior, has filed an application, Serial Number I-401, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws but not the mineral leasing laws.

The applicant desires the land for future irrigation development in connection with the Mountain Home Division, Snake River Project, Idaho.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 1 S., R. 1 W.,  
Sec. 25, N $\frac{1}{2}$ .

The area described aggregates 320 acres in Ada County, Idaho.

ORVAL G. HADLEY,  
Manager, Land Office.

[F.R. Doc. 66-12707; Filed, Nov. 23, 1966;  
8:46 a.m.]

## NEW MEXICO

### Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 16, 1966.

Notice of a U.S. Department of Agriculture application, New Mexico 035452, for withdrawal and reservation of land for conducting cooperative research and performance testing experiments, was published as F.R. Doc. No. 58-2663 on page 2387 of the issue for April 11, 1958. The applicant agency has canceled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands, at 10 a.m. on December 28, 1966, will be relieved of the segregative effect of the above-mentioned application.

W. J. EGAN,  
Acting Chief, Division of Lands  
and Minerals, Program Man-  
agement and Land Office.

[F.R. Doc. 66-12708; Filed, Nov. 23, 1966;  
8:46 a.m.]

## OREGON

### Order Providing for Opening of Public Lands

NOVEMBER 16, 1966.

1. In exchanges of lands made under provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, the following described lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

Minerals in the following lands were reconveyed to the United States:

THE DALLES 031381

T. 24 S., R. 26 E.,  
Sec. 19, E $\frac{1}{2}$  W $\frac{1}{2}$ , W $\frac{1}{2}$  E $\frac{1}{2}$ .

THE DALLES 031764

T. 41 S., R. 36 E.,  
Sec. 6, NW $\frac{1}{4}$  NE $\frac{1}{4}$  and NE $\frac{1}{4}$  NW $\frac{1}{4}$ .

THE DALLES 031983

T. 21 S., R. 29 E.,  
Sec. 33, SE $\frac{1}{4}$  NE $\frac{1}{4}$  and NE $\frac{1}{4}$  SE $\frac{1}{4}$ ;

Sec. 34, S $\frac{1}{2}$  NW $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$ , and SE $\frac{1}{4}$  SW $\frac{1}{4}$ .

T. 22 S., R. 29 E.,

Sec. 1, SW $\frac{1}{4}$  SW $\frac{1}{4}$ ;

Sec. 2, SE $\frac{1}{4}$  SE $\frac{1}{4}$ ;

Sec. 3, lot 3.

T. 21 S., R. 30 E.,

Sec. 8, S $\frac{1}{2}$  N $\frac{1}{2}$  and S $\frac{1}{2}$ ;

Sec. 17, N $\frac{1}{2}$  N $\frac{1}{2}$ .

THE DALLES 032180

T. 18 S., R. 40 E.,

Sec. 14, W $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and NE $\frac{1}{4}$  NW $\frac{1}{4}$ .

THE DALLES 032217

T. 18 S., R. 15 E.,

Sec. 16.



## THE DALLES 032417

T. 17 S., R. 14 E.,  
Sec. 36, E $\frac{1}{2}$ NE $\frac{1}{4}$ .

## OREGON 0507

T. 9 S., R. 46 E.,  
Sec. 5, lot 4, S $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ ;  
Sec. 8, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

## OREGON 01074

T. 21 S., R. 23 E.,  
Sec. 8, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

## OREGON 01254

T. 39 S., R. 13 E.,  
Sec. 36.  
T. 39 S., R. 14 E.,  
Sec. 24, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 36.

## OREGON 01282

T. 28 S., R. 12 W.,  
Sec. 36, E $\frac{1}{2}$ SE $\frac{1}{4}$ .

## OREGON 01362

T. 15 S., R. 12 E.,  
Sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 14, that portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  lying  
west of the Deschutes River;  
Sec. 15, NE $\frac{1}{4}$ NW $\frac{1}{4}$  and W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ ;  
Sec. 26, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

## OREGON 01753

T. 41 S., R. 38 E.,  
Sec. 10, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 22, W $\frac{1}{2}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ NW $\frac{1}{4}$ .

## OREGON 02587

T. 19 S., R. 14 E.,  
Sec. 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

## OREGON 02961

T. 21 S., R. 29 E.,  
Sec. 13, lots 1 and 2;  
Sec. 14, lots 3, 4, and 8;  
Sec. 24, lots 1 and 8.  
T. 22 S., R. 29 E.,  
Sec. 6, lot 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 7, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 8, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 37 S., R. 32 $\frac{3}{4}$  E.,  
Sec. 21, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;  
Sec. 22, SW $\frac{1}{4}$ NW $\frac{1}{4}$  and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 28, NW $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

## OREGON 03100

T. 19 S., R. 42 E.,  
Sec. 3;  
Sec. 7.

## OREGON 03113

T. 29 S., R. 25 E.,  
Sec. 11, E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$  and SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 15, E $\frac{1}{2}$ .

## OREGON 03139

T. 25 S., R. 28 E.,  
Sec. 14, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 23, SE $\frac{1}{4}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 24, W $\frac{1}{2}$ NW $\frac{1}{4}$ .

## OREGON 03505

T. 17 S., R. 43 E.,  
Sec. 16, W $\frac{1}{2}$ SW $\frac{1}{4}$ .

## OREGON 03872

T. 26 S., R. 40 E.,  
Sec. 34, S $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 35, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 27 S., R. 40 E.,  
Sec. 2, lot 4.

## OREGON 03877

T. 28 S., R. 28 E.,  
Sec. 10, NE $\frac{1}{4}$ ;  
Sec. 11, NW $\frac{1}{4}$ .

## OREGON 03964

T. 9 S., R. 41 E.,  
Sec. 11, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

## OREGON 04006

T. 20 S., R. 23 E.,  
Sec. 3;  
Sec. 9;  
Sec. 23;  
Sec. 27;  
Sec. 33.  
T. 21 S., R. 23 E.,  
Sec. 3;  
Sec. 9;  
Sec. 22, W $\frac{1}{2}$ W $\frac{1}{2}$ .

## OREGON 04011

T. 40 S., R. 36 E.,  
Sec. 16, W $\frac{1}{2}$ .

## OREGON 04588

T. 30 S., R. 43 E.,  
Sec. 1, lots 6 and 7, S $\frac{1}{2}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$   
SE $\frac{1}{4}$ .

## OREGON 04652

T. 39 S., R. 36 E.,  
Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

## OREGON 04709

T. 40 S., R. 14 E.,  
Sec. 36, N $\frac{1}{2}$ NW $\frac{1}{4}$ .

## OREGON 04968

T. 30 S., R. 45 E.,  
Sec. 13.

## OREGON 04879

T. 35 S., R. 1 E.,  
Sec. 3, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

## OREGON 04970

T. 27 S., R. 43 E.,  
Sec. 36, S $\frac{1}{2}$ .  
T. 27 S., R. 44 E.,  
Sec. 16, S $\frac{1}{2}$ ;  
Sec. 36, E $\frac{1}{2}$ .

## OREGON 05050

T. 32 S., R. 31 E.,  
Sec. 15, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 21, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

Minerals in the following lands were  
not reconveyed to the United States:

## THE DALLES 032111

T. 29 S., R. 35 E.,  
Sec. 28, NE $\frac{1}{4}$ SW $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$ .

## THE DALLES 032186

T. 29 S., R. 46 E.,  
Sec. 14, S $\frac{1}{2}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 19, lots 2, 3, and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$   
NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 23, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 35, E $\frac{1}{2}$ .

## OREGON 01254

T. 27 S., R. 13 E.,  
Sec. 22, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 27, E $\frac{1}{2}$ NE $\frac{1}{4}$ .

## OREGON 01866

T. 18 S., R. 41 E.,  
Sec. 36, N $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ .  
T. 18 S., R. 42 E.,  
Sec. 16, N $\frac{1}{2}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ .

## OREGON 01872

T. 25 S., R. 22 E.,  
Sec. 36.  
T. 24 S., R. 23 E.,  
Sec. 16;  
Sec. 36.  
T. 25 S., R. 23 E.,  
Sec. 16.  
T. 23 S., R. 24 E.,  
Sec. 16, N $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ ;  
Sec. 36, N $\frac{1}{2}$ .  
T. 24 S., R. 24 E.,  
Sec. 16.  
T. 21 S., R. 25 E.,  
Sec. 36.  
T. 22 S., R. 26 E.,  
Sec. 16.

## OREGON 01886

T. 21 S., R. 40 E.,  
Sec. 36.  
T. 21 S., R. 41 E.,  
Sec. 36.  
T. 22 S., R. 41 E.,  
Sec. 16;  
Sec. 36.

## OREGON 02240

T. 15 S., R. 46 E.,  
Sec. 19, that portion of lots 2 and 3 lying  
south and east of the Old Oregon Trail  
Highway right-of-way.  
T. 16 S., R. 45 E.,  
Sec. 4, lots 2 and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$   
NE $\frac{1}{4}$ .

## OREGON 02485

T. 25 S., R. 13 E.,  
Sec. 16, E $\frac{1}{2}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 24, the west 71 rods of the W $\frac{1}{2}$ NE $\frac{1}{4}$ .  
T. 26 S., R. 13 E.,  
Sec. 16, SE $\frac{1}{4}$ .

## OREGON 02690

T. 26 S., R. 15 E.,  
Sec. 18, lots 1, 2, 3, and 4, E $\frac{1}{2}$ W $\frac{1}{2}$  and  
W $\frac{1}{2}$ E $\frac{1}{2}$ .

## OREGON 03506

T. 17 S., R. 42 E.,  
Sec. 16, N $\frac{1}{2}$ .

## OREGON 02569

T. 17 S., R. 44 E.,  
Sec. 19, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 30, N $\frac{1}{2}$ NE $\frac{1}{4}$ .  
T. 18 S., R. 42 E.,  
Sec. 16, W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$   
NW $\frac{1}{4}$ .

T. 18 S., R. 43 E.,  
Sec. 5, lots 1, 2, 3, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ .

## OREGON 03507

T. 17 S., R. 43 E.,  
Sec. 16, E $\frac{1}{2}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ .

## OREGON 04006

T. 20 S., R. 23 E.,  
Sec. 11, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 15;  
Sec. 21.

## OREGON 04011

T. 40 S., R. 36 E.,  
Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

## OREGON 04418

T. 35 S., R. 35 E.,  
Sec. 21, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 27, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 33, N $\frac{1}{2}$ ;  
Sec. 35, W $\frac{1}{2}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ .



T. 36 S., R. 35 E.,

Sec. 1, lots 1, 2, 3, and 4,  $S\frac{1}{2}N\frac{1}{2}$  and  $S\frac{1}{2}$ ;

Sec. 3, lots 1, 2, 3, and 4,  $S\frac{1}{2}N\frac{1}{2}$  and  $S\frac{1}{2}$ ;

Sec. 9;

Sec. 11;

Sec. 13,  $E\frac{1}{2}$ ,  $SE\frac{1}{4}$ ,  $E\frac{1}{2}NW\frac{1}{4}$ ,  $SW\frac{1}{4}NW\frac{1}{4}$ , and  $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ ;

Sec. 15;

Sec. 17;

Sec. 19, lots 1, 2, 3, and 4,  $E\frac{1}{2}W\frac{1}{2}$  and  $NE\frac{1}{4}$ ;

Sec. 21,  $N\frac{1}{2}$  and  $SE\frac{1}{4}$ ;

Sec. 23,  $W\frac{1}{2}$  and  $SE\frac{1}{4}$ ;

Sec. 25,  $N\frac{1}{2}$  and  $SE\frac{1}{4}$ ;

Sec. 27;

Sec. 29,  $NW\frac{1}{4}$  and  $E\frac{1}{2}SW\frac{1}{4}$ ;

Sec. 35,  $N\frac{1}{2}$ ,  $SW\frac{1}{4}$ , and  $N\frac{1}{2}SE\frac{1}{4}$ .

T. 37 S., R. 35 E.,

Sec. 1, lots 1, 2, 3, and 4,  $S\frac{1}{2}N\frac{1}{2}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $W\frac{1}{2}SE\frac{1}{4}$ , and  $SW\frac{1}{4}SE\frac{1}{4}$ .

OREGON 04885

T. 21 S., R. 44 E.,

Sec. 21,  $E\frac{1}{2}SE\frac{1}{4}$ ;

Sec. 22,  $S\frac{1}{2}SW\frac{1}{4}$  and  $SW\frac{1}{4}SE\frac{1}{4}$ ;

Sec. 27,  $E\frac{1}{2}NE\frac{1}{4}$  and  $NW\frac{1}{4}NE\frac{1}{4}$ .

OREGON 05247

T. 40 S., R. 36 E.,

Sec. 20,  $SW\frac{1}{4}SE\frac{1}{4}$ ;

Sec. 29,  $NW\frac{1}{4}NE\frac{1}{4}$ .

The areas described aggregate 40,884.72 acres.

2. The lands are for the most part in widely scattered parcels distributed throughout southeastern Oregon. They are generally arid or semiarid in character, and are not suitable for farming. The lands identified by serial numbers Oregon 01282 and Oregon 04879 are located in southwestern Oregon. They are in an area of high rainfall with yearly precipitation up to 70 inches, and support a growth of young Douglas fir and other associated minor species, and are not suitable for farming.

3. At 10 a.m. on December 22, 1966, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 22, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands in which minerals were conveyed to the United States will be open to location under the U.S. mining laws at 10 a.m. on December 22, 1966. They have been open to applications and offers under the mineral leasing laws except for the lands described under Oregon 03505 in which the oil and gas rights were reserved to the grantors.

Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,  
Chief, Branch of Lands.

[F.R. Doc. 66-12709; Filed, Nov. 23, 1966; 8:47 a.m.]

## UTAH

### Order Opening Lands to Mineral Location, Entry, and Patenting

NOVEMBER 16, 1966.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

UTAH 0145646

T. 32 S., R. 18 W.,

Sec. 7, lots 2, 3, and 4,  $SE\frac{1}{4}NW\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}$ , and  $W\frac{1}{2}SE\frac{1}{4}$ .

UTAH 0148911

T. 8 N., R. 6 E.,

Sec. 27,  $E\frac{1}{2}E\frac{1}{2}$ .

UTAH 0149355

T. 40 S., R. 4 W.,

Sec. 30,  $NW\frac{1}{4}NE\frac{1}{4}$ .

T. 41 S., R. 4  $\frac{1}{2}$  W.,

Sec. 18,  $SE\frac{1}{4}NW\frac{1}{4}$ .

UTAH 0149358

T. 8 N., R. 7 E.,

Sec. 1, lot 1, and  $SE\frac{1}{4}NE\frac{1}{4}$ .

T. 8 N., R. 8 E.,

Sec. 7,  $NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ , and  $NE\frac{1}{4}SE\frac{1}{4}$ ;

Sec. 9;

Sec. 17,  $NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ , and  $NE\frac{1}{4}SE\frac{1}{4}$ ;

Sec. 21, lot 1.

UTAH 0149969

T. 11 N., R. 6 E.,

Sec. 21,  $NE\frac{1}{4}NE\frac{1}{4}$ ;

Sec. 22,  $NW\frac{1}{4}NW\frac{1}{4}$ .

UTAH 0149970

T. 13 N., R. 11 W.,

Sec. 25;

Sec. 27,  $W\frac{1}{2}$ .

UTAH 0149989

T. 14 S., R. 8 E.,

Sec. 1,  $SE\frac{1}{4}SW\frac{1}{4}$ .

UTAH 0150185

T. 12 N., R. 6 E.,

Sec. 10,  $SW\frac{1}{4}NW\frac{1}{4}$ .

The areas described aggregate 2,439.25 acres.

2. The lands in T. 32 S., R. 18 W., are located in Iron County, Utah, about 75 miles northwest of Cedar City.

The lands in T. 8 N., R. 6 E., are located 10 miles southwest of Woodruff, Rich County, Utah. All minerals were reserved by the grantor.

The lands in T. 40 S., R. 4 W., and T. 41 S., R. 4  $\frac{1}{2}$  W., are located in Kane County, Utah, about 25 miles northeast of the town of Kanab. The minerals were reserved by the grantor.

The lands in T. 8 N., Rs. 7 and 8 E., are located in Rich County, Utah, about 8 miles southeast of Woodruff. Minerals were reserved by the grantor.

The lands in T. 11 N., R. 6 E., are located in Rich County, Utah, about 5 miles west of Randolph. The mineral estate remains under the jurisdiction of the United States.

The lands in T. 13 N., R. 11 W., are located in Box Elder County, Utah, about

16 miles southwest of Snowville. Minerals were reserved by the grantor.

The lands in T. 14 S., R. 8 E., are located in Carbon County about 10 miles northwest of Price, Utah. Minerals were reserved by the grantor.

The lands in T. 12 N., R. 6 E., are located about 5 miles southeast of Laketown, Rich County, Utah.

3. The above-described lands range in topography from gently sloping to rough and mountainous and have values for watershed, grazing, wildlife, and recreation which can best be managed under principles of multiple use.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirement of applicable law, the lands will, at 10 a.m. on December 27, 1966, be opened to application, petition, location, and selection, including location under the U.S. mining laws and mineral leasing laws, except as noted below. The lands in T. 40 S., R. 4 W.; T. 41 S., R. 4  $\frac{1}{2}$  W.; T. 8 N., Rs. 6, 7, and 8 E.; T. 11 N., R. 6 E.; T. 13 N., R. 11 W.; and T. 14 S., R. 8 E., are not opened to the mining laws and mineral leasing laws as the United States does not have jurisdiction of the minerals in these lands. The minerals in T. 11 N., R. 6 E., have always been under the jurisdiction of the United States, and have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

All valid applications received at or prior to 10 a.m. on December 27, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,  
State Director.

[F.R. Doc. 66-12710; Filed, Nov. 23, 1966; 8:47 a.m.]

## UTAH

### Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 16, 1966.

Notice of a Bureau of Sport Fisheries and Wildlife application, U-0144525, for withdrawal and reservation of lands for Jones Hole National Fish Hatchery, was published as F.R. Doc. No. 65-1424, on page 1879 of the issue for February 10, 1965. The applicant agency has canceled its application insofar as it affects the following described lands:

SALT LAKE MERIDIAN

T. 3 S., R. 25 E.,

Sec. 1, lots 1, 5, and  $E\frac{1}{2}$  of lots 6, 7 and 8,  $SW\frac{1}{4}NW\frac{1}{4}$ , and  $SW\frac{1}{4}$ .

The areas described aggregate 338.73 acres in Uintah County.



Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands, at 10 a.m. on December 27, 1966, will be relieved of the segregative effect of the above mentioned application.

R. D. NIELSON,  
State Director.

[F.R. Doc. 66-12711; Filed, Nov. 23, 1966;  
8:47 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of the Secretary

### SOCIAL SECURITY ADMINISTRATION

#### Statement of Organization and Delegations of Authority

Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050, as amended), is amended by deleting sections 8-201.10, 8-201.20, and 8-201.30, and substituting subparts 8-210, 8-211, 8-212, and 8-213 which read as follows:

#### SUBPART 8-210—GENERAL ASSIGNMENT OF FUNCTIONS

Sec. 8-210.00 The Director, Bureau of Hearings and Appeals, and the Director, Bureau of Federal Credit Unions, have been delegated (see pars. 8.20 (b) and (c) of this part), and the heads of the other Social Security Administration components are hereby delegated authority to direct their respective organizations and to carry out assigned functions in accordance with established policy and practice. Such officials shall recommend to the Commissioner for consideration and formal decision proposed program policies and certain significant operating decisions to carry out existing legislation. The types of matters to be submitted to the Commissioner for formal decision are described in Chapter SSA.h:21-30 of the DHEW General Administration Manual.

Sec. 8-210.02 In accordance with section 8.40 of this part, and in order that the officials designated in section 8-210.00 above can effectively exercise the general authority delegated in such section, the Commissioner has made certain specific delegations of authority. These delegations are identified in Subparts 8-211, 8-212, and 8-213.

#### SUBPART 8-211—DELEGATIONS HAVING STATUTORY AUTHORITY IN TITLE II OF THE SOCIAL SECURITY ACT

Sec. 8-211.00 *Authority to certify wages and self-employment income.* Authority to certify to the Secretary of the Treasury wages and self-employment income (for the purpose of appropriating to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund amounts due from the general fund in the Treasury), is delegated to the positions listed below:

Deputy Commissioner.

Assistant Commissioner for Administration.  
Director and Deputy Director, Bureau of Data Processing and Accounts.

Sec. 8-211.02 *Authority to approve or deny waiver of adjustment or recovery of incorrect payment.* Authority to approve or deny waiver of adjustment or

recovery of incorrect payment, is delegated to the committee and positions listed below:

- | Area of authority  | To whom delegated  |
|--|--|
| (a) All cases.   | (a) (1) Deputy Commissioner.<br>(2) Director, Deputy Director, and Assistant Bureau Director, Claims Policy, Bureau of Retirement and Survivors Insurance.<br>(3) A committee of three members of the Bureau of Retirement and Survivors Insurance of the Central Office, with one or more alternates, appointed by the Director, Deputy Director or Assistant Bureau Director, Claims Policy, Bureau of Retirement and Survivors Insurance.   |
| (b) Overpayments of \$25 or less,<br>or<br>Overpayments of more than \$25 but not exceeding \$100 where the delegatee concurs with the recommendation of a Recovery Reviewer,<br>or<br>Overpayments of more than \$100 where the delegatee concurs with the recommendation of a Recovery Reviewer that waiver relief should be denied.<br>(1) Cases in the payment centers and Division of Foreign Claims, Bureau of Retirement and Survivors Insurance. | (1) (i) Regional Representative, Retirement and Survivors Insurance.<br>(ii) Director, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.<br>(iii) Social Insurance Claims Examiner (Retirement) [Recovery Reviewer], Recovery Section of the Reconsideration Branch, payment centers, Bureau of Retirement and Survivors Insurance.<br>(iv) Social Insurance Claims Examiner (Retirement) [Recovery Reviewer], Reconsideration Branch, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.<br>(v) All intervening positions in the direct line of supervision between (i) and (iii) above, and between (ii) and (iv) above.                      |
| (2) Cases in the Division of Reconsideration, Bureau of Disability Insurance.  | (2) (i) Director and Deputy Director, Bureau of Disability Insurance.<br>(ii) Social Insurance Claims Examiner (Disability) [Recovery Reviewer], Division of Reconsideration, Bureau of Disability Insurance.<br>(iii) All intervening positions in the direct line of supervision between (i) and (ii) above.   |
| (c) Overpayments of more than \$100 where waiver relief is recommended by a Recovery Reviewer.<br>(1) Cases in the payment centers and Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.   | (1) (i) Regional Representative, Retirement and Survivors Insurance.<br>(ii) Director, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.<br>(iii) Social Insurance Claims Examiner (Retirement) [Reconsideration Reviewer], Reconsideration Section of the Reconsideration Branch, payment centers, Bureau of Retirement and Survivors Insurance.<br>(iv) Social Insurance Claims Examiner (Retirement) [Reconsideration Reviewer], Reconsideration Branch, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.<br>(v) All intervening positions in the direct line of supervision between (i) and (iii) above, and between (ii) and (iv) above. |
| (2) Cases in the Division of Reconsideration, Bureau of Disability Insurance.  | (2) (i) Director and Deputy Director, Bureau of Disability Insurance.<br>(ii) Social Insurance Claims Examiner (Retirement) [Reconsideration Reviewer], Division of Reconsideration, Bureau of Disability Insurance.<br>(iii) All intervening positions in the direct line of supervision between (i) and (ii) above.  |

Sec. 8-211.04 *Authority to make findings of fact and decisions other than the existence, absence, or periods of disability.* (a) Authority to make findings of fact and decisions as to:

(1) The rights of individuals applying for old-age, auxiliary, survivors, and disability insurance benefit payments (except as otherwise delegated in sections 8-211.12 and 8-211.16),

(2) The continuing entitlement and eligibility of beneficiaries; reductions or increases of insurance benefits; imposition of deductions from benefits; adjustment or recovery of overpayment; ad-

justment of underpayments; reinstatement, termination, or adjustment of payments, and

(3) The revision of earnings records maintained by the Administration, and  
(4) The support, by an insured individual, of a husband, widower, or parent; the denial of requests for withdrawal of applications and requests for revision of earnings records; the denial of requests for cancellation of requests for withdrawal of an application or of requests for revision of earnings records, is delegated to the positions listed below:

- | Area of authority  | To whom delegated   |
|--|---|
| (1) All cases.   | (1) (i) Deputy Commissioner.<br>(ii) Director and Deputy Director, Bureau of Retirement and Survivors Insurance.<br>(iii) Technical Advisor and Technical Assistant, Office of the Director, Bureau of Retirement and Survivors Insurance.<br>(iv) Claims Policy Specialist, Bureau of Retirement and Survivors Insurance.<br>(v) All intervening positions in the direct line of supervision between (i) and (iv) above. |
| (2) Cases in the payment centers and Division of Foreign Claims, Bureau of Retirement and Survivors Insurance. | (2) (i) Regional Representative, Retirement and Survivors Insurance.<br>(ii) Director, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.  |



*Area of authority*

- (3) Cases in the Division of Certification and Division of Methods and EDP Systems, Bureau of Data Processing and Accounts.
- (4) Cases in the Bureau of Disability Insurance.....

(b) Authority to administer oaths and affirmations in the course of investigations to determine whether there has been a violation of any provision of the Act or any regulation or procedure thereunder where such violation is punishable as a crime under such law or any other Federal statute imposing criminal penalties, is delegated to the positions listed below:

- (1) Deputy Commissioner.
- (2) Assistant Commissioner for Administration.
- (3) General Investigator, Division of Audits and Investigations, Office of Administration.

*Area of authority*

- (1) Within the respective payment center, Bureau of Retirement and Survivors Insurance.
- (2) Within the Division of Benefit Services, Bureau of Disability Insurance.

SEC. 8-211.08 *Coverage agreements with States (section 218 of the Act).*

(a) Authority to enter into coverage agreements with States and to execute modifications of agreements previously entered into, and subject to the qualifications that:

- (1) The modifications do not involve unusual situations or major policy implications, and
- (2) The Office of the General Counsel has found that there is no legal objection to the form or substance of such agreements or modifications,

is delegated to the positions listed below:

- Deputy Commissioner.  
Assistant Commissioner, Field.

*To whom delegated*

- (iii) Social Insurance Claims Examiner (Retirement), Claims Authorization Branch, Post-Entitlement Branch, and Reconsideration Branch, payment centers, Bureau of Retirement and Survivors Insurance.
- (iv) Social Insurance Claims Examiner (Retirement), Claims Authorization Branch, Reconsideration Branch, Post-Entitlement and Payment Services Branch, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.
- (v) All intervening positions in the direct line of supervision between (i) and (iii) above, and between (ii) and (iv) above.
- (3) (i) Director and Deputy Director, Bureau of Data Processing and Accounts.
- (ii) Social Insurance Claims Examiner (Retirement), Division of Certification, Bureau of Data Processing and Accounts.
- (iii) Social Insurance Operations Analyst, Division of Methods and EDP Systems, Bureau of Data Processing and Accounts.
- (iv) All intervening positions in the direct line of supervision between (i) and (ii) above, and between (i) and (iii) above.
- (4) (i) Director and Deputy Director, Bureau of Disability Insurance.
- (ii) Social Insurance Claims Examiner (Retirement) and Social Insurance Claims Examiner (Disability), Division of Benefit Services, Division of Reconsideration, and Division of Evaluation and Authorization, Bureau of Disability Insurance.
- (iii) All intervening positions in the direct line of supervision between (i) and (ii) above.

(4) All intervening positions in the direct line of supervision between (2) and (3) above.

SEC. 8-211.06 *Authority to certify benefit payments.* Authority to certify old-age, auxiliary, survivors and disability insurance benefit payments.

(a) Under the provisions of the Act, and

(b) From any Special Deposit Account set up as a result of overpayments refunded by beneficiaries who have received payments under the Act, is delegated to the positions in each payment center, Bureau of Retirement and Survivors Insurance, and Division of Benefit Services, Bureau of Disability Insurance listed below:

*To whom delegated*

- (1) (i) Assistant Chief, Coordination and Control Branch.
- (ii) Chief, Fiscal Control and Audit Section, Coordination and Control Branch.
- (iii) Chief, Administrative Services Branch.
- (iv) Chief, Direct Action Review Section, Award Processing Branch.
- (v) Chief, Change of Address Unit, Manual Action Section, Award Processing Branch.
- (vi) Chief, Non-Receipt Unit, Special Post-Entitlement Section, Post-Entitlement Branch.
- (vii) Chief and Assistant Chief, EDP Reconciliation Section, Payment Records Processing Branch.
- (2) (i) Assistant Chief, Coordination and Control Branch.
- (ii) Chief, Fiscal Control and Audit Section, Coordination and Control Branch.
- (iii) Chief, Check Cancellation and Change of Address Section, Award Processing Branch.
- (iv) Supervisor, Check Cancellation and Change of Address Unit, Check Cancellation and Change of Address Section, Award Processing Branch.
- (v) Chief, Non-Receipt Unit, Special Post-Entitlement Section, Post-Entitlement Branch.

Director, Deputy Director, and Assistant Bureau Director, Claims Policy, Bureau of Retirement and Survivors Insurance.

(b) Authority to execute modifications of coverage agreements with States previously entered into, subject to the qualifications that:

- (1) The modifications do not involve unusual situations or major policy implications, and
- (2) The Office of the General Counsel has found that there is no legal objection to the form or substance of such modifications,

is delegated to the position listed below:

Director, Division of Coverage, Bureau of Retirement and Survivors Insurance.

(c) Authority to enter into modifications with States which amend previous coverage agreements between the State and the Department of Health, Education, and Welfare, and subject to the qualifications that:

(1) The modifications are entered into during the period of December 16 through December 31 each year, unless such period ends on a Saturday, Sunday, or legal holiday, or on any other day all or part of which is declared to be a nonwork day for Federal employees by statute or Executive order, in which case such period shall end at the close of the first day thereafter which is not a Saturday, Sunday, or legal holiday, or on any other day all or part of which is declared to be a nonwork day for Federal employees by statute or Executive order, and

(2) Such modifications shall be executed subject to ratification by the Deputy Commissioner, the Assistant Commissioner, Field, or by the Director, Deputy Director, Assistant Bureau Director, Claims Policy, Bureau of Retirement and Survivors Insurance, or by the Director, Division of Coverage, Bureau of Retirement and Survivors Insurance.

(3) Each such modification shall contain the following clause:

It is further agreed this modification is executed subject to ratification by an appropriate official of the Social Security Administration.

is delegated to the positions listed below:

<i>Area of authority</i>	<i>To whom delegated</i>
Respective SSA region	Regional Assistant Commissioner.

(d) Authority to terminate an agreement with respect to one or more dissolved coverage groups in any case where a State waives the required notice and hearing provided by section 218(g) (2) of the Social Security Act, as amended, and consents to the removal of the dissolved coverage group or groups from the agreement, is delegated to the positions listed in (a) above, and to the Director, Division of Coverage, Bureau of Retirement and Survivors Insurance.

Authority to terminate an agreement with respect to one or more coverage groups in any case where a State waives the required notice and hearing provided in section 218(g) (2) of the Social Security Act, as amended, and consents to the removal of a coverage group or groups from the agreement because the group(s) is no longer legally able to function although not legally dissolved, is delegated to the positions listed in (a) above.

(e) Authority upon request by a State and for "good cause" shown to grant extensions of time for filing contribution returns and wage reports, is delegated to the positions listed in (a) above.

(f) Authority to grant, upon application by a State and for "good cause" shown, extensions of the time allowed for filing additional information or argument in connection with a request for review filed pursuant to section 218(s) of the Act, is delegated to the positions listed in (a) above.



(g) Authority to enter into agreements with States pursuant to section 218(q) (4) (A) and 218(r) (2) (A) to extend the time limitations for assessment, credit, or refund is delegated to the following positions:

Deputy Commissioner.  
Assistant Commissioner, Field.  
Director, Deputy Director, and Assistant Bureau Director, Claims Policy, Bureau of Retirement and Survivors Insurance.  
Director, Division of Coverage, Bureau of Retirement and Survivors Insurance.  
Regional Assistant Commissioner (within respective SSA region).  
District Manager (serving the State agency).

except that the authority to enter into such agreements which extend the statutory period for more than 1 year or to agree to extend a period previously extended is delegated only to the following positions:

Deputy Commissioner.  
Assistant Commissioner, Field.  
Director, Deputy Director, and Assistant Bureau Director, Claims Policy, Bureau of Retirement and Survivors Insurance.  
Director, Division of Coverage, Bureau of Retirement and Survivors Insurance.

**SEC. 8-211.10 Authority to enter agreements for State determinations of disability.** Authority to enter into agreements for State determinations of disability and to execute modifications of disability agreements, subject to the qualifications that:

(a) The modifications do not involve unusual situations or major policy implications,

(b) The Office of the General Counsel has found that there is no legal objection to the form or substance of such agreements or modifications,

is delegated to the positions listed below:

Deputy Commissioner.  
Assistant Commissioner, Field.  
Director and Deputy Director, Bureau of Disability Insurance.  
Assistant Bureau Director, State Disability Operations, Bureau of Disability Insurance.

**SEC. 8-211.12 Authority to review State disability determinations.** Authority to review determinations of disability made by a State agency and take action as provided in the Social Security Act, and where permitted, make findings of fact and decisions relating to periods of disability in such cases, is delegated to the positions listed below:

(a) Deputy Commissioner.  
(b) Director and Deputy Director, Bureau of Disability Insurance.

(c) Social Insurance Specialist, Division of Disability Policy and Procedures, Bureau of Disability Insurance.

(d) Social Insurance Claims Examiner (Disability), and Social Insurance Claims Examiner (Retirement), when the incumbent has been designated by his respective division director to act in the capacity of Social Insurance Claims Examiner (Disability), Division of Evaluation and Authorization and Division of Reconsideration, Bureau of Disability Insurance.

(e) All intervening positions in the direct line of supervision between (b) and

(c) above, and between (b) and (d), above.

**SEC. 8-211.14 Authority to pay State agencies (making disability determinations) for their administrative expenses.**

(a) Authority to authorize amounts for payment to a State agency for its administrative expenses, and authority to sign letters of credit to a State agency for its administrative expenses, subject to the qualification that only the Commissioner or Deputy Commissioner shall authorize the first payment to a State under subsection 221(e) of the Act, is delegated to the positions listed below:

Deputy Commissioner.  
Assistant Commissioner for Administration.  
Director and Deputy Director, Bureau of Disability Insurance.

(b) Authority to certify to the Managing Trustee of the Old-Age and Survivors Insurance Trust Fund or to the Managing Trustee of the Disability Insurance Trust Fund, as appropriate, such funds as are properly authorized under the provisions of (a) above, and such funds as are necessary to reimburse the Treasury Department for advances to a State agency made under the provisions of (a) above, is delegated to the positions listed below:

(1) Deputy Commissioner.  
(2) Assistant Commissioner for Administration.

(3) Assistant Chief, Auditing Section, Fiscal Operations Branch, Division of Financial Management, Office of Administration.

(4) All intervening positions in the direct line of supervision between (2) and (3) above.

**SEC. 8-211.16 Authority to make Federal determinations of disability.** Authority to make Federal determinations of disability and findings of fact and decisions relating to periods of disability in the cases of individuals in a State which has no agreement to make disability determinations, in the cases of individuals outside the United States, and in cases of any class or classes of individuals not included by a State agreement to make disability determinations, is delegated to the positions listed below:

(a) Deputy Commissioner.  
(b) Director and Deputy Director, Bureau of Disability Insurance.

(c) Social Insurance Specialist, Division of Disability Policy and Procedures, Bureau of Disability Insurance.

(d) Social Insurance Claims Examiner (Disability), and Social Insurance Claims Examiner (Retirement) when the incumbent has been designated by his respective division director to act in the capacity of Social Insurance Claims Examiner (Disability), Division of Evaluation and Authorization and Division of Reconsideration, Bureau of Disability Insurance.

(e) All intervening positions in the direct line of supervision between (b) and (c) above, and between (b) and (d) above.

**SEC. 8-211.18 Authority to make and revise findings as to the status of foreign**

**social insurance or pension systems.** Authority to make and revise findings, consistent with established criteria, as to the status of foreign social insurance or pension systems in accordance with section 202(t) (2) of the Act, is delegated to the positions listed below:

Deputy Commissioner.  
Director and Deputy Director, Bureau of Retirement and Survivors Insurance.

except that, where the Office of the Actuary, Office of Research and Statistics, or Office of the General Counsel have expressed nonconcurrence with respect to a proposed finding, the matter will be referred to the Commissioner for decision.

**SEC. 8-211.20 Authority to institute charges for suspension or disqualification of individual acting as a representative in Title II matters.** Authority to institute charges and make recommendations for suspension or disqualification of any person, including an attorney, from acting as a representative in Title II (of the Act) matters under the conditions provided in the Act as amended and in the Social Security Administration's Regulations, is delegated to the positions listed below:

Deputy Commissioner.  
Director and Deputy Director, Bureau of Retirement and Survivors Insurance.

**SEC. 8-211.22 Authority to publish "Social Security Rulings".** Authority to select, prepare for publication, obtain approvals, and publish approved "Social Security Rulings" under the authority of the Commissioner, is delegated to the positions listed below:

(a) Deputy Commissioner.  
(b) Director and Deputy Director, Bureau of Retirement and Survivors Insurance.

(c) Social Insurance Ruling Writer-Editor, and Legal Assistant, Bureau of Retirement and Survivors Insurance.

(d) All intervening positions in the direct line of supervision between (b) and (c) above.

**SEC. 8-211.24 Authority to make determinations which do not affect the rights of individuals.** Authority to make determinations not affecting the rights of individuals as to:

(a) The suspension of benefits pending investigation and determination of any factual issue as to the applicability of a deduction or deductions,

(b) The suspension of benefits pending investigation and determination as to the cessation of the disability of an individual entitled to benefits,

(c) The appointment or continuance of a representative payee for and on behalf of a beneficiary,

(d) The certification of any two or more individuals of the same family for joint payment of the total benefits payable to such individuals, and

(e) The withholding in any month, for the purpose of recouping an overpayment, of less than the full amount of the monthly benefit otherwise payable in that month,

is delegated to the positions listed below:



## Area of authority

## To whom delegated

(1) All cases

- (i) Deputy Commissioner.
- (ii) Director, and Deputy Director, Bureau of Retirement and Survivors Insurance.
- (iii) Technical Advisor and Technical Assistant, Office of the Director, Bureau of Retirement and Survivors Insurance.
- (iv) Claims Policy Specialist, Bureau of Retirement and Survivors Insurance.
- (v) All intervening positions in the direct line of supervision between (ii) and (iv) above.

(2) Cases in the payment centers and Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.

- (2) (i) Regional Representative, Retirement and Survivors Insurance.
- (ii) Director, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.
- (iii) Social Insurance Claims Examiner (Retirement), Claims Authorization Branch, Post-Entitlement Branch, and Reconsideration Branch, payment centers, Bureau of Retirement and Survivors Insurance.
- (iv) Social Insurance Claims Examiner (Retirement), Claims Authorization Branch, Reconsideration Branch, and Post-Entitlement and Payment Services Branch, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.
- (v) All intervening positions in the direct line of supervision between (i) and (iii) above, and between (ii) and (iv) above.

(3) Cases in the Bureau of Disability Insurance

- (3) (i) Director and Deputy Director, Bureau of Disability Insurance.
- (ii) Social Insurance Claims Examiner (Retirement), and Social Insurance Claims Examiner (Disability), in the Division of Benefit Services, Division of Reconsideration, and Division of Evaluation and Authorization, Bureau of Disability Insurance.
- (iii) All intervening positions in the direct line of supervision between (i) and (ii) above.

## SUBPART 8-212—DELEGATIONS HAVING STATUTORY AUTHORITY IN TITLE XVIII OF THE SOCIAL SECURITY ACT

SEC. 8-212.00 *Authority to approve agreements filed by qualified providers.* (Section 1866(a).) Authority to approve agreements and modifications of agreements filed by providers of services (as defined in the Act) in accordance with section 1866(a) of the Act, subject to the qualifications that:

(a) The Commissioner approves model agreements,

(b) The agreements and modifications do not involve unusual situations nor have major policy implications, and

(c) The Office of the General Counsel has found that there is no legal objection to the form or substance of such agreements or modifications

is delegated to the positions listed below:

- (1) Deputy Commissioner.
- (2) Assistant Commissioner, Field.
- (3) Director and Deputy Director, Bureau of Health Insurance.
- (4) Chief, Provider Certification Branch, Division of State Operations, Bureau of Health Insurance.
- (5) Regional Assistant Commissioners (within their respective SSA regions).
- (6) Regional Representatives, Health Insurance (within their respective geographical areas of authority).
- (7) All intervening positions in the direct line of supervision between (3) and (4) above.

SEC. 8-212.02 *Authority to contract for administration of the Health Insurance Programs.* (Sections 1816, 1842, and 1874.) Authority to enter into or modify contracts for the performance of functions in the administration of the Health Insurance Programs.

(a) With qualified public agencies and private organizations in accordance with section 1816 of the Act,

(b) With qualified carriers in accordance with section 1842 of the Act, and

(c) With any person, agency, or institution, in accordance with section 1874 of the Act,

All subject to the qualifications that:

(1) The contracts and modifications do not involve unusual situations nor have major policy implications, and

(2) The Office of the General Counsel has found that there is no legal objection to the form or substance of such contracts or modifications

is delegated to the position listed below:

Deputy Commissioner.

SEC. 8-212.04 *Authority to approve subcontracts, purchases, and leases by intermediaries.* Authority to approve subcontracts, leases, and purchases proposed to be made by an intermediary pursuant to a contract (or agreement) between the Secretary and such intermediary providing for the performance by the intermediary of functions described in section 1816 or 1842 of the Act is delegated to the positions listed below:

- Deputy Commissioner.
- Director and Deputy Director, Bureau of Health Insurance.
- Assistant Bureau Director, Insurance Operations, and Deputy Assistant Bureau Director, Insurance Operations, Bureau of Health Insurance.

SEC. 8-212.06 *Authority to enter into agreements establishing special bank accounts.* Authority to enter into agreements for special bank accounts on behalf of the Secretary as provided for in a contract entered into (pursuant to section 1816 or 1842 of the Act) between the Secretary and an intermediary is delegated to the positions listed below:

- Deputy Commissioner.
- Director and Deputy Director, Bureau of Health Insurance.
- Assistant Bureau Director, Insurance Operations, and Deputy Assistant Bureau Director, Insurance Operations, Bureau of Health Insurance.

SEC. 8-212.08 *Authority to enter into agreements with States to provide for Supplementary Medical Insurance Coverage of public assistance recipients.* (Section 1843). Authority to enter into or modify agreements with States in accordance with section 1843 of the Act,

subject to the qualifications that:

(a) The Commissioner approves model agreements,

(b) The agreements and modifications do not involve unusual situations nor have major policy implications, and

(c) The Office of the General Counsel has found that there is no legal objection to the form or substance of such agreements or modifications

is delegated to the positions listed below:

- Deputy Commissioner.
- Assistant Commissioner, Field.
- Director and Deputy Director, Bureau of Health Insurance.
- Assistant Bureau Director, State Operations, Bureau of Health Insurance.
- Regional Assistant Commissioners (within their respective SSA regions).
- Regional Representatives, Health Insurance (within their respective geographical areas of authority).

SEC. 8-212.10 *Authority to authorize payments to intermediaries for benefit payments made (or to be made) and for their administrative expenses.* (Sections 1816 and 1842.) Authority to determine the times, manner, and amounts of and to authorize payment, including authority to sign letters of credit in such amounts, for payment on account of benefit payments made (or to be made) and the necessary and proper costs of administration incurred (or to be incurred) by intermediaries, as described in sections 1816 and 1842 of the Act, and subject to the qualification that only the Commissioner or Deputy Commissioner shall authorize the first such payment is delegated to the positions listed below:

- Deputy Commissioner.
- Assistant Commissioner for Administration.
- Director and Deputy Director, Bureau of Health Insurance.
- Assistant Bureau Director, Insurance Operations, and Deputy Assistant Bureau Director, Insurance Operations, Bureau of Health Insurance.

SEC. 8-212.12 *Authority to certify to the Managing Trustee amounts for payment into the Treasury from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund.* (Sections 1817 (h) and 1841(g).) Authority to make the certifications to the Managing Trustee, required under sections 1817(h) and 1841(g) of the Act, of payments properly authorized, including sums drawn on letters of credit is delegated to the positions listed below:

- (a) Deputy Commissioner.
- (b) Assistant Commissioner for Administration.
- (c) Assistant Chief, Auditing Section, Fiscal Operations Branch, Division of Financial Management, Office of Administration.
- (d) All intervening positions in the direct line of supervision between (b) and (c) above.

SEC. 8-212.14 *Authority to require and fix amounts of surety bonds.* (Sections 1816(f) and 1842(d).) Authority to require and determine the amounts of surety bonds as provided for by sections



1816(f) and 1842(d) of the Act is delegated to the positions listed below:

Deputy Commissioner.  
Assistant Commissioner for Administration.  
Director and Deputy Director, Bureau of Health Insurance.  
Assistant Bureau Director, Insurance Operations, and Deputy Assistant Bureau Director, Insurance Operations, Bureau of Health Insurance.

SEC. 8-212.16 *Authority to determine compliance by intermediaries with reporting and recordkeeping requirements.* (Sections 1816(b)(2) and 1842(b)(3) (D) and (E).) Authority to determine compliance by intermediaries with the reporting and recordkeeping requirements prescribed in their contracts, in section 1816(b)(2) or section 1842(b)(3) (D) and (E) of the Act, as appropriate, and regulations pursuant thereto is delegated to the positions listed below:

(a) Deputy Commissioner.  
(b) Assistant Commissioner, Field.  
(c) Director and Deputy Director, Bureau of Health Insurance.

(d) Chief, Contract Performance Review Branch, Division of Insurance Operations, Bureau of Health Insurance.

(e) All intervening positions in the direct line of supervision between (c) and (d) above.

SEC. 8-212.18 *Authority to enter into compliance agreements with States.* (Section 1864.) Authority to enter into or modify agreements with States, in accordance with section 1864 of the Act, to certify to the Secretary its findings respecting compliance by providers of services with conditions of participation and by independent laboratories with conditions for coverage of services and to provide other consultative services, subject to the qualifications that:

(a) The agreements and modifications do not involve unusual situations nor have major policy implications, and

(b) The Office of the General Counsel has found that there is no legal objection to the form or substance of such agreements or modifications.

is delegated to the positions listed below:

(1) Deputy Commissioner.  
(2) Assistant Commissioner, Field.  
(3) Director and Deputy Director, Bureau of Health Insurance.

(4) Chief, Provider Certification Branch, Division of State Operations, Bureau of Health Insurance.

(5) Regional Assistant Commissioners (within their respective SSA regions).

(6) Regional Representatives, Health Insurance (within their respective geographical areas of authority).

(7) All intervening positions in the direct line of supervision between (3) and (4) above.

SEC. 8-212.20 *Authority to authorize payments to States.* (Section 1864.) Authority to determine the times, manner, and amounts of and to authorize payment, including authority to sign letters of credit in such amounts, for payment of the necessary and proper costs of administration incurred (or to be incurred) by a State pursuant to an agreement under section 1864 of the Act, to determine compliance by providers of

services with the conditions of participation and to furnish such other services as are provided by the agreement, and subject to the qualification that only the Commissioner or Deputy Commissioner shall authorize the first such payment is delegated to the positions listed below:

Deputy Commissioner.  
Assistant Commissioner for Administration.  
Director and Deputy Director, Bureau of Health Insurance.  
Assistant Bureau Director, State Operations, Bureau of Health Insurance.

SEC. 8-212.22 *Authority to approve establishment of an extra-institutional utilization review group.* (Section 1861 (k).) Authority to approve the establishment of an extra-institutional utilization review group in accordance with section 1861(k)(2)(B)(ii) of the Act is delegated to the positions listed below:

Area of authority	To whom delegated
(1) All cases	(1) (i) Deputy Commissioner. (ii) Director and Deputy Director, Bureau of Health Insurance. (iii) Director and Deputy Director, Bureau of Retirement and Survivors Insurance. (iv) Health Insurance Benefits Policy Specialist, Division of Health Insurance Policy and Standards, Bureau of Health Insurance. (v) Technical Advisor and Technical Assistant, Office of the Director, Bureau of Retirement and Survivors Insurance. (vi) Claims Policy Specialist, Division of Entitlement and Division of Coverage, Bureau of Retirement and Survivors Insurance. (vii) All intervening positions in the direct line of supervision between (ii) and (iv) above, and between (iii) and (vi) above.
(2) Cases in the payment centers and the Division of Foreign Claims Bureau of Retirement and Survivors Insurance.	(2) (i) Regional Representative, Retirement and Survivors Insurance. (ii) Director, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance. (iii) Social Insurance Claims Examiner (Retirement), Claims Authorization Branch, Post-Entitlement Branch, and Reconsideration Branch, payment centers, Bureau of Retirement and Survivors Insurance. (iv) Social Insurance Claims Examiner (Retirement), Claims Authorization Branch, Reconsideration Branch, and Post-Entitlement and Payment Services Branch, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance. (v) All intervening positions in the direct line of supervision between (i) and (iii) above, and between (ii) and (iv) above.
(3) Cases in the Bureau of Disability Insurance.	(3) (i) Director and Deputy Director, Bureau of Disability Insurance. (ii) Social Insurance Claims Examiner (Retirement) and Social Insurance Claims Examiner (Disability), Division of Evaluation and Authorization, Division of Reconsideration, and Division of Benefit Services, Bureau of Disability Insurance. (iii) All intervening positions in the direct line of supervision between (i) and (ii) above.

(b) Authority to make the final decision where the decision is that the claimant is entitled to hospital insurance benefits as an uninsured individual, subject to the qualifications that:

Area of authority	To whom delegated
(i) Cases in district offices and branch offices, Bureau of District Office Operations.	(i) Director and Deputy Director, Bureau of District Office Operations.

SEC. 8-212.26. *Authority to find that a Federal provider is furnishing service to the public generally.* (Sections 1814(c) and 1835(b).) Authority to determine that a Federal provider of services is providing services to the public generally as a community institution or agency is delegated to the positions listed below:

Deputy Commissioner.  
Director and Deputy Director, Bureau of Health Insurance.

Deputy Commissioner.  
Assistant Commissioner, Field.  
Director and Deputy Director, Bureau of Health Insurance.  
Assistant Bureau Director, State Operations, Bureau of Health Insurance.  
Assistant Bureau Director, Insurance Operations, and Deputy Assistant Bureau Director, Insurance Operations, Bureau of Health Insurance.  
Regional Assistant Commissioners (within their respective SSA regions).  
Regional Representatives, Health Insurance (within their respective geographical areas of authority).

SEC. 8-212.24 *Authority to determine entitlement of individuals to benefits.* (Section 1869(a).) (a) Authority to make determinations respecting entitlement of individuals to benefits under the Hospital Insurance and Supplementary Medical Insurance Programs is delegated to the positions listed below:

Area of authority	To whom delegated
(1) The individual is at least age 68, is a citizen born in the United States, and has filed his own application; and (2) No claims folder on the spouse's earnings record is in the payment center.	(1) (i) Deputy Commissioner. (ii) Director and Deputy Director, Bureau of Health Insurance. (iii) Director and Deputy Director, Bureau of Retirement and Survivors Insurance. (iv) Health Insurance Benefits Policy Specialist, Division of Health Insurance Policy and Standards, Bureau of Health Insurance. (v) Technical Advisor and Technical Assistant, Office of the Director, Bureau of Retirement and Survivors Insurance. (vi) Claims Policy Specialist, Division of Entitlement and Division of Coverage, Bureau of Retirement and Survivors Insurance. (vii) All intervening positions in the direct line of supervision between (ii) and (iv) above, and between (iii) and (vi) above.
(1) The individual is at least age 68, is a citizen born in the United States, and has filed his own application; and (2) No claims folder on the spouse's earnings record is in the payment center.	(2) (i) Director and Deputy Director, Bureau of Disability Insurance. (ii) Social Insurance Claims Examiner (Retirement) and Social Insurance Claims Examiner (Disability), Division of Evaluation and Authorization, Division of Reconsideration, and Division of Benefit Services, Bureau of Disability Insurance. (iii) All intervening positions in the direct line of supervision between (i) and (ii) above.

(1) The individual is at least age 68, is a citizen born in the United States, and has filed his own application; and  
(2) No claims folder on the spouse's earnings record is in the payment center.

is delegated to the positions listed below:

Assistant Bureau Director and Deputy Assistant Bureau Director, Health Insurance Policy and Standards, Bureau of Health Insurance.  
Regional Assistant Commissioners (within their respective SSA regions).  
Regional Representatives, Health Insurance (within their respective geographical areas of authority).

SEC. 8-212.28. *Authority to enter into agreements for direct dealing with providers and other suppliers of services.*



(Sections 1815, 1816, 1833, 1835, and 1842.) Authority to enter into agreements (or to approve arrangements) with providers and other suppliers of services (to individuals under Part A and Part B of Title XVIII of the Act) for payment to such providers or others (or their billing agents or assignees) directly (and not through intermediaries described in sections 1816 and 1842 of the Act), and which may provide for performance by the Secretary of other intermediary functions (see out in such sections), all subject to the qualifications that:

(a) Where such agreements or arrangements involve precedential situations, or have major policy implications, the Commissioner has approved the action, and

(b) The Office of the General Counsel has found that there is no legal objection to the form or substance of such agreements or approvals.

is delegated to the positions listed below:

Deputy Commissioner.

Director and Deputy Director, Bureau of Health Insurance.

SEC. 8-212.30 *Authority to determine times and manner of and to authorize payments to providers and others dealing directly with the Secretary.* (Sections 1869(a), 1815, 1833(a)(1), and 1835.) Authority to determine the times (not less often than monthly) and manner of, and authority to authorize payment (in aggregates of amounts properly determined pursuant to section 8-212.32 below) to providers (as defined in the Act) which deal directly with the Secretary, their billing agents or assignees; to organizations (described in section 1833(a)(1) of the Act) with which the Secretary has entered into agreements providing for direct dealing; and to physicians, their billing agents, or assignees, where the Secretary has determined the necessity for such payments thereto directly, and not through intermediaries is delegated to the positions listed below:

(a) Deputy Commissioner.

(b) Assistant Commissioner for Administration.

(c) Director and Deputy Director, Bureau of Health Insurance.

and also, with respect only to the authorization of amounts for payment as described above, to the additional positions listed below:

(d) Administrative Specialist, Financial Management Branch, Division of Management, Bureau of Health Insurance.

(e) All intervening positions in the direct line of supervision between (c) and (d), above.

SEC. 8-212.32 *Authority to determine amounts due to providers and others dealing directly with the Secretary.* (Sections 1869(a), 1815, 1833(a)(1), and 1835.) Authority to determine, with respect to services to individual claimants under Part A and Part B, Title XVIII of the Act, amounts due to providers, organizations, and physicians, which

deal directly with the Secretary is delegated to the positions listed below:

(a) Deputy Commissioner.

(b) Director and Deputy Director, Bureau of Health Insurance.

(c) Health Insurance Benefits Policy Specialist, Division of Health Insurance Policy and Standards, Bureau of Health Insurance.

(d) Hospital Reimbursement Examiner and Hospital Reimbursement Technician, Claims Operations Section, Direct Reimbursement Branch, Division of Health Insurance Reimbursement, Bureau of Health Insurance.

(e) All intervening positions in the direct line of supervision between (b) and (c) above, and between (b) and (d), above.

SEC. 8-212.34 *Authority to certify wages and self-employment income.* (Section 1817(a).) Authority to certify to the Secretary of the Treasury wages and self-employment income (for the purpose of appropriating to the Hospital Insurance Trust Fund amounts due from the general fund in the Treasury) is delegated to the positions listed below:

Deputy Commissioner.

Assistant Commissioner for Administration.  
Director and Deputy Director, Bureau of Data Processing and Accounts.

SEC. 8-212.36 *Authority to review hospital insurance benefit payments made by intermediaries.* (Sections 1869(a) and 1816(a).) Authority to review and determine the correctness of amounts of hospital insurance benefit payments made to providers of services by intermediaries is delegated to the positions listed below:

(a) Deputy Commissioner.

(b) Director and Deputy Director, Bureau of Health Insurance.

(c) Chief and Deputy Chief, Contract Financial Management Branch, Division

#### Area of authority

(a) All Cases . . . . .

(b) Overpayment of \$25 or less,

or

Overpayments of more than \$25 but not exceeding \$100 where the delegatee concurs with the recommendation of a Recovery Reviewer,

or

Overpayments of more than \$100 where the delegatee concurs with the recommendation of a Recovery Reviewer that waiver relief should be denied.

(1) Cases in the payment centers and the Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.

(2) Cases in the Division of Reconsideration, Bureau of Disability Insurance.

of Insurance Operations, Bureau of Health Insurance.

(d) Chief, Hospital Reimbursement Section and Chief, Post-Hospital Reimbursement Section, Hospital Reimbursement Branch, Division of Health Insurance Reimbursement, Bureau of Health Insurance.

(e) All intervening positions in the direct line of supervision between (b) and (c) above, and between (b) and (d) above.

SEC. 8-212.38 *Authority to deem an extended care facility to have a transfer agreement in effect.* (Section 1861(1).) Authority to find, under the provisions of section 1861(1) of the Act, where there is no State agreement in effect, that an extended care facility has made a good-faith attempt to enter into a transfer agreement and shall be considered to have such an agreement is delegated to the positions listed below.

(a) Deputy Commissioner.

(b) Director and Deputy Director, Bureau of Health Insurance.

(c) Chief, Basic Policy Branch, Division of Health Insurance Policy and Standards, Bureau of Health Insurance.

(d) Regional Assistant Commissioners (within their respective SSA regions).

(e) Regional Representatives, Health Insurance (within their respective geographical areas of authority).

(f) All intervening positions in the direct line of supervision between (b) and (c), above.

SEC. 8-212.40 *Authority to approve or deny waiver of adjustment or recovery of incorrect payment.* (Section 1870(c).) Authority to approve or deny waiver of adjustment or recovery of incorrect payment in accordance with section 1870(c) of the Act is delegated to the committee and positions listed below:

#### To whom delegated

- (a) (1) Deputy Commissioner
- (2) Director, Deputy Director, and Assistant Bureau Director, Claims Policy, Bureau of Retirement and Survivors Insurance.
- (3) A committee of three members of the Bureau of Retirement and Survivors Insurance of the Central Office, with one or more alternates appointed by the Director, Deputy Director or Assistant Bureau Director, Claims Policy, Bureau of Retirement and Survivors Insurance.

- (1) (i) Regional Representative, Retirement and Survivors Insurance.
- (ii) Director, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.
- (iii) Social Insurance Claims Examiner (Retirement) [Recovery Reviewer], Recovery Section of the Reconsideration Branch, payment centers, Bureau of Retirement and Survivors Insurance.
- (iv) Social Insurance Claims Examiner (Retirement) [Recovery Reviewer], Reconsideration Branch, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.
- (v) All intervening positions in the direct line of supervision between (i) and (iii), above, and between (ii) and (iv), above.
- (2) (i) Director and Deputy Director, Bureau of Disability Insurance.
- (ii) Social Insurance Claims Examiner (Disability) [Recovery Reviewer], Division of Reconsideration, Bureau of Disability Insurance.



- (c) Overpayments of more than \$100 where waiver relief is recommended by a Recovery Reviewer.
- (1) Cases in the payment centers, and the Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.

- (ii) All intervening positions in the direct line of supervision between (i) and (ii), above.
- (1) Regional Representative, Retirement and Survivors Insurance.
- (ii) Director, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.
- (iii) Social Insurance Claims Examiner (Retirement) [Reconsideration Reviewer], Recovery Section of the Bureau of Retirement and Survivors Insurance.
- (iv) Social Insurance Claims Examiner (Retirement) [Reconsideration Reviewer], Recovery Section of the Bureau of Retirement and Survivors Insurance.
- (v) All intervening positions in the direct line of supervision between (i) and (ii), above, and between (ii) and (iv), above.
- (2) (i) Director and Deputy Director, Bureau of Disability Insurance.
- (ii) Social Insurance Claims Examiner (Retirement) [Reconsideration Reviewer], Division of Reconsideration, Bureau of Disability Insurance.
- (iii) All intervening positions in the direct line of supervision between (i) and (ii), above.

SEC. 8-212.42 *Authority to certify to Treasury amounts for payment to providers and others dealing directly with the Secretary.* (Sections 1815, 1817(h), 1833(a) (1), 1835, and 1841(g).) Authority to certify to the Department of Treasury for payment from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to providers and other suppliers of services, or their billing agents or assignees, amounts properly authorized, is delegated to the positions listed below:

- (a) Director and Deputy Director, Bureau of Health Insurance.
- (b) Administrative Specialist, Financial Management Branch, Division of Management, Bureau of Health Insurance.
- (c) All intervening positions in the direct line of supervision between (a) and (b), above.

SEC. 8-212.44 *Authority to determine compliance by providers with conditions of participation and by independent laboratories with conditions for coverage of services.* (Section 1864 and 1861.) Authority to determine whether an institution or agency is a hospital, extended care facility, or home health agency as defined in the Act, and whether a laboratory meets the conditions for coverage of services set forth therein is delegated to the positions listed below:

- (a) Deputy Commissioner.
- (b) Assistant Commissioner, Field.

## Area of authority

## To whom delegated

- (a) All cases.-----
- (1) Deputy Commissioner.
- (2) Director and Deputy Director, Bureau of Retirement and Survivors Insurance.
- (3) Technical Advisor and Technical Assistant, Office of the Director, Bureau of Retirement and Survivors Insurance.
- (4) Claims Policy Specialist, Bureau of Retirement and Survivors Insurance.
- (5) All intervening positions in the direct line of supervision between (2) and (4), above.
- (b) Cases in the payment centers and Division of Foreign Claims Bureau of Retirement and Survivors Insurance.
- (1) Regional Representative, Retirement and Survivors Insurance.
- (2) Director, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.
- (3) Social Insurance Claims Examiner (Retirement), Claims Authorization Branch, Post-Entitlement Branch, and Reconsideration Branch, payment centers, Bureau of Retirement and Survivors Insurance.
- (4) Social Insurance Claims Examiner (Retirement) Claims Authorization Branch, Reconsideration Branch, and Post-Entitlement and Payment Services Branch, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.
- (5) All intervening positions in the direct line of supervision between (1) and (3), above, and between (2) and (4), above.
- (c) Cases in the Division of Certification, Bureau of Data Processing and Accounts.
- (1) Director and Deputy Director, Bureau of Data Processing and Accounts.
- (2) Social Insurance Claims Examiner (Retirement), Division of Certification, Bureau of Data Processing and Accounts.
- (3) All intervening positions in the direct line of supervision between (1) and (2), above.
- (d) Cases in the Bureau of Disability Insurance-----
- (1) Director and Deputy Director, Bureau of Disability Insurance.
- (2) Social Insurance Claims Examiner (Retirement), Division of Benefit Services, Division of Evaluation and Authorization, and Division of Reconsideration, Bureau of Disability Insurance.
- (3) All intervening positions in the direct line of supervision between (1) and (2), above.

SEC. 8-213.02 *Authorities under section 1402(h), 3121(k), and 3121(l) of the Internal Revenue Code of 1954, as amended.* Authority (1) to find and to certify such finding to the Secretary of Treasury, whether a religious sect or division thereof, meets or continues to meet the requirements specified in section 1402(h) (1) (C), (D), and (E) of the Internal Revenue Code of 1954, as amended; and (2) to concur in the notice of termination or revocation of such notice by the Secretary of the Treasury as provided in section 3121(k) and section 3121(l) of the Internal Revenue Code of 1954, as amended, is delegated to the positions listed below:

- (a) Deputy Commissioner.
- (b) Director and Deputy Director, Bureau of Retirement and Survivors Insurance.

of individuals to benefits payable under related programs, when such determinations and certifications are authorized by law, is delegated to the positions listed below:

- (1) Deputy Commissioner.
- (2) Director and Deputy Director, Bureau of Retirement and Survivors Insurance.
- (3) Technical Advisor and Technical Assistant, Office of the Director, Bureau of Retirement and Survivors Insurance.
- (4) Claims Policy Specialist, Bureau of Retirement and Survivors Insurance.
- (5) All intervening positions in the direct line of supervision between (2) and (4), above.
- (b) Regional Representative, Retirement and Survivors Insurance.
- (2) Director, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.
- (3) Social Insurance Claims Examiner (Retirement), Claims Authorization Branch, Post-Entitlement Branch, and Reconsideration Branch, payment centers, Bureau of Retirement and Survivors Insurance.
- (4) Social Insurance Claims Examiner (Retirement) Claims Authorization Branch, Reconsideration Branch, and Post-Entitlement and Payment Services Branch, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.
- (5) All intervening positions in the direct line of supervision between (1) and (3), above, and between (2) and (4), above.
- (c) Claims Policy Specialist, Bureau of Retirement and Survivors Insurance.
- (d) All intervening positions in the direct line of supervision between (b) and (c), above.

SEC. 8-213.04 *Authority to extend time for enrollment in the Supplementary Medical Insurance Program for good cause.* (Section 102(b) of the Social Security Amendments of 1965.) Authority to determine that good cause exists for the failure of an eligible individual to enroll in the Supplementary Medical Insurance Program in the initial general enrollment period and that such individual, therefore, may be permitted to enroll in such Program at any time before October 1, 1966, is delegated to the positions listed below:



- | Area of authority  | To whom delegated   |
|--|---|
| (a) All cases  | (1) Deputy Commissioner.<br>(2) Director and Deputy Director, Bureau of Health Insurance.<br>(3) Chief, Basic Policy Branch, Division of Health Insurance Policy and Standards, Bureau of Health Insurance.<br>(4) All intervening positions in the direct line of supervision between (2) and (3), above.  |
| (b) Cases in the payment centers and the Division of Foreign Claims, Bureau of Retirement and Survivors Insurance. | (1) Director, and Deputy Director, Bureau of Retirement and Survivors Insurance.<br>(2) Social Insurance Claims Examiner (Retirement), Claims Authorization Branch, Post-Entitlement Branch, and Reconsideration Branch, payment centers, Bureau of Retirement and Survivors Insurance.<br>(3) Social Insurance Claims Examiner (Retirement), Claims Authorization Branch, Reconsideration Branch, and Post-Entitlement and Payment Services Branch, Division of Foreign Claims, Bureau of Retirement and Survivors Insurance.<br>(4) All intervening positions in the direct line of supervision between (1) and (2), above, and between (1) and (3), above. |
| (c) Cases in the Bureau of Disability Insurance.   | (1) Director and Deputy Director, Bureau of Disability Insurance.<br>(2) Social Insurance Claims Examiner (Retirement), and Social Insurance Claims Examiner (Disability), Division of Evaluation and Authorization, Division of Reconsideration, and Division of Benefit Services, Bureau of Disability Insurance.<br>(3) All intervening positions in the direct line of supervision between (1) and (2), above.  |

(Sec. 6, Reorg. Plan No. 1 of 1953; sec. 8.40, Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050 as amended). For Subpart 8-211, also Title II, secs. 201 et seq., 49 Stat. 620, as amended; 42 U.S.C., subchap. II, secs. 401 et seq. For Subpart 8-212, also Title XVIII, secs. 1801 et seq., 79 Stat. 286, as amended; 42 U.S.C., secs. 1395 et seq.)

Dated: October 24, 1966.

[SEAL]

Approved: November 19, 1966.

WILBUR J. COHEN,  
Acting Secretary.

[F.R. Doc. 66-12721; Filed, Nov. 23, 1966; 8:48 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16972, 16973]

### CARTER BROADCASTING CORP. AND METRO GROUP BROADCASTING, INC.

#### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Carter Broadcasting Corp., Burlington, Vt., Docket No. 16972, File No. BP-16735, requests: 1070 kc, 5 kw, Day, Class II; Metro Group Broadcasting, Inc., Plattsburgh, N.Y., Docket No. 16973, File No. BP-17089, requests: 1070 kc, 5 kw, Day, Class II; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on November 18, 1966.

The above applications are mutually exclusive in that simultaneous operation of the stations proposed would result in mutually destructive interference.

Each of the applicants is qualified to construct, own and operate its proposed station, but in view of the fact that the proposals are mutually exclusive, the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a

consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the applications and the availability of other primary service to such areas and populations.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That, in the event of a grant of either of the proposals, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a

written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 21, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12728; Filed, Nov. 23, 1966;  
8:48 a.m.]

[Docket No. 16984; FCC 66-1028]

### COSMOS BROADCASTING CORP. (WSFA-TV)

#### Memorandum Opinion and Order Designating Application for Hear- ing on Stated Issues

In re application of Cosmos Broadcasting Corp. (WSFA-TV), Montgomery, Ala., Docket No. 16984, File No. BPCT-3643; for construction permit.

1. The Commission has before it for consideration the above-captioned application of Cosmos Broadcasting Corp. (Cosmos), licensee of Television Broadcast Station WSFA-TV, Channel 12, Montgomery, Ala.; a petition to deny, filed November 24, 1965, by WTVY, Inc. (WTVY), licensee of Television Broadcast Station WTVY, Channel 4, Dothan, Ala.; a petition to deny, filed November 24, 1965, by Martin Theatres of Georgia, Inc. (Martin Theatres), licensee of Television Broadcast Station WTVM, Channel 9, Columbus, Ga.; objections, filed October 10, 1966, by Coastal Television Corp., applicant for a construction permit for a new television broadcast station to operate on Channel 38, Columbus, Ga., and various related pleadings.<sup>1</sup> Cosmos is authorized to operate from a site located on Mount Carmel, 21 miles south of Montgomery, Ala., with effective radiated visual power of 316 kw and antenna height above average terrain of 1,036 feet. By its application, Cosmos seeks authority to change the site of its transmitter to a point 38 miles southeast of Montgomery, Ala., 38 miles east of the present transmitter location, in the direction of Columbus, Ga., increase antenna height above average terrain to 2,000 feet and make other changes in the

<sup>1</sup> The Commission also has before it for consideration (a) a supplement to petition to deny, filed Dec. 10, 1965, by WTVY; (b) a supplement to petition to deny, filed Dec. 13, 1965, by Martin Theatres; (c) an opposition, filed Jan. 21, 1966, by Cosmos to both petitioners; (d) reply, filed Feb. 11, 1966, by WTVY, to (c) above; (e) reply, filed Feb. 11, 1966, by Martin Theatres, to (c) above.



facilities of Station WSFA-TV. Operating as proposed, Cosmos would for the first time, place a predicted principal city signal over approximately 30 percent of Columbus, Ga., and a predicted Grade A signal to the remainder.

2. Petitioners claim standing in this proceeding as "parties in interest" within the meaning of section 309(d) of the Communications Act of 1934, as amended, on the basis that a grant of the application would result in the diversion of advertising revenues from Stations WTVY and WTVM and would inflict economic injury on them. We find that petitioners have standing. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 693, 9 RR 2008. Coastal Television Corp. does not claim standing as a party in interest and its opposition to grant of the present application will be treated as an informal objection, pursuant to § 1.587 of the Commission's rules.

3. Petitioners contend that the proposed transmitter move will result in an increase of service to areas which are already adequately served with at least two television services, while at the same time it will deprive persons in rural areas to the south and west of Montgomery of their only television services or reduce them from two services to one. It is alleged that a hearing is required to determine whether there are offsetting factors which would justify the proposed deprivation of service. Based on Cosmos' figures, there would be an area containing 569,700 persons who would receive Station WSFA's predicted Grade B signal for the first time. In the gain area, 5,000 persons would be included within a second predicted Grade B contour for the first time and 410,000 persons would be included within a third predicted Grade B contour for the first time. With respect to the loss areas, Cosmos indicates that areas containing 63,600 persons will no longer be able to receive Station WSFA's predicted Grade B signal. In the loss area, 14,400 persons will lose their only television service (white area) and 39,800 persons will be reduced to one television service (gray area). On the basis of the applicant's own figures, we believe that an issue is warranted to determine whether the losses in areas and populations may be offset by concomitant gains or other offsetting factors. Hall et al. v. Federal Communications Commission, 99 U.S. App. D.C. 86, 237 F. 2d 567, 14 RR 2009; Television Corporation of Michigan, Inc. v. Federal Communications Commission, 111 U.S. App. D.C. 101, 294 F. 2d 730, 21 RR 2107.

4. Cosmos proposes to provide replacement service to the loss areas by means of one or more satellites or translators. Specifically, with respect to the "white" area created west of Montgomery, Cosmos states that operation of a 1 kw UHF satellite from a 300-foot tower located approximately 5 miles southeast of Camden, Ala., would provide a Grade B television service to 88 per cent of the potential white area, leaving an estimated 1,660 persons in a white area of approximately 130 square miles. In addition, Cosmos maintains that the pro-

posed satellite station would provide a first predicted Grade B service to a population of 4,580 persons (white area). Cosmos concludes that grant of its pending modification application and its proposed satellite television broadcast station would result in a net gain in the white area population of approximately 2,920 persons. With respect to the possible creation of a "gray area" in part of Selma, Ala., Cosmos states that in the event that its proposed operation does not continue to provide predicted Grade B service to Selma, Cosmos would provide predicted Grade B service to Selma either on the basis of a 1-watt VHF or 100-watt UHF translator. Petitioners challenge the adequacy of the use of a UHF satellite and/or VHF or UHF translators as a replacement service for the VHF signal of Station WSFA-TV. While Cosmos has expressed its intention to provide replacement service in the loss areas, it has not filed any applications for a UHF television broadcast station, or for UHF or VHF television translator stations. Therefore, its proposal is too vague and speculative to warrant consideration by the Commission at this time. If, however, Cosmos subsequently files such applications, then we may consider in connection with Issue I, the extent to which such facilities operating in the areas losing predicted Grade B service can provide satisfactory reception to the public.

5. Petitioners allege that a grant of the application would have an adverse impact on UHF television broadcasting in Montgomery, Ala., Columbus, Ga., and in the other new areas proposed to be served by Station WSFA. An examination of the present situation in Montgomery, Ala., and Columbus, Ga., reveals that petitioners' concern with the impact of the proposed transmitter move on the UHF development may be valid. At the present time, Montgomery has two operating commercial UHF television broadcast stations,<sup>2</sup> an operating noncommercial UHF television broadcast station (WAIQ, Channel 26) and Channel 45 which is allocated, but no station is authorized to operate on this channel. The two commercial UHF stations presently compete with Station WSFA-TV for advertising revenue in the Montgomery market. Petitioners contend that since grant of Cosmos' application would result in a further increase in the disparity of service coverage between the UHF stations and Station WSFA-TV, the ability of the two UHF stations to attract regional and national advertising will be substantially impaired. It should be noted that WCCB-TV, the predecessor of Station WKAB-TV, failed financially after approximately 11 months of operation, and Station WKAB-TV resumed operation in March 1964. In Columbus, Ga., there are two operating VHF commercial television broadcast stations<sup>3</sup> and an operating noncommercial UHF Television Broadcast Sta-

tion (WJSP-TV, Channel 28). In addition, UHF Channels 38 and 54 are allocated to Columbus, and there is an application (BPCT-3853) pending for Channel 38. Operating as proposed, Station WSFA-TV would provide a predicted principal city signal to approximately 30 percent of Columbus and a predicted Grade A signal to all of Columbus for the first time. Furthermore, Station WSFA-TV would provide the third full-time network (NBC) in the Columbus market. Since the pending application for operation on Channel 38 indicates that the applicant will attempt to secure a network affiliation, the introduction of a new VHF signal, with the third network affiliation into the Columbus market may have a substantial impact on the ability of the UHF applicant to secure a network affiliation.

6. We think that under these circumstances, it is necessary to explore in a hearing whether the proposed operation would have an adverse impact upon the development of UHF television broadcasting in the Montgomery area and in the proposed new service area. The Commission's concern with the development of UHF television stations is too well known to require further discussion here.<sup>4</sup> Accordingly, we will designate the application for hearing upon an appropriate issue. The burden of proceeding with the introduction of evidence, and the burden of proof with respect to the UHF impact issue will be placed on the respondents.

7. Petitioners state that the proposed transmitter move would constitute a de facto reallocation of Channel 12, from Montgomery, Ala., to Columbus, Ga., without a rule making proceeding and the opportunity for others to apply for the Channel in Columbus, Ga. The petitioners allege that such a situation requires that the application be designated for hearing in conformity with the Court of Appeals decision in Louisiana Television Broadcasting Corporation v. Federal Communications Commission, 121 U.S. App. D.C. 24, 347 F. 2d 808, 5 RR 2d 2025. The facts in the present situation are substantially different from those which existed in Louisiana Television Broadcasting Corporation, supra. That case involved a proposed transmitter move to a site 47 miles from the principal community of Houma, and 18 miles from Baton Rouge, a waiver of the Commission's minimum separation requirements, and a degradation of signal strength to Houma below the level required for principal city service. In the present situation, the proposed transmitter move does not necessitate a waiver of the Commission's mileage separation requirements, and Station WSFA-TV will continue to provide a principal city signal to its principal community, Montgomery. Moreover, the applicant proposes to continue to serve the needs of Montgomery,

<sup>2</sup> Station WCOV-TV, Channel 20 (CBS), and Station WKAB-TV, Channel 32 (ABC).

<sup>3</sup> Station WTVM, Channel 9 (ABC-NBC), and Station WRBL-TV, Channel 3 (CBS-NBC).

<sup>4</sup> E.g. Triangle Publications, Inc. 29 FCC 315, 17 RR 624, affirmed sub nom Triangle Publications, Inc. v. Federal Communications Commission, 110 U.S. App. D.C. 214, 291, F. 2d 324, 21 RR 2039; Selma Television, Incorporated, FCC 65-216, 4 RR 2d 714.



and the station's main studio will continue to be located in Montgomery. Therefore, since there is substantial evidence to support the conclusion that if the proposed transmitter move is granted, the station will remain a Montgomery station, no issue with respect to de facto reallocation of Channel 12 will be specified. Rhode Island Television Corporation v. Federal Communications Commission, 116 U.S. App. D.C. 40, 320 F.2d 762, 25 RR 2103; Community Telecasting Company v. Federal Communications Commission, 103 U.S. App. D.C. 139, 255 F.2d 891, 17 RR 2029.

8. Petitioners urge that Cosmos has not demonstrated that it has made sufficient efforts to ascertain the programing needs and interests of the new areas it proposes to serve, particularly with respect to areas in the State of Georgia, thus raising a Suburban issue.<sup>5</sup> In response, Cosmos states that there is a clear need for additional NBC network programming in most of the gain area, including areas located in Georgia, since these areas do not presently receive more than 50 percent of NBC network programing. Furthermore, Cosmos indicates that while no substantial changes are proposed in its basic programing structure, its news and informational programing will be expanded to include matters of interest to the gain areas. Cosmos also stated that the experience of its staff executives in the operation of Station WSFA-TV for many years and their participation in community activities provide it with knowledge of the broadcast needs and interests of the general area. Finally, Cosmos contends that representatives of the station have discussed programing needs and interests with civic, public, business leaders and residents in several communities located within the proposed gain areas and that such discussion indicates that the station's programing will serve the needs and interests of persons residing in those areas. It is well established that where an applicant proposes to provide service to new areas, the applicant is required to demonstrate that it has made sufficient efforts to ascertain the programing needs and interests of those areas. Wometco Enterprises, Inc. v. Federal Communications Commission, 114 U.S. App. D.C. 261, 314 F.2d 266, 23 RR 2072. Since, on the basis of the pleadings before us, we cannot determine the adequacy of the efforts made by Cosmos to ascertain the programing needs and interests of the proposed new service area, a Suburban issue will be specified.

9. Petitioners assert that there is another site, approximately 38 miles west of Cosmos' present site, from which the applicant could operate and better serve the public interest, convenience and necessity than from that which the applicant proposes. WTVY, Inc., states that operation from the alternative site would

not create any white area and would actually serve a white area of 4,610 square miles containing a population of 48,142 persons and provide a second television service to an area of 2,325 square miles containing a population of 45,736 persons. Petitioners contend the Court of Appeals decisions in Wometco Enterprises, Inc. v. Federal Communications Commission, supra and Allegheny County Broadcasting Corporation v. Federal Communications Commission, 121 U.S. App. D.C. 166, 348 F.2d 778, 5 RR 2d 2067, requires the Commission to consider an operation from the suggested alternative site. We do not agree with this interpretation, since we do not believe that the Court's per curiam opinion in Wometco was intended to require inclusion of an issue whenever a hypothetical alternative site may be suggested by a petitioner. Moreover, the Court of Appeals stated in Allegheny County Broadcasting Corporation:

Both Wometco and Beaumont rest upon their own factual situations. The present case must rest upon its own setting. Each of the three cases is different and none controls the other. The Commission is not bound in every case, though it may be bound in some, to consider evidence with respect to other possible locations in determining whether, in the public interest, to grant an application for a license, modification or renewal.

Sufficient facts have not been furnished to indicate whether a site in the suggested alternative area is, in fact, available. The parties are in dispute as to whether Federal Aviation Agency approval could be obtained for the alternative site because of its location in an area of student jet aircraft training activity. In addition, petitioners have furnished no facts relating to terrain accessibility, zoning and geological factors which would indicate that a tower could be located in the area. As we stated in Selma Television, Incorporated, supra, we have consistently rejected consideration of hypothetical alternatives, and since the alternative site suggested is hypothetical, we shall reject such consideration in the present matter.

10. We have carefully considered all of the matters raised in the various pleadings and, except as indicated by the issues specified below, we find that the applicant is qualified to construct and operate as proposed and that, except as indicated in the preceding paragraphs hereof, no substantial and material questions of fact have been raised by the pleadings. The Commission, however, is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for evidentiary hearing on the issues set forth below:

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of Cosmos Broadcasting Corp., is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose television service or signal strength by the proposed operation of Television Broadcast Station WSFA-TV, and the other television broadcast services available to such areas.

2. To determine whether a grant of the application would impair the ability of authorized and prospective UHF television broadcast stations in the area to compete effectively, or would jeopardize, in whole or in part, the continuation of existing UHF television service.

3. To determine the efforts made by the applicant to ascertain the programing tastes, needs and interests of the areas proposed to be served and the manner in which the applicant will meet those tastes, needs and interests.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That to the extent indicated herein, the petitions to deny filed by WTVY, Inc., and Martin Theatres of Georgia, Inc., are granted, and in all other respects are denied.

It is further ordered, That WTVY, Inc., Martin Theatres of Georgia, Inc., and upon the Commission's own motion, Coastal Television Corp., are made parties respondent in this proceeding.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 2, herein is hereby placed upon the parties respondent, and the burden of proceeding and the burden of proof with respect to the other issues remains upon the applicant.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and the parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 16, 1966.

Released: November 21, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>6</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12730; Filed, Nov. 23, 1966;  
8:49 a.m.]

<sup>6</sup> Chairman Hyde absent; Commissioner Johnson concurring in the result.

<sup>5</sup> Suburban Broadcasters, 30 FCC 1021, 20 RR 951; affirmed sub nom. Suburban Broadcasters v. Federal Communications Commission, 112 U.S. App. D.C. 257, 302 F.2d 191, 23 RR 2016.



[Docket No. 16860; FCC 66M-1567]

**GOODMAN BROADCASTING CO.****Order Continuing Hearing**

In re application of Hiram A. Goodman, trading as Goodman Broadcasting Co., Madison, Ala., Docket No. 16860, file No. BP-16501; for construction permit.

The Hearing Examiner having under consideration a motion filed November 17, 1966, on behalf of Hiram A. Goodman, trading as Goodman Broadcasting Co., requesting a 2-week continuance in the presently scheduled procedural dates; and

It appearing that the applicant intends to file an amendment to reduce power, which amendment, if granted, may alter the course of the hearing; and

It further appearing that counsel for the Chief, Broadcast Bureau interposes no objection to the immediate favorable action on this motion, and good cause for granting said motion having been shown:

*It is ordered*, this the 18th day of November 1966, that the motion for continuance is granted, and the date for notification of witnesses for cross-examination is extended from November 23 to December 7, 1966, and the date of the evidentiary hearing is extended from November 30 to December 14, 1966.

Released: November 21, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12731; Filed, Nov. 23, 1966;  
8:49 a.m.]

[Docket No. 16980; FCC 66-1022]

**MADISON COUNTY BROADCASTING CO., INC. (WRTH)****Memorandum Opinion and Order Designating Application for Hearing on Stated Issues**

In re application of Madison County Broadcasting Co., Inc. (WRTH), Wood River, Ill., Docket No. 16980, File No. BP-16612; has: 590 kc, 1 kw, 500 w-LS, DA-2, U; requests: 590 kc, 1 kw, 5 kw-LS, DA-2, U; for construction permit.

1. The Commission has before it for consideration the above captioned application requesting an increase in daytime power from 500 w to 5 kw for Station WRTH, Wood River, Ill.

2. Wood River is situated in Madison County on the Illinois side of the Mississippi River, approximately 6 miles from the nearest city limits of St. Louis, and approximately 17 miles from the center of the city. Wood River has a 1960 population of 11,694 persons. St. Louis has a population of 750,026 persons according to the same census. The applicant's data indicates that WRTH presently places a 5 mv/m signal over the entire city limits of St. Louis. The proposed power increase would expand this 5 mv/m coverage to include all of the immediate suburbs of St. Louis as

well as extensive rural areas, thus raising a presumption that the applicant is realistically proposing to serve that city rather than Wood River.<sup>1</sup>

3. In an amendment filed June 21, 1966, the applicant submitted data and arguments in an attempt to rebut the aforesaid presumption. However, after examination of this material, the Commission finds that the applicant has failed to rebut the presumption and that an evidentiary hearing must be held to explore the matter further.

4. Except as indicated by the specified issues below, the applicant is qualified; however, in view of the foregoing, the Commission is unable to find that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that it must be designated for hearing on the issues set forth below.

*Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive service from the proposed operation of the applicant and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of Madison County Broadcasting Co., Inc., will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied programing needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

3. To determine, in the event that it is concluded pursuant to the foregoing issue (a) that the proposal of the applicant will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31 and 73.188(b)(1) and (2), for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service, namely St. Louis, Mo.

<sup>1</sup> Policy statement on sec. 307(b) considerations for standard broadcast facilities involving suburban communities, adopted Dec. 22, 1965, 2 FCC 2d 190, 6 RR 2d 1901.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

*It is further ordered*, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That the applicant herein shall, pursuant to § 1.594 of the Commission rules, and section 311 (a)(2) of the Communications Act of 1934, as amended, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the Commission rules.

*It is further ordered*, That in the event of a grant of this application the construction permit shall include the following condition: Subsequent to the installation and adjustment of the daytime directional antenna system and prior to authorization of program tests, sufficient field intensity measurement data shall be made on the nighttime directional antenna system to establish that the nighttime radiation pattern remains adjusted within authorized limits.

Adopted: November 16, 1966.

Released: November 21, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12732; Filed, Nov. 23, 1966;  
8:49 a.m.]

[Docket No. 16921; FCC 66M-1565]

**ULTRAVISION BROADCASTING CO. AND COURIER CABLE CO., INC.****Order After Prehearing Conference**

In the matter of the petition of Florian R. Burczynski, Stanley J. Jasinski, and Roger K. Lund, doing business as Ultravision Broadcasting Co., Buffalo, N.Y., to stay construction and prevent extension of CATV system operated in Buffalo by Courier Cable Co., Inc.; Docket No. 16921.

At today's prehearing conference the following schedule was agreed to:

Courier Cable to furnish exhibits under issues on which it has burden of going forward by January 16, 1967.

Similarly as to other parties by February 15, 1967.

(At same times parties will specify witnesses for oral presentation.)

Receipt of notification regarding other witnesses for cross-examination by February 21, 1967.

Hearing (rescheduled from November 21, 1966) March 1, 1967.

<sup>2</sup> Chairman Hyde absent.



So ordered, This 18th day of November 1966.

Released: November 21, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12733; Filed, Nov. 23, 1966;  
8:49 a.m.]

[Docket No. 16942; FCC 66M-1569]

## USE OF CARTERPHONE DEVICE IN MESSAGE TOLL TELEPHONE SERVICE

### Order Regarding Procedural Dates

A prehearing conference having been held on November 17, 1966, at which certain agreements were reached and certain rulings were made:

*It is ordered*, This 17th day of November 1966, that:

(1) The parties' direct cases on Issues 1, 2, and 3 may be presented either orally or, in whole or in part, in the form of sworn, written exhibits;

(2) On or before January 9, 1967, the parties shall exchange copies of their said exhibits, and shall also exchange a list of their witnesses to be presented orally together with a brief statement as to the scope of each witness's testimony;

(3) Any party wishing to call for cross-examination the sponsor of any other parties' exhibit shall give notification thereof on or before January 16, 1967;

(4) Hearing limited to the parties' direct, affirmative cases on Issues 1, 2, and 3 shall commence on January 23, 1967, at 10 a.m. in the offices of the Commission at Washington, D.C.<sup>1</sup>

Released: November 21, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12729; Filed, Nov. 23, 1966;  
8:49 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-208]

### TRUSTEES OF COLUMBIA UNIVERSITY IN CITY OF NEW YORK

#### Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to June 30, 1967, the latest completion date specified in Construction Permit No. CPRR-78 for construction of the TRIGA Mark II type nuclear reactor being constructed on the University's campus at Morningside Heights, Manhattan, New York, N.Y.

<sup>1</sup> The specification of hearing site is, of course, subject to the action of the Chief Hearing Examiner on pleadings now pending before him.

Copies of the order and of the application by The Trustees of Columbia University in the city of New York are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 16th day of November 1966.

For the Atomic Energy Commission.

EDSON G. CASE,  
Acting Director,  
Division of Reactor Licensing.

[F.R. Doc. 66-12691; Filed, Nov. 23, 1966;  
8:45 a.m.]

## FEDERAL MARITIME COMMISSION

[Docket No. 66-62]

### SEA-LAND SERVICE, INC., AND SEATRAN LINES, INC.

#### Increased Rates on Candy, Confectionery, or Chewing Gum; Investigation and Suspension

There have been filed with the Federal Maritime Commission by Sea-Land Service, Inc., and Seatrain Lines, Inc., tariff schedules setting forth new increased rates and charges, and/or new rules, regulations and practices affecting such rates, and charges, to become effective November 22, and December 14, 1966, respectively designated as follows:

SEA-LAND SERVICE, INC.

TARIFF FMC-F NO. 3

(PAN ATLANTIC STEAMSHIP CORPORATION  
FMC-F SERIES)

24th Revised Page 40.

17th Revised Page 45.

8th Revised Page 98.

SEATRAN LINES, INC.

TARIFF FMC-F NO. 1

14th Revised Page 11.

14th Revised Page 15.

Original Page 86-A (Item 1137).

Upon consideration of the said schedules, there is reason to believe that the above designated rate changes if permitted to become effective would be unjust, unreasonable or otherwise unlawful under sections 18(a) and 22 of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933 and good cause appearing therefor:

*It is ordered*, That pursuant to the authority of section 22, Shipping Act, 1916 and section 3 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the rates and charges on candy, confectionery or chewing gum contained in the aforementioned rate items and rules and regulations affecting such rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is changed, amended or reissued upon termination of the suspension period before the investigation has been

concluded, such changed, amended, or reissued matter will be included in this investigation.

*It is further ordered*, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of all tariff changes on candy confectionery and gum published on the aforementioned pages and prefixed with the diamond increase symbol is suspended and the use thereof be deferred to and including March 21, 1967, unless otherwise ordered by this Commission.

*It is further ordered*, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said schedules under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

*It is further ordered*, That there shall be filed immediately with the Commission by Sea-Land Service, Inc., and Seatrain Lines, Inc., a consecutively numbered supplement to their respective tariffs which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until March 22, 1967, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

*It is further ordered*, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission;

*It is further ordered*, That the Sea-Land Service, Inc., and Seatrain Lines, Inc., be named as respondents in this proceeding;

*It is further ordered*, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

*It is further ordered*, That (I) a copy of this order shall forthwith be served the respondents herein; (II) the said respondents be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon the respondents.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in



accordance with Rule 5(1) (46 CFR 502.72) with a copy to the respondents.

By the Commission, November 18, 1966.

[SEAL]

THOMAS LISI,  
*Secretary.*

[F.R. Doc. 66-12719; Filed, Nov. 23, 1966;  
8:48 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. E-7323]

### CENTRAL HUDSON GAS & ELECTRIC CORP.

#### Notice of Application

NOVEMBER 16, 1966.

Take notice that on November 9, 1966, Central Hudson Gas & Electric Corp. (Central Hudson) filed an application with the Federal Power Commission seeking an order authorizing the merger into it of Ellenville Electric Co. (Ellenville) pursuant to section 203 of the Federal Power Act.

Central Hudson is incorporated under the laws of the State of New York and operates only within that State with its principal business office at Poughkeepsie, N.Y., and is engaged in the gas and electric business and serves a territory which includes portions of the following counties of the State of New York: Albany, Columbia, Dutchess, Greene, Orange, Putnam, Sullivan, and Ulster.

Ellenville is incorporated under the laws of New York and operates only within that State with its principal place of business office at Ellenville, N.Y. Ellenville owns and operates an electric distribution system in the village of Ellenville and a portion of the town of Wawarsing, in Ulster County, N.Y.; which distribution system is contiguous to the territory served by Central Hudson. Central Hudson maintains an interconnection with Ellenville, and, presently, and since 1898, Central Hudson and its predecessor companies have sold Ellenville all its electrical power requirements. According to the application no capital construction will be required to integrate the systems of Ellenville and Central Hudson.

Central Hudson proposes to acquire all of the 4,800 outstanding shares of common stock of Ellenville through the issuance and exchange thereof of 52,800 shares of Central Hudson's common stock all pursuant to the terms and provisions of a contract dated October 20, 1966. The facilities to be merged include all of the facilities of Ellenville. After such merger the customers of that Company will continue to be served by the existing facilities and upon the completion of the proposed merger, all customers of Ellenville will become customers of Central Hudson. Ellenville's existing tariffs in its territory will be continued initially by Central Hudson subject to the rules and regulations of the New York Public Service Commission insofar as customers in the present Ellenville service area are concerned.

Any person desiring to be heard or to make any protest with reference to the

application should on or before December 20, 1966, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12695; Filed, Nov. 23, 1966;  
8:45 a.m.]

[Docket No. CP67-135]

### EAST TENNESSEE NATURAL GAS CO.

#### Notice of Application

NOVEMBER 16, 1966.

Take notice that on November 10, 1966, East Tennessee Natural Gas Co. (Applicant), Post Office Box 10245, Knoxville, Tenn. 37191, filed in Docket No. CP67-135 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon 5,302 feet of its 32,894 lateral pipeline known as its Shelbyville lateral which is utilized by Applicant to make deliveries of natural gas to United Cities Gas Co. (United Cities) for distribution and resale in Shelbyville, Tenn. Applicant proposes to sell the last 5,302 feet of the lateral line to United Cities. That portion of the line will then be utilized by United Cities as part of its distribution system.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 15, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12696; Filed, Nov. 23, 1966;  
8:45 a.m.]

[Docket No. CP67-134]

### PANHANDLE EASTERN PIPE LINE CO.

#### Notice of Application

NOVEMBER 16, 1966.

Take notice that on November 10, 1966, Panhandle Eastern Pipe Line Co. (Applicant), Post Office Box 1348, Kansas City, Mo. 64141, filed in Docket No. CP67-134 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain gas storage facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate facilities in the development storage program at its Howell Storage Field in Livingston County, Mich. Such facilities include 20 storage wells, 10.6 miles of pipe of varying diameter for gathering purposes, and one 2,000 horsepower compressor unit.

The total estimated cost of the development project is \$3,810,000, which will be supplied from the general sources available to Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 15, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12699; Filed, Nov. 23, 1966;  
8:46 a.m.]

[Project No. 2493]

### PUGET SOUND POWER & LIGHT CO.

#### Notice of Application for License for Constructed Project

NOVEMBER 16, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Puget Sound Power & Light Co. (correspondence to: L. E. Karrer, Vice



President, Puget Sound Power & Light Co., Puget Power Building, Bellevue, Wash. 98004) for constructed Project No. 2493, known as Snoqualmie Falls Project, located on Snoqualmie River, a tributary of the Snohomish River, in the region of Snoqualmie and Fall City, in King County, Wash.

The existing Snoqualmie Falls Project consists of: (1) A concrete dam 5 feet high, 12 feet wide, and 220 feet long with crest elevation of 396.51 feet, with timber flashboards 4.5 feet high, raising the surface elevation to 401 feet; (2) two generating plants known as (a) Plant No. 1 located in a cavern hollowed out of solid rock, 268 feet beneath the natural Snoqualmie Falls, consisting of: (1) Two intake bays 20 feet wide; (2) two vertical penstocks; (3) an underground powerplant containing five hydraulic turbines, four rated at 2,500 horsepower each and one rated at 10,000 horsepower connected to five generators, four rated at 1,500 kw each and one at 5,600 kw; (4) a tailrace tunnel 12 feet wide by 27 feet high and 450 feet long below the falls; and (5) appurtenant electrical and mechanical facilities; and (b) Plant No. 2 consisting of: (1) Two intake bays 40 feet wide; (2) a 12-foot diameter concrete lined tunnel and a short open channel; (3) a forebay and a headgate house with three 8-foot gates; (4) two penstocks; (5) a reinforced concrete powerhouse 0.5 mile downstream from the falls which contains two hydraulic turbines, one rated at 10,000 horsepower, the other at 28,000 horsepower connected to generators rated at 9,000 kw and 20,250 kw, respectively and (3) two 55 kv transmission lines, one 0.06 mile long and one 0.5 mile long connected to the Snoqualmie Falls switching station; and (4) appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 4, 1967. The application is on file with the Commission for public inspection.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12700; Filed, Nov. 23, 1966;  
8:46 a.m.]

[Docket Nos. RI67-76 etc.]

WALTER F. KUHN, ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

OCTOBER 20, 1966.

Walter F. Kuhn, et al., Docket Nos. RI67-76 etc.; Ashland Oil Refining Co., Docket No. RI67-82.

In the order providing for hearings on and suspension of proposed changes in rates, issued October 6, 1966 and published in the FEDERAL REGISTER October 14, 1966 (F.R. Doc. 66-11131, 33 F.R. 13373), in the chart after Docket No.

RI67-82, under column "Date Suspended Until", change the date to read "3-13-67" in lieu of "3-13-66".

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-12694; Filed, Nov. 23, 1966;  
8:45 a.m.]

[Docket Nos. RI67-118 etc.]

MARATHON OIL CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

NOVEMBER 9, 1966.

Marathon Oil Co. et al., Docket Nos. RI67-118 etc.; Ashland Oil & Refining Co., (Operator), et al., Docket No. RI 67-122.

In the order providing for hearings on and suspension of proposed changes in rates, issued October 27, 1966 and published in the FEDERAL REGISTER November 4, 1966 (F.R. Doc. 66-11967, 33 F.R. 14285), in Appendix "A" under column headed "Docket No." change "RI66-122" to read "RI67-122" after Ashland Oil & Refining Co. (Operator), et al.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 66-12698; Filed, Nov. 23, 1966;  
8:45 a.m.]

## FEDERAL RESERVE SYSTEM FIRST WISCONSIN BANKSHARES CORP.

### Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956, by First Wisconsin Bankshares Corp., which is a bank holding company located in Milwaukee, Wis., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Waunakee State Bank, Waunakee, Wis.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 18th day of November 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,  
*Secretary.*

[F.R. Doc. 66-12701; Filed, Nov. 23, 1966;  
8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1686]

LINCOLN PRINTING CO.

### Order Suspending Trading

NOVEMBER 18, 1966.

The common stock, 50 cents par value, and the \$3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 19, 1966, through November 28, 1966, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
*Assistant Secretary.*

[F.R. Doc. 66-12712; Filed, Nov. 23, 1966;  
8:47 a.m.]

[812-2017]

## SECOND FEDERAL STREET FUND, INC.

### Notice of Filing of Application for Order Exempting Proposed Transactions

NOVEMBER 18, 1966.

Notice is hereby given that The Second Federal Street Fund, Inc. ("Applicant"),



225 Franklin Street, Boston, Mass. 02110, a registered open-end diversified investment company, has filed an application pursuant to sections 6(c) and 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the issuance by Applicant of shares of its common stock to three of its directors in exchange for certain securities deposited by such directors for inclusion in Applicant's portfolio.

Section 17 of the Act, as here pertinent, makes it unlawful for such directors, affiliated persons of Applicant, to sell securities or other property to Applicant unless the transaction is exempted by the Commission after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of

the registered investment company and with the general purposes of the Act. Under section 6(c) of the Act the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

All interested persons are referred to the application on file with the Commission for a full statement of the representations made therein which are summarized below.

The directors and the amounts, Federal tax bases, and market value (as of close of business on October 7, 1966) of their deposited securities are as follows:

Name of director	No. of shares of common stock	Issuer	Federal tax basis (total)	Market value (total)
Francis H. Burr.....	364	Falconbridge Nickel Mines, Ltd.....	\$11,006.79	\$27,362.99
Paul C. Cabot.....	826	Norfolk & Western Railway.....	90,085.63	78,470.00
Charles G. Mortimer.....	13,700	General Foods Corp.....	159,879.00	880,225.00

Applicant has filed a registration statement under the Securities Act of 1933 for the sale of 2 million shares of its common stock, which registration statement became effective on May 11, 1966. Applicant registered an additional 19,000 shares by posteffective amendment made effective October 20, 1966. The prospectus and registration statement under the Securities Act of 1933 state that the Applicant is intended as an investment vehicle for investors who wish to exchange securities which they hold having a low Federal tax basis for shares of the Applicant in a simultaneous exchange on a tax-free basis.

The Applicant states that the securities proposed to be accepted in these transactions are readily marketable and that none of the aforementioned directors is an underwriter with respect to the securities or is in a control relationship with respect to the issuer thereof. The Applicant represents that in no case has it rejected, nor does it intend to reject, securities of the same issuers as those described above deposited by persons other than said directors; that the proposed transactions between the Applicant and said directors will be treated on the same basis, as described in the prospectus, as the transactions between the Applicant and any other depositor whose securities are accepted by the Applicant; that the terms of the proposed transaction are reasonable and fair and that they are consistent with the policy of the Applicant and with the general purposes of the Act.

The Applicant has undertaken not to effect a redemption or repurchase otherwise than in kind of its shares from any of said directors if any such director is affiliated with the Applicant at the time of such redemption or repurchase unless the Commission shall first have received written notice.

Notice is further given that any interested person may, not later than December 6, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12713; Filed, Nov. 23, 1966; 8:47 a.m.]

## UNITED SECURITY LIFE INSURANCE CO.

### Order Suspending Trading

NOVEMBER 18, 1966.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock, \$1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 19, 1966, through November 28, 1966, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12714; Filed, Nov. 23, 1966; 8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 994]

### MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 18, 1966.

The following applications are governed by Special Rule 1.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended) published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet

<sup>1</sup> Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.



the requirements of § 1.247(d) (4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 720 (Sub-No. 6), filed November 7, 1966. Applicant: BIRD TRUCKING COMPANY, INC., Post Office Box 227, 433½ Main Street, Waupun, Wis. Applicant's representative: Edward J. Gerrity, 111 South Memorial Drive, Post Office Box 914, Appleton, Wis. 54911. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches, wooden or paper, in cartons or boxes, when in combined shipments with groceries*, from the plantsites and storage facilities utilized by the Hunt Foods Industries, Inc., located at Chicago and Northlake, Ill., to points in that part of Wisconsin bounded by a line beginning at Markton, Wis., and extending easterly along unnumbered highway (formerly Wisconsin Highway 64) to Mountain, Wis., thence along Wisconsin Highway 64 to Marinette, Wis., thence along the bay and lake shores of Wisconsin to Fox Point, Wis., thence along Wisconsin Highway 100 (formerly Wisconsin Highway 74) to junction Wisconsin Highway 145 (formerly U.S. Highway 45), thence south along Wisconsin Highway 145 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Wisconsin State line, thence west along the Illinois-Wisconsin State line to junction U.S. Highway 14, thence north-west along U.S. Highway 14 to junction Wisconsin Highway 11 (formerly U.S. Highway 14), thence along Wisconsin Highway 11 to Janesville, Wis., thence along U.S. Highway 51 (formerly U.S. Highway 14) to junction U.S. Highway 14, thence along U.S. Highway 14 to Madison, Wis., thence northwestwardly along U.S. Highway 12 to junction Wisconsin Highway 21, thence east along

Wisconsin Highway 21 to junction U.S. Highway 51 to Stevens Point, Wis., thence east along U.S. Highway 10 to junction Wisconsin Highway 161, thence along Wisconsin Highway 161 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction Wisconsin Highway 55, and thence north along Wisconsin Highway 55 to point of beginning, including points on the indicated portions of the highways specified, except Madison, Wis., and points located on (a) Wisconsin Highway 145, (b) U.S. Highway 45, and (c) that portion of U.S. Highway 51 extending between Madison and Stevens Point, Wis. (including Stevens Point). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 730 (Sub-No. 274), filed October 24, 1966. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating greases and oils* (except commodities in bulk, in tank vehicles), from Wichita, Kans., to points in Connecticut, Indiana, Maryland, Massachusetts, New York, New Jersey, Ohio, Pennsylvania, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita or Kansas City, Kans.

No. MC 730 (Sub-No. 275), filed October 28, 1966. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Murdo, S. Dak., and Sioux City, Iowa; from Murdo over U.S. Highway 16 (Interstate Highway 90) to Sioux Falls, S. Dak., thence over U.S. Highway 77 (Interstate Highway 29), to Sioux City, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, and serving Murdo, S. Dak., for purposes of joinder only, restricted to traffic moving between points in Oregon and Washington on and west of U.S. Highway 97, on the one hand, and, on the other, Omaha, Nebr., and points east thereof (except those in Minnesota). NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Sioux Falls, S. Dak.

No. MC 730 (Sub-No. 276), filed November 7, 1966. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative:

Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), (1) between Omaha, Nebr., and Indianapolis, Ind., from Omaha over U.S. Highway 6 and Interstate Highway 80 to Davenport, Iowa, thence over U.S. Highway 150 and Interstate Highway 74 to Danville, Ill., and thence over U.S. Highway 136 and Interstate Highway 74 to Indianapolis, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and (2) between Cedar Rapids, Iowa, and Indianapolis, Ind., from Cedar Rapids over U.S. Highway 218 to junction U.S. Highway 6 (also junction Interstate Highway 80), and thence as specified in (1) above to Indianapolis, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Omaha, Nebr.

No. MC 1964 (Sub-No. 11), filed November 7, 1966. Applicant: FRIEDERICH TRUCK SERVICE, INC., O'Fallon, Ill. 62269. Applicant's representative: Delmar O. Koebel, 107 West St. Louis, Lebanon, Ill. 62254. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Boxes or crates, including fiberboard, paper or pulpboard bottles, or cans*, between Sikeston, Mo., and Breese, Ill., from Sikeston, over Missouri Highway 114 to junction Interstate Highway 55, thence over Interstate Highway 55 to Cape Girardeau, Mo., thence across the Mississippi River to Illinois Highway 146, thence over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to junction Illinois Highway 159, thence over Illinois Highway 159 to junction U.S. Highway 50, thence over U.S. Highway 50 to Breese, and return over the same route, serving the intermediate point of O'Fallon, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 2202 (Sub-No. 299) (Clarification), filed October 28, 1966, published FEDERAL REGISTER issue of November 17, 1966, and republished as clarified, this issue. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between junction of Pennsylvania Highways 61 and 895 at Molino, Pa., and junction of Pennsylvania Highway 443



and U.S. Highway 309 near south Tamaqua, Pa., from junction of Pennsylvania Highway 61 and Pennsylvania Highway 895, over Pennsylvania Highway 895 to junction Pennsylvania Highway 443, thence over Pennsylvania Highway 443 to junction U.S. Highway 309 and return over the same route as an alternate route for operating convenience only, serving no intermediate points. **NOTE:** The purpose of this republication is to show that no intermediate point service is proposed. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3854 (Sub-No. 9), filed November 7, 1966. Applicant: BURTON LINES, INC., Post Office Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and shale products, and pipe, conduit, wall coping, fittings, and firebrick*, from Greensboro and Gulf, N.C., to points in Alabama, Florida, Georgia, and South Carolina. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 11753 (Sub-No. 29), filed October 27, 1966. Applicant: CHARLES H. BEANEY, doing business as BEANEY TRANSPORT, 5905 Lake Road South, Brockport, N.Y. 14420. Applicant's representatives: Charles H. Trayford, 220 East 42d Street, New York, N.Y. 10017, and Ronald N. Cobert, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and chemical compounds; cleaning compounds; canned goods; pickles, preserves, relishes, condiments and spreads; hides, skins and pelts; drugs; feathers and quills; and hair, and padding*; (excluding commodities in bulk), between the ports of entry on the international boundary line between the United States and Canada, located at Alexandria Bay, Buffalo, and Niagara Falls, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and the District of Columbia. **NOTE:** Applicant states that the above proposed operation is restricted to the transportation of shipments moving from or to Canada. The application is accompanied by a Motion to Dismiss. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 13569 (Sub-No. 20), filed November 2, 1966. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, a corporation, 1200 South State Street, Girard, Ohio 4420. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between the plantsite of Bethle-

hem Steel Corp., Burns Harbor Plant located in Porter County, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. **NOTE:** Applicant states it could tack the proposed authority at points in northeastern Ohio and western Pennsylvania in connection with existing irregular route authority in Ohio, Pennsylvania, New Jersey, New York, and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Pittsburgh, Pa., or Chicago, Ill.

No. MC 15511 (Sub-No. 24), filed November 7, 1966. Applicant: CARSTENSEN FREIGHT LINES, INC., Post Office Box 878, Clinton, Iowa 52732. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading), serving Hanover, Ill., as an off-route point in connection with applicant's authorized regular routes. **NOTE:** Applicant states it proposes to tack with its presently authorized irregular route authority to provide a service between Hanover, Ill., and all authorized points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 24379 (Sub-No. 34) (amendment), filed September 23, 1966, published *FEDERAL REGISTER* issue of October 13, 1966, amended November 9, 1966, and republished, as amended, this issue. Applicant: LONG TRANSPORTATION COMPANY, a corporation, 3755 Central Avenue, Detroit, Mich. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles and equipment, material and supplies used in the manufacture or processing of iron and steel articles*, between Joliet and Waukegan, Ill., Portage, Ind., and Chicago, Ill., and points in its commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. **NOTE:** Applicant states it intends to tack at common points in Ohio in connection with presently held authorized authority. The purpose of this republication is to broaden the base area. If a hearing is deemed necessary, applicant requests it be held in Chicago, Ill., or Washington, D.C.

No. MC 31444 (Sub-No. 53) (Amendment), filed September 21, 1966, published in *FEDERAL REGISTER* issue of Octo-

ber 13, 1966, amended November 7, 1966 and republished, as amended, this issue. Applicant: SCHREIBER TRUCKING CO., INC., 1391 Washington Boulevard, Pittsburgh, Pa. 15206. Applicant's representative: Louis E. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago, Ill., commercial zone, as defined by the Commission, and Portage, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. **NOTE:** Applicant indicates it would tack the proposed authority at Pittsburgh, Pa., and Chicago, Ill., with its present authority wherein it conducts operations in Illinois, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and Ohio. The purpose of this republication is to add Portage, Ind., as a point in the base territory thereby broadening the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Pittsburgh, Pa.

No. MC 35484 (Sub-No. 70), filed October 27, 1966. Applicant: VIKING FREIGHT COMPANY, a corporation, 1525 South Broadway, St. Louis, Mo. 63104. Applicant's representative: G. M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Nashville, Tenn., and Meridian, Miss., from Nashville over U.S. Highway 31 and Interstate Highway 65 to junction U.S. Highway 11 and Interstate Highway 59, at or near Birmingham, Ala., thence over U.S. Highway 11 and Interstate Highway 59 to Meridian, and return over the same route, serving no intermediate points; and, (2) between Nashville, Tenn., and Macon, Miss., from Nashville over U.S. Highway 31 and Interstate Highway 65 to junction U.S. Highway 11 and Interstate Highway 59, at or near Birmingham, Ala., thence over U.S. Highway 11 and Interstate Highway 59 to junction U.S. Highway 11 and Interstate Highway 59, at or near Birmingham, Ala., thence over U.S. Highway 11 and Interstate Highway 59 to junction U.S. Highway 11 and Interstate Highway 59, at or near Columbus, Miss., thence over U.S. Highway 45 to Macon, and return over the same route serving no intermediate points, and serving the junction U.S. Highways 82 and 45 for purposes of joinder only. **NOTE:** Applicant states that the above-described routes are sought as alternate routes for operating convenience only. While a portion of said routes are dupli-



cative, such duplication is set out for purposes of clarity only, it being understood by applicant that any grant of authority as herein requested, over duplicating routes, will constitute but a single authority over such route or routes. Applicant has submitted a petition for dismissal of a portion of its authority in No. MC 35434 if and when the above referred to alternate-route authority is granted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Nashville, Tenn.

No. MC 41432 (Sub-No. 99), filed November 7, 1966. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 623 North Washington Avenue, Post Office Box 26040, Dallas, Tex. 75226. Applicant's representative: Rollo E. Kidwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, livestock, rock, gravel, sand, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Atlanta, Ga., and Shreveport, La.: From Atlanta over U.S. Highway 29 to junction Interstate Highway 85 at or near the Alabama-Georgia State line, thence over Interstate Highway 85 to junction U.S. Highway 80 at or near Montgomery, Ala., thence over U.S. Highway 80 to junction Interstate Highway 20, at or near Toombsub, Miss., thence over Interstate Highway 20 to Newton, Miss. (using access road to Newton), thence over U.S. Highway 80 to junction Interstate Highway 20 at or near Edwards, Miss., thence over Interstate Highway 20 to Vicksburg, Miss., thence over U.S. Highway 80 to Monroe, La., thence over Interstate Highway 20 to Doyline, La., thence over U.S. Highway 80 to Shreveport, La. (also using, as completed, those segments of Interstate Highway 85 between Atlanta, Ga., and junction U.S. Highway 29 at or near the Alabama-Georgia State line, between Newton, Miss., access road and Edwards, Miss., between Vicksburg, Miss., and Monroe, La., and between Doyline, La., and Shreveport, La.), and return over the same route, serving no intermediate points, as an alternate route for operating convenience, only, and

(2) *Ammunition* (explosive, incendiary, or gas, smoke, or tear producing), *manufactured ingredients*, and *component parts of ammunition*, and *general commodities*, except those of unusual value, explosives (other than ammunition and manufactured ingredients and component parts of ammunition as specified), livestock, rock, gravel, sand, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Birmingham, Ala., and Shreveport, La.: From Birmingham over U.S. Highway 11 to junction Interstate Highway 20 near Woodstock, Ala., thence over Interstate Highway 20 to junction U.S. Highway 11 near Cotton-

dale, Ala., thence over U.S. Highway 11 to junction Interstate Highway 20 at or near Toombsub, Miss. (which junction is also the junction of U.S. Highway 80 and Interstate Highway 20 at the same point), thence to Shreveport, La., as specified above (also using, as completed, those segments of Interstate Highway 20, between Birmingham, Ala., and junction U.S. Highway 11 near Woodstock, Ala., between junction U.S. Highway 11 near Cottondale, Ala., and junction U.S. Highway 11 at or near Toombsub, Miss.), and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 50307 (Sub-No. 33), filed November 8, 1966. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies used in the manufacture thereof* between the New York City, N.Y., commercial zone, on the one hand, and, on the other, Edinburg and Stanley, Va., and Terra Alta and Keyser, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 52458 (Sub-No. 211), filed November 8, 1966. Applicant: T. I. McCormack Trucking Company, INC., Route 9, Woodbridge, N.J. Applicant's representative: Frank B. Hand, Jr., 921 17th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Rock Hill, S.C., and points within 5 miles thereof, to points in Alabama, Tennessee, and South Carolina. NOTE: Applicant states the proposed authority could be tacked with presently held authorized authority from points in Virginia, Delaware, Maryland, New Jersey, New York, and Pennsylvania to points in Alabama, Tennessee, and South Carolina. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52460 (Sub-No. 84), filed November 7, 1966. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, Okla. 74107. Applicant's representative: James W. Wrape or Louis I. Dailey, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods, food-stuffs suitable for human consumption, and dog food and cat food*, all in packages and containers, in van type equipment, from the plantsites and facilities of Allen Canning Co., located in Benton County, Ark., and at or near Kansas, Okla., to points in Kansas, Missouri, Louisiana, and Texas (except Dallas and Fort Worth). NOTE: Applicant states it intends to tack with its present authority in MC 52460, Sub 3, wherein it is authorized to operate in Arkansas and Ok-

lahoma. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla., or Fort Smith, Ark.

No. MC 59150 (Sub-No. 26), filed November 4, 1966. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 710 Atlantic Bank Building, 121 West Forsyth Street, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, panels, sidings, decking, moulding, stains, and accessories* for the installation thereof, from Charlotte, N.C., to points in Alabama, Florida, Georgia, Mississippi, and Tennessee. NOTE: Applicant has pending in MC 128525, Sub 1 an application for contract carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Atlanta, Ga.

No. MC 59240 (Sub-No. 6), filed October 31, 1966. Applicant: KNUTE BERG, doing business as BERG'S TRANSFER, Dallas, Wis. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, and in bags, (1) from New Richmond, Wis., to points in the Upper Peninsula of Michigan on and north of U.S. Highway 2, (2) from Iron Mountain, Mich., to Escanaba, Mich., and on and west of U.S. Highway 41, and (3) from Escanaba, to Marquette, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 59759 (Sub-No. 26), filed November 1, 1966. Applicant: JONES TRUCKING CO., a corporation, 500 West Edgar Road, Linden, N.J. 07036. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials and supplies used in the conduct of such business*, between Linden, N.J., on the one hand, and, on the other, points in Rockingham County, N.H., restricted to a transportation service to be performed under a continuing contract with Food Fair Stores, Inc., of Linden, N.J., and its subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 61396 (Sub-No. 168), filed November 3, 1966. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and liquid fertilizer materials*, in bulk in tank trucks, from the plantsite of the Hawkeye Chemical Co. located at or near Clinton, Iowa, to points in Minnesota, Wisconsin, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests



it be held at Memphis, Tenn., St. Louis, Mo., or Chicago, Ill.

No. MC 61592 (Sub-No. 76) (Amendment), filed May 19, 1966, published in the FEDERAL REGISTER issue of June 9, 1966, amended November 4, 1966, and republished, as amended, this issue. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and except those which because of size or weight require the use of special equipment), from Houston, Tex.; New Orleans, La.; Duluth, Minn.; and ports of entry on the international boundary line between the United States and Canada, located in Maine; to points in Colorado, Idaho, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming; (2) from Billings and Great Falls, Mont., to the States named as destination States in (1) above. NOTE: Applicant states that shipper is to be afforded storage-in-transit privileges. The purpose of this republication is to broaden the authority sought. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 61592 (Sub-No. 77) (Amendment), filed May 19, 1966, published FEDERAL REGISTER issue of June 16, 1966, amended November 9, 1966, and republished, as amended, this issue. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and except those which because of size or weight require the use of special equipment), (1) from Duluth, Minn.; ports of entry on the international boundary line between the United States and Canada, located in Maine; Houston, Tex.; and New Orleans, La.; to points in Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan and (2) from Minneapolis, Minn., to the States named as destination States in (1) above. NOTE: Applicant states that shipper is to be afforded storage-in-transit privileges. The purpose of this republication is to more clearly set forth the proposed operation, and to add upper Michigan to the destination territory and delete Nebraska herefrom. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 73165 (Sub-No. 228), filed November 7, 1966. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 348, Birmingham, Ala. 35207. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment; parts, attachments, and acces-*

*sories for material handling equipment*, from West Memphis, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 77972 (Sub-No. 8), filed November 7, 1966. Applicant: MERCHANTS TRUCK LINE, INC., Summer Street, Post Office Box 209, New Albany, Miss. Applicant's representative: Rubel L. Phillips, Post Office Box 961, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Louisville and Decatur, Miss., over Mississippi Highway 15, serving all intermediate points, and the off-route point of Sebastopol, Miss., (2) between Louisville and Walnut Grove, Miss.; from Louisville over Mississippi Highway 25 to Carthage, Miss., thence over Mississippi Highway 35 to Walnut Grove, and return over the same route, serving all intermediate points, and (3) between Philadelphia and Carthage, Miss., over Mississippi Highway 16, serving no intermediate points, for operating convenience only. NOTE: Applicant states the above proposed authority will be joined with its present authorized authority between Memphis, Tenn., on the one hand, and, on the other, points in Mississippi, including Louisville. If a hearing is deemed necessary, applicant requests it be held at Meridian or Jackson, Miss.

No. MC 87379 (Sub-No. 9), filed October 31, 1966. Applicant: C. H. HOOKER TRUCKING CO., a corporation, Route No. 2, Uhrichsville, Ohio. Applicant's representative: Earl J. Thomas, 5850 North High Street, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from points in Tuscarawas County, Ohio, and East Liverpool, Ohio, to points in Maine, New Hampshire, Rhode Island, and Vermont. NOTE: Applicant holds contract carrier authority under MC 126851, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 87720 (Sub-No. 54) (Amendment), filed October 3, 1966, published FEDERAL REGISTER issue of November 3, 1966, amended November 15, 1966, and republished as amended, this issue. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground lime-*

*stone*, in bulk, from Florence and Chester, Vt., and Texas, Md., to Burlington, N.J., (2) *resin*, in bulk, from Flemington, N.J., to Watkinsville, Ga., (3) *ground clay*, in bulk, from Gordon and Sandersville, Ga., to Burlington, N.J., restricted to service for Tenneco Manufacturing Co., (4) *paper*, in rolls, from Berlin, N.H., to Flemington, N.J., restricted to a service for Bemis Co., Inc., and returned, rejected, or damaged shipments, on return in (1), (2), (3), and (4) above. NOTE: The purpose of this republication is to broaden the origin point in (1) above. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 94265 (Sub-No. 195), filed November 1, 1966. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's representative: E. Stephen Haisley, 529 Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of the Kitchens of Sara Lee located at Deerfield, Ill., and the warehouses used by the Kitchens of Sara Lee located at Chicago, Ill., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia. NOTE: Applicant states it can or will tack with its Sub 26, at Crozet, Va., to provide service to points in South Carolina, North Carolina, Georgia, and Florida. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 94265 (Sub-No. 196), filed November 3, 1966. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23501. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by packinghouses*, as described in sections A and C of appendix A to report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., located in Beardstown, Ill., to points in Virginia, West Virginia, North Carolina, Maryland, and the District of Columbia. Restricted to traffic originating at the described plantsite. NOTE: Applicant states it intends to tack with Sub 142, from Smithfield, Va., to Philadelphia, Pa., New York, N.Y., Wilmington, Del., and points in Delaware east of Chesapeake Bay and south of U.S. Highway 40. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95540 (Sub-No. 684), filed November 2, 1966. Applicant: WATKINS MOTOR LINES, INC., Post Office Box 828, Albany Highway, Thomasville, Ga. 31792. Applicant's representative: Jack M. Holloway (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen*



*nutria, frozen trash fish, frozen nutria and frozen horsemeat with bone mixed, also frozen beef byproducts mixed with frozen nutria* when moving in the same shipment, from points in Louisiana to points in Illinois, Wisconsin, Minnesota, South Dakota, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 95540 (Sub-No. 685), filed November 2, 1966. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. 31792. Applicant's representative: Jack M. Holloway (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and except commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., Beardstown, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis), restricted to transportation of traffic originating at such plantsite. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 99208 (Sub-No. 4), filed November 4, 1966. Applicant: SKYLINE TRANSPORTATION, INC., 2530 Mitchell Street, Knoxville, Tenn. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Knoxville, Tenn., and Harlan, Ky.; from Knoxville over Tennessee Highway 33 to Tazewell, Tenn., thence over U.S. Highway 25E to junction U.S. Highway 119, near Pineville, Ky., thence over U.S. Highway 119 to junction U.S. Highway 421, near Baxter, Ky., thence over U.S. Highway 421 to Harlan, Ky., and return over the same route, serving all intermediate points and the off-route point of Pineville, Ky., and (2) between Arthur, Tenn., and junction Tennessee Highway 63 and U.S. Highway 25E, over Tennessee Highway 63, serving all intermediate points. NOTE: Applicant states route (2) above is for purpose of joining two of its present routes. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn., or Middlesboro, Ky.

No. MC 101075 (Sub-No. 105), filed November 3, 1966. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. 56561. Applicant's representative: Ronald B. Pitsenbarger, Post Office Box 369, Moorhead, Minn. 56561. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer, fertilizer solutions, and fertilizer ingre-*

*dients*, in bulk, from Moorhead, Minn., to points in North Dakota, South Dakota, and Minnesota, and returned shipments on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106001 (Sub-No. 6), filed November 7, 1966. Applicant: DENNIS TRUCKING COMPANY, INC., 2519 Morris Street, Philadelphia, Pa. 19145. Applicant's representative: Beverley S. Simms, 480, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles and equipment, material and supplies* used in the manufacture or processing of iron and steel articles, between the plantsite of Bethlehem Steel Corp.'s Burns Harbor plant located in Porter County, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. NOTE: The controlling stockholders of the applicant hold contract carrier rights in MC 2135. Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106163 (Sub-No. 23), filed October 28, 1966. Applicant: RED LINE TRANSFER AND STORAGE COMPANY, INC., 2600 West Sixth Avenue, Post Office Box 856, Pine Bluff, Ark. 71601. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, or in tank vehicles, and those requiring special equipment), between Memphis, Tenn., and West Monroe, La., from Memphis over U.S. Highway 70 (Interstate Highway 40) to junction U.S. Highway 70 (Interstate Highway 40) and Arkansas Highway 11, thence over Arkansas Highway 11 to junction U.S. Highway 79, thence over U.S. Highway 79 to Pine Bluff, Ark.; from Pine Bluff, over U.S. Highway 65 to junction Arkansas Highway 81, thence over Arkansas Highway 81 to Arkansas-Louisiana State line, thence over Louisiana Highway 139 to junction U.S. Highway 165 at Bastrop, La., thence over U.S. Highway 165 to Monroe, La., thence over U.S. Highway 80 to West Monroe, and return over the same route, serving Monroe as an intermediate point and Sterlington, La., as an intermediate and/or off-route point. NOTE: Applicant states that its certificate MC 106163 Sub 20 contains a restriction against tacking for purpose of performing any through service on traffic originating at, moving through, or destined to the Memphis, Tenn., commercial zone, as defined by the Commission; on the one hand, and, on the other, Monroe and

West Monroe, La. The purpose of this application is to remove the foregoing restriction so as to enable applicant to render a through service between Memphis, Monroe, and West Monroe, and Sterlington, La., by tacking at Pine Bluff, Ark. Applicant states it does not seek duplication of authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 106644 (Sub-No. 76), filed October 28, 1966. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Payton Road NW., Chattahoochee Station, Atlanta, Ga. 30321. Applicant's representative: Otis E. Stovall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between the plantsite of Bethlehem Steel Corporation Burns Harbor plant, located in Porter County, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Oklahoma, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107064 (Sub-No. 52), filed November 2, 1966. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Street, Post Office Box 2998, Dallas, Tex. 75201. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Plainview, Tex., to points in Arizona, Colorado, and Utah. NOTE: Applicant states it will tack the proposed authority at Plainview to points in Texas west of U.S. Highway 83. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 109435 (Sub-No. 42), filed November 7, 1966. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., 116 North Allied Road, Post Office Drawer J, Stroud, Okla. 74079. Applicant's representative: K. C. Elliott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products and road oil*, in bulk, in tank vehicles, from points in Kansas to points in Missouri. NOTE: Applicant states this proposed authority could be tacked with its present authority in MC 109435 wherein it conducts operations in Arkansas, Oklahoma, Kansas, and Missouri. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 110841 (Sub-No. 11), filed November 2, 1966. Applicant: PORT NORRIS EXPRESS CO., INC., Main Street, Port Norris, N.J. 08349. Applicant's representative: Frank B. Hand, Jr., 921 17th Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand,*



gravel, and clay, in bags and in bulk, from points in Cumberland and Gloucester Counties, N.J., to points in Maine, Vermont, and South Carolina. NOTE: Applicant indicates it intends to tack with its present authority to permit traffic originating in Salem, Atlantic, Camden, Burlington, and Cape May Counties, N.J., to move through Cumberland and Gloucester Counties, N.J., to the same destinations sought herein. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110941 (Sub-No. 7), filed November 3, 1966. Applicant: VILLANI BROS. TRUCKING, INC., 107 South Wood Avenue, Linden, N.J. 07036. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and scrap steel*, from Brooklyn, N.Y., to Paterson, N.J., under contract with Lipsitt Steel Products, Inc., Brooklyn, N.Y. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 111231 (Sub-No. 151), filed October 31, 1966. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, material and supplies* used in the manufacture or processing of iron and steel articles, (1) between the plantsite of Bethlehem Steel Corp.'s Burns Harbor plant, located in Porter County, Ind. on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin, and (2) between Portage, Ind., and points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112668 (Sub-No. 44), filed November 7, 1966. Applicant: HARVEY R. SHIPLEY & SONS, INC., Post Office Route U.S. 140, Finksburg, Md. 21048. Applicant's representative: Donald E. Freeman, 172 East Green Street, Post Office Box No. 880, Westminster, Md. 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Limestone, sand and gravel*, in bulk, in dump vehicles, and (2) *limestone, sand and gravel* in containers, in mixed loads with limestone, sand and gravel in bulk, from Texas and White Marsh, Md., to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 112801 (Sub-No. 59), filed November 7, 1966. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand additives*, from Belvidere, Ill., Archbold and Wadsworth, Ohio, to points in Illinois, Iowa, Indiana, Ohio, Michigan, Wisconsin, Pennsylvania, West Virginia, New York, Minnesota, Kentucky, and Missouri, and ports of entry on the international boundary line between the United States and Canada located in Michigan and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113410 (Sub-No. 63), filed November 8, 1966. Applicant: DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Leonard Jaskiewicz, Madison Building, 1155 15th NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alum*, liquid or dry, in bulk, from Minneapolis-St. Paul, Minn., and points within 10 miles thereof to points in Minnesota, Wisconsin, Upper Peninsula of Michigan, Iowa, South Dakota, North Dakota, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 115311 (Sub-No. 64), filed November 3, 1966. Application: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, insecticides, commodities* in bulk, *corn products, and materials, ingredients and supplies* used in the manufacture and processing of the above commodities, between Kingsland and Seals, Ga., on the one hand, and, on the other, Thiokol, Ga., restricted to traffic having an immediately prior or subsequent movement by rail. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 115331 (Sub-No. 211), filed November 2, 1966. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite, limestone, and limestone products*, from points in Washington County, Mo., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, New Jersey, Ohio, Oklahoma, Pennsylvania, Tennessee, and Wisconsin. NOTE: Applicant indicates it could tack the proposed authority with its Sub 86 at Davenport, Iowa, to serve points in South

Dakota and Nebraska. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115331 (Sub-No. 212), filed November 2, 1966. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids and chemicals*, in bulk, from El Dorado, Ark., to Joliet and Elwood, Ill., and to points in West Virginia, and (2) *nitric acid*, from El Dorado, Ark., to Elwood and Joliet, Ill., and to Natrium and South Charleston, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115840 (Sub-No. 28), filed November 3, 1966. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel or iron and steel articles* (except in bulk in tank vehicles), between Burns Harbor, Portage, and Gary, Ind., Chicago Heights, Lemont, Broadview, Joliet, and Waukegan, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Lower Peninsula of Michigan, Illinois, Indiana, Mississippi, Missouri, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, North Carolina, South Carolina, West Virginia, Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant indicates he could tack at Birmingham, Ala., with its lead certificate to points in Georgia, Florida, Mississippi, and Louisiana east of the Mississippi River, and over specified Alabama Gateways under its Sub 8 to points in Arkansas and Oklahoma. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Pittsburgh, Pa., or Washington, D.C.

No. MC 117664 (Sub-No. 5), filed November 8, 1966. Applicant: DENTON TRUCKING, INC., Post Office Box 33, Denton, Md. 21629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Advertising signs, including illuminated signs, parts, and accessories used in connection therewith*, the transportation of which because of size or weight requires the use of special equipment, between Denton, Md., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio,



Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *wood chips*, from Denton, Md., to points in Pennsylvania, New Jersey, Virginia, Delaware, New York, and Connecticut. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117883 (Sub-No. 94), filed November 7, 1966. Applicant: **SUBLER TRANSFER, INC.**, East Main Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities of Sara Lee in Deerfield and Chicago, Ill., to points in Ohio, West Virginia, that part of Pennsylvania on and west of U.S. Highway 220, and that part of New York on and west of a line beginning at the Pennsylvania-New York State line and extending north along New York Highway 14 to Alton, N.Y., and thence north along unnumbered highway to Sodus Point, N.Y. **NOTE:** Applicant states it is possible to tack at Columbus, Ohio, to States east of Ohio from Virginia to Maine. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 118130 (Sub-No. 58), filed November 3, 1966. Applicant: **BEN HAMRICK, INC.**, 2000 Chelsea Drive West, Fort Worth, Tex. 76115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, from points in Watonwan and Blue Earth Counties, Minn., to points in New Mexico, Oklahoma, Texas, Arkansas, Louisiana, and Mississippi. **NOTE:** If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118475 (Sub-No. 3), filed November 7, 1966. Applicant: **EVERETT W. HEPP AND FRANCIS X. CHAPADOS**, a partnership, doing business as **H & S WAREHOUSE ASSOCIATION**, Third and Eagle (Graehl), Fairbanks, Alaska 99701. Applicant's representative: Julian C. Rice, Post Office Box 516, Fairbanks, Alaska 99701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between Haines, Skagway, Juneau, Sitka, Petersburg, Wrangell, and Ketchikan, Alaska, restricted to traffic originating from or destined to a point in Alaska which applicant is presently authorized to serve or originating from or destined to points in Canada, and (2) between Seattle, Bellingham, and Port Angeles, Wash., and points in Alaska, using all ports of entry on the international boundary line between the United States and Canada located in Washington, and Alaska, traffic restricted to that originating from or destined to points in Alaska and Canada. **NOTE:** Applicant states it intends to tack at Haines, Alaska, to provide service to points in Alaska. No duplicating authority is sought. If a hearing is deemed

necessary, applicant requests it be held at Juneau or Ketchikan, Alaska.

No. MC 119226 (Sub-No. 58), filed October 31, 1966. Applicant: **LIQUID TRANSPORT CORP.**, 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46227. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and blends thereof*, in bulk, in tank vehicles, from Louisville, Ky., to points in New Jersey, New York, Delaware, Maryland, and the District of Columbia. **NOTE:** Applicant states it intends to tack with existing authority at Louisville, Ky., to provide service from points in Indiana or Illinois to points in the destination territory sought herein. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 119268 (Sub-No. 57), filed November 7, 1966. Applicant: **OSBORN, INC.**, 125 Milton Avenue SE., Atlanta, Ga. Applicant's representative: John P. Carlton, 325 Frank Nelson Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpets, and textile products* from points in Alabama, Georgia, and Tennessee, to points in Colorado, Montana, and Wyoming. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Denver, Colo.

No. MC 119767 (Sub-No. 188), filed November 7, 1966. Applicant: **BEAVER TRANSPORT CO.**, a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, caps, covers, tops, stoppers, paper cartons, and accessories for glassware and glassware containers*, from Dunkirk, Ind., to points in Wisconsin and Minnesota. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 123390 (Sub-No. 2), filed October 28, 1966. Applicant: **NATIONAL TRUCKING CO., INC.**, 234 Polner Avenue, Newark, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel building and construction products, and such accessory materials, supplies, and equipment as are necessary for the assembly, erection, or installation thereof*, when moving together with iron and steel building and construction products, from the plantsite of Taylor Davis, Inc., in the borough of Bristol, Pa., to points in that part of Connecticut west of the Connecticut River, and points in that part of New York, on, south, and east of a line beginning at the New York-Massachusetts State line and extending west along U.S. Highway 20 to junction New York Highway 30, thence along New York Highway 30 to East Branch, N.Y.,

thence along New York Highway 17 to Hancock, N.Y., and thence along unnumbered highway to the New York-Pennsylvania State line, including points on Long Island (except points in New York located within 25 miles of Newark, N.J.). **NOTE:** Applicant holds present authority for the same commodities and within the same territory for Taylor Davis, Inc., from Lower Marion Township (Montgomery County), Pa. Shipper is moving from that location to Bristol, Pa. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124170 (Sub-No. 13), filed November 3, 1966. Applicant: **FROSTWAYS, INC.**, 2450 Scotten Street, Detroit, Mich. 48209. Applicant's representative: John W. Ester, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (other than frozen), from Flint, Mich., to points in the District of Columbia, Massachusetts, New Jersey, New York, and Pennsylvania. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 124211 (Sub-No. 103), filed November 4, 1966. Applicant: **HILT TRUCK LINE, INC.**, 3751 Sumner Street, Post Office Box 824, Lincoln, Nebr. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by American Beef Packers, Inc., located in Pottawattamie County, Iowa, to points in Illinois, Indiana, Kentucky, Michigan, Nebraska, Wisconsin, Ohio, Minnesota, and Missouri, restricted to traffic originating at the plantsite and storage facilities utilized by American Beef Packers, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 124669 (Sub-No. 21), filed November 7, 1966. Applicant: **TRANSPORT, INC.**, 1012 West 41st Street, Sioux Falls, S. Dak. 57105. Applicant's representative: Ronald B. Pitsenbarger, Post Office Box 396, Moorhead, Minn. 56561. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Sioux Falls, S. Dak., to points within 10 miles thereof (except from the site of the American Oil Co. terminal in Sioux Falls), to points in Minnesota and Iowa and *returned shipments*, on return. **NOTE:** Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.



No. MC 124813 (Sub-No. 31), filed November 3, 1966. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (other than liquid), in bulk and in bags, from Muscatine, Iowa, to points in Illinois, Minnesota, and Wisconsin. NOTE: Applicant holds contract carrier authority in MC 118468, Sub 16. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125293 (Sub-No. 5), filed November 4, 1966. Applicant: INDUSTRIAL CONTRACT CARRIERS, INC., 1704 Southwest Alder Street, Portland, Ore. 97205. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber products, materials, and supplies*, from points in the Los Angeles, Calif., commercial zone to Portland, Ore., under contract with W. J. Voit Rubber Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Ore., or Los Angeles, Calif.

No. MC 125417 (Sub-No. 9), filed November 7, 1966. Applicant: BULK FREIGHTWAYS, 8332 Wilcox Avenue, South Gate, Calif. Applicant's representative: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst and processed clay*, in bulk, in hopper type equipment, from Vernon and South Gate, Calif., to El Paso, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 125979 (Sub-No. 4), filed November 7, 1966. Applicant: O M A R STOLTZFUS, Box 23, Snow Hill, Md. 21863. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry byproducts meal*, bagged or bulk, from points in Iredell and Union Counties, N.C., to points in Wicomico, Worcester, and Somerset Counties, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126128 (Sub-No. 3), filed November 8, 1966. Applicant: DEAN W. HOBBSIEFKEN, doing business as D. H. TRUCKING, Route 1, Box 241, Lyons, Ore. 97358. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Linn and Benton Counties, Ore., to the Public Docks at Portland, Ore. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland or Salem, Ore.

No. MC 127833 (Sub-No. 2), filed November 8, 1966. Applicant: T. L. MYDLAND TRUCK LINES, INC., 1345 Jefferson Highway, Post Office Box 10086, New Orleans, La. 70121. Applicant's representative: Clarence D. Todd, 1825 Jeffer-

son Place NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, in cans, from Gretna, La., to points in Tennessee, Arkansas, and Texas (except Houston, Galveston, Port Arthur, and Beaumont), and Gordo, Ala., under contract with The Louisiana Coca-Cola Bottling Co., Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 128007 (Sub-No. 7), filed October 31, 1966. Applicant: HOFER INC., Post Office Box 583, Pittsburg, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oil well sealing mixture*, in bulk and in bags, from Gravette, Ark., to points in Oklahoma, Louisiana, Texas, Kansas, New Mexico, Colorado, Wyoming, and Mississippi, and (2) *material and supplies* used in the manufacture of oil well sealing mixture, from points in Oklahoma, Louisiana, Texas, Kansas, New Mexico, Colorado, Wyoming, and Mississippi to Gravette, Ark. NOTE: Applicant holds contract carrier authority in MC 117094, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Kansas City, Mo.

No. MC 128024 (Sub-No. 3), filed November 4, 1966. Applicant: BUILDING TRANSPORTATION COMPANY, a corporation, Post Office Box 20182, Dallas, Tex. 75220. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings*, between points in Illinois, Missouri, Kansas, Tennessee, Indiana, Ohio, Pennsylvania, Kentucky, North Carolina, South Carolina, Georgia, Alabama, Virginia, West Virginia, Florida, New Mexico, Arizona, and California, under a continuing contract with Morgan Portable Building Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 128141 (Sub-No. 1), filed October 31, 1966. Applicant: TRI-STATE TRANSPORT, INC., Post Office Box 4109, Davenport, Iowa 52808. Applicant's representative: Robert Van Vooren, 717 Davenport Bank Building, Davenport, Iowa 52803. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk and in bags (except in dump vehicles) from Davenport, Iowa, and points within 5 miles thereof to points in Illinois, Indiana, Michigan, Missouri, Nebraska, and Wisconsin, under contract with Linwood Stone Products Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 128147 (Sub-No. 1), filed November 7, 1966. Applicant: BENTZINGER TRUCKING COMPANY, a corporation, Mortell, Nebr. Applicant's

representative: Donald E. Leonard, Box 2028, 605 South 14th Street, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prepared animal and poultry feed, and grain products*, from Lincoln, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, South Dakota, and Wyoming, and (2) *feed ingredients*, from points in Iowa, to Lincoln, Nebr., under contract with Gooch Milling & Elevator Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 128429 (Sub-No. 2), filed November 3, 1966. Applicant: MOLEDZKY TRANSPORTATION CORPORATION, 341 West 37th Street, New York, N.Y. 10018. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slacks, skirts, and sweaters*, from New Hyde Park, N.Y., to New York, N.Y., on traffic having a subsequent out-of-State movement, under contract with Rennart Sportswear Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128475 (Sub-No. 1), filed November 7, 1966. Applicant: GENE OSBORNE AUTO TRANSPORT, a corporation, Pier 18, Embarcadero, San Francisco, Calif. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles and trucks*, in truckaway service only, from points in California to points in Oregon. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Ore., or San Francisco, Calif.

No. MC 128655 (Sub-No. 1), filed October 21, 1966. Applicant: MELVIN C. ISBELL, 615 Franklin Street, Campbell, Mo. 63933. Applicant's representative: John W. Noble, Bradley Building. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry feed*, from the plantsite of Swift & Co. in Clinton County, Iowa, to points in Stoddard County, Mo., under contract with Swift & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Memphis, Tenn.

No. MC 128663 (Amendment), filed October 24, 1966, published in the FEDERAL REGISTER issue of November 10, 1966, amended and republished, as amended, this issue. Applicant: METALS TRANSPORT, INC., 475 Jersey Avenue, New Brunswick, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel aluminum, nonferrous metals, and iron, steel, aluminum and nonferrous articles, and materials, supplies and equipment* (except commodities in bulk), between New Brunswick, N.J., on the one hand, and, on the other, points in West Virginia,



Virginia, Ohio, Maryland, Maine, Vermont, New Hampshire, Delaware, Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, and the District of Columbia. **NOTE:** Applicant states that the proposed service is to be under contract or continuing contracts with Morrison Steel Co. of New Brunswick, N.J. The purpose of this republication is to more clearly set forth the commodities. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128679 (Sub-No. 1), filed November 3, 1966. Applicant: R. B. CALAWAY, Rural Delivery, Coolville, Ohio. Applicant's representative: Herbert Baker, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Barrel staves*, from the plant site of the Carl Davis Stave Co., Inc., Coolville, Ohio, to Louisville, Ky., under contract with Carl Davis Stave Co., Inc., Coolville, Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Louisville, Ky.

No. MC 128680, filed October 31, 1966. Applicant: BI-STATE TRUCKING CORP., 6321 23d Avenue, Kenosha, Wis. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Building, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete blocks and concrete bricks*, from Kenosha, Wis., to points in Lake, McHenry, Kane, Du Page, and Cook Counties, Ill., restricted to a transportation service to be performed under a continuing contract with Thompson Concrete Products Co., Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 128681, filed October 31, 1966. Applicant: C. H. LEWIS (LUCAN), LIMITED, Duchess Avenue, Lucan, Ontario, Canada. Applicant's representative: Rodger T. Ederer, 117 West Allegan Street, Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery goods*, from Grand Rapids, Mich., to the international boundaries at Detroit and St. Clair Rivers (Detroit and Port Huron), Mich., under contract with Kellogg Co. of Canada, Ltd., and (2) *cereal and ingredients* used for the feeding of mink, from Battle Creek, Mich., to the international boundaries at Detroit and St. Clair Rivers (Detroit and Port Huron), Mich., under contract with Kellogg Sales Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 128683, filed November 2, 1966. Applicant: CHARLIE C. HOLT, Post Office Box 88, Emporia, Va. Applicant's representative: John C. Goddin, 10 South 10th Street, Richmond, Va. 23219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Textile fabrics*, from Emporia, Va., to Baltimore, Md., Netcong, Paterson, and South

Hackensack, N.J., New York, N.Y., and its commercial zone; Athens and Syracuse, N.Y., Albion and Warren, R.I., and Lancaster, Easton, and York, Pa. (2) *Raw textile fabric materials*, from Paterson, South Hackensack, and Jersey City, N.J., New York, N.Y., and its commercial zone; Lancaster and York, Pa., North Adam, Mass., and Pawtucket, R.I., to Emporia, Va., and (3) *Chemicals and dyes used in the manufacture and processing of textile fabrics* from Haledon, N.J., to Emporia, Va., under contract with Belding Hausman Fabrics, Inc. **NOTES:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 128685 (Amendment), filed October 19, 1966, published in the FEDERAL REGISTER issue of November 3, 1966 under MC 124926 (Sub-No. 4), amended November 7, 1966, and republished as amended, this issue. Applicant: DIXON BROTHERS, a corporation, Post Office Box 636, Newcastle, Wyo. 82701. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, on flatbed equipment only, from Newcastle, Wyo., to points in Iowa. **NOTE:** The purpose of this republication is to show that applicant requests authority to operate as a *common carrier* in lieu of a *contract carrier*. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Cheyenne, Wyo.

No. MC 128689, filed November 14, 1966. Applicant: QUALITY DELIVERY SERVICE, INC., 3031 Manning Street, Alexandria, Va. 22305. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except dangerous explosives, commodities in bulk, commodities requiring special equipment, household goods, and those injurious or contaminating to other lading), between Washington National Airport, Gravelly Point, Va., on the one hand, and on the other, points in Rockingham, Albemarle, Augusta, Rockbridge, Amherst, Campbell, and Roanoke Counties, Va., restricted to the transportation of shipments having a prior or subsequent movement by air. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128692, filed November 7, 1966. Applicant: HOWARD L. FRY, 2823 C Street, Liberty Borough, McKeesport, Pa. 15133. Applicant's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing*, between Butler, Pa., and points in the borough of East Butler, Pa., on the one hand, and on the other, points in Maryland, New York, New Jersey, Delaware, Virginia, West Virginia, and Pennsylvania, under contract with Keystone Pipe & Supply Co. **NOTE:** If a hearing is deemed neces-

sary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

#### MOTOR CARRIER OF PASSENGERS

No. MC 123833 (Sub-No. 15), filed November 1, 1966. Applicant: THAMES VALLEY TRANSPORTATION, INC., 385 Central Avenue, Norwich, Conn. 06360. Applicant's representative: James M. Verner, Suite 1035, 1875 Connecticut Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, (1) between points in New London County, Conn., Danielson, Putnam, and Old Saybrook, Conn., and Westerly, R.I., on the one hand, and on the other, points in New Hampshire, Vermont, New York, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Missouri, Arkansas, Mississippi, Alabama, Louisiana, Kentucky, Tennessee, West Virginia, South Carolina, North Carolina, Georgia, and Florida, and (2) between Danielson, Putnam, and Old Saybrook, Conn., and Westerly, R.I., on the one hand, and on the other, points in Maine, Delaware, Maryland, Virginia, and the District of Columbia. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Hartford, New London, or Norwich, Conn.

#### APPLICATION FOR BROKERAGE LICENSE

No. MC 130022, filed October 18, 1966. Applicant: GORDON B. ALLEY and ARLENE ALLEY, a partnership, doing business as DANVERS TRAVEL AGENCY, Danvers, Mass. For a license (BMC 5) to engage in operations as a *broker* at Danvers, Mass., in arranging for the transportation, in interstate or foreign commerce, of *passengers and their baggage*, both as individuals and in groups, between points in the United States, including Alaska and Hawaii.

#### APPLICATION OF FREIGHT FORWARDER

No. FF-43 (Sub-No. 4) UNIVERSAL CARLOADING & DISTRIBUTING CO. INC., Extension—ALASKA & HAWAII (2), filed November 16, 1966. Applicant: UNIVERSAL CARLOADING & DISTRIBUTING CO., INC., 711 Third Avenue, New York, N.Y. 10017. Applicant's representative: James L. Givan, 1012 14th Street NW., Washington, D.C. 20005. Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as a *freight forwarder* in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express water, air and motor vehicle in the transportation of *general commodities*, between (1) points in Alaska, on the one hand, and on the other, points in the United States, and, (2) Hawaii, on the one hand, and on the other, points in the United States.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 103993 (Sub-No. 266), filed November 7, 1966. Applicant: MOR



**GAN DRIVE AWAY, INC.**, Elkhart, Ind. 46515. Applicant's representative: John E. Lesow, 3737 North Meridian, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages with hitchball connectors, from points in Pinellas County, Fla., to points in Alaska, California, Colorado, Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Montana, New York, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Utah, Virginia, Vermont, Washington, Wyoming, and Washington, D.C.

No. MC 115946 (Sub-No. 39), filed November 3, 1966. Applicant: **GAY TRUCKING COMPANY**, a corporation, Post Office Box 7055, Savannah, Ga. 31408. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, insulating and roofing materials, and supplies and accessories* used in their installation, from points in Chatham County, Ga., to points in Tennessee.

No. MC 128682, filed October 28, 1966. Applicant: **HARRY F. SOMME**, doing business as **H. F. SOMME & SONS**, 2863 South Wolfe Street, Denver, Colo. 80236. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, (1) from points in Larimer, Eagle, Pitkin, Denver, Saguache, Montezuma, Conejos, and Moffat Counties, Colo., to points in Los Angeles County, Calif., and Maricopa County, Ariz.; and (2) from points in Del Norte, Humboldt, Mendocino, Sonoma, Shasta, Tehama, Butte, San Bernardino, Riverside, and Los Angeles Counties, Calif., to Salt Lake City, Utah, and Colorado Springs and Denver, Colo. NOTE: Applicant states that the service proposed under (1) above will be limited to Gorrell Lumber Co., Inc., Denver, Colo., and service proposed under (2) above will be limited to Georgia-Pacific Corp., Denver, Colo.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

F.R. Doc. 66-12651; Filed, Nov. 23, 1966;  
8:45 a.m.]

[Notice 290]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 21, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 F.R. Part 240) published in the **FEDERAL REGISTER**, issue of April 27, 1965, effective July 1, 1965. These rules provide that

protests to the granting of an application must be filed with the field official named in the **FEDERAL REGISTER** publication, within 15 calendar days after the date notice of the filing of the application is published in the **FEDERAL REGISTER**. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

### MOTOR CARRIERS OF PROPERTY

No. MC 23939 (Sub-No. 165 TA), filed November 17, 1966. Applicant: **ASBURY TRANSPORTATION CO.**, 2222 East 28th Street, Los Angeles, Calif. 90058. Applicant's representative: Knapp, Gill, Hibbert & Stevens, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Cryogenics*, in bulk, in specially designed trailers, between points in Louisiana, Alabama, Mississippi, and Florida, for 180 days. Supporting shipper: Department of Defense, U.S. Government, Washington, D.C. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 300 North Los Angeles Street, Room 7709 Federal Building, Los Angeles, Calif. 90012.

No. MC 25869 (Sub-No. 75 TA), filed November 17, 1966. Applicant: **NOLTE BROS. TRUCK LINE, INC.**, 2905 O Street, Post Office Box 7184, Omaha, Nebr. 68107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Meat, meat products, meat byproducts and articles distributed by meat packing-houses*, from plantsite and storage facilities of American Beef Packers, Inc., located in Pottawattamie County, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Missouri, Nebraska, and Wisconsin, for 150 days. Supporting shipper: American Beef Packers, Inc., Oakland, Iowa. Send protests to: Keith P. Kohrs, District Supervisor, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 58813 (Sub-No. 85 TA), filed November 16, 1966. Applicant: **SELMAN'S EXPRESS, INC.**, 460 West 35th Street, New York, N.Y. 10001. Applicant's representative: Solomon Granett, 1350 Avenue of the Americas, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Wearing apparel*, loose on hangers only (not in cartons, cages, crates, or other shipping containers): (a) Between Atlanta, Ga., and Jacksonville, Fla., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Tennessee, Georgia, and Florida and (b) between Atlanta, Ga., and Jacksonville,

Fla., on the one hand, and, on the other, Spartanburg, S.C., with authority to interline with other carriers as Spartanburg, S.C., on movements consigned to or originating in points in Virginia, North Carolina, South Carolina, Tennessee, Georgia, and Florida. Supporting shipper: Lerner Shops, 354 Park Avenue South, New York, N.Y. 10010. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 70272 (Sub-No. 26 TA), filed November 16, 1966. Applicant: **KING VAN LINES, INC.**, Post Office Box 18268, Wichita, Kans. 67218. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Electric neon signs*, from Lima, Ohio, and South Milwaukee, Wis., to points in the contiguous continental United States, and return, for 180 days. Supporting shippers: Neon Products, Inc., Neon Avenue, Lima, Ohio; Everbrite Elec. Signs, Inc., South Milwaukee, Wis.; Phillips Petroleum Co., Bartlesville, Okla. 74003. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 93641 (Sub-No. 2 TA), filed November 16, 1966. Applicant: **DUNCAN TRANSFER, INC.**, 400 North Columbus Street, Alexandria, Va. 22314. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Household goods*, as defined by the Commission, when moving on bills of lading of exempt freight forwarders of Household goods, between points in Fairfax, Loudon, and Prince William Counties, Va.; and Prince Georges and Montgomery Counties, Md., on the one hand, and on the other, Baltimore, Md., restricted to shipments having a prior or subsequent movement by rail or water, for 180 days. Supporting shipper: Davidson Forwarding Co., 3180 V Street NE., Washington, D.C. 20018. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Room 1220, Washington, D.C. 20423.

No. MC 109294 (Sub-No. 7 TA), filed November 17, 1966. Applicant: **COMMERCIAL TRUCK CO., LTD.**, 230 Brunette Street, New Westminster, British Columbia, Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Lumber*, from ports of entry on the United States-Canada boundary line at or near Blaine and Sumas, Wash., to Bangor and Bremerton, Wash. (Restricted to shipments originating in British Columbia, Canada), for 180 days. Supporting shipper: Northcoast Forest Products, Ltd., 5512 Goring Avenue, North Burnaby, British Columbia. Attention: David M. Clarke, Vice President. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and



Compliance, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 113678 (Sub-No. 267 TA), filed November 14, 1966. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Animal food and animal feed* (except in bulk), from the plantsite of Usen Products Co. at or near Golden Meadow, La., and from the storage facilities of Usen Products Co. at or near Lockport, La., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, for 180 days. Supporting shipper: P. Lorillard Co., 200 East 42d Street, New York, N.Y. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1961 Sout Street, 2022 Federal Building, Denver, Colo. 80202.

No. MC 115331 (Sub-No. 213 TA), filed November 17, 1966. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Agricultural chemicals* (other than in bulk), from the plantsite and warehouse facility of Monsanto Co. near Muscatine, Iowa (3½ miles south of city limits), to specified points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Monsanto Co., Attention D. M. Garbis, transportation analyst, 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 116369 (Sub-No. 5 TA), filed November 16, 1966. Applicant: WILLIAM ROY CALHOUN, 304 Virginia Street, Petersburg, W. Va. 26847. Applicant's representative: D. L. Bennett, 213 First National Bank Building, 2207 National Road, Wheeling, W. Va. 26003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Wood chips, sawdust, shavings, and refuse wood*, from Winchester, Va.; Uniontown, Pa.; Elkins, Buckhannon, Durbin, West Union, Pennsboro, Rock Cove, and Hacker Valley, W. Va., to Luke, Md., and from points within the following outlined territory: Beginning at Charleston, W. Va., at the junction of U.S. Highways 77 and 60, thence over U.S. Highway 60 east to Lexington, Va.; thence west on U.S. Highway 60 to Richmond, Va.; thence on U.S. Highway 83 to Harrisburg, Pa.; thence north and west on U.S. Highway 22 and Pennsylvania Highway 322 to Franklin, Pa.; thence west on U.S. Highway 62 to Youngstown, Ohio; thence south on Ohio Highway 7 to Belpre, Ohio; thence east to the Ohio River and the

Ohio-West Virginia State line at Parkersburg, W. Va.; thence south on U.S. Highway 21 and 77 to Charleston, W. Va., the point of beginning to Luke, Md., for 180 days. Supporting shipper: West Virginia Pulp and Paper Co., 230 Park Avenue, New York, N.Y. 10017, Frank J. Yanacek, Manager—Traffic Operations. Send protests to: J. A. Niggemyer, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 531 Hawley Building, Wheeling, W. Va. 26003.

No. MC 116544 (Sub-No. 83 TA), filed November 17, 1966. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Meats, meat products, and meat byproducts and articles distributed by meat packing-houses*, as described in section A of appendix I to the report in Descriptions in Motor Carriers Certificates, 61 M.C.C. 209 and 766, from Grand Island, Nebr., to points in North Carolina, South Carolina, and Alabama, for 180 days. Supporting shipper: Swift & Co., Post Office Box 544, Grand Island, Nebr. 68801. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119670 (Sub-No. 11 TA), filed November 17, 1966. Applicant: THE VICTOR TRANSIT CORPORATION, Post Office Box 115, Winton Place Station, 5250 Este Avenue, Cincinnati, Ohio 45232. Applicant's representative: Robert H. Kinker, 7; McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Glass containers*, from Rockdale, Ill., to Bardstown, Frankfort, Lexington, and Louisville, Ky., and Lawrenceburg, Ind., for 180 days. Supporting shipper: Universal Glass Products Co., Rockdale, Ill. 61070. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 128075 (Sub-No. 5 TA), filed November 15, 1966. Applicant: LEON JOHNSRUD, 757 Second Street West, Cresco, Iowa 52136. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Mink feed, and ingredients thereof, and calf feed, including ingredients thereof*, from New Holstein, Wis., to points in Minnesota, Iowa, South Dakota, North Dakota, Montana, Nebraska, Wyoming, Colorado, Idaho, and Washington, for 180 days. Supporting shipper: National Food Co., Post Office Box 119, New Holstein, Wis. 53061. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 332 Federal Building, Davenport, Iowa 52801.

No. MC 128645 (Sub-No. 1 TA), filed November 16, 1966. Applicant: D & O

TRANSPORT, INC., 3562 West Church Street, Post Office Box 3126, Fresno, Calif. 93766. Applicant's representative: Marshall A. Smith, Jr., 925 North Fulton, Suite 4, Post Office Box 4006, Fresno, Calif. 93744. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Dry fertilizers, fertilizer compounds (manufactured fertilizers)*, in bags, from Lathrop, Calif., to points in Oregon. Supporting shipper: The Best Fertilizers Co., Post Office Box 198, Lathrop, Calif. Send protests to: Wm. R. Murdoch, District Supervisor, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 128669 (Sub-No. 1 TA), filed November 16, 1966. Applicant: A. E. MORRIS, Route 3, Virgilina, Va. 24598. Applicant's representative: McLaughlin & McLaughlin, Halifax, Va. 24558. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Crushed stone and sand*, from W. E. Graham quarry (otherwise known as the Vulcan Materials Co. quarry) 3 miles north of South Boston, Va., to the municipality of Roxboro and to points of Person and Granville Counties, N.C., from the Shelton quarry on U.S. Highway 29 located on the Virginia-North Carolina line on the North Carolina side one-half mile south of Danville, to the municipalities of Reldsville and Leaksville and points in Rockingham and Caswell Counties, N.C.; from a quarry 2 miles east of Edgerton, Va., to points in Halifax, Northampton, and Warren Counties, N.C., and from a quarry 2 miles north of Buggs Island to Vance and Granville Counties, N.C., for 180 days. Supporting shipper: Vulcan Materials Co., Mideast Division, Post Office Box 7506, Winston-Salem, N.C. 27100. Send protests to: George S. Hales, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

#### MOTOR CARRIER OF PASSENGERS

No. MC 128678 (Sub-No. 1 TA), filed November 16, 1966. Applicant: WINNEBAGO TRIBE OF NEBRASKA, Winnebago, Nebr. 68071. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, as follows: *Passengers*, between Winnebago Indian Reservation, Winnebago, Nebr., and Sioux City, Iowa, over U.S. Highways 73 and 77, serving no intermediate points for 180 days. Supporting shippers: Margie Bigfire, Winnebago, Nebr. 68071; Lawrence Buchanan, Winnebago, Nebr. 68071; Rita Harden, Winnebago, Nebr. 68071; Viola Harden, Winnebago, Nebr. 68071; Cleo Painter, Winnebago, Nebr. 68071; Betty Payer, Winnebago, Nebr. 68071. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12724; Filed, Nov. 23, 1966  
8:48 a.m.]



## CUMULATIVE LIST OF PARTS AFFECTED—NOVEMBER

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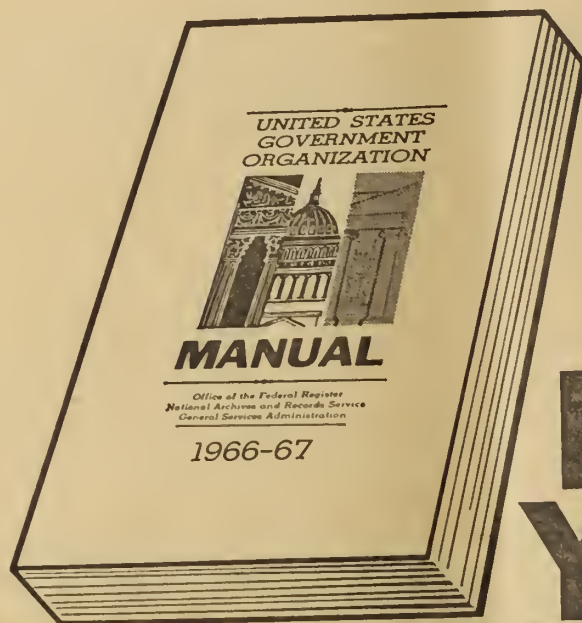
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Agriculture Department  
Allen Property Office  
Civil Aeronautics Board  
Civil Service Commission  
Consumer and Marketing Service  
Delaware River Basin Commission  
Education Office  
Federal Aviation Agency  
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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

### PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

#### Fees and Charges for Certain Federal Inspection Services

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624) the provisions of 7 CFR 68.42 prescribing fees in connection with the inspection of agricultural commodities administratively assigned to the Grain Division are hereby amended.

*Statement of considerations.* The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to cost of inspection services rendered under its provisions. The Federal Salary and Fringe Benefits Act of 1966 (P.L. 89-504) and the 1966 amendment to the Administrative Expenses Act of 1946 (P.L. 89-516) liberalizing moving, travel, and transportation expenses for Federal employees and their families transferred to other geographical locations, have required increases in the salaries and other benefits paid to Federal employees engaged in performing inspection services. In order to cover these increased costs, fees, and charges for certain inspection services are being increased as provided for herein. This amendment also provides for reductions in the fees and charges for certain inspection services which because of modified inspection methods or because of the large volume inspected, may now be provided at a reduced rate.

In addition, the method of computing fees and charges for the inspection of beans, lentils, peas, hay, straw, hops, and U.S. grain inspected in Canada is being changed from a volume rate to an hourly rate or an hourly rate plus an analysis or grading charge. This change will provide a more equitable basis for computing fees and charges in that the fees and charges will more nearly reflect the actual cost per service request.

Section 68.42 is amended to read:

#### § 68.42 Fees and charges for certain Federal inspection services.

The following fees and charges apply to the Federal inspection services specified below:

Service	Fee or charge	Service	Fee or charge
Appeal inspection:		(8) Calcium—AOAC .....	4.00
(a) Basis original sample:		(9) Calcium enrichment.....	4.00
(1) U.S. grain in Canada and rice.....	(1)	(10) Clarity of oil involving heating .....	1.45
(2) Other commodities.....	(2)	(11) Cold test—oil.....	.75
(b) Basis new sample:		(12) Color—bleached .....	2.10
(1) All commodities.....	(3)	(13) Color—FAC.....	2.10
Bean, lentil, and pea inspection (including chick peas, cowpeas, split peas, and similar commodities):		(14) Color—Gardner .....	2.10
(a) Lot inspection:		(15) Color—Lovibond .....	2.10
(1) Field run (quality and dockage analysis)—per lot....	\$4.00	(16) Color—Wesson .....	2.10
(2) Other than field run (grade, class, and quality)—per lot....	3.00	(17) Color—oil and shortening.....	2.10
(In addition to the charge for analysis or grading in (1) and (2) above, a fee for sampling, checkweighing, and checkloading, if any, will be charged at the prescribed rate.)		(18) Congeal point.....	4.30
(b) Sample inspection:		(19) Consistency .....	1.35
(1) Field run (quality and dockage analysis)—per sample .....	4.00	(20) Cooking test.....	1.85
(2) Other than field run (grade, class, and quality)—per sample .....	3.00	(21) Crude fat.....	2.25
Checkloading—per man-hour.....	*6.25	(22) Crude fiber.....	3.35
Checkweighing—per man-hour.....	*6.25	(23) Density .....	1.20
Condition examination—per man-hour .....	*6.25	(24) Diatomaceous earth—on grain .....	3.05
Extra copies of certificates—per copy .....	.50	(25) Diastatic activity of flour.....	2.80
Grade factor analysis (as defined in any official U.S. Standards) per factor .....	2.00	(26) Enrichment—quick test.....	.85
Hay and straw inspection:		(27) Falling number test.....	*1.25
(a) Lot inspection:		(28) Fat—acid hydrolysis.....	4.40
(1) For sampling and grading—per man-hour.....	6.25	(29) Fat, crude.....	2.25
(b) Sample inspection:		(30) Fat—extraction .....	2.25
(1) Grade only—per sample.....	4.00	(31) Fat acidity.....	*1.70
(2) Factor analysis—per man-hour .....	6.25	(32) Fat stability—AOM.....	4.80
Hop inspection:		(33) Fiber, crude.....	3.35
(a) Lot inspection:		(34) Filth—rodent .....	3.05
(1) For seed, leaf, and stem content—per lot.....	4.75	(35) Filth—insect .....	4.85
(2) Aphid infestation—per lot....	6.25	(36) Flash point—open and closed cup.....	3.05
(In addition to the charge for analysis in (1) and (2) above, a fee for sampling, if any, will be charged at the prescribed rate.)		(37) Flavor, appearance, odor.....	1.10
(b) Sample inspection:		(38) Fats—heated or chilled.....	2.15
(1) For seed, leaf, and stem content—per sample.....	4.75	(39) Foreign material—processed grain products.....	2.65
(2) Aphid infestation—per sample .....	6.25	(40) Free fatty acids—oil and shortening .....	2.35
Laboratory testing:		(41) Heating test—oil and shortening .....	2.25
(a) In addition to the fee, if any, for sampling or other requested service, a charge will be made for each laboratory analysis or test as follows:		(42) Hydrogen-ion concentration—pH .....	1.70
(1) Acidity—Greek .....	1.70	(43) Insoluble bromine.....	2.20
(2) Acid value—oil.....	2.35	(44) Insoluble impurities—oil and shortening.....	2.80
(3) Appearance, flavor, odor....	1.10	(45) Iodine number or value.....	2.60
(4) Ash .....	1.70	(46) Iron—enrichment .....	6.65
(5) Baking test—bread.....	3.95	(47) Keeping time—oil and shortening .....	4.80
(6) Baking test—prepared mix....	3.05	(48) Kjeldahl—protein .....	2.05
(7) Break test.....	3.05	(49) Linolenic acid.....	12.00
See footnotes at end of table.		(50) Lipoid phosphoric acid.....	5.75
		(51) Maltose value.....	2.80
		(52) Marine oil in vegetable oil—qualitative .....	2.20
		(53) Melting point—Wiley.....	2.60
		(54) Milling—wheat to flour....	4.65
		(55) Moisture—distillation .....	2.15
		(56) Moisture—oven .....	1.45
		(57) Moisture and volatile matter—oil and shortening.....	1.35
		(58) Nitrogen solubility index....	2.60
		(59) Odor, appearance, flavor....	1.10
		(60) Oil content—oilseed.....	3.50
		(61) pH—Hydrogen-ion concentration .....	1.70
		(62) Peroxide value—initial .....	1.75
		(63) Peroxide value after 8 hours—AOM .....	4.80
		(64) Phosphorus—photometric....	3.65
		(65) Potassium bromate—qualitative .....	.85
		(66) Protein for cargo wheat—duplicate test required.....	*5.45
		(67) Protein—Kjeldahl .....	2.05
		(68) Reducing sugars.....	8.40



Service	Fee or charge
(69) Refining loss—oils-----	5.75
(70) Refractive index-----	1.20
(71) Riboflavin-----	6.60
(72) Rope spore count-----	11.10
(73) Salt-----	3.50
(74) Saponification number-----	3.05
(75) Sedimentation value—wheat-----	5 1.25
(76) Sieve test-----	2.20
(77) Smoke point-----	1.40
(78) Softening point-----	4.30
(79) Solid fat index-----	9.90
(80) Specific baking volume—prepared mix-----	3.05
(81) Specific gravity—oils-----	2.95
(82) Test weight per bushel—other than grain-----	1.20
(83) Unsaponifiable matter-----	5.80
(84) Viscosity-----	3.85
(85) Water soluble protein-----	2.60
(If a requested analysis or test is on the basis of a specified moisture content, a charge for an oven moisture test will also be made.)	
Lentil inspection: (See Bean inspection)	
Minimum fee for services covered by hourly rates—A minimum fee for 2 hours per man, per service request, will be charged, at the following rate per hour-----	6.25
New inspection (retest)—fees and charges to be based on services requested.	
Pea inspection: (See Bean inspection)	
Reinspection:	
(a) Basis original sample:	
(1) U.S. grain in Canada and rice-----	(1)
(2) Other commodities-----	(2)
(b) Basis new sample:	
(1) All commodities-----	(3)
Rice inspection:	
(a) Lot inspection:	
(1) For sampling, inspection for grade, factor analysis, equal to type, or milling yield—whether singly or combined—100 lbs-----	6 0.0125
(i) Minimum fee—per lot:	
Milled rice-----	2.50
Brown rice or Rough rice-----	4.00
(2) For sampling and inspection for origin—per 100 lbs-----	6 0.005
(i) Minimum fee—per lot-----	2.00
(3) For inspection for origin when inspected for grade, factor analysis, equal to type, or milling yield—per lot-----	1.00
(b) Sample inspection:	
(1) For inspection for grade, factor analysis, equal to type or milling yield—whether singly or combined—per sample:	
(i) Brown rice or Rough rice (including milling yield)-----	3.50
(ii) Brown rice or Rough rice (excluding milling yield)-----	2.00
(iii) Milled rice-----	2.00
Sampling per man-hour-----	6 6.25
Special inspection service per man-hour-----	6 6.25
Split pea inspection: (See Bean inspection).	
Standby time per man-hour-----	6.25
Straw inspection: (See Hay inspection).	
See footnotes at end of table.	

Service	Fee or charge
U.S. Grain in Canada:	
(a) Lot inspection:	
(1) For sampling and grading—per man-hour-----	20.00
(b) Special services and standby time—per man-hour-----	20.00
(c) Sample inspection:	
(1) For grade—per sample-----	10.00
<sup>1</sup> One quarter of the fee for the original inspection. Minimum fee, if any, \$6.25.	
<sup>2</sup> The applicable grading or laboratory analysis or testing charge. Minimum fee, if any, \$6.25.	
<sup>3</sup> Applicable sampling fee, if any, plus applicable grading, or laboratory analysis or testing charge.	
<sup>4</sup> Only one fee will be charged for these services whether performed singly or concurrently. (But see minimum fee requirement.)	
<sup>5</sup> No sampling fee will be charged if a portion of an appeal sample, licensed inspector's sample, or submitted sample is used for these tests. (In no instance will more than one sampling fee be charged per service request.)	
<sup>6</sup> In the case of railroad cars, the weight shall be based on weight tickets, or weight certificates, if available at the time of inspection; otherwise, on the marked capacity of the railroad car.	
(Sec. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624; 29 F.R. 16210, as amended, 30 F.R. 1260 as amended)	

The need for increases or decreases in the fees and charges for services and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under the administrative procedure provision of 5 U.S.C. 553, it is found upon good cause that notice and other public rule-making procedures on the amendments are impracticable and unnecessary.

These amendments shall become effective January 1, 1967.

Done at Washington, D.C., this 18th day of November 1966.

G. R. GRANGE,  
Deputy Administrator,  
Marketing Services.

[F.R. Doc. 66-12770; Filed, Nov. 25, 1966; 8:48 a.m.]

## Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

[Amdt. 5]

### PART 210—NATIONAL SCHOOL LUNCH PROGRAM

#### Definitions and Requirements

Regulations for the operation of the general cash-for-food assistance phase of the National School Lunch Program (28 F.R. 1247) as amended (28 F.R. 11531, 29 F.R. 311, 29 F.R. 14619, and 30 F.R. 15402) are hereby amended to extend the benefits of the Program to preschool programs operated as part of the school system pursuant to the authority contained in section 12 of the Child Nutrition Act of 1966 (80 Stat. 889).

1. In § 210.2, paragraph (m) is revised to read as follows:

#### § 210.2 Definitions.

\* \* \* \* \*

(m) "School" means the governing body responsible for the administration of a public or nonprofit private "school" of high school grade or under, as recognized under the laws of the State, and, in the case of Puerto Rico, also includes nonprofit child-care centers certified as such by the Governor of Puerto Rico. "School of high school grade or under" shall include preschool programs operated as part of the school system. The term "school" also includes a nonprofit agency to which the school has delegated authority for the operation of its nonprofit feeding program.

\* \* \* \* \*

2. In § 210.9, subparagraph (2) of paragraph (a) is revised to read as follows:

#### § 210.9 Requirements for lunches.

(a) \* \* \*

(2) The State Agency, or the Consumer Food Programs District Office, C&MS, where applicable, may allow schools to serve to children in the elementary grades and preschool programs lesser quantities than are specified of the items listed in subparagraph (1) (ii), (iii), and (v) of this paragraph (a). Any such allowances must be based on the lesser food needs of younger children. If a sufficient supply of fluid whole milk cannot be obtained, the State Agency, or the Consumer Food Programs District Office, C&MS, where applicable, may authorize the service of the fluid whole milk equivalent in reconstituted evaporated or dry whole milk, or may approve reimbursement for lunches served without milk. If emergency conditions prevent a school normally having a supply of fluid whole milk from temporarily obtaining delivery thereof, the State Agency, or the Consumer Food Programs District Office, C&MS, where applicable, may approve reimbursement for lunches served without milk during the emergency period. If a sufficient supply of fluid whole milk is obtainable the State Agency, or the Consumer Food Programs District Office, C&MS, where applicable, may reimburse for lunches served without milk, provided each child is offered a Type A lunch with milk and no reduction is made in the price of the Type A lunch.

\* \* \* \* \*

This amendment shall be effective December 1, 1966.

Approved: November 22, 1966.

[SEAL]

GEORGE L. MEHRAN,  
Assistant Secretary.

[F.R. Doc. 66-12771; Filed, Nov. 25, 1966; 8:48 a.m.]



[Amdt. 2]

**PART 215—SPECIAL MILK PROGRAM FOR CHILDREN**

**Miscellaneous Amendments**

The regulations at 30 F.R. 14910 as amended by 31 F.R. 11743, governing operation of a Special Milk Program for Children, are hereby amended pursuant to the authority contained in section 12 of the Child Nutrition Act (80 Stat. 889), to extend the benefits of the Program to preschool programs operated as part of the school system, and are hereby amended pursuant to authority contained in section 4 of the Child Nutrition Act (80 Stat. 886) to exclude from reimbursement milk served as part of breakfasts reimbursed under the School Breakfast Program.

1. In § 215.2, paragraph (t) is revised to read as follows:

**§ 215.2 Definitions.**

(t) "School" means the governing body responsible for the administration of a public or nonprofit private "school" of high school grade or under, as recognized under the laws of the State. "School of high school grade or under" shall include preschool programs operated as part of the school system. The term "school" also includes a nonprofit agency to which the school has delegated authority for the operation of its nonprofit milk service.

2. In § 215.6, subparagraph (6) of paragraph (b) is revised to read as follows:

**§ 215.6 Requirements for participation.**

(6) If the application is for a school, whether the school is participating in the National School Lunch Program or in the School Breakfast Program, or both, and, if not, whether the school is planning to apply for participation in the National School Lunch Program or in the School Breakfast Program, or both.

3. In § 215.7, paragraphs (a) and (b) are revised to read as follows:

**§ 215.7 Reimbursement payments.**

(a) Reimbursement payments shall be made for milk purchased for service to children by participating schools and child-care institutions, except that reimbursement shall not be made for the first half pint of milk served as part of a Type A lunch by schools participating in the National School Lunch Program or the first half pint of milk served as part of a reimbursed breakfast under the School Breakfast Program.

(b) In pricing programs, the maximum rate of reimbursement shall be 4 cents per half pint in schools that serve Type A lunches under the National School Lunch Program and in schools that serve breakfasts under the School Breakfast Program. For other schools and for child-care institutions having

pricing programs, the maximum rate of reimbursement shall be 3 cents per half pint. Schools and child-care institutions having pricing programs shall make maximum use of the reimbursement payments received under the Program to reduce the price of milk to children. The full amount of the payments shall be reflected in reduced prices to children, except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed 1 cent per half pint. Exceptions to this provision may be granted by the State Agency, or the Consumer Food Programs District Office, C&MS, where applicable, in instances where the situation in a school or child-care institution justifies distribution costs above 1 cent per half pint, but in no case shall distribution costs be allowed above 1½ cents per half pint.

4. In § 215.9, subparagraph (4) of paragraph (b) and paragraphs (g), (h), and (i) are revised to read as follows:

**§ 215.9 Reimbursement procedure.**

(4) For any school that participates in the National School Lunch Program or the School Breakfast Program, or both, the number of half pints of milk not eligible for reimbursement because served to children as part of a Type A lunch or as a part of a reimbursed breakfast under the School Breakfast Program.

(g) Schools in the National School Lunch Program and in the School Breakfast Program may not be reimbursed at a rate in excess of 3 cents per half pint for milk purchased for service in a pricing program to children participating in summer activities operated by the school after the expiration of the regular school term, unless (1) the summer program is regarded by the school authorities as a regular part of school activities, (2) the program sponsor who signed the agreement covering the regular school term will be responsible for the operation of the summer program, and (3) the children who attend and participate in such activities are under the care and jurisdiction of the school officials.

(h) Schools in the National School Lunch Program and in the School Breakfast Program experiencing late delivery of cafeteria equipment or fire or other situation beyond school control, forcing delay or suspension of the service of Type A lunches or approved breakfasts for more than 30 days during the course of the school year may not be reimbursed at a rate in excess of 3 cents per half pint for milk served to children in a pricing program during the period of delay or suspension, unless the reason for the delay is satisfactorily explained in writing to the State Agency, or the Consumer Food Programs District Office, C&MS, where applicable.

(i) Schools offering milk in a pricing program in more than one school attendance unit may be regarded by the State Agency, or the Consumer Food Programs

District Office, C&MS, where applicable, as a single school or as individual schools for reimbursement purposes. If regarded as a single school, reimbursement shall not be made at a rate in excess of 3 cents per half pint for any unit unless all units participate in either the National School Lunch Program or the School Breakfast Program. If the units are regarded as individual schools, the State Agency, or the Consumer Food Programs District Office, C&MS, where applicable, may assign reimbursement at a rate not in excess of 4 cents per half pint to those units that are participating in the National School Lunch Program or in the School Breakfast Program, and distribution costs may be approved pursuant to paragraph (b) of § 215.7, (1) on an individual unit basis, or (2) on a school-wide basis.

This amendment shall be effective December 1, 1966.

Approved: November 22, 1966.

[SEAL]

GEORGE L. MEHREN,  
Assistant Secretary.

[F.R. Doc. 66-12772; Filed, Nov. 25, 1966; 8:48 a.m.]

**Chapter III—Agricultural Research Service, Department of Agriculture**

**PART 301—DOMESTIC QUARANTINE NOTICES**

**PART 331—EMERGENCY PLANT PEST REGULATIONS GOVERNING INTER-STATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES**

**Subpart—Mediterranean Fruit Fly**

**REVOCATION OF QUARANTINE**

The Mediterranean fruit fly quarantine and regulations, and administrative instructions, in 7 CFR 301.78, 301.78-1 through 301.78-10, and the Emergency Plant Pest Regulations with respect to the Mediterranean fruit fly, in 7 CFR 331.1, are hereby revoked effective November 25, 1966. However, such provisions shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

(Sec. 9, 37 Stat. 318, 7 U.S.C. 162; sec. 106, 71 Stat. 33, 7 U.S.C. 150ee; 29 F.R. 16210, as amended; 30 F.R. 5799, as amended. Interprets or applies sec. 8, 37 Stat. 318, as amended, 7 U.S.C. 161; sec. 105, 71 Stat. 32, and sec. 107, 71 Stat. 34, 7 U.S.C. 150dd, 150ff)

Recent surveys by this Department and the States concerned show that the Mediterranean fruit fly has been eradicated from Florida and Texas. Accordingly, it is appropriate to revoke the Mediterranean fruit fly quarantine, regulations, and administrative instructions heretofore applicable to the State of Florida, and the emergency plant pest regulations heretofore applicable to Cameron County, Tex. Inasmuch as this action relieves restrictions presently imposed and it appears that notice and other public procedure would not make additional



information available to the Department, it is found upon good cause in accordance with the provisions of 5 U.S.C., section 553, that notice and other public procedure concerning such action are impracticable and contrary to the public interest, and the revocation may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of November 1966.

[SEAL] R. J. ANDERSON,  
Acting Administrator,  
Agricultural Research Service.

[F.R. Doc. 66-12769; Filed, Nov. 25, 1966;  
8:48 a.m.]

**Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture**  
[Orange Reg. 11]

**PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS**

**Limitation of Shipments**

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906, 31 F.R. 10461), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on November 15, 1966; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof,

are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

**§ 906.324 Orange Regulation 11.**

(a) *Order.* (1) During the period beginning at 12:01 a.m., c.s.t., December 1, 1966, and ending at 12:01 a.m., c.s.t., January 1, 1967, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade at least U.S. No. 3;

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than  $2\frac{7}{16}$  inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than  $2\frac{7}{16}$  inches in diameter; or

(iii) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(2) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective terms in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective terms in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680-51.712 of this title).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 21, 1966.

PAULA A. NICHOLSON,  
Deputy Director, Fruit and  
Vegetable Division, Consumer  
and Marketing Service.

[F.R. Doc. 66-12753; Filed, Nov. 25, 1966;  
8:46 a.m.]

[Grapefruit Reg. 12]

**PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS**

**Limitation of Shipments**

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Or-

der No. 906, as amended (7 CFR Part 906, 31 F.R. 10461), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on November 15, 1966; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

**§ 906.325 Grapefruit Regulation 12.**

(a) *Order.* (1) During the period beginning at 12:01 a.m., c.s.t., December 1, 1966, and ending at 12:01 a.m., c.s.t., January 1, 1967, no handler shall handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. Combination, with not less than 60 percent, by count, of the grapefruit in each container thereof grading at least U.S. No. 1 grade; or U.S. No. 2.

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than  $3\frac{3}{16}$  inches in di-



ameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than  $3\frac{9}{16}$  inches in diameter; or

(iii) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(2) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620-51.685 of this title).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 21, 1966.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and  
Vegetable Division, Consumer  
and Marketing Service.

[F.R. Doc. 66-12754; Filed, Nov. 25, 1966;  
8:46 a.m.]

[Navel Orange Reg. 114]

## PART 907 — NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

§ 907.414 Navel Orange Regulation 114.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication

hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 23, 1966.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 27, 1966, and ending at 12:01 a.m., P.s.t., December 4, 1966, are hereby fixed as follows:

- (i) District 1: 600,000 cartons;
- (ii) District 2: Unlimited movement;
- (iii) District 3: 100,000 cartons;
- (iv) District 4: 50,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 25, 1966.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-12850; Filed, Nov. 25, 1966;  
11:43 a.m.]

[Lemon Reg. 243]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

§ 910.543 Lemon Regulation 243.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553(1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 22, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 27, 1966, and ending at 12:01 a.m., P.s.t., December 4, 1966, are hereby fixed as follows:

- (i) District 1: 27,900 cartons;
- (ii) District 2: 69,750 cartons;
- (iii) District 3: 106,950 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "Carton" have the same meaning as when used in the said amended marketing agreement and order.



(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 25, 1966.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and  
Vegetable Division, Consumer  
and Marketing Service.

[F.R. Doc. 66-12851; Filed, Nov. 25, 1966;  
11:43 a.m.]

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Department of the Air Force

Section 213.3309 is amended to show that the position of Private Secretary to the General Counsel is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (6) is added to paragraph (a) of § 213.3309 as set out below.

##### § 213.3309 Department of the Air Force.

(a) *Office of the Secretary.* . . .

(6) One Private Secretary to the General Counsel.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

##### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,

*Acting Executive Assistant to the Commissioners.*

[F.R. Doc. 66-12735; Filed, Nov. 25, 1966;  
8:45 a.m.]

#### PART 213—EXCEPTED SERVICE

##### Federal Deposit Insurance Corporation

Section 213.3333 is amended to show that the position of Managerial Aide to the Director (Appointive) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (h) is added to § 213.3333 as set out below.

##### § 213.3333 Federal Deposit Insurance Corporation.

(h) One Managerial Aide to the Director (Appointive).

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

##### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,

*Acting Executive Assistant to the Commissioners.*

[F.R. Doc. 66-12736; Filed, Nov. 25, 1966;  
8:45 a.m.]

## Title 24—HOUSING AND HOUSING CREDIT

### Chapter II—Federal Housing Administration, Department of Housing and Urban Development

#### SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

#### PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

##### Miscellaneous Amendments

1. In Part 221 in the Table of Contents a new § 221.3 is added to read as follows:

Sec.  
221.3 Definition of displaced family.

##### Subpart A—Eligibility Requirements—Low Cost Homes

2. In Part 221 a new § 221.3 is added to read as follows:

§ 221.3 Definition of displaced family.

As used in this subpart, the term "displaced family" shall mean a family displaced from an urban renewal area, or as a result of governmental action, or as a result of a disaster determined by the President to be a major disaster.

3. In § 221.12 paragraph (b) is amended to read as follows:

§ 221.12 Eligibility limitations—two- to four-family residences.

(b) Is a displaced family.

4. In § 221.30 paragraph (a)(1) is amended to read as follows:

§ 221.30 Maturity of mortgage.

(a) . . .

(1) In the case of a displaced family, if it is determined by the Commissioner that the mortgagor is not able to make the required payments under a mortgage having a shorter amortization period.

5. In § 221.50 the introductory text is amended to read as follows:

§ 221.50 Mortgagor's minimum investment.

At the time a mortgage is insured, the mortgagor shall have paid on account of the property at least 3 per centum of the Commissioner's estimate of its acquisition cost, except where the mortgagor is a displaced family. A mortgagor qualifying as a displaced family shall have paid on account of the property, at the time the mortgage is insured, not less than:

##### Subpart C—Eligibility Requirements—Moderate Income Projects

6. In § 221.537 paragraph (c) is amended to read as follows:

§ 221.537 Additional occupancy requirements; preferred purchasers or tenants.

(c) *Preference for displacees.* In all cases, preference or priority of opportunity to rent dwelling units shall be given to families or single persons who have been displaced from an urban renewal area, or as a result of governmental action, or as a result of a disaster determined by the President to be a major disaster.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

Issued at Washington, D.C., November 21, 1966.

PHILIP N. BROWNSTEIN,  
Federal Housing Commissioner.

[F.R. Doc. 66-12759; Filed, Nov. 25, 1966;  
8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

#### SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 7264; Amdt. 91-34]

#### PART 91—GENERAL OPERATING AND FLIGHT RULES

##### Authorization for Ferry Flight With One Engine Inoperative; Extension of Time for Compliance With Certain Provisions

The purpose of these amendments to § 91.45 of the Federal Aviation Regulations is to provide an additional 90-day period for air carriers and commercial operators of large aircraft to comply with two provisions of the rules recently issued concerning ferry flight with one engine inoperative to a base for repair of that engine.

As issued October 14, 1966, effective November 19, 1966, § 91.45 provides new rules under which this kind of ferry flight can be conducted if certain requirements are met. Among other requirements, the approved Airplane Flight Manual must contain performance data (and the flight conducted in accordance therewith) on runway length for takeoff including temperature accountability (§ 91.45(a)(2)(iv)). In addition, the rule would prohibit takeoffs from wet runways unless takeoffs with full controllability from wet runways have been approved and included in the Airplane Flight Manual. Both of these requirements are new.

On November 7, 1966, Air Transport Association petitioned for a 90-day extension of the effective date of these two



provisions, to permit development, approval, and issuance of temperature accountability data (particularly for reciprocating engine powered airplanes) and to allow testing, development, and approval of flight manual data for takeoffs from wet runways.

The "temperature accountability" requirement involves determination of temperature correction data to be applied to the performance data in the approved Airplane Flight Manual for standard temperature conditions. The required data is not readily available; therefore additional time is needed to obtain the data, make the manual changes, and obtain FAA approval.

Only one model airplane actually has been demonstrated on wet runway for the required capability. Conducting these tests is difficult, and more time will be needed to conduct them, develop flight manual data, and obtain approval.

In view of these circumstances, the Agency has concluded that granting a

reasonable additional time period is appropriate to allow certificate holders to comply with these two provisions. These amendments therefore extend the compliance date for meeting these new requirements.

Since these amendments grant relief by extending the date for compliance with requirements of the Federal Aviation Regulations that cannot feasibly be complied with in less than 90 days, I find that notice and public procedure hereon are not necessary, and these amendments may be made effective immediately.

In consideration of the foregoing, § 91.45(a) (2) (iv) and (3) (ii) of the Federal Aviation Regulations are amended, effective November 18, 1966, to read as follows:

§ 91.45 Authorization for ferry flight with one engine inoperative by air carriers and commercial operators of large aircraft.

- (a) General. \* \* \*  
(2) \* \* \*

(iv) Runway length for takeoff (including, after February 20, 1967, temperature accountability).

\* \* \*  
(3) \* \* \*

(ii) After February 20, 1967, a limitation that takeoffs must be made from dry runways unless, based on a showing of actual operating takeoff techniques on wet runways with one engine inoperative, takeoffs with full controllability from wet runways have been approved for the specific model aircraft and included in the Airplane Flight Manual;

\* \* \*  
(Secs. 307, 313(a), 603, 607, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, 1424, 1427))

Issued in Washington, D.C., on November 18, 1966.

D. D. THOMAS,  
Acting Administrator.

[F.R. Doc. 66-12737; Filed, Nov. 25, 1966; 8:45 a.m.]

[Reg. Docket No. 7742; Amdt. 511]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

#### ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cordova VOR .....	DVN RBN .....	Direct .....	2600	T-dn .....	300-1	300-1	200-1 <sub>2</sub>
Moscow Int .....	DVN RBN .....	Direct .....	2300	C-dn .....	400-1	500-1	500-1 <sub>2</sub>
Big Rock Int .....	DVN RBN .....	Direct .....	2400	S-dn-2 .....	400-1	400-1	400-1
Moline VOR .....	DVN RBN .....	Direct .....	2300	A-dn# .....	800-2	800-2	800-2
Buffalo Int .....	DVN RBN .....	Direct .....	2300				

Radar available.

Procedure turn S side of crs, 219° Outbnd, 039° Inbnd, 2100' within 10 miles.

Minimum altitude over facility on final approach crs, 1500'.

Crs and distance, facility to airport, 039°—2.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles after passing DVN RBN, make left-climbing turn to 2100' and return to DVN RBN.

NOTES: (1) Final approach from holding pattern not authorized. Procedure turn required. (2) Use Moline altimeter setting when control zone not effective.

#Alternate minimums not authorized when control zone not effective. Alternate minimums apply at all times for air carrier with approved weather reporting service.

MSA within 25 miles of facility: 000°-090°-2600'; 090°-180°-2800'; 180°-270°-2100'; 270°-360°-2200'.

City, Davenport; State, Iowa; Airport name, Davenport Municipal; Elev., 753'; Fac. Class., BH; Ident., DVN; Procedure No. 1, Amdt. 3; Eff. date, 17 Dec. 66; Sup. Amdt. No. 2; Dated, 28 Nov. 64

New Hebron Int .....	PLX RBN .....	Direct .....	2100	T-dn .....	300-1	300-1	200-1 <sub>2</sub>
Lewis VOR .....	PLX RBN .....	Direct .....	2500	C-dn .....	600-1	600-1	600-1 <sub>2</sub>
Oblong Int .....	PLX RBN .....	Direct .....	2100	S-dn .....	NA	NA	NA
				A-dn .....	NA	NA	NA

Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 2100' within 10 miles.

Minimum altitude over facility on final approach crs, 1053'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing RBN, make right-climbing turn to 2100', return to RBN.

NOTES: (1) Use Terre Haute, Ind., altimeter setting. (2) Procedure not authorized between 0100 to 1300 Greenwich time.

MSA within 25 miles of facility: 000°-090°-2600'; 090°-360°-2100'.

City, Robinson; State, Ill.; Airport name, Robinson Municipal; Elev., 453'; Fac. Class., MHW; Ident., PLX; Procedure No. 1, Amdt. 1; Eff. date, 17 Dec. 66; Sup. Amdt. No. Orig.; Dated, 16 Sept. 65



2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
V-141	IIYA VOR	Via Radar vector to final Approach crs.	1500 within 15 miles.	T-dn C-d C-n A-dn DME minimums C-dn	500-1 800-1 800-2 NA DME equipment required: 500-1	500-1 800-1 800-2 NA 500-1	NA NA NA NA NA
V-167	IIYA VOR	Via Radar vector to final Approach crs.					

Radar required.

Procedure turn not authorized.

Minimum altitude over facility on final approach crs, 1500'; over 6-mile DME Fix, 872'.

Crs and distance, facility to airport, 113°—10.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing IIYA VOR, or within 10.2 DME miles of IIYA VORTAC, make a climbing right turn to 1900': Return to IIYA VOR. Hold S, right turns, 1 minute, 357° Inbnd.

NOTE: Use 11 yamms altimeter setting.

CAUTION: 310' antenna, 2 miles SW of airport.

\*Distance from point of visual contact to airport, 4.2 miles.

MSA within 25 miles of facility: 000°—360°—1500'.

City, Chatham; State, Mass.; Airport name, Chatham Municipal; Elev., 72'; Fac. Class., L-BVORTAC; Ident., IIYA; Procedure No. 1, Amdt. 2; Eff. date, 17 Dec. 66; Sup. Amdt. No. 1; Dated, 9 Apr. 66

R 154°, GRW VOR clockwise	R 238°, GRW VOR	Via 10-mile DME Arc.	2300	T-dn C-dn C-n A-dn	300-1 500-1 800-2	300-1 500-1 800-2	200-1½ 500-1½ 800-2
R 270°, GRW VOR counterclockwise	R 238°, GRW VOR	Via 10-mile DME Arc.	2200				

Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 1700' within 10 miles.

Minimum altitude over facility on final approach crs, 1300'.

Crs and distance, facility to airport, 058°—4.3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing GRW VORTAC, climb to 1900' on 11 058° within 15 miles, or when directed by ATC, make right turn, climbing to 1700' and return to GRW VORTAC.

MSA within 25 miles of facility: 000°—090°—1800'; 090°—150°—1800'; 180°—270°—2300'; 270°—360°—1600'.

City, Greenwood; State, Miss.; Airport name, Municipal; Elev., 129'; Fac. Class., II-BVORTAC; Ident., GRW; Procedure No. 1, Amdt. 5; Eff. date, 17 Dec. 66; Sup. Amdt. No. 4; Dated, 11 Jan. 64

*Bellville Int.	Industry VOR	Direct	2000	T-dn* C-d C-n S-dn A-du*	300-1 1000-1 1000-2 NA NA	300-1 1000-1 1000-2 NA NA	NA NA NA NA NA
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Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to airport, 253°—12.5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing Industry VOR turn right, proceed direct to Industry VOR climbing to 2000'. Hold E on Industry VOR, R 073°.

NOTE: Use College Station, Tex., altimeter setting.

\*Aircraft must remain VFR until clearance received from ATC.

\*\*No weather service available.

MSA within 25 miles of facility: 000°—090°—1600'; 090°—180°—1600'; 180°—270°—1800'; 270°—360°—1700'.

City, La Grange; State, Tex.; Airport name, Rocky Creek Ranch; Elev., 399'; Fac. Class., L-BVOR; Ident., IDU; Procedure No. 1, Amdt. Orig.; Eff. date, 17 Dec. 66

				T-dn C-dn S-dn-19# A-dn DME minimums: C-dn S-dn-19#	300-1 700-1 700-1 1000-2 600-1 600-1	300-1 700-1 700-1 1000-2 600-1 600-1	200-1½ 700-1½ 700-1 1000-2 600-1½ 600-1
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Radar available.

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 2300' within 10 miles.

Minimum altitude over facility on final approach crs, 2000'; at 2.5-mile DME Fix, 1234'.

Crs and distance, facility to breakoff point, 179°—4.2 miles; breakoff point to runway, 187°—0.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing PQI VOR, make right-climbing turn to 2300' direct to PQI VOR. Hold N of PQI VOR, 1-minute right turns, 179° Inbnd.

NOTE: Use Loring altimeter setting.

#Reduction not authorized.

MSA within 25 miles of facility: 000°—090°—3000'; 090°—180°—3100'; 180°—270°—3000'; 270°—360°—3000'.

City, Presque Isle; State, Maine; Airport name, Presque Isle Municipal; Elev., 534'; Fac. Class., II-BVORTAC; Ident., PQI; Procedure No. 1, Amdt. 2; Eff. date, 17 Dec. 66; Sup. Amdt. No. 1; Dated, 13 Dec. 65



## VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d.....	300-1	300-1	300-1
				C-d.....	800-1	800-1	800-1½
				S-d.....	800-1	800-1	800-1
				A-d.....	NA	NA	NA

Radar available.

Procedure turn S side of crs, 229° Outbnd, 049° Inbnd, 2200' within 10 miles.

Minimum altitude over facility on final approach crs, 2200'.

Crs and distance, facility to airport, 049°—9.5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.5 miles after passing VOR, make right-climbing turn to 2200', proceed to Waterville VOR. Hold SW Waterville VOR R 229°, right turns, 1 minute, 049° Inbnd.

MSA within 25 miles of facility: 000°-090°—3100'; 090°-180°—2400'; 180°-360°—2200'.

City, Toledo; State, Ohio; Airport name, Toledo Municipal; Elev., 622'; Fac. Class., L-BVORTAC; Ident., VWV; Procedure No. 1, Amdt. 2; Eff. date, 17 Dec. 66; Sup. Amdt. No. 1; Dated, 26 Oct. 63

Bay Int.....	LAX VOR (final).....	Direct.....	3000	T-dn%.....	300-1	300-1	200-1½
				C-dn*.....	800-1	800-1	800-1½
				A-dn*.....	1000-2	1000-2	1000-2

Radar available.

Procedure turn S side of crs, 285° Outbnd, 105° Inbnd, 3800' within 10 miles.

Minimum altitude over facility on final approach crs, 3000' over Redondo Int (LAX 135°/5.7-mile DME Fix), 1300'.

Crs and distance, Redondo Int/LAX R 135°/5.7-mile DME Fix to airport, 135°—2.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing Redondo Int/8.0-mile DME Fix LAX R 135°, turn left, climb via LGB R 269° to 2000' at Redondo Int, or when directed by ATC, turn left, climb via 8-mile DME Orbit to R 123°, climb Inbnd to 6-mile DME Fix LAX R 123° at 2000'.

NOTE: When authorized by ATC, DME may be used at 7 miles at 3000' to position aircraft on LAX R 255° for a straight-in approach with elimination of the procedure turn.

\*\*Circling SW of airport not authorized.

\*Weather service available 0600-2200.

%Southbound (125° through 245°) IFR departures; climb via authorized ATC departure procedures.

MSA within 25 miles of facility: 000°-090°—7200'; 090°-180°—2500'; 180°-270°—2400'; 270°-360°—5200'.

City, Torrance; State, Calif.; Airport name, Torrance Municipal; Elev., 101'; Fac. Class., H-BVORTAC; Ident., LAX; Procedure No. 1, Amdt. 5; Eff. date, 17 Dec. 66; Sup. Amdt. No. 4; Dated, 20 Feb. 65

10-mile DME Fix, R 108°.....	YKM VOR (final).....	Direct.....	3000	T-dn\$#%.....	300-1	300-1	300-¾
Gleed Int.....	YKM VOR.....	Direct.....	4500	C-dn*.....	800-2	800-2	800-2
				A-dn.....	900-2	900-2	900-2

Procedure turn S side of crs, 108° Outbnd, 288° Inbnd, 4500' within 10 miles.

Final approach from holding pattern at YKM VOR not authorized, procedure turn required.

Minimum altitude over facility on final approach crs, 3000'.

Crs and distance, facility to airport, 244°—3.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing YKM VOR, make a right-climbing turn and return to VOR, climbing to 4500' on R 108° within 15 miles. All turns S side, R 108°.

NOTE: When authorized by ATC, DME may be used between R 090° YKM VOR clockwise to R 221° YKM VOR with 14 miles at 4500' to position aircraft for straight-in approach with elimination of procedure turn.

CAUTION: High terrain extends from NE to NW of YKM VOR.

%Visibility reduction not authorized.

#Takeoff minimums Runways 4/22 and 16/34: 500-1 day, 800-2 night.

%Takeoffs all runways: Climb on R 284° YKM VOR within 6 miles of YKM VOR to cross YKM VOR at or above, eastbound V-4 2000'; westbound V-4/4S 4100'; southbound V-25 4200', V-25E 2300'; northbound V-25 4100'; northeastbound V-44S 3300'; southwestbound V-44S 6800', V-44S 2600'. All turns S side R 284° YKM VOR.

\*Circling S of the airport not authorized 110° clockwise through 205° from airport location point. Terrain and obstructions within this area and within 1.7 miles to 2185'.

MSA within 25 miles of facility: 000°-090°—5300'; 090°-180°—4100'; 180°-270°—6800'; 270°-360°—6200'.

City, Yakima; State, Wash.; Airport name, Yakima Municipal; Elev., 1082'; Fac. Class., H-BVORTAC; Ident., YKM; Procedure No. 1, Amdt. 7; Eff. date, 17 Dec. 66; Sup. Amdt. No. 6; Dated, 4 Dec. 65

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

## TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 139°, JXN VOR clockwise.....	JXN, R 240°.....	Via 10-mile DME Arc.....	2800	T-dn.....	300-1	300-1	200-1½
R 360°, JXN VOR counterclockwise.....	JXN, R 240°.....	Via 10-mile DME Arc.....	2900	C-dn.....	500-1	500-1	500-1½
				S-dn-5.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2
10-mile DME Fix, R 240°.....	4-mile DME Fix, R 240° (final).....	Direct.....	1500	Minimums with DME:			
				C-dn.....	400-1	500-1	500-1½
				S-du-5.....	400-1	400-1	400-1

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 2300' within 10 miles.

Minimum altitude over 4-mile DME Fix on final approach crs, 1500'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over JXN VOR, climb to 2300' on R 060° within 10 miles, reverse crs, proceed to JXN VOR.

CAUTION: 1946' tower, 11.3 miles NW; 1330' tower, 2.2 miles SE; 1310' tower, 3 miles NE.

MSA within 25 miles of facility: 000°-090°—2400'; 090°-180°—2500'; 180°-270°—2600'; 270°-360°—3000'.

City, Jackson; State, Mich.; Airport name, Reynolds Municipal; Elev., 1000'; Fac. Class., L-BVORTAC; Ident., JXN; Procedure No. Ter VOR-5, Amdt. 3; Eff. date, 17 Dec. 66; Sup. Amdt. No. 2; Dated, 11 June 66



## RULES AND REGULATIONS

## TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 188°, JXN VOR clockwise	JXN, R 308°	Via 10-mile DME Arc.	2800	T-dn.....	300-1	300-1	200-1½
				C-dn.....	500-1	500-1	500-1½
R 068°, JXN VOR counterclockwise	JXN, R 308°	Via 10-mile DME Arc.	2900	S-dn-13.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2
10-mile DME Fix, R 308°	4-mile DME Fix, R 308° (final)	Direct	1500	Minimums with DME:			
				C-dn.....	400-1	500-1	500-1½
				S-dn-13.....	400-1	400-1	400-1

Procedure turn W side of crs, 308° Outbnd, 128° Inbnd, 2300' within 10 miles.  
Minimum altitude over 4-mile DME Fix on final approach crs, 1500'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over JXN VOR, climb to 2300' on R 128° within 10 miles.

Reverse crs, proceed to JXN VOR.

CAUTION: Tower, 11.3 miles NW, 1946'; tower, 2.2 miles SE, 1330'; tower, 3 miles NE, 1310'.

MSA within 25 miles of facility: 000°-090°-2400'; 090°-180°-2500'; 180°-270°-2600'; 270°-360°-3000'.

City, Jackson; State, Mich.; Airport name, Reynolds Municipal; Elev., 1000'; Fac. Class., L-BVORTAC; Ident., JXN; Procedure No. Ter VOR-13, Amdt. 4; Eff. date, 17 Dec. 66; Sup. Amdt. No. 3; Dated, 11 June 66

Pinckney Int.	JXN VOR	Direct	2600	T-dn.....	300-1	300-1	200-1½
R 280°, JXN VOR clockwise	JXN, R 046°	Via 10-mile DME Arc.	2900	C-dn.....	700-1	700-1	700-1½
				S-dn-23#.....	700-1	700-1	700-1
R 206°, JXN VOR counterclockwise	JXN, R 046°	Via 10-mile DME Arc.	2800	A-dn.....	800-2	800-2	800-2
				Minimums with DME:			
10-mile DME Fix, JXN R 046°	2-mile DME Fix, R 046° (final)	Direct	1700	C-dn.....	400-1	500-1	500-1½

Procedure turn N side of crs, 046° Outbnd, 226° Inbnd, 2300' within 10 miles.  
Minimum altitude over 2-mile DME Fix on final approach crs, 1700'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over JXN VOR, climb to 2300' on R 226° within 10 miles.

Reverse crs, proceed to JXN VOR.

CAUTION: 1946' tower, 11.3 miles NW; 1330' tower, 2.2 miles SE; 1310' tower, 3 miles NE.

#Reduction not authorized for nonstandard REIL.

MSA within 25 miles of facility: 000°-090°-2400'; 090°-180°-2500'; 180°-270°-2600'; 270°-360°-3000'.

City, Jackson; State, Mich.; Airport name, Reynolds Municipal; Elev., 1000'; Fac. Class., L-BVORTAC; Ident., JXN; Procedure No. Ter VOR-23, Amdt. 4; Eff. date, 17 Dec. 66; Sup. Amdt. No. 3; Dated, 11 June 66

R 023°, JXN VOR clockwise	JXN, R 143°	Via 10-mile DME Arc.	2800	T-dn.....	300-1	300-1	200-1½
				C-dn.....	700-1	700-1	700-1½
R 262°, JXN VOR counterclockwise	JXN, R 143°	Via 10-mile DME Arc.	2800	S-dn-31.....	700-1	700-1	700-1
				A-dn.....	800-2	800-2	800-2
10-mile DME Fix, R 143°	2-mile DME Fix (final)	Direct	1700	Minimums with DME:			
				C-dn.....	500-1	500-1	500-1½
				S-dn-31.....	500-1	500-1	500-1

Procedure turn E side of crs, 143° Outbnd, 323° Inbnd, 2300' within 10 miles.  
Minimum altitude over 2-mile DME Fix on final approach crs, 1700'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over JXN VOR, climb to 2300' on R 308° within 10 miles.

Reverse crs, proceed to JXN VOR.

CAUTION: Tower, 2.2 miles SE, 1330'; tower, 11.3 miles NW, 1946'; tower, 3 miles NE, 1310'.

MSA within 25 miles of facility: 000°-090°-2400'; 090°-180°-2500'; 180°-270°-2600'; 270°-360°-3000'.

City, Jackson; State, Mich.; Airport name, Reynolds Municipal; Elev., 1000'; Fac. Class., L-BVORTAC; Ident., JXN; Procedure No. Ter VOR-31, Amdt. 4; Eff. date, 17 Dec. 66; Sup. Amdt. No. 3; Dated, 2 Jan. 66

				T-dn.....	300-1	300-1	300-1
				C-dn.....	800-1	800-1	800-1½
				S-dn-20R#.....	800-1	800-1	800-1
				A-dn.....	1000-2	1000-2	1000-2
				If Tri-Cities Fan Marker received, the following minimums apply:			
				C-dn.....	400-1	500-1	500-1½
				S-dn-20R#.....	400-1	400-1	400-1

Procedure turn N side of crs, 015° Outbnd, 195° Inbnd, 2100' within 10 miles.  
Minimum altitude over Tri-Cities Fan Marker, 1203'; over PSC VOR, 803'.

Facility on airport.

Crs and distance, breakoff point of approach end of Runway 20R, 205°-0.7 mile.

Distance Tri-Cities Fan Marker to VOR, 3.5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, turn left, climb to 3000' on R 111°.

PSC VOR within 10 miles.

CAUTION: Restricted area 6 miles NW of airport.

\*Alternate minimums not authorized when control zone not effective. Use Walla Walla altimeter setting when control zone not effective.

#Sliding scale not authorized.

%Takeoffs all runways: Climb on R 111°, PSC VOR within 10 miles to cross PSC VOR at or above 1500' southbound on V-112W. All maneuvering N side, R 111°, PSC VOR.

MSA within 25 miles of facility: 000°-090°-2600'; 090°-180°-3400'; 180°-270°-4300'; 270°-360°-4600'.

City, Pasco; State, Wash.; Airport name, Tri-Cities; Elev., 403'; Fac. Class., L-BVOR; Ident., PSC; Procedure No. VOR-20R, Amdt. 7; Eff. date, 17 Dec. 66; Sup. Amdt. No. 6 Dated, 11 June 66



TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn%-----	300-1	300-1	300-1
				C-dn-----	800-1	800-1	800-1½
				S-dn-29R#-----	800-1	800-1	800-1
				A-dn*-----	1000-2	1000-2	1000-2

Procedure turn E side of crs, 111° Outbnd, 291° Inbnd, 2100' within 10 miles.

Minimum altitude over facility on final approach crs, 1203'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, turn right, climb to 3000' on R 015° within 10 miles.

\*CAUTION: Restricted area 6 miles NW of airport.

\*Alternate minimums not authorized when control zone not effective. Use Walla Walla altimeter setting when control zone not effective.

‡Sliding scale not authorized.

%Takeoffs all runways: Climb on R 111°, PSC VOR within 10 miles, to cross PSC VOR at or above 1500' southbound on V-112W. All maneuvering N side, R 111°, PSC VOR.

MSA within 25 miles of facility: 000°-090°-2600'; 090°-180°-3400'; 180°-270°-4300'; 270°-360°-4600'.

City, Pasco; State, Wash.; Airport name, Tri-Cities; Elev., 403'; Fac. Class., L-BVOR; Ident., PSC; Procedure No. VOR-29R, Amdt. 7; Eff. date, 17 Dec. 66; Sup. Amdt. No. 6; Dated, 11 June 66

R 190°, MBS VOR clockwise-----	R 313°, MBS VOR-----	Via 8-mile DME Arc.	2200	T-dn-----	300-1	300-1	200-1½
R 070°, MBS VOR counterclockwise-----	R 313°, MBS VOR-----	Via 8-mile DME Arc.	2200	C-dn-----	600-1	600-1	600-1½
R 313°, MBS VOR 8-mile DME Fix-----	R 313°, MBS VOR 3-mile DME Fix (final).	Direct-----	1267	S-dn-14-----	600-1	600-1	600-1
				A-dn-----	800-2	800-2	800-2
				Minimums with DME:			
				C-dn-----	400-1	500-1	500-1½
				S-dn-----	400-1	400-1	400-1

Procedure turn W side of crs, 313° Outbnd, 133° Inbnd, 2200' within 10 miles.

Minimum altitude over 3-mile DME Fix on final approach crs, 1267'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MBS VOR, climb to 2200' on MBS VOR R 170° and return to MBS VOR.

MSA within 25 miles of facility: 000°-090°-2200'; 090°-180°-2700'; 180°-270°-2600'; 270°-360°-1900'.

City, Saginaw; State, Mich.; Airport name, Tri-City; Elev., 667'; Fac. Class., L-BVORTAC; Ident., MBS; Procedure No. Ter VOR-14, Amdt. 3; Eff. date, 17 Dec. 66; Sup. Amdt. No. 2; Dated, 8 Jan. 66

R 040°, MBS VOR clockwise-----	R 159°, MBS VOR-----	Via 8-mile DME Arc.	2600	T-dn-----	300-1	300-1	200-1½
R 280°, MBS VOR counterclockwise-----	R 159°, MBS VOR-----	Via 8-mile DME Arc.	2600	C-dn-----	700-1	700-1	700-1½
R 159°, MBS VOR 8-mile DME Fix-----	R 159°, MBS VOR 3-mile DME Fix (final).	Direct-----	1367	S-dn-32-----	700-1	700-1	700-1
				A-dn-----	800-2	800-2	800-2
				Minimums with DME:			
				C-dn-----	600-1	600-1	600-1½
				S-dn-32-----	600-1	600-1	600-1

Procedure turn W side of crs, 159° Outbnd, 339° Inbnd, 2200' within 10 miles.

Minimum altitude over 3-mile DME Fix on final approach crs, 1367'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MBS VOR climb to 2200' on R 313° within 10 miles and return to MBS VOR.

MSA within 25 miles of facility: 000°-090°-2200'; 090°-180°-2700'; 180°-270°-2600'; 270°-360°-1900'.

City, Saginaw; State, Mich.; Airport name, Tri-City; Elev., 667'; Fac. Class., L-BVORTAC; Ident., MBS; Procedure No. Ter VOR-32, Amdt. Orig.; Eff. date, 17 Dec. 66

				T-dn*-----	300-1	300-1	200-1½
				C-dn-----	1000-2	1000-2	1000-2
				S-dn-36%-----	1000-2	1000-2	1000-2
				A-dn#-----	1000-2	1000-2	1000-2
				If Bomar Fan Marker is identified, minimums become:			
				C-dn-----	600-1	600-1	600-1½
				S-dn-36-----	400-1	400-1	400-1

Procedure turn W side of crs, 194° Outbnd, 014° Inbnd, 2400' within 10 miles.

Minimum altitude over facility on final approach crs, 1800' (1200' if Bomar Fan Marker is identified).

Facility on airport. Crs and distance, Bomar Fan Marker to Runway 36, 014°-4.3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of SYI VOR, turn left, climb to 2400', return to SYI VOR, hold S, 194° Outbnd, 014° Inbnd, left turns, 1 minute.

\*CAUTION: Due to high terrain NE and SE of airport, departing aircraft with limited climb capability should climb to 3000' on a westerly heading before continuing on crs.

%Reduction not authorized.

‡Alternate minimums authorized for air carriers only, provided such air carriers have approval of their arrangement for weather service at this airport. Weather service not available to the general public.

MSA within 25 miles of facility: 000°-360°-2500'.

City, Shelbyville; State, Tenn.; Airport name, Bomar Field; Elev., 802'; Fac. Class., T-BVOR; Ident., SYI; Procedure No. Ter VOR-36, Amdt. 2; Eff. date, 17 Dec. 66; Sup. Amdt. No. 1; Dated, 13 Nov. 65



4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

## VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less	
					65 knots or less	More than 65 knots

PROCEDURE CANCELED, EFFECTIVE 17 DEC. 1966.

City, Torrance; State, Calif.; Airport name, Torrance Municipal; Elev., 95'; Fac. Class., II-BVORTAC; Ident., LAX; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 20 Feb. 65; Sup. Amdt. No. Orig.; Dated, 2 Nov. 63

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

## ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operations.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Plattsburgh VOR.....	Causeway Int.....	Direct.....	1800	T-dn.....	300-1	300-1	200-½
Causeway Int.....	BT LOM (final).....	Direct.....	1800	C-dn.....	600-1	600-1	600-½
Burlington VOR.....	BT LOM.....	Direct.....	2700	S-dn-15.....	200-½	200-½	200-½
Keeseville Int.....	BT LOM.....	Direct.....	3100	A-dn.....	600-2	600-2	600-2
				With glide slope inoperative:			
				S-dn-15°.....	400-1	400-1	400-1

Radar available.

Procedure turn N side NW crs, 326° Outbnd, 146° Inbnd, 1800' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 1800'.

Altitude of glide slope and distance to approach end of runway at OM, 1778'—4.8 miles, at MM, 598'—0.8 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing BT LOM, make climbing left turn to 1800' and proceed direct to BT LOM. Hold NW of BT LOM on Burlington ILS localizer crs, 146° Inbnd, 1-minute left turns.

Notes: (1) Southeastbound departures cross the BTV VOR at 4000' or above. (2) Back crs unusable.

\*400-1/2 authorized with operative high-intensity runway lights except for 4-engine turbojets. 400-1/4 authorized with operative ALS except for 4-engine turbojets.

City, Burlington; State, Vt.; Airport name, Burlington; Elev., 335'; Fac. Class., ILS; Ident., I-BTV; Procedure No. ILS-15, Amdt. 10; Eff. date, 17 Dec. 66; Sup. Amdt. No. 9; Dated, 23 Oct. 65

10-mile DME Flx FWA VOR, R 134°.....	LOM (final).....	Via localizer crs.....	2100	T-dn@.....	300-1	300-1	200-1/2
Whitely Int.....	LOM.....	Direct.....	2200	C-dn.....	400-1	500-1	500-1/2
New Haven Int.....	LOM.....	Direct.....	2200	S-dn-31°#.....	200-1/2	200-1/2	200-1/2
Rock Creek Int.....	LOM.....	Direct.....	2200	A-dn.....	600-2	600-2	600-2
Fort Wayne VOR.....	LOM.....	Direct.....	2100				
R 098°, FWA VOR clockwise.....	FWA SE ILS crs.....	Via 10-mile DME Arc.....	2600				
R 233°, FWA VOR counterclockwise.....	FWA SE ILS crs.....	Via 10-mile DME Arc.....	2600				

Radar available.

Procedure turn E side of SE crs, 135° Outbnd, 315° Inbnd, 2100' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2100'.

Altitude of glide slope and distance to approach end of runway at OM, 2045'—3.8 miles; at MM, 1075'—0.7 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2600' on NW crs, ILS and proceed direct to Whitely Int westbound on R 281° FWA VOR, or as directed by ATC, climb on NW crs, ILS to 2600' and proceed direct to Wolf Lake VOR.

Note: Glide slope unusable below 1001'.

@ RVR 2400' authorized Runway 31.

\*400-1/4 required when glide slope not utilized, reduction below 1/4 mile not authorized.

#200' ceiling required, RVR as sole operating minimums not authorized.

City, Fort Wayne; State, Ind.; Airport name, Baer Field; Elev., 801'; Fac. Class., ILS; Ident., 1-FWA; Procedure No. ILS-31, Amdt. 13; Eff. date, 17 Dec. 66; Sup. Amdt. No. 12; Dated, 16 July 66

PROCEDURE CANCELED, EFFECTIVE 17 DEC. 1966.

Island of Guam, Mariana Islands; Airport name, Andersen AFB; Elev., 605'; Fac. Class., ILS; Ident., 1-UAM; Procedure No. ILS-6R, Amdt. 1; Eff. date, 24 Sept. 66; Sup. Amdt. No. Orig.; Dated, 26 Mar. 66



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Manchester VOR.....	MHT RbN.....	Direct.....	2000	T-dn.....	300-1	300-1	200-1½
Bedford LOM.....	Pelham Int.....	Direct.....	2000	C-dn*.....	600-1	600-1	600-1½
Boston VOR.....	Pelham Int.....	Direct.....	2000	S-dn-35*.....	500-1	500-1	500-1
Pelham Int#.....	MHT OM (final).....	Direct.....	2000	A-dn**.....	NA	NA	NA
				With glide slope inoperative:			
				S-dn-35*#.....	600-1	600-1	600-1

Radar available.

Procedure turn W side of crs, 172° Outbnd, 352° Inbnd, 2000' within 10 miles of MHT RbN.

Minimum altitude at glide slope interception Inbnd, 2000'.

Altitude of glide slope and distance to approach end of runway at OM, 1921'—5.1 miles; at MM, 482'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing OM, or at the MM, make a left-climbing turn to 2000', return to MHT RbN. Hold S of MHT RbN, 1½-minute left turns, 352° Inbnd.

NOTES: (1) 1½-minute holding pattern authorized to allow interception of glide slope over the OM. (2) MHT RbN a State owned facility and must be monitored aurally during this approach. (3) Back crs unusable.

CAUTION: 546' antenna, 1.6 miles SW of airport.

\*700' circling and 600' straight-in applies when control zone not effective and/or altimeter setting obtained from CON FSS.

#Reduction not authorized.

\*\*800-2 authorized for those air carriers with approved weather reporting service.

# With inoperative glide slope, descent to cross MHT RbN Inbnd at 1300' s authorized.

City, Manchester; State, N.H.; Airport name, Grenier Field (Manchester Municipal); Elev., 233'; Fac. Class., ILS; Ident., I-MHT; Procedure No. ILS-35, Amdt. 2; Eff. date, 17 Dec. 66; Sup. Amdt. No. 1; Dated, 15 Jan. 66

OSH VOR.....	LOM.....	Direct.....	2600	T-dn.....	300-1	300-1	200-1½
				C-dn\$.....	400-1	500-1	500-1½
				S-dn-9\$#.....	300-¾	300-¾	300-¾
				A-dn\$.....	700-2	700-2	700-2

Radar available.

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2600' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2600'.

Altitude of glide slope and distance to approach end of runway at OM, 2498'—5.7 miles; at MM, 1001'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles of LOM, climb to 2600' on E crs of ILS within 15 miles, or when directed by ATC, make right-climbing turn to 2600' on R 165° OSH VOR within 15 miles.

NOTES: (1) No approach lights. (2) Use Green Bay altimeter setting when control zone not effective. (3) Circling and straight-in ceiling minimums are raised 100 feet and alternate minimums not authorized when control zone not effective.

CAUTION: Runways 4/22 and 13/31 unlighted.

\$These minimums apply at all times for air carriers with approved weather reporting service.

#400-1 Required when glide slope not utilized and 400-¾ authorized with operative HIRL except for 4-engine turbojets.

City, Oshkosh; State, Wis.; Airport name, Winnebago County; Elev., 795'; Fac. Class., ILS; Ident., I-OSH; Procedure No. ILS-9, Amdt. 8; Eff. date, 17 Dec. 66; Sup. Amdt. No. 7; Dated, 19 Nov. 66

Freeport Int.....	PW LOM.....	Direct.....	2100	T-dn.....	300-1	300-1	200-1½
Kennebunk VOR.....	Buxton Int.....	Direct.....	2100	C-dn*.....	600-1	600-1	600-1½
Buxton Int.....	PW LOM (final).....	Direct.....	1800	S-dn-11**.....	300-¾	300-¾	300-¾
				A-dn.....	800-2	800-2	800-2
				With glide slope inoperative:			
				S-dn-11**.....	500-¾	500-¾	500-¾

Procedure turn S side of crs, 292° Outbnd, 112° Inbnd, 2100' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 1800'.

Altitude of glide slope and distance to approach end of runway at OM, 1741'—5.4 miles; at MM, 272'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing PW LOM, make right-climbing turn to 2100' direct PW LOM. Hold W of PW LOM, 1-minute right turns, 112° Inbnd.

NOTE: Back crs unusable.

\*\*Reduction not authorized.

City, Portland; State, Maine; Airport name, Portland Municipal; Elev., 66'; Fac. Class., ILS; Ident., I-PWM; Procedure No. ILS-11, Amdt. 6; Eff. date, 17 Dec. 66; Sup. Amdt. No. 5; Dated, 29 Jan. 66

YKM VOR.....	YK LOM.....	Direct.....	4500	T-dn#%\$.....	300-1	300-1	300-¾
Gleed Int.....	YK LOM.....	Direct.....	4500	C-dn*.....	800-2	800-2	800-2
				S-dn-27\$.....	300-¾	300-¾	300-¾
				A-dn.....	900-2	900-2	900-2

Procedure turn S side of crs, 089° Outbnd, 269° Inbnd, 4500' within 10 miles.

Final approach from holding pattern at YK LOM not authorized, procedure turn required.

Minimum altitude at glide slope interception Inbnd, 4000'.

Altitude of glide slope and distance to approach end of runway at OM, 3395'—6.9 miles; at MM, 1315'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right-climbing turn and climb to 4500' on E crs, ILS within 10 miles of LOM.

NOTES: (1) Procedure not authorized with glide slope inoperative. (2) When authorized by ATC, DME may be used between R 090°, YKM VOR clockwise to R 221°, YKM VOR within 14 miles at 4500' to position aircraft for straight-in approach with elimination of procedure turn.

CAUTION: High terrain extends from NE to NW of YKM VOR.

\$Visibility reduction not authorized.

#Takeoff minimums Runways 4/22 and 16/34: 500-1 day, 800-2 night.

%Takeoffs all runways: Climb on R 284°, YKM VOR within 6 miles of YKM VOR to cross YKM VOR at or above, eastbound V-4 2000'; westbound V-4/4S 4100'; southbound V-25 4200'; V-25E 2300'; northbound V-25 4100'; northeastbound V-44S 3300'; southwestbound V-44S 6800'; V-44S 2600'. All turns S side R 284° YKM VOR.

\*Circling S of the airport not authorized 110° clockwise through 205° from airport location point. Terrain and obstructions within this area and within 1.7 miles to 2185'.

City, Yakima; State, Wash.; Airport name, Yakima Municipal; Elev., 1082'; Fac. Class., ILS; Ident., I-YKM; Procedure No. ILS-27, Amdt. 13; Eff. date, 17 Dec. 66; Sup. Amdt. No. 12; Dated, 4 Dec. 65



## 6. By amending the following radar procedures prescribed in § 97.19 to read:

## RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

(C) visual contact is not established upon descent to authorized landing minimums.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Surveillance approach			
320° clockwise to.....	160°	0-15 miles.....	2000	T-dn*.....	500-1	500-1	500-1
160° clockwise to.....	320°	0-15 miles.....	#2300	C-dn.....	600-1	600-1	600-1½
360° clockwise to.....	180°	15-30 miles.....	2000	S-dn-15R, 33L,	600-1	600-1	600-1
180° clockwise to.....	260°	15-30 miles.....	2300	25S.			
260° clockwise to.....	360°	15-30 miles.....	2700	A-dn.....	800-2	800-2	800-2

11 visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 33L—Climb to 2700' and proceed direct to DE LOM Runway 25—Make right-climbing turn and proceed direct to DE LOM at 2700'. Runway 15R—Climb to 2000' and proceed direct to QG RBn.

AIR CARRIER NOTE: Sliding scale not authorized.

\*300-1 takeoff authorized Runway 33 only.

#2800' within 3 miles of tower, 1737', 1738', 1749', and 1753' towers NW of airport; 2100' within 3 miles of 1069' tower, 6 miles NW of airport.

§Reduction below 1 mile not authorized for REIL.

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 626'; Fac. Class., Ident., Detroit City Radar; Procedure No. 1, Amdt. 3; Eff. date, 17 Dec. 66; Sup. Amdt. No. 2; Dated, 5 Mar. 66

000°	360°	0-10 miles	1900	Precision approach			
				T-dn	300-1	300-1	200-1½
360°	015°	10-30 miles	1900	C-dn	400-1	500-1	500-1½
015°	035°	10-50 miles	2600	S-dn-6R/24L	200-½	200-½	200-½
035°	200°	10-50 miles	1900	A-dn	600-2	600-2	600-2
200°	265°	10-15 miles	2100	Surveillance approach			
265°	265°	10-50 miles	2300	T-dn	300-1	300-1	300-1
265°	360°	10-50 miles	1600	C-dn	400-2	500-2	500-2
				S-dn-6R/24L	400-2	400-2	400-2
				S-dn-6L/24R	400-2	400-2	400-2
				A-dn	800-2	800-2	800-2

All bearings are from radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished for Runways 6L and 6R, climb on 065° heading to 2000'; contact Guam approach control. For Runways 24L and 24R, climb on 244° heading to 2500'; contact Guam approach control.

NOTES: (1) Turbulence may be expected on final approach to Runways 24. (2) PAR glide slope 2.98°. (3) Prior approval required from Commander, Andersen AFB or civil aircraft. (4) Reductions not authorized.

Island of Guam, Mariana Islands; Airport name, Andersen AFB; Elev., 605'; Fac. Class., Ident., Andersen Radar; Procedure No. 1, Amdt. 3; Eff. date, 17 Dec. 66; Sup. Amdt. No. 2; Dated, 12 Nov. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on November 9, 1966.

W. E. ROGERS,

Acting Director, Flight Standards Service.

[F.R. Doc. 66-12442; Filed, Nov. 25, 1966; 8:45 a.m.]

## Chapter II—Civil Aeronautics Board

### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-478]

## PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

### Substitute Air Transportation; Foreign

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of November 1966.

In conjunction with its decision in the foreign and overseas phase of the Supplemental Air Service Proceeding, Docket 13795, et. al.,<sup>1</sup> the Board concurrently amended Part 208 of its Economic Regulations, which contains the provisions governing the charter operations of cer-

tificated supplemental air carriers except those rules applicable to inclusive tour charters, to expand the coverage of that regulation to foreign and overseas air transportation.<sup>2</sup> In its petition for reconsideration of the above decision, Overseas National Airways requests that § 208.32a as adopted therein<sup>3</sup> be amended (1) to exclude those delays caused by the prohibition of flights to, as well as from, the airport of departure because of weather or other operational conditions, and (2) to delete the requirement that the delay will be excluded only if it occurs while the air carrier has an airworthy aircraft available at the departure airport. The only reply to ONA's petition

was filed by the Board's Bureau of Operating Rights, which concurred in the first proposal but made no comment with respect to the second.

On reconsideration, we have determined to amend § 208.32a in the first respect set forth above in order to expand the exculpatory effect of that provision to situations where the carrier is prevented by weather or other operational conditions from positioning an aircraft at the airport of departure. However, we shall deny ONA's petition with respect to its second request since it is not unreasonable in our view to require a carrier to maintain an aircraft in operational readiness during the period of delay.<sup>4</sup>

<sup>2</sup> Regulation ER-474, which was attached to and incorporated in the aforesaid Board decision.

<sup>3</sup> Section 208.32a provides, inter alia, that following a delay of 48 hours in the departure of a charter flight substitute air transportation must be provided.

<sup>4</sup> If ONA's second proposal were adopted, a carrier could commence maintenance on an aircraft during a period of delay caused by adverse weather and, if the weather suddenly abated, the aircraft might not be in condition to immediately depart.

<sup>1</sup> Orders E-24237, E-24238, and E-24239, issued on Sept. 30, 1966.



For the reasons set forth in Regulation ER-474, the Board finds that further notice and public procedure hereon are not in the public interest. Accordingly, the Board hereby amends Part 208 of its Economic Regulations (14 CFR Part 208), effective November 26, 1966, by revising § 208.32a(a) (4) to read as follows:

**§ 208.32a Flight delays and substitute air transportation (foreign).**

(a) *Substitute air transportation.* \* \* \* (4) In determining the period of time during which the departure of a charter flight has been delayed within the purview of this paragraph, periods of delay caused by the prohibition of flights to or from the airport of departure because of weather or other operational conditions affecting such airport shall be excluded if, and while, the air carrier has available an airworthy aircraft which is capable of transporting the charter group in a condition of operational readiness.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401(d) (3), 401(n), 407, and 417 of the Federal Aviation Act, 76 Stat. 143; 49 U.S.C. 1371, 76 Stat. 144; 49 U.S.C. 1371, 72 Stat. 766; 49 U.S.C. 1377, 76 Stat. 145; 49 U.S.C. 1387, and sec. 7 of Public Law 87-528, 76 Stat. 146)

Effective: November 26, 1966.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12766; Filed, Nov. 25, 1966;  
8:47 a.m.]

[Reg. No. ER-479]

**PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION**

**Definitions; Charter Flight**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of November 1966.

In conjunction with its decision in the *Reopened Transatlantic Charter Investigation (All-expense Tour Phase)*, Docket 11908, et al.,<sup>1</sup> the Board amended § 295.2(b) of its Economic Regulations to expand the definition of transatlantic "charter flight" to include inclusive tour charters.<sup>2</sup> Subsequent to the adoption of the above amendment (ER-475) on March 11, 1966, but prior to its issuance on September 30, 1966, the Board issued a separate amendment (ER-467)<sup>3</sup> revising § 295.2(b) so as to authorize the transatlantic supplemental air carriers to furnish free and reduced rate transportation to employees of other carriers under certain conditions. Since ER-475 does not include the language adopted in ER-467, it now becomes necessary to amend § 295.2(b) so as to incorporate

the provision concerning free air transportation.

Capitol Airways in its petition for reconsideration of Order E-24241 and Regulation ER-475, issued on September 30, 1966, has requested that Part 295 be amended so that foreign as well as domestic persons would be authorized to become tour operators. This matter was not litigated in the reopened proceeding and it raises special problems as to the extent to which the Board should assert jurisdiction over and regulate foreign tour operators. Accordingly, we will defer the matter for future consideration in a rule making proceeding.

Inasmuch as the regulation involved herein involves only an administrative correction, we find that further notice and public procedure hereon are unnecessary and not in the public interest. Accordingly, the Board hereby amends § 295.2(b) of its Economic Regulations, effective November 26, 1966, to read as follows:

**§ 295.2 Definitions.**

(b) "Charter flight" means air transportation performed by a direct air carrier on a time, mileage, or trip basis where (1) the entire capacity of one or more aircraft has been engaged for the movement of persons and their personal baggage.

With the consent of the charterer, the direct air carrier may utilize any unused space for the transportation of (1) the carrier's own personnel and property and/or (2) the directors, officers, and employees of a foreign air carrier or another air carrier traveling pursuant to a pass interchange arrangement.

(Sec. 204(a), 401(d) (3), 403, Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324, 72 Stat. 754, as amended by 76 Stat. 143; 49 U.S.C. 1371, 72 Stat. 758, as amended by 74 Stat. 445; 49 U.S.C. 1373)

Effective: November 26, 1966.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12767; Filed, Nov. 25, 1966;  
8:47 a.m.]

**Title 15—COMMERCE AND FOREIGN TRADE**

**Chapter III—Bureau of International Commerce, Department of Commerce**

**SUBCHAPTER B—EXPORT REGULATIONS**

[10th Gen. Rev. of Export Regs., Amdt. 23]

**MISCELLANEOUS AMENDMENTS**

Parts 369, 373, 374, 379, 382 and 385 of Title 15 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp;

E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

Effective Date. October 21, 1966.

RAUER H. MEYER,  
Director, Office of Export Control.

I. *Atlanta, Ga., airport authorized to clear air shipments for export.*

Purpose and effect: Certain inland airports in the United States have been authorized to clear air shipments for export, as set forth in § 379.12 of the *Comprehensive Export Schedule*. Atlanta, Ga., is now added to the list of airports with this authority.

Effective date of action: October 21, 1966.

Accordingly, § 379.12(c) of the *Comprehensive Export Schedule* is amended to read as set forth below.

II. *Reports not required on requests relating to the assurance of safe arrival of shipments.*

Purpose and effect: The Export Regulations require United States exporters to report requests for any action or for information which has the effect of furthering or supporting foreign restrictive trade practices or boycotts.

Some U.S. exporters have reported requests for action or for information regarding the use, or intended use, of shipping or transportation facilities of a designated country. In many of these instances, the request for action or information was made only to avoid the risk of confiscation of the commodities and to assure safe arrival of the shipment. After some experience with this type of reporting, the Bureau of International Commerce has concluded that such a request is not a restrictive trade practice under the terms of the legislation nor under the Export Regulations. Therefore, the Export Regulations have been revised to make it clear that the requirement that U.S. exporters shall report requests for information or action in support of foreign restrictive trade practices or boycotts does not apply to either:

1. A request or restriction solely precluding the export of commodities to the importing country on shipping or transportation facilities owned, controlled, operated, or chartered by a country, or a national of a country, friendly to the United States but not friendly to the importing country; or

2. A request or restriction solely precluding the export of commodities to the importing country on a carrier which stops, prior to stopping at the port of unloading, at a port in a country friendly to the United States but not friendly to the importing country.

U.S. exporters are not required to report these types of requests for an action or for information to the Office of Export Control.

Effective date of action: October 21, 1966.

Accordingly, the Note following § 369.2 (b) of the *Comprehensive Export Schedule* is amended to read as set forth below.

III. *Restrictions under Time Limit and Project Licensing procedures.*

Purpose and effect: Certain commodities listed in §§ 374.2 and 377.2 are ex-

<sup>1</sup> Orders E-24240 and E-24241, issued on Sept. 30, 1966.

<sup>2</sup> Regulation ER-475, which was attached to and incorporated in the above orders.

<sup>3</sup> ER-467 was adopted on June 24, 1966.



cluded from the Time Limit and Project Licensing procedures. The lists of commodities subject to these restrictions are now extended to include the following:

- 68321 Bars, rods, angles, shapes, and sections of porous nickel having a purity of 99 percent or more.
- 68322 Plates, sheets, strips, and foil of porous nickel having a purity of 99 percent or more.
- 68323 Tubes, pipes, blanks, and fittings therefor, and hollow bars of porous nickel having a purity of 99 percent or more.

In addition, unpublished technical data relating to porous nickel may no longer be exported under the Project Licensing procedure.

Effective date of action: October 28, 1966.

Accordingly, § 374.2 (c) and (d) of the *Comprehensive Export Schedule* are amended to read as set forth below.

#### IV. Revision of General License GTDU.

Purpose and effect: Two changes have been made in the Export Regulations regarding exports of unpublished technical data relating to certain materials and equipment:

1. Unpublished technical data relating to certain materials and equipment listed in § 385.2(c) (3) may not be exported under the provisions of General License GTDU. The list of materials and equipment subject to this restriction is now extended to include porous nickel. Therefore, a validated license is now required to export technical data relating to porous nickel to all destinations except Canada. In submitting an application for a license to export technical data related to porous nickel, the applicant is required to include a written statement from his foreign consignee regarding certain assurances set forth in § 385.4(c) (3) (iv) of the Export Regulations.

2. Before exporting unpublished technical data relating to certain materials and equipment under the provisions of General License GTDU, the exporter must obtain from the importer a written assurance that neither the technical data nor the direct product thereof is intended to be shipped, directly or indirectly, to Country Group W, Y, or Z. The list of materials and equipment subject to this requirement for a written assurance is now extended to include technical data relating to Trimellitic acid and anhydrides; and pyromellitic acid and its dianhydrides (Export Control Commodity No. 51202).

Effective date of action: November 21, 1966.

Accordingly, §§ 385.2(c) (3) (iv), (4) (iii) (ff) and 385.4(c) (3) (iv) of the *Comprehensive Export Schedule* are amended to read as set forth below.

V. Revision of the Commodity Control List.

1. *Increases in General License GLV Dollar-Value Limits.* Effective immediately the GLV Dollar-Value Limits are increased for the commodities listed below.

The numerical reference enclosed in parentheses after the commodity description indicates the entry on the Commodity Control List in which the commodity being increased in GLV Dollar-Value Limit is included.

Export control commodity No.	Commodity description	New GLV dollar value limit for country group V
51209	Vinylidene fluoride. (14).....	500
51369	Monocrystalline indium compounds. (3).....	250
62988	Packing materials wholly made of polyvinyl fluoride. (1).....	500
66700	Quartz crystals, natural and synthetic, unworked or worked, radio grade. (1).....	500
71922	Centrifugal and axial flow compressors and blowers capable of: (a) an overall compression ratio of 2:1 or more coupled with a capacity of over 372,000 cubic feet per minute, or (b) an overall compression ratio of 3:1 or more coupled with a capacity of over 106,000 cubic feet per minute. (13).....	500
72491	Equipment designed to insure the privacy or secrecy of analog and/or digital communications as follows: (a) Standard commercial facsimile or video systems employing only transposition of analog information, and (b) industrial and commercial video systems for pay television and similar restricted audience television in which privacy is obtained by the use of nonstandard sweep systems and not employing digital techniques to modify an analog transmission; and specialized components, assemblies, subassemblies, parts, and accessories therefor. (1).....	250
72499	Other equipment designed to insure the privacy or secrecy of analog and/or digital communications as follows: (a) Standard commercial facsimile or video systems employing only transposition of analog information, and (b) industrial and commercial video systems for pay television and similar restricted audience television in which privacy is obtained by the use of nonstandard sweep systems and not employing digital transmission or digital techniques to modify an analog transmission; and specialized components, assemblies, subassemblies, parts, and accessories therefor. (12).....	250
72499	Panoram adaptors for commercial receivers which are limited to searching a spectrum of not more than plus or minus 20 percent of the intermediate frequency of the receiver or plus or minus 2 megacycles. (14).....	250
72930	Television camera tubes of types included in the 11th entry on the Commodity Control List under this Export Control Commodity Number. (11th).....	500
72952	Other industrial process indicating recording and/or controlling instruments containing one or more electronic components (incorporating one or more electron tubes or transistors), except large case potentiometric instruments (that is, those with one face dimension 6 inches or larger). (66).....	1,000
72995	Sintered electrolytic tantalum capacitors having a casing made of epoxy resin or sealed with epoxy resin; and specially designed parts. (2 and 3).....	500

Export control commodity No.	Commodity description	New GLV dollar value limit for country group V
27998	Quartz crystals, except: (a) specially designed crystals or assemblies for use as filters, and (b) those for use as oscillators as follows: (i) Designed for operation over a temperature range wider than 70° C., (ii) designed for a frequency stability of plus or minus 0.003 percent or better over the rated temperature range, (iii) mounted in glass holders, (iv) mounted in thermocompression welded metal holders, or (v) capable, when mounted, of being passed through a circular hole with a diameter of 0.42 inch (10.7 mm.). (3).....	500
86111	Quartz crystals, radio grade only. (3).....	500

<sup>1</sup> The GLV Dollar-Value Limit is also increased to \$1,000 for shipments of this commodity to Country Group T.

2. *Decreases in General License GLV Dollar-Value Limits.* Effective 12:01 a.m., October 28, 1966, the GLV Dollar-Value Limits are decreased for the commodities listed below.

Shipments of these commodities which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., October 28, 1966, may be exported under the previous General License GLV Dollar-Value Limit up to and including November 21, 1966. Any shipment not laden aboard the exporting carrier on or before November 21, 1966 requires a validated license for export.

The numerical reference enclosed in parentheses after the commodity description indicates the entry on the Commodity Control List in which the commodity being decreased in GLV Dollar-Value Limit is included.

Export control commodity No.	Commodity description	New GLV dollar value limit for country group V
51470	Lithium salts and compounds. (23).....	250
51500	Lithium 6 and 7, and their compounds. (8).....	250
58120	Plastic products, unfinished or semifinished, wholly made of fluorocarbon polymers or copolymers. (3).....	25
58120	Other molding compositions containing more than 20 percent by weight of fluorocarbon polymers or copolymers. (4).....	25
58120	Laminates partially made of fluorocarbon polymers or copolymers, including molded, decorative, or laminated with other materials or metals. (5).....	25
62988	Other articles n.e.c. wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride. (4).....	50
72991	Permanent magnets containing more than 25 percent cobalt and having initial permeability 70,000 oersteds (0.0875 henry per meter) or over. (6).....	125

<sup>1</sup> The GLV Dollar Value Limit for Country Group T is reduced from \$1,000 to \$500.



4. A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter does any business, or intends to do any business, with any firm which has a business relationship with a boycotted country or a national of a boycotted country.

5. A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has any investments, including branches, subsidiaries, affiliates, or holdings, or any commercial or legal representation in a boycotted country or in a business firm located in, or doing business in, a boycotted country.

6. A restriction prohibiting the U.S. exporter or any subsidiary or affiliate of the U.S. exporter from using shipping or transportation facilities which are "blacklisted" by the importing country: *Provided, however*, That a request or restriction solely precluding the export of commodities to the importing country on (a) shipping or transportation facilities owned, controlled, operated, or chartered by a country or a national of a country, friendly to the United States but not friendly to the importing country, or (b) a carrier which stops at a port in a country friendly to the United States but not friendly to the importing country prior to stopping at the port of unloading, is not deemed a restrictive practice within the meaning of section 2(4) of the Export Control Act, but rather a precautionary measure to avoid any risk of confiscation of the commodities. Accordingly, the two aforementioned types of shipping restrictions are exempted from the reporting requirement of this section.

The above examples of types of requests which could indicate the furthering or supporting of restrictive trade practices or boycotts are merely illustrative, and are not intended in any sense to be the only examples of restrictive trade practices or boycotts.

## PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Part 373, Supplements 1 and 2 are revised to read:

actual orders for export prior to 12:01 a.m., October 28, 1966, may be exported under the previous general license provisions up to and including November 21, 1966. Any such shipment not laden aboard the exporting carrier on or before November 21, 1966, requires a validated license for export.

## PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

### § 369.2 Reporting requirements.

(b) *Report required from U.S. exporter.* \* \* \*

NOTE: The above § 369.2 refers to "a request for any action \* \* \* which has the effect of furthering or supporting a restrictive trade practice or boycott fostered by any foreign country against any country not included in Country Group W, Y, or Z. \* \* \*". These requests may be received by U.S. exporters in the form of general questionnaires to be answered, specific statements or certifications to be supplied in particular transactions, or other types of requests for action. Shown below are some examples of types of requests which could indicate the furthering or supporting of restrictive trade practices or boycotts.

1. A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has, or intends to have, any stockholders, owners, employees, or officers who are nationals of a boycotted country.

2. A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has, or intends to have, any stockholders, owners, employees, or officers who are members of a religious organization or of a race, creed, or color generally associated with a boycotted country.

3. A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has, or intends to have, any business relationship with a boycotted country or a national of a boycotted country. These business relationships include but are not limited to trade in commodities or technical know-how, licensing arrangements, advertising, or promotion of sale of goods originating in a boycotted country, or use of such goods as components in a manufacturing process.

(a) A numerical reference enclosed in parentheses to indicate the entry being revised. For example, where a revised entry is followed by (1), this indicates that the new entry revises the first entry or only entry presently on the Commodity Control List under the same Export Control Commodity Number; if the entry is followed by a (2), it revises the second entry on the Commodity Control List, etc.

(b) A footnote reference referring to the footnote below which explains effect of the revision.

(b) A footnote reference referring to the footnote below which explains effect of the revision.

3. *Miscellaneous revisions.* The Commodity Control List is revised as shown below, effective October 21, 1966, unless otherwise specified.

Exporters are advised that only the items listed below opposite the specified Export Control Commodity Numbers are affected by these changes. The unnumbered captions serve only to identify the broad categories of commodities within which these items are to be found in Schedule B.

Two different types of explanatory numerical references are used at the end of a commodity description.

Two different types of explanatory numerical references are used at the end of a commodity description.

Department of Commerce export control commodity number and commodity description	Unit	Processing code and related commodity group No.	Validated license required for country groups shown below	GLV dollar value limits for shipment to country groups		Special provisions list
				T	V	
NONFEROUS METALS	Lb.	MINL 2	TVW XYZ		X	
	Lb.	MINL 2	TVW XYZ			
	Lb.	MINL 2	TVW XYZ			
MACHINERY OTHER THAN ELECTRIC				500	100	A
71919 Equipment for the production of liquid helium, except equipment which has a capacity of no more than 20 liters per hour, and specially designed parts. (4) <sup>2</sup>		GIEQ 1	TVW XYZ			
ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES				500	100	A
72912 Electrically rechargeable storage cells, hermetically sealed, designed to have a leakage rate of 10 <sup>-4</sup> cubic centimeters per second of gas or less when tested under pressure differential of 2 atmospheres, and specialized parts, components, and subassemblies therefor. <sup>3</sup>		ELME 1	TVW XYZ			

<sup>1</sup> A separate entry is established and the GLV Dollar-Value Limit is decreased for Country Groups T and V. A separate entry is established and effective 12:01 a.m., Oct. 28, 1966, a validated license is required for export of these commodities to Country Groups T and V. Also, effective Dec. 8, 1966, an Import Certificate (or a Hong Kong Import License) will be required in support of an application for a license to export these commodities to any of the countries specified in § 373.2 of the Export Regulations.

<sup>2</sup> Current Export Bulletin No. 941 announced erroneously that a validated license is not required for shipment of this commodity to Country Groups X and Y. A validated license continues to be required for shipment of this commodity to all Country Group destinations.

<sup>3</sup> *Saving clause.* Shipments of commodities removed from general license as a result of changes set forth above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to



# Supplement No. 1—Time Schedules for Submission of Applications for Certain Commodities

## 1. CERTAIN COPPER COMMODITIES

Export control commodity No.	Commodity	Submission dates for nonhistorical applicants (no later than date shown below)	Submission dates for historical applicants (no later than date shown below)
28401	Copper metalliferous ash and residues	July 31, 1966	Nov. 30, 1966
28402	Copper and copper-base alloy waste and scrap, including copper alloy waste and scrap of less than 40 percent copper content where copper is the component of chief weight.	do	Do.
28403	Nickel waste and scrap containing 50 percent or more copper irrespective of nickel content.	do	Do.
68212	Refined copper, including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars and other crude forms.	do	Do.
68212	Copper-base alloy ingots composed essentially of copper with one or more other metals, for example: Beryllium copper ingots, devaria alloy ingots, guinea alloy ingots, ounce metal ingots, etc.	do	Do.

## 2. CATTLE HIDES, CALF AND KIP SKINS, AND BOVINE LEATHERS

		Sept. 30, 1966	Dec. 10, 1966
21110	Cattle hides, whole	do	Do.
21110	Cattle hide coupons, crops, dossets, sides, butts, and butt bends.	do	Do.
21120	Calf skins and kip skins	do	Do.
61150	Cattle hide and kip side upper leather, grain, other than patent and metalized, except leather scrap. <sup>1</sup>	do	Do.
61150	Cattle hide and kip side sole, belting, and wetting leather, grain; cattle hide and kip side rough, russet, and crust leather, and whole splits, side splits, and bend splits; except leather scrap. <sup>1</sup>	do	Do.
61150	Cattle hide and kip side leather, n.e.c., except leather scrap. <sup>1</sup>	do	Do.
61150	Calf and whole kip upper leather, other than lining, patent, and metalized, except leather scrap. <sup>1</sup>	do	Do.
61150	Calf and whole kip leather, n.e.c., other than patent and metalized, except leather scrap. <sup>1</sup>	do	Do.

<sup>1</sup> For purposes of this regulation, leather scrap is defined as residual pieces remaining after multiple cuttings and not exceeding 2 square feet per piece.

# Supplement No. 2—Authorities Administering Import Certificate/Delivery Verification System in Foreign Countries<sup>1</sup>

Country	Authority	System administered <sup>2</sup>
Austria	Bundesministerium für Handel und Wiederaufbau, Stubenring 1, Vienna I.	IC
	Bundesministerium für Handel und Wiederaufbau—Ausstellung Mettermilgasse 4, Vienna III.	DV
Belgium	Ministère des Affaires Économiques, Office Central des Contingents et Licences, 11, Parc du Cinquantenaire, Bruxelles.	IC/DV
Denmark	Handelsministeriets Licenskontor, Gothersgade 49, Copenhagen K.	IC/DV
	IC/DV also issued by Danmarks Nationalbank, Holmens Kanal 17, Copenhagen K. Custom-houses.	DV
France	Ministère des Finances et des Affaires Économiques, Direction des Relations Économiques Extérieures, Service des Autorisations Commerciales, 8, rue de la Tour-des-Dames, Paris (9ème).	IC/DV
West Germany (Federal Republic of Germany)	Bundesamt für gewerbliche Wirtschaft, Bockenheimer Landstrasse 33-40, 6 Frankfurt a.M.	IC/DV
Western Sectors of Berlin	Senator für Wirtschaft, Zentrale Genehmigungsstelle, Martin-Luther-Strasse 105, 1 Berlin 62.	IC/DV
Greece	Banque de Grèce, Direction des Transactions Commerciales avec l'Étranger, Athens.	IC/DV
Hong Kong	Import Control Branch, Department of Commerce and Industry, Fire Brigade Building, Hong Kong.	IC
	Department of Commerce and Industry, Connaught Road, Central, Hong Kong.	DV
Italy	Ministero del Commercio con l'Estero.	IC
	Direzione Generale delle Importazioni e delle Esportazioni, Division VII, Roma, Dogana Italiana (of the town where the import takes place).	DV
Japan	Bureau of International Trade and Industry in Tokyo, Osaka, Fukuoka, Sapporo, Sendai, Nagoya, Marugame, Hiroshima, Shimonoeki, Kobe, Yokohama, and Shinjuku.	IC
	Japanese Customs Offices.	DV
Luxembourg	Office des Licences, 21, rue Glesener, Luxembourg-Gare.	IC/DV
Netherlands	Centrale Dienst voor In- en Uitvoer, van Stolkweg 14, The Hague.	IC/DV
Norway	Handelsdepartementet, Direktoratet for Eksport-og-Importregulering, Fr. Nansens plass 5, Oslo.	IC/DV
Portugal	Reparticao do Comercio Externo, Direcção-Geral do Comercio, Secretaria de Estado do Comercio, Ministerio da Economia, Lisbon.	IC/DV
Turkey	Ministry of Commerce, Department of Foreign Commerce, Ankara.	IC
	Head Customs Office at the point of entry.	DV
United Kingdom	Board of Trade, Export Licensing Branch, Hillgate House, 35 Old Bailey, London, E.C.4, H.M. Customs and Excise, Section 22, King's Beam House, Mark Lane, London, E.C.3.	IC

<sup>1</sup> Facsimiles of Import Certificates and Delivery Verifications issued by each of these countries may be inspected at any U.S. Department of Commerce field office listed on page 1, or at the U.S. Department of Commerce, Office of Export Control, 1201 E Street NW., Washington, D.C. 20530.

<sup>2</sup> IC—Import Certificate.

DV—Delivery Verification.

## PART 374—PROJECT LICENSE

### § 374.2 Commodities and technical data subject to project license.

#### (c) The following commodities:

Export Control Commodity Number and Commodity Description
21110 Cattle hides, whole.
21110 Cattle hide coupons, crops, dossets, sides, butts and butt bends.
21120 Calf skins and kip skins.
28311 Copper ores and concentrates.
28312 Copper matte.
28401 Copper metalliferous ash and residue.
28402 Copper and copper-base alloy waste and scrap.
28403 Nickel waste and scrap containing 50 percent or more copper irrespective of nickel content.
61150 Cattle hide and kip side upper leather, grain, other than patent and metalized, except leather scrap. <sup>1</sup>
61150 Cattle hide and kip side sole, belting, and wetting leather, grain; cattle hide and kip side rough, russet, and crust leather; and whole splits, side splits, and bend splits; except leather scrap. <sup>1</sup>
61150 Cattle hide and kip side leather n.e.c., except leather scrap. <sup>1</sup>
61150 Calf and whole kip upper leather, other than lining, patent and metalized, except leather scrap. <sup>1</sup>
61150 Calf and whole kip leather, n.e.c., other than patent and metalized, except leather scrap. <sup>1</sup>
68211 Blister copper and other unrefined copper.
68212 Refined copper, including remelted, in cathodes, billets, ingots, wire bars, and other crude forms.
68212 Copper-base alloy ingots.
68213 Master alloys of copper.
68221 Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222 Plates, sheets, and strips of copper or copper-base alloy.
68223 Copper foil.
68223 Paper backed copper foil.
68224 Copper and copper alloy powders and flakes.
68225 Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
68321 Bars, rods, angles, shapes, and sections of porous nickel having a purity of 99 percent or more.
68322 Plates, sheets, strips, and foil of porous nickel having a purity of 99 percent or more.
68323 Tubes, pipes, blanks, and fittings therefor, and hollow bars of porous nickel having a purity of 99 percent or more.
69892 Copper and copper-base alloy castings and forgings.
71420 Electronic computers.
72310 Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.

<sup>1</sup> For purposes of this regulation, leather scrap is defined as residual pieces remaining after multiple cuttings and not exceeding 2 sq. ft. per piece.



72310 Coaxial-type communications cable as follows: (a) containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for pressurization or use with a gas dielectric, or (e) intended for submarine laying.

72310 Other coaxial cable.

72310 Communications cable containing more than one pair of conductors of which any one of the conductors, single or stranded, has a diameter exceeding 0.9 mm. (0.035 inch), as follows: (a) cable in which the nominal mutual capacitance of paired circuits is less than 53 nanofarads/mile (33 nanofarads/KM), except conventional paper and air-dielectric types, (b) submarine cable, or (c) cable containing fluorocarbon polymers or copolymers.

72310 Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.

72310 Other copper or copper-base alloy insulated wire and cable.

72620 X-ray machines, and specially designed parts therefor, and flash discharge type X-ray tubes.

72952 Vibration testing equipment.

72952 Mass spectrometers.

and

86198

72970 Neutron generators and specially designed parts therefor, and neutron generator tubes.

(d) Unpublished technical data related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 385.2(c) (3) (vi), or related to porous nickel.

\* \* \* \* \*

## PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

§ 379.12 Air cargo clearance at certain ports of origin.

\* \* \* \* \*

(c) Airports designated as ports of origin.

Atlanta, Ga.	Minneapolis, Minn.
Baltimore, Md.	Newark, N.J.
Boston, Mass.	New Orleans, La.
Buffalo, N.Y.	New York, N.Y.
Chicago, Ill.	Philadelphia, Pa.
Cleveland, Ohio.	Port Everglades, Fla.
Dallas, Tex.	Portland, Oreg.
Detroit, Mich.	San Diego, Calif.
Honolulu, Hawaii.	San Francisco, Calif.
Houston, Tex.	San Juan, P.R.
Los Angeles, Calif.	Seattle, Wash.
Miami, Fla.	

\* \* \* \* \*

## PART 382—ADMINISTRATIVE PROCEEDINGS

VI. Revision of Denial and Probation Orders (Supplement No. 1 to Part 382, § 382.51).

The Denial and Probation Orders, Supplement No. 1 to Part 382, are revised as follows:

### A. ADDITIONS

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Choon, Ho Chee, 9 Leng Kee Rd., and 83-A Kim Keat Ave., Singapore.	9-26-66	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	31 F.R. 12851-12852, 10-1-66.
Electronic Enterprise, 9 Leng Koe Rd., and 83-A Kim Keat Ave., Singapore.	9-26-66	Indefinite	do	31 F.R. 12851-12852, 10-1-66.
Rawlins, C. J., 187 Jalan Pudu, Kuala Lumpur, Malaysia.	10-6-66	Indefinite	do	31 F.R. 13357, 10-14-66.
Sakamoto, Takeo, 564-7 Chome, Ebura-machi, Shinagawa-Ku, and 8-11 Koyama, 6 Chome, Shinagawa-Ku, and 1395 Hara-machi, Meguro-Ku, Tokyo, Japan.	10-6-66	Indefinite	do	31 F.R. 13358, 10-14-66.
Scientific Supply Co., 187 Jalan Pudu, Kuala Lumpur, Malaysia.	10-6-66	Indefinite	do	31 F.R. 13357, 10-14-66.

### B. Amendments

Charles Leopold and Co., Ltd., also known as Leopold Charles and Co., Ltd., 27-29 Whitfield St., London W. 1., England.	12-10-62	9-13-66 (On probation from 9-14-66 for duration)*		28 F.R. 41, 1-1-63. 28 F.R. 2751, 3-20-63. 31 F.R. 12456, 9-20-66.
Commodity Export, Ltd., 13 Upper Berkeley St., London W. 1., England.	6-10-66	12-7-66**	General and validated licenses, all commodities, any destination, also exports to Canada.	31 F.R. 8501, 6-17-66. 31 F.R. 10902, 8-16-66. 31 F.R. 13359, 10-14-66.
Dorling, P., 27-29 Whitfield St., London W. 1., England.	12-10-62	9-13-66 (On probation from 9-14-66 for duration)*		28 F.R. 41, 1-1-63. 28 F.R. 2751, 3-20-63. 31 F.R. 12456, 9-20-66.
Glovet Traders, Ltd., 13 Upper Berkeley St., London W. 1., England.	6-10-66	12-7-66**	General and validated licenses, all commodities, any destination, also exports to Canada.	31 F.R. 8501, 6-17-66. 31 F.R. 10902, 8-16-66. 31 F.R. 13359, 10-14-66.
Lefton, Charles, 27-29 Whitfield St., London W. 1., England.	12-10-62	9-13-66 (On probation from 9-14-66 for duration)*		28 F.R. 41, 1-1-63. 28 F.R. 2751, 3-20-63. 31 F.R. 12456, 9-20-66.
Leopold Charles and Co., Ltd., also known as Charles Leopold and Co., Ltd., 27-29 Whitfield St., London W. 1., England.	12-10-62	9-13-66 (On probation from 9-14-66 for duration)*		28 F.R. 41, 1-1-63. 28 F.R. 2751, 3-20-63. 31 F.R. 12456, 9-20-66.
Tokyo Seidensha Co., Ltd., 564-7 Chome, Ebura-machi, Shinagawa-Ku, and 8-11 Koyama 6-Chome, Shinagawa-Ku, and 135 Hara-machi, Meguro-Ku, Tokyo, Japan.	6-17-66	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	31 F.R. 8837, 6-24-66. 31 F.R. 11111, 8-20-66. 31 F.R. 13358, 10-14-66.
Woodham Trading, Ltd., 13 Upper Berkeley St., London W. 1., England.	6-10-66	12-7-66**	do	31 F.R. 8501, 6-17-66. 31 F.R. 10902, 8-16-66. 31 F.R. 13358, 10-14-66.

\*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

\*\*The expiration date of this order is subject to extension. Before making shipment to this person or firm, the shipper should inquire of the Office of Export Control as to whether the order has been extended.

### C. DELETIONS

Name	Address
B.R.E., Ltd.	3 Clapham Common, North Side, London S.W. 4, England.
Barnet Ensign, Ltd.	3 Clapham Common, North Side, London S.W. 4, England.
Berger, Walter J.	52 Aliela Gardens, Kenton, Middlesex, England.
Centner, Robert	122 Rue Jules Besme, Brussels, Belgium.
Davis Electrical & Radio Accessories, Ltd.	Central Hall, 16 Drayton Park, N5, London, England.
Ejlec, S.A.	122 Rue Jules Besme, Brussels, Belgium.
Electrical Agencies (London) Ltd.	Central Hall, 16 Drayton Park, N5, London, England.
Etablissements J. Coune S.A.	122 Rue Jules Besme, Brussels, Belgium.
Gevirtzman, Fanny	Central Hall, 16 Drayton Park, N5, London, England.
Gevirtzman, Mosche	Central Hall, 16 Drayton Park, N5, London, England.
Jones, Bran	3 Clapham Common, North Side, London S.W. 4, England.
Larhe, Louis	1 Albemarle Street, London, W. 1, England.
Metallurgical Enterprises, Ltd.	52 Aliela Gardens, Kenton, Middlesex, England.
Ross Ensign, Ltd.	3 Clapham Common, North Side, London S.W. 4, England.
Ross, Ltd.	3 Clapham Common, North Side, London S.W. 4, England.
Whitefiars Investment Trust, Ltd.	1 Albemarle Street, London, W. 1, England.



## PART 385—EXPORTATION OF TECHNICAL DATA

### § 385.2 General licenses.

- (c) *General License GTDU; unpublished technical data.* \* \* \*
- (3) *Restrictions relating to particular types of technical data.* \* \* \*
- (iv) Porous nickel.

- (4) *Requirement of written assurance for certain data, services, and materials.* \* \* \*

- (iii) \* \* \*
- (ff) Trimellitic acid and anhydrides; and pyromellitic acid and its dianhydrides (Export Control Commodity No. 51202).

### § 385.4 Export under a validated license.

- (c) *Completion of application form and application processing card.* \* \* \*
- (3) *Special provisions for certain commodities.* \* \* \*
- (iv) Porous nickel.

[F.R. Doc. 66-12665; Filed, Nov. 25, 1966; 8:45 a.m.]

## Title 45—PUBLIC WELFARE

### Chapter I—Office of Education, Department of Health, Education, and Welfare

#### PART 178—FEDERAL, STATE, AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS AND DIRECT FEDERAL LOANS TO VOCATIONAL STUDENTS

Chapter I of Title 45 of the Code of Federal Regulations is hereby amended by adding a new part, Part 178.

Federal financial assistance made available pursuant to the Regulations set forth below is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare and approved by the President to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (Public Law 88-352).

##### Subpart A—General Provisions

- Sec. 178.1 Definitions.
- 178.2 Student eligibility for interest benefits.
- 178.3 Adjusted family income.

##### Subpart B—Interest Benefits—State and Private Nonprofit Student Loan Insurance Programs and Direct State Loan Programs

- 178.11 In general.
- 178.12 Agreements for Federal payments to reduce student interest costs for insured loans.
- 178.13 Interim coverage for insured loan programs.
- 178.14 Federal payments to reduce student interest costs on direct State loans.
- 178.15 Amount of interest benefits and procedures for payment.
- 178.16 Effective dates.

##### Subpart C—Advances for Reserve Funds of State and Private Nonprofit Loan Insurance Programs

- 178.21 In general.
- 178.22 Applications.
- 178.23 Allocation and payment of State's allotment.
- 178.24 Terms and conditions of advances.

**AUTHORITY:** The provisions of this Part 178 issued under sec. 14(a) (1), 79 Stat. 1047, 20 U.S.C. 993 (a) (1); interpret or apply secs. 2-17, 79 Stat. 1037-1049, 20 U.S.C. 981-996.

##### Subpart A—General Provisions

###### § 178.1 Definitions.

As used in this part:

- (a) "Act" means the National Vocational Student Loan Insurance Act of 1965 (P.L. 89-287, 79 Stat. 1037-1049, 20 U.S.C. 981-996).
- (b) "Internal Revenue Code" means the Internal Revenue Code of 1954 as amended (Title 26, United States Code).
- (c) "Academic year or its equivalent" means the period of time in which a full-time student would normally be expected to complete 28 semester hours, 42 quarter hours or 900 clock hours of instruction, or its equivalent. For purposes of this part, 18 months is considered the equivalent of an academic year when applied to a program offered by correspondence.
- (d) "Commissioner" means the U.S. Commissioner of Education or his designee.

(e) "Eligible institution" or "institution" means a business or trade school, or technical institution or other technical or vocational school in any State which (1) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution; (2) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; (3) has been in existence for 2 years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this paragraph; and (4) is accredited (i) by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph, (ii) if the Commissioner determines there is no nationally recognized accrediting agency or association qualified to accredit schools of a particular category, by a State agency listed by the Commissioner pursuant to this paragraph, and (iii) if the Commissioner determines there is no nationally recognized or State agency or association qualified to accredit schools of a particular category, by an advisory committee appointed by him and composed of persons specially qualified to evaluate training provided by schools of that category, which committee shall prescribe the standards of content, scope and quality which must be met by those schools in order for loans to students attending them to be insurable under the Act, and shall also determine whether particular schools meet those standards. For the purpose of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations and State agencies which he

determines to be reliable authority as to the quality of education or training afforded.

(f) "Program of postsecondary vocational or technical education" means a program of vocational or technical education designed to provide occupational skills more advanced than those generally provided at the high school level and which provides not less than 300 clock hours of classroom instruction or its equivalent, or in the case of a program offered by correspondence, requiring normal completion in not less than 6 months.

(g) "Eligible lender" means an eligible institution as defined in paragraph (e) of this section, or an agency or instrumentality of a State, or a financial or credit institution (including banks, credit unions, savings and loan associations and insurance companies) which is subject to examination and supervision by an agency of the United States or of any State.

(h) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(i) "Nonprofit", as applied to an agency, organization or institution, means owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(j) "Full-time student" means a student who is enrolled in, and is carrying a sufficient number of credit hours or clock hours to complete the training program in which he is enrolled in no more than the number of semesters, terms or clock hours normally taken therefor at the institution in which he is enrolled. This term includes any student who is pursuing any combination of courses, work experience, or special studies (whether or not for credit) which the institution considers full-time study, but in no case less than 25 clock hours or 14 semester or quarter hours of instruction, or its equivalent.

(k) "Half-time student" means a student who is carrying at least one-half the normal full-time workload as described in paragraph (j) of this section. All students engaged in a program of study by correspondence which is offered as requiring at least 12 hours preparation per week shall be considered half-time students for the purpose of this part.

(l) "Guarantee agency" means the State agency or private nonprofit institution or organization administering a student loan insurance program.

(m) "Holder" means only an eligible lender or an assignee who meets the qualifications of an eligible lender, but in no event includes the guarantee agency with respect to loans insured by it.

(n) "Default" means the failure to make an installment payment when due, or to comply with other terms of the note or other written evidence of agreement, which persists (e.g., is not cured either by payment or other appropriate



arrangements) in the case of a loan repayment in monthly installments for 120 days, or in the case of a loan repayable in less frequent installments for 180 days.

(o) "State student loan insurance program" means a program under which a State agency is authorized to insure loans, and to enter into agreements with the Commissioner, and which extends to one or more categories of students who are residents of the State.

**§ 178.2 Student eligibility for interest benefits.**

(a) A student (1) who has received a loan from an eligible lender under a student loan insurance program meeting the requirements of § 178.12 or § 178.13 or under a direct State student loan program meeting the requirements of § 178.14, (2) who is enrolled or has been accepted for enrollment as at least a half-time student in an eligible institution, (3) whose adjusted family income is less than \$15,000, and (4) who is a national of the United States or is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, is eligible for payment on his behalf of a portion of the interest as determined under § 178.15(a).

(b) To have interest payments made on his behalf, a student shall submit to the lender a statement in such form as the Commissioner shall prescribe, which shall include:

(1) A certification by an eligible institution that he is enrolled at the institution or has been accepted for enrollment;

(2) An assurance by the student that the loan on which interest payments are to be made has not been and will not be used for any purpose other than for the costs of education for the academic year covered by the application;

(3) Information necessary to determine, pursuant to § 178.3, whether his adjusted family income is less than \$15,000; and

(4) Information concerning other loans made to him which are covered under this part or Part 177 of this chapter.

(c) The lender, acting in good faith, may, in the absence of information to the contrary, rely upon statements submitted by the borrower and his family pursuant to paragraph (b) of this section.

**§ 178.3 Adjusted family income.**

(a) *General.* Whether the adjusted family income of a student borrower at the time of execution of the note or other written agreement evidencing the loan is less than \$15,000 shall be determined pursuant to paragraphs (b), (c), (d) of this section: *Provided, however,* That in no event will the adjusted family income of a student borrower be considered to be less than \$15,000 if for the immediately preceding tax year the sum of the income, if any, described in subparagraphs (2) and (3) of paragraph (b) of this section and the adjusted gross incomes, as

defined in section 62 of the Internal Revenue Code, of such student borrower and his spouse and parents less the amounts allowable on account of exemptions for such individuals for such year pursuant to section 151 of the Internal Revenue Code, exceeds \$20,000.

(b) *Computation.* In general, adjusted family income will be computed by adding (1) the sum of the taxable incomes, defined in section 63 of the Internal Revenue Code, of the student borrower, his spouse, and his parents for the tax year immediately preceding the execution of the note or written agreement evidencing the loan; (2) the income of such individuals for such year from interest which is excluded for income tax purposes by section 103 of the Internal Revenue Code; and (3) income for such year not subject to taxation under the Internal Revenue Code by virtue of its origin and the residency of the borrower, his spouse or his parents (e.g. income earned abroad by U.S. citizens residing abroad, or income earned in Puerto Rico by bona fide residents of Puerto Rico (subchapter N of Chapter 1 of the Internal Revenue Code) which shall be computed in accordance with criteria approved by the Commissioner.

(c) *Exclusion of income of parents or spouse in exceptional circumstances.* However, the income of a parent, or parents living together, shall be excluded from consideration under paragraphs (a) and (b) of this section if the borrower is not and, during the 12 months preceding the determination, has not been (1) residing with, (2) claimed as a dependent for Federal income tax purposes by, nor (3) the recipient of an amount in excess of \$500 from, such parent or parents. The income of a spouse shall also be excluded from such consideration where there has been a legal separation approved by a court or a separation which has, in fact, existed for 12 months or more.

(d) *Method of determination.* The determination of the adjusted family income of a student borrower shall be made on the basis of information submitted on forms supplied or approved by the Commissioner. The determination shall be made by the lender at the time each advance of funds is made: *Provided, however,* That the submission of new information need not be required with respect to any advance of funds made within the same tax year in which a determination was last made.

**Subpart B—Interest Benefits—State and Private Nonprofit Student Loan Insurance Programs and Direct State Loan Programs**

**§ 178.11 In general.**

Interest benefits as set forth in § 178.15 are available with respect to loans insured under State and private nonprofit student loan insurance programs meeting the requirements of § 178.12 or § 178.13, and with respect to direct State loan programs meeting the requirements of § 178.14.

**§ 178.12 Agreements for Federal payments to reduce student interest costs for insured loans.**

(a) (1) Except to the extent permitted in § 178.13, interest benefits shall be available only if the guarantee agency has first entered into an agreement with the Commissioner pursuant to paragraph (b) of this section. The Commissioner may enter into such an agreement if he determines that the program of the guarantee agency:

(i) Authorizes the insurance of loans in amounts up to at least \$1,000 to any individual student in any academic year or its equivalent, after taking into account other loans covered by this part and Part 177 of this chapter which the student has received in the same academic year or its equivalent;

(ii) Authorizes the insurance of loans to an individual student for at least 2 academic years of study or training or their equivalent;

(iii) Provides that (a) the student borrower shall be entitled to accelerate without penalty the repayment of the whole or any part of the insured loan, and (b) the insured loan shall be repaid within 9 years from the date of execution of the note or other written evidence of the loan;

(iv) Subject to subdivision (iii) of this subparagraph, provides that, where the total of the insured loans to any student which are held by one person exceeds \$1,000, repayment of such loans shall be in installments over a period of not less than 3 years nor more than 6 years beginning not earlier than 9 months nor later than 1 year after the student ceases to pursue a full-time course of study or training at an eligible institution, except that if the program provides for the insurance of loans for part-time study (less than full-time but not less than one-half time) at eligible institutions, the program shall provide that (a) such repayment period will begin not earlier than 9 months nor later than 1 year after the student ceases to carry at an eligible institution at least one-half the normal full-time workload as determined by the institution, and (b) in the case of correspondence students, such repayment period will begin not earlier than 9 months nor later than 1 year after the expiration of a 90-day period following the student borrower's failure to submit a required assignment, or the expiration of a 90-day period following the stated normal time for completion of the program, whichever comes first;

(v) Authorizes interest on the unpaid principal balance of the loan at a yearly rate not in excess of 6 percent per year exclusive of any premium for insurance which may be passed on to the borrower, but such insurance premium may not result in charges in excess of the equivalent of one-half of 1 percent per year on the unpaid principal balance;

(vi) Insures not less than 90 percent of the unpaid principal balance of loans insured under the program;

(vii) Provides that the benefits of the loan insurance program will not be de-



nied any student because of his family income or lack of need if his adjusted family income at the time of the execution of the note or other written evidence of agreement is less than \$15,000, as determined under § 178.3;

(viii) Provides that a student may obtain insurance under the program for a loan for any year of study or training at an eligible institution; and

(ix) In the case of a State loan insurance program, provides that such State program is administered by a single State agency, or by one or more nonprofit private institutions or organizations under the supervision of a single State agency. For purposes of this subparagraph, "supervision" includes the responsibility for setting all policies and procedures for the operation of the program.

(2) The conditions of subparagraph (1) (i) of this paragraph will be met if the student loan insurance program authorizes advances of at least \$1,000 to a full-time student and (if the program includes half-time students) at least \$500 to a half-time student during any 12-month period.

(b) The agreement shall contain such provisions and assurances and be supported by such information as the Commissioner may require pursuant to section 9(b)(2) of the Act, including provisions for termination. Termination will not affect any obligation previously incurred pursuant to the agreement and, if ordered by the Commissioner, will not become final until the guarantee agency has been afforded an opportunity for a hearing.

#### § 178.13 Interim coverage for insured loan programs.

(a) In lieu of entering into an agreement described in § 178.12, a guarantee agency may apply for interim coverage under which Federal payments may be made to reduce student interest costs. In such cases Federal payments may be made only with respect to a student loan for which the note was executed and the loan was insured and advanced between October 22, 1965, and June 30, 1967, inclusive. The application shall be in such form as the Commissioner may prescribe, and shall be approved only if the Commissioner determines that the student loan insurance program meets the following conditions:

(1) Interest charges may not exceed 6 percent per year of the unpaid principal balance of the loan exclusive of any premium for insurance which may be passed on to the borrower; and

(2) Repayment of such loans shall be in installments (i) beginning not earlier than 60 days after the student borrower ceases to be a full-time student in an eligible institution, or, if insurance is available for part-time study (less than full-time, but not less than half-time), ceases to carry at an eligible institution at least half the normal full-time workload as determined by the institution or (ii) in the case of a correspondence student, beginning not earlier than 60 days after the expiration of a 90-day period following the student borrower's

failure to submit a required assignment, or the expiration of a 90-day period following the stated normal time for completion of the program, whichever comes first.

(b) The application by a guarantee agency shall also contain an assurance that the applicant and lenders making loans insured under the loan insurance program of that guarantee agency will comply with all regulations of this subpart regarding interest payments.

(c) The application by a guarantee agency shall also contain such other provisions as the Commissioner determines to be necessary for obtaining information to make payments of interest on behalf of students and otherwise to carry out the purposes of this part.

#### § 178.14 Federal payments to reduce student interest costs on direct State loans.

(a) Federal payments to reduce student interest costs may be made on behalf of students who meet the requirements of § 178.2 and who have received a loan under a direct student loan program of a State which, except to the extent otherwise required by State law in effect prior to the promulgation of this section, meets the following requirements:

(1) Interest charges do not exceed 6 percent per year of the unpaid principal balance of the loan;

(2) Repayment of such loans is in installments (i) beginning not earlier than 60 days nor later than 1 year after the student borrower ceases to be a full-time student in an eligible institution, or if loans are available for part-time study (less than full-time, but not less than half-time), ceases to carry at an eligible institution at least one-half the normal full-time workload as determined by the institution or (ii) in the case of a correspondence student, beginning not later than 60 days after the expiration of a 90-day period following the student borrower's failure to submit a required assignment, or the expiration of a 90-day period following the stated normal time for completion of the program, whichever comes first;

(3) The maximum amount of loans to any individual student does not exceed \$1,000 in any academic year or its equivalent.

(b) For purposes of this section, a direct State student loan program includes only those programs which are available to students in one or more categories of eligible institutions.

#### § 178.15 Amount of interest benefits and procedures for payment.

(a) After a loan is made to a student meeting the requirements of § 178.2 (or an application is received from such student for Federal interest payments), a report shall be submitted to the Commissioner in such form as the Commissioner may require. On the basis of such report, the Commissioner shall periodically inquire of the guarantee agency (or State loan agency) or of the institution, or of both, as to the enrollment status of the student borrower. On the basis

of such reports and inquiries, the Commissioner will compute the interest to be paid at the applicable rate to each holder on behalf of each student. Upon certification of the computation, the Commissioner will pay the amount so determined at least every 6 months.

(b) The payment shall be limited to:

(1) The total amount of the interest on the unpaid principal balance of each loan which accrued prior to the beginning of the repayment period of such loan; and

(2) Three percent per year of the unpaid principal balance of any such loan thereafter.

(c) In no event shall payments under subparagraph (1) or (2) of paragraph (b) of this section include any interest on interest added to principal or exceed the interest payable by the student, after taking into consideration the amount of any interest on that loan which the student is entitled to have paid on his behalf for that period under any insured loan program.

(d) The Commissioner's obligation to pay interest shall terminate upon default by the borrower, or upon endorsement of the note in favor of the guarantee agency, whichever occurs first.

#### § 178.16 Effective dates.

Interest payments under this subpart shall be made with respect to a student loan only if the note covering such loan was executed and the loan was advanced on or after October 22, 1965, under a program meeting the requirements of § 178.12, § 178.13 or § 178.14, and

(a) Not later than June 30, 1967, if the loan was insured under a program meeting only the requirements of § 178.13, or

(b) Not later than June 30, 1968, if the loan was made under a student loan insurance program covered by an agreement pursuant to § 178.12, or under a direct State student loan program covered by § 178.14, except that such date is extended in the case of a loan for which the note was executed and the advance made not later than June 30, 1972, if

(1) Such loan is made to a student who had obtained a prior loan on or before June 30, 1968, with respect to which interest is payable under this subpart, and

(2) Such loan is made to continue the student's educational program.

#### Subpart C—Advances for Reserve Funds of State and Private Non-profit Loan Insurance Programs

##### § 178.21 In general.

(a) The Commissioner may make advances to any State with which he has entered into an agreement pursuant to § 178.12 for the purpose of helping to establish or strengthen the reserve fund of the student loan insurance program covered by such agreement.

(b) If for any fiscal year a State does not have a student loan insurance program which is covered by an agreement pursuant to § 178.12, and the Commissioner determines, after consultation with the chief executive officer of that



State, that there is no reasonable likelihood that the State will have such a student loan insurance program for such year, the Commissioner may make advances for such year to one or more private nonprofit guarantee agencies with which he has entered into such an agreement.

(c) The Commissioner may make advances to a State guarantee agency (with which he has such an agreement) and to one or more nonprofit private guarantee agencies (with which he has such an agreement) in that State if he determines that such advances are necessary in order that students in each eligible institution have access through such institution to a student loan insurance program which meets the requirements of § 178.12.

#### § 178.22 Applications.

Applications for funds made available pursuant to § 178.21 shall be submitted at such time or times and in such manner and shall contain such information as the Commissioner may require.

#### § 178.23 Allocation and payment of State's allotment.

(a) If in any State there is no State student loan insurance program that is covered by an agreement pursuant to § 178.12 and extending to all eligible students at eligible institutions who are residents of that State (regardless of the State in which the eligible institution is located), the State allotment, as determined in accordance with the first two sentences of section 3(b) of the Act, shall be allocated and reallocated from time to time among all guarantee agencies covering such residents, on the basis of the most recent information available to the Commissioner as to the coverage of the loan insurance programs of such agencies.

(b) Payments on account of allocations and reallocations shall be made on the basis of the most recent information available to the Commissioner concerning the expected demand for insured loans under this part and such other information as he may deem appropriate.

#### § 178.24 Terms and conditions of advances.

Advances of funds to a guarantee agency shall be upon such terms and conditions (including conditions relating to the time or times of payment) consistent with the requirements of § 178.12 as the Commissioner determines will best carry out the purposes of the Act and shall be repaid at such time or times as may be agreed to by the Commissioner, in light of the maturity and solvency of the fund for which the advance was made, and shall be made pursuant to an agreement which shall include such

other terms and conditions as are agreed to by the Commissioner and the guarantee agency, including the following:

(a) Funds advanced pursuant to this subpart shall be used only for the purpose of insuring loans for the same category of students on account of which the Federal advance was made. Loan insurance premiums, if any (referred to in § 178.12(a)(1)(v)), and interest or other earnings derived from such funds may be used for such purposes and for expenditures necessary for the proper and efficient administration of the program;

(b) The applicant shall submit such financial reports as the Commissioner may reasonably require to enable him to carry out his functions under this subpart. If, on the basis of such report and such other information as may be appropriate, the Commissioner determines that any of the funds advanced pursuant to this subpart are no longer required to maintain an adequate reserve, he may require that such funds be returned to the Federal Government or made available to some other guarantee agency within the State; and

(c) Such other provision as the Commissioner finds necessary to protect the interests of the United States and promote the purposes of the Act.

Dated: November 1, 1966.

[SEAL] HAROLD HOWE II,  
U.S. Commissioner of Education.

Approved: November 19, 1966.

WILBUR J. COHEN,  
Acting Secretary of Health,  
Education, and Welfare.

[F.R. Doc. 66-12765; Filed, Nov. 25, 1966;  
8:47 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 4844]

### PART 31—BILLS OF LADING

#### Uniform Through Export Bill of Lading

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 10th day of November A.D. 1966.

Reports 64 I.C.C. 347, 66 I.C.C. 687, 80 I.C.C. 305, 156 I.C.C. 188, and 235 I.C.C. 63:

Subsequent to the filing of a petition by the Southern Pacific Co. for permission to use an alternate form through export bill of lading different from that prescribed, the Commission by order

dated May 27, 1966, cited the parties and others affected thereby to show cause why the order entered in this proceeding, as amended and still outstanding, should not be vacated and set aside insofar as it prescribed the form of a Uniform Through Export Bill of Lading (31 F.R. 8244).

A return has been filed by the National Industrial Traffic League, recording its opposition to vacating and setting aside the prescription of the form of the Uniform Through Export Bill of Lading. The return, however, does not show valid grounds for the continuance of the prescribed terms and conditions governing export movements from the ports to non-adjacent foreign countries. Since the repeal of section 25 of the Interstate Commerce Act, the Commission has been without authority to make such a prescription. Therefore:

*It is ordered*, That the outstanding orders entered by the Commission in this proceeding to the extent that they relate to the prescribed form of a Uniform Through Export Bill of Lading, as modified and amended, be, and they are hereby, vacated and set aside.

*It is further ordered*, That should respondents desire to use a Uniform Through Export Bill of Lading, or to use other through export bill of lading forms on movements to nonadjacent foreign countries, the form, or forms, are to be shown in effective tariffs and must comply with the publication provisions of the Interstate Commerce Act and other applicable statutes: *And provided further*, That the provisions of such through export bill of lading forms, and changes therein, insofar as they control the movement to the ports shall be governed by contract terms and conditions not inconsistent with those prescribed for domestic bills of lading.

*It is further ordered*, That in view of the action taken in the prior ordering paragraph, the relief sought in the petition filed by the Southern Pacific Co. is no longer necessary, and the petition be, and it is hereby dismissed.

*It is further ordered*, That 49 CFR Part 31 be amended as follows:

1. Section 31.4 is revoked.
2. Section 31.5 is revoked.
3. Section 31.6 is revoked.

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12761; Filed, Nov. 25, 1966;  
8:47 a.m.]



# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[ 7 CFR Part 1001, etc. ]

### MILK IN MASSACHUSETTS-RHODE ISLAND MARKETING AREA, ET AL.

#### Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Cleveland, Ohio, on November 14, 1966; at St. Louis, Mo., on November 15, 1966; at Denver, Colo., on November 16-17, 1966; and at Washington, D.C., on November 17-18, 1966, pursuant to notices thereof issued November 4, 1966 (31 F.R. 14403, 31 F.R. 14406, 31 F.R. 14407, and 31 F.R. 14402), on proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in each of the marketing areas specified as follows:

7 CFR Parts	Marketing areas	Docket Nos.
1071	Neosho Valley.....	AO 227-A19.
1073	Wichita.....	AO 173-A19.
1075	Black Hills, S. Dak.....	AO 248-A7.
1076	Eastern South Dakota.....	AO 260-A9.
1078	North Central Iowa.....	AO 272-A11.
1079	Des Moines.....	AO 295-A13.
1090	Chattanooga.....	AO 266-A7.
1094	New Orleans.....	AO 103-A24.
1096	Northern Louisiana.....	AO 257-A14.
1097	Memphis.....	AO 219-A19.
1098	Nashville.....	AO 184-A24.
1099	Paducah.....	AO 183-A17.
1101	Knoxville.....	AO 195-A12.
		RO1.
1102	Fort Smith.....	AO 237-A15.
		RO1.
1103	Mississippi.....	AO 346-A4.
1104	Red River Valley.....	AO 298-A9.
1106	Oklahoma Metropolitan.....	AO 210-A22.
1108	Central Arkansas.....	AO 243-A16.
1120	Lubbock-Plainview.....	AO 328-A6.
1125	Puget Sound.....	AO 226-A15.
1126	North Texas.....	AO 231-A29.
1127	San Antonio.....	AO 232-A16.
1128	Central West Texas.....	AO 238-A18.
1129	Austin-Waco.....	AO 256-A12.
1130	Corpus Christi.....	AO 259-A15.
1131	Central Arizona.....	AO 271-A11.
1132	Texas Panhandle.....	AO 262-A13.
1133	Inland Empire.....	AO 275-A15.
1134	Western Colorado.....	AO 301-A6.
1136	Great Basin.....	AO 309-A9.
1137	Eastern Colorado.....	AO 326-A10.
1138	Rio Grande Valley.....	AO 335-A8.

**Preliminary statement.** The aforesaid public hearings were four regional hearings held during the period November 14-18, 1966, at which the same issues with respect to all Federal milk orders were considered.

The material issues on the record of each of the hearings related to:

1. The appropriate level of Class I prices for the next several months; and
2. The need for emergency action.

The hearing at Denver reopened a previous hearing on the proposed Minnesota-North Dakota marketing area held at Fargo, N. Dak., in August 1966. The matter of regulation for such marketing area is still under consideration. The evidence at this hearing will be taken into account if it is determined that an order should be issued for such area.

For the Washington, D.C., Upper Chesapeake Bay, Southeastern Florida and Minneapolis-St. Paul markets, other Class I price hearings have been held recently. A separate decision for the Washington, D.C., and Upper Chesapeake Bay orders being issued gives consideration to the testimony presented at this hearing applicable to these two markets as well as to the record of the November 2 hearing on these orders. Also, a decision based on the record of a separate Southeastern Florida hearing on November 9 is being issued and therefore no further action on Class I pricing under this order is being taken. A separate decision is also being issued for the Minneapolis-St. Paul order based on the record of the hearing held on November 9 in Minneapolis.

**Findings and conclusions.** The following findings and conclusions on the

material issues are based on evidence presented at the hearings and the records thereof:

Dairy farmers supplying fluid milk markets should be given added assurance during the next several months that there will be no precipitous decline in the prices they receive for milk.

The above conclusion may be accomplished by the following amendment actions:

(1) In the New York-New Jersey order where an "economic index" formula is used to determine Class I prices, the amendment of July 5, 1966 (which expires on March 31), should be continued through July 1967. This provides for a "floor" under the wholesale price index factor in the Class I price formula; and

(2) In markets where a "basic price formula" (Minnesota-Wisconsin manufacturing milk price series) is provided, establish a "floor" so that the basic formula price per hundredweight used in computing December 1966 through July 1967 Class I prices would not be less than the following: \$4.26 for computing December 1966, and January and February 1967 Class I prices; \$4.15 for March and April 1967 Class I prices; and \$4.05 for May, June, and July 1967 Class I prices.

**Price proposals.** At each hearing the National Milk Producers Federation proposed that the basic formula price used in computing the Class I price for each month beginning with December 1966 be not less than \$4.34. The Federation proposed that this minimum basic formula price be effective through March 1968 to correspond with the period for which dairy price supports have been announced by the Department. It was indicated, however, that adoption of these proposals should not negate pricing amendments to individual orders which may be necessary as a result of hearings already held or to be held later. The Federation's proposals were endorsed at the hearing by the major cooperatives in the markets involved. For the Northeastern markets the Federation proposed comparable action under the "economic-type" formulas used in such markets.

At the St. Louis and Denver hearings, the Associated Dairymen, an organization of cooperatives supplying midwestern and southwestern markets, proposed that Class I prices in each market for December 1966 through December 1967 be not less than the October 1966 price in the respective market. In some cases individual cooperative members of this association asked that supply-demand adjusters be held at November levels and in some cases asked only that the basic formula and Class I differentials be held at the October level.

Cooperative association witnesses at the Cleveland, St. Louis and Denver hearings generally supported one or both of the above proposals. Some producer groups, however, made proposals which

7 CFR Parts	Marketing areas	Docket Nos.
1001	Massachusetts-Rhode Island.....	AO 14-A40.
1002	New York-New Jersey.....	AO 71-A49.
1003	Washington, D.C.....	AO 203-A15.
1004	Delaware Valley.....	AO 160-A32.
1005	Tri-State.....	AO 177-A28.
1006	Upper Florida.....	AO 356-A1.
1008	Greater Wheeling.....	AO 268-A11.
1009	Clarksburg.....	AO 268-A11.
1011	Appalachian.....	AO 251-A8.
1012	Tampa Bay.....	AO 347-A6.
1013	Southeastern Florida.....	AO 286-A12.
1015	Connecticut.....	AO 305-A14.
1016	Upper Chesapeake Bay.....	AO 312-A11.
1031	Northwestern Indiana.....	AO 170-A22.
1032	Suburban St. Louis.....	AO 313-A12.
1033	Cincinnati.....	AO 169-A33.
1034	Dayton-Springfield.....	AO 175-A24.
1035	Columbus.....	AO 176-A21.
1036	Northeastern Ohio.....	AO 179-A27.
1038	Rock River Valley.....	AO 194-A15.
1039	Milwaukee.....	AO 212-A20.
1040	Southern Michigan.....	AO 225-A17.
1041	Northwestern Ohio.....	AO 72-A30.
1043	Upstate Michigan.....	AO 247-A10.
1044	Michigan Upper Peninsula.....	AO 299-A11.
1045	Northeastern Wisconsin.....	AO 334-A10.
1046	Louisville-Lexington-Evansville.....	AO 123-A31.
1047	Fort Wayne.....	AO 33-A34.
1048	Youngstown-Warren.....	AO 325-A7.
1049	Indianapolis.....	AO 319-A8.
1050	Central Illinois.....	AO 355-A1.
1051	Madison.....	AO 329-A6.
1050	Minnesota-North Dakota.....	AO 360-RO1.
1062	St. Louis.....	AO 10-A36.
1063	Quad Cities-Dubuque.....	AO 105-A25.
1064	Greater Kansas City.....	AO 23-A30.
1065	Nebraska-Western Iowa.....	AO 86-A20.
1066	Sioux City, Iowa.....	AO 122-A14.
1067	Ozarks.....	AO 222-A21.
		RO1.
1068	Minneapolis-St. Paul, Minn.....	AO 178-A19.
1069	Duluth-Superior.....	AO 153-A13.
1070	Cedar Rapids-Iowa City.....	AO 229-A16.



would establish higher Class I prices either by fixing stated prices for specified periods or by setting Class I prices at 100 percent of "parity" level. Several representatives of the Farmers Union made various price proposals.

Northeastern producer groups presenting testimony at the Washington, D.C., hearing generally asked for price increases substantially larger than that proposed by the National Milk Producers Federation. They expressed concern over the present relationship of Class I prices in the Northeast with prices in areas where the Minnesota-Wisconsin price is used as a basic formula price.

Three New York-New Jersey cooperative groups asked that the November Class I-A milk price be continued through February 1967. They proposed further that the wholesale commodity price index (which is one of the factors that determines Class I-A milk prices) be fixed at 124.039 through March 1968, in order to fully implement in the New York-New Jersey, Massachusetts-Rhode Island, and Connecticut orders a price comparable with the basic formula price proposal of the National Milk Producers Federation for other markets. Since the two latter orders contain a provision which relates their Class I prices to the New York-New Jersey Class I-A price, any price action in the New York-New Jersey market would be reflected in New England Class I prices.

Another New York-New Jersey cooperative proposed a general increase of approximately \$1 per hundredweight in the New York-New Jersey Class I-A price and a similar increase in New England through the tie with the New York-New Jersey price.

New England cooperatives asked that the Massachusetts-Rhode Island and Connecticut Class I prices for November be continued through February 1967. For March 1967 through March 1968 they asked that a factor of 120.83 be substituted for the economic index in order to implement for that period a price adjustment equivalent to the proposal of the National Milk Producers Federation.

A Delaware Valley cooperative which also has producer members under the New York-New Jersey and Upper Chesapeake Bay markets proposed that the present floor under the wholesale price index in the New York-New Jersey order be extended through June 1967 and that the seasonal factor be suspended at a 103 for the months of March through June. As a corollary action they proposed that the Delaware Valley Class I price be continued at \$6.40 through June. They proposed also that the Upper Chesapeake Bay Class I price be established at the level prevailing in Delaware Valley.

**National supply condition.** While milk production in the United States has been below a year earlier in each month during 1966, the decreases gradually have narrowed from 5.8 percent under a year earlier in February to 0.2 percent in October. Production both nationally and in the Federal order markets appears to have responded to the increases in support prices to the current level of \$4 per hundredweight and to the emer-

gency Class I price increases in Federal order markets made effective in March and July.

The downtrend in milk production which continued for more than a year, but which recently has been arrested, was due primarily to the declining number of milk cows on farms. Milk cows were 6 percent fewer in June 1966 than in June 1965. The unusual decline in number of milk cows was caused by higher culling rates during this period and fewer heifer calves being held for milk production. Although milk cow numbers are expected to continue their longtime downward trend, culling rates have been reduced recently because of the better milk prices in relation to beef cattle prices.

In some areas drought and poor quality feed undoubtedly were important factors to the decreased production level also. Better opportunities for off-farm employment likewise contributed to the decline. While all States have not recovered from year earlier levels to precisely the same extent, milk production showed further improvement in October and for such month was almost equal to that of a year earlier, being down only 0.2 percent from October 1965 for the country as a whole. Since about October 1965, national production and consumption have been in such a balance that purchases under the support program have been relatively small.

**Federal order production and sales.** Producer deliveries in Federal order markets also declined in early 1966 as compared with 1965 but to a somewhat lesser degree than for all milk. Meanwhile, a significant increase in Class I sales had occurred with the result that milk supplies relative to sales were becoming short. However, deliveries in the fluid markets tended to recover sooner than did all milk production.

Since June, improved deliveries have about matched Class I sales increases with the result that the monthly percentages of producer deliveries used in Class I have been about the same as a year earlier; i.e., varying from the previous year by 1 percent or less during the period through October. In October increased receipts coupled with a 0.1 percent decrease in Class I sales resulted in an overall Class I utilization percentage of 71 percent compared to 72 percent in October 1965. While production in the New York-New Jersey, and New England markets has not regained 1965 levels, there is no shortage of milk in this particular region. In this connection, concern was expressed by public witnesses, including two members of the U.S. Congress, over the effect increasing costs facing dairy farmers and the effect such increased costs and opportunity for gainful nonfarm employment may have on future milk supplies for the region.

**Milk prices.** Dairy support prices were increased twice during the past year. The \$3.24 per hundredweight support level for manufacturing milk effective prior to April 1, 1966, was raised on April 1 to \$3.50. On June 30, 1966, the support level was again increased, to \$4 (for milk of national average butterfat

test). On October 14 it was announced that current support levels which became effective June 30 for the remainder of this marketing year will be continued through the next marketing year, April 1967-March 1968.

In recent months Class I prices under Federal orders have been about \$1 per hundredweight higher than they were in the corresponding month of 1965. The simple average of Class I prices in markets which were effective both years was \$0.97 higher in September, \$1.01 higher in October, and \$0.88 higher in November.

In most markets the Class I price increases ranged from \$0.90 to \$1.10. In October, of the 70 markets with orders in effect in both years, 51 had price increases within this range. Nine markets had smaller increases ranging from \$0.39 to \$0.76, primarily in the Northeast, and 10 markets had greater increases ranging from \$1.20 to \$1.42.

These Class I price increases resulted primarily from the rise in manufacturing milk prices paid during this period since the Minnesota-Wisconsin manufacturing price series is used as a basic formula price in most Federal order markets, except in the Northeast where "economic-type" formulas are used. The basic formula price used in computing the October 1966 price was \$4.34 (September Minnesota-Wisconsin manufacturing price), \$1.05 higher than the basic formula price used to compute the October 1965 price.

As stated above, deliveries have improved in most order markets since the emergency Class I price increases made effective in March and July in the Federal order markets. Conditions for milk production in the fluid market areas undoubtedly have improved. The question is whether there is basis for a certain conclusion that these conditions will continue for the fluid milk producer without any further price assurance at this time.

We conclude that some added price stability during the coming winter and spring months is needed to assist fluid milk producers, who only recently have been lifted from a depressed situation relative to alternative opportunities, in their recovery and to assure adequate supplies of market milk to satisfy a gradual but steadily increasing demand. A stable price is particularly important as fluid milk producers enter the winter feeding season when production costs tend to be highest. Without such assurance some of the gain made in overcoming the threatened national shortage could be lost and the overall improvement in the balance of milk supplies which has been achieved in the fluid markets could again deteriorate. Moreover, to risk such gains would not be in the interest of consumers since higher milk prices could result if present gains are not maintained.

While the present "floor" under basic formula prices is set currently at \$4 per hundredweight for milk of 3.5 percent butterfat, the Minnesota-Wisconsin price reached \$4.34 per hundredweight in September and \$4.26 per hundredweight in



October. These above-floor prices, which increased Class I prices, undoubtedly were an important factor in achieving the recovery in production levels.

The primary variable factor in the Class I price level for most orders is the basic formula price which reflects the prices at which manufactured dairy products sell in the national markets. The present level of the basic formula is the result of a general upward trend since mid-1965. The 6-cent drop in wholesale butter prices during October and smaller reductions in wholesale prices of cheese and nonfat dry milk, however, have brought wholesale market prices of these products closer to support levels. The lower market prices were reflected in the drop of 8 cents per hundredweight from September to October in the average price paid for manufacturing milk in Minnesota and Wisconsin.

Under usual circumstances the seasonal decrease in milk production results in some seasonal increase in manufacturing milk prices. The recent contra-seasonal price increase in October, a month when prices normally increase, could mean that we have reached a transition from a period of steadily rising price level for manufacturing milk to a period of either relative stability or fluctuation downward from the present level. Thus, influences which caused the increase during the past year may have produced their maximum effect for the time being. The possibility that there have been changes in the factors influencing the price level for manufacturing milk is an important consideration for fluid milk producers.

With the normal seasonal increase in milk production in the offing there could be a marked reduction in Minnesota-Wisconsin prices which would produce an unstable price situation in order markets during the winter season of relatively low supplies. Although the support price at \$4 per hundredweight through March 1967 gives substantial price assurance to all dairy farmers, a rapid decline from the present level of the basic formula could be highly discouraging to fluid milk producers who are attempting to furnish adequate supplies throughout the winter season to meet the relatively even monthly demands of the fluid market. While their prices must follow the general price trend in manufacturing milk over the longer term, any precipitous drop in prices should be prevented.

Under Class I price formulas which use a basic formula price, the normal seasonality of milk prices is recognized. Accordingly, the floor herein established in markets with basic formula prices also will diminish as the season of increased supplies and lower manufacturing milk prices develops. Moreover, in order to assure a normal seasonal transition in price levels, the Class I prices in the orders are being floored through July.

Continuance of the present "floor" under the wholesale price index factor in the New York-New Jersey order will hold prices in this market for each of the months through July about 13-15 cents per hundredweight above the levels which

would otherwise prevail and yet permit normal seasonal price adjustments. The Class I prices in the New England markets are tied to the New York-New Jersey Class I price and will adjust in accordance with formula provisions. No amendment action is needed with respect to the New England orders.

For those markets with basic formula prices, a "floor" under the basic formula price of \$4.26 per hundredweight for determining December 1966 and January and February 1967 Class I prices, \$4.15 for pricing Class I milk in March and April 1967 and \$4.05 for determining May, June and July 1967 Class I prices will likewise hold prices in these markets comparably above levels which otherwise would prevail.

The proposed amendments which will prevent too fast a reduction in Class I prices in these markets will tend to maintain the present balance of milk supply in relation to sales. Further actions to increase prices are not warranted in view of the availability of milk supplies in relation to sales generally in these markets.

Except as further revisions based on other hearings may be found to be appropriate, the amendments adopted herein, together with the present provisions of each of the orders, will establish appropriate Class I prices in each market. The factors establishing seasonal prices in some markets, tie-in prices in other markets, and supply-demand adjustment factors<sup>1</sup> are reaffirmed as appropriate in the respective orders.

At the St. Louis hearing a pricing problem involving shipments of milk between the Ozarks and Fort Smith areas was brought out. The pricing of fluid milk products moved between these areas was considered at a hearing held November 2 at Fayetteville, Ark. (31 F.R. 13395), and that hearing was reopened by the November 15 hearing at St. Louis. This matter must be considered in relation to other proposals on the record of the Fayetteville hearing and will be acted upon in a separate decision relating specifically to the Fort Smith and Ozarks markets.

The Class I prices of the Massachusetts-Rhode Island, Connecticut, Youngstown-Warren, Paducah, Ozarks, Red River Valley, Lubbock-Plainview, San Antonio, Central West Texas, Austin-Waco, Corpus Christi, and Western Colorado orders are maintained in fixed alignment with other orders being amended. No amendments to these orders are required to carry out the conclusions of this decision.

For the Suburban St. Louis order, the basic formula price would be amended in the same manner as in other orders. If such order is amended and becomes effective as the redesignated Southern Illinois order, the Class I price would be

<sup>1</sup> Including the supply-demand adjustor which is continued as a Class I pricing factor in the following orders and proposed Central Illinois order by means of a determination of an equivalent price: Milwaukee, Madison, Rock River Valley, Northwestern Indiana, Quad Cities-Dubuque, North Central Iowa, Cedar Rapids-Iowa City, Des Moines, St. Louis, and Suburban St. Louis.

directly related to the St. Louis order price, and therefore, no amendment of the basic formula of the new order would be needed.

The current Delaware Valley order Class I price will continue at least through March 1967 on the basis of the floor established July 5, 1966. Also, the Delaware Valley order price has had automatic upward adjustment since the last emergency price change in all other markets effective July 5, 1966. Consequently, no further change is needed at this time to maintain reasonable alignment with the contemplated levels in other northeastern markets.

**2. Emergency action.** The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto on Issue No. 1. The conditions in these markets are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions made will tend to make ineffective the relief sought. In order that dairy farmers may make necessary production plans for the immediate future, they should know promptly the Department's decision on the proposals considered at the hearings. Accordingly, the requests for a recommended decision are denied.

The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to the proposed amendments. Action under the procedure described above was requested by numerous parties at the hearing.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

**Rulings on proposed findings, conclusions and motions.** Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in each record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

A motion was made at the Washington hearing by counsel for certain New York-New Jersey handlers that testimony relating to emergency action for any months beyond December 1966 be excluded from the record and that a recommended decision be issued in the proceeding with respect to any action affecting months following December 1966. The ruling of the presiding officer, admitting testimony concerning conditions beyond December, is affirmed. The request for a recommended decision is denied for the reasons supporting need for emergency action.

Counsel for Delaware Valley handlers moved that any consideration of Class I



prices in the Delaware Valley market be eliminated from the hearing. In the circumstances, the motion is denied.

**General findings.** The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders:

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and (c) the tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

**Marketing agreement and order.** Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in Certain Specified Marketing Areas" and "Order Amending the Order, Regulating the Handling of Milk in Certain Specified Marketing Areas," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

**It is hereby ordered.** That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

**Determination of representative period.** Except for the Central Illinois, Suburban St. Louis, and Upper Florida orders, the month of September 1966, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the certain specified marketing areas is approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, dur-

ing such representative period were engaged in the production of milk for sale within each of the aforesaid marketing areas.

The month of August 1966, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders, as amended, and as hereby proposed to be amended, regulating the handling of milk in the Central Illinois, Suburban St. Louis, and Upper Florida marketing areas, is approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within each of the aforesaid marketing areas.

Signed at Washington, D.C., on November 23, 1966.

GEORGE L. MEHREN,  
Assistant Secretary.

*Order<sup>1</sup> Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas*

*7 CFR part and marketing area*

1002	New York-New Jersey.
1005	Tri-State.
1006	Upper Florida.
1008	Greater Wheeling.
1009	Clarksburg.
1011	Appalachian.
1012	Tampa Bay.
1031	Northwestern Indiana.
1032	Suburban St. Louis.
1033	Cincinnati.
1034	Dayton-Springfield.
1035	Columbus.
1036	Northeastern Ohio.
1038	Rock River Valley.
1039	Milwaukee.
1040	Southern Michigan.
1041	Northwestern Ohio.
1043	Upstate Michigan.
1044	Michigan Upper Peninsula.
1045	Northeastern Wisconsin.
1046	Louisville-Lexington-Evansville.
1047	Fort Wayne.
1049	Indianapolis.
1050	Central Illinois.
1051	Madison.
1062	St. Louis.
1063	Quad Cities-Dubuque.
1064	Greater Kansas City.
1065	Nebraska-Western Iowa.
1066	Sioux City, Iowa.
1068	Minneapolis-St. Paul, Minn.
1069	Duluth-Superior.
1070	Cedar Rapids-Iowa City.
1071	Neosho Valley.
1073	Wichita.
1075	Black Hills, S. Dak.
1076	Eastern South Dakota.
1078	North Central Iowa.
1079	Des Moines.
1090	Chattanooga.
1094	New Orleans.
1096	Northern Louisiana.
1097	Memphis.
1098	Nashville.
1101	Knoxville.
1102	Fort Smith.
1103	Mississippi.
1106	Oklahoma Metropolitan.

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*7 CFR part and marketing area—Continued*

1108	Central Arkansas.
1125	Puget Sound.
1126	North Texas.
1131	Central Arizona.
1132	Texas Panhandle.
1133	Inland Empire.
1136	Great Basin.
1137	Eastern Colorado.
1138	Rio Grande Valley.

*§ ———.0 Findings and determinations.*

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

**ORDER RELATIVE TO HANDLING**

**It is therefore ordered.** That on and after the effective date hereof the handling of milk in the respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders as amended and as hereby further amended, as follows:

1. The proviso in § 1002.40(a)(1) is revised to read as follows: "Provided, That from the effective date of this amendment through July 1967, the re-



sult computed pursuant to this subparagraph shall be not less than 117.596."

2. Section 1006.50 is revised by adding the following sentence at the end thereof: "For the purpose of computing Class I prices from the effective date hereof the basic formula price shall be not less than: \$4.26 for computing Class I prices for December 1966, January and February 1967; \$4.15 for computing Class I prices for March and April 1967; \$4.05 for computing Class I prices for May, June, and July 1967."

3. The last sentence of § 1032.50 is revised to read as follows: "For the purpose of computing Class I prices from the effective date hereof and through the months herein designated, or until such time as the Suburban St. Louis order may be amended and become effective as the redesignated Southern Illinois order, the basic formula price shall be not less than: \$4.26 for computing Class I prices through February 1967; \$4.15 for computing Class I prices for March and April 1967; \$4.05 for computing Class I prices for May, June, and July 1967."

4. The last sentence in each of the sections specified below is revised to read as follows: "For the purpose of computing Class I prices from the effective date hereof the basic formula price shall be not less than: \$4.26 for computing Class I prices for December 1966, January and February 1967; \$4.15 for computing Class I prices for March and April 1967; \$4.05 for computing Class I prices for May, June, and July 1967."

#### Amended sections:

1005.50	1047.50	1090.50
1008.50	1049.50	1094.50
1009.50	1050.50	1096.50
1011.50	1051.50	1097.50
1012.50	1062.50	1098.50
1031.50	1063.50(a)	1101.50
1033.50	1064.50	1102.50
1034.50	1065.50	1103.50
1035.50	1066.50	1106.50
1036.50	1068.51	1108.50
1038.50	1069.50	1125.50
1039.50	1070.50(a)	1126.50
1040.50	1071.50	1131.50
1041.50	1073.50	1132.50
1043.50	1075.50	1133.50
1044.50	1076.50	1136.51
1045.50	1078.50(a)	1137.50
1046.50	1079.50(a)	1138.50

[F.R. Doc. 66-12807; Filed, Nov. 25, 1966; 8:48 a.m.]

#### [ 7 CFR Parts 1003, 1016 ]

[Docket No. AO-293-A14 etc.]

### MILK IN WASHINGTON, D.C., AND UPPER CHESAPEAKE BAY MARKETING AREAS

#### Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

In Docket Nos. AO 293-A14 and -A15 and AO 312-A10 and -11:

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing

orders (7 CFR Part 900), public hearings were held at Arlington, Va., on November 2, 1966, and at Washington, D.C., on November 17-18, 1966, pursuant to notices thereof issued on October 25, 1966 (31 F.R. 13863), and November 4, 1966 (31 F.R. 14403).

The material issues on the records of the hearings relate to:

1. The Class I price through June 1967; and
2. Whether an emergency exists to warrant omission of a recommended decision.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on the evidence presented at the hearings and the records thereof:

1. The Washington, D.C., and Upper Chesapeake Bay Class I prices for each month through June 1967 shall be the Delaware Valley Class I price minus 10 cents, except that from the effective date of this decision through March 1967, the Washington Class I price shall be the same as the Delaware Valley Class I price. The Delaware Valley Class I price from the present time through March 1967 is expected to be \$6.40 and for April, May, and June 1967 is expected to be \$6.

Although the principal cooperatives in both markets proposed a \$6.40 Class I price through June 1967, they emphasized also that the Class I prices under the Washington and Upper Chesapeake Bay orders through June 1967 should be related directly to the Delaware Valley Class I price.

The Washington and Upper Chesapeake Bay order markets are closely related and similar conditions affecting the pricing of milk prevail. Handlers under the two orders compete for sales and often bid on the same military contracts. Both markets obtain their milk supply principally from producing areas in Maryland, Virginia, and Pennsylvania. Producer receipts from counties within these States show substantial overlapping of production areas. Since the two orders have been in effect, the same Class I prices have applied in both orders.

The Washington and Upper Chesapeake Bay orders now provide for a Class I price only through February 1967. The Class I price now applicable, which is computed by adding or subtracting a supply-demand adjustment to \$5.55, is subject to further modification in that it may not differ (after adjusting for seasonality in the two orders) by more than 15 cents from the average of the New York-New Jersey and Delaware Valley Class I prices.

In each of the months from July 1966 to date the average of the New York-New Jersey and Delaware Valley Class I prices has determined the Washington and Upper Chesapeake Bay Class I prices. The Washington and Upper Chesapeake Bay Class I prices from July through November 1966 were contained in the narrow range of \$6 to \$6.04, an average of \$6.02 for the five-month period. Under the present pricing provisions of the orders, the Class I prices for December 1966 through February 1967 would average about \$6.05.

Handlers presented no testimony in opposition to the proposal of producers for a \$6.40 Class I price under the Washington order. The spokesman for handlers in Upper Chesapeake Bay opposed the producers' proposal for a Class I price increase in that market, stating that adequate supplies of milk are available to Upper Chesapeake Bay handlers.

In recent years, Class I sales by Washington and Upper Chesapeake Bay handlers have been increasing at a significantly greater rate than producer deliveries. Unless supplies in these markets are increased to serve these increasing sales, sufficient milk may not be available from the usual dependable sources to fulfill the markets' needs.

For the two markets, the average monthly Class I utilization during the 12 months through October 1966 was 116.3 million pounds, 4.7 million pounds greater than the 111.6 million pounds a year earlier, a percentage increase of 4.2 percent. On the other hand, producer deliveries in the same period averaged 155.2 million pounds monthly, an increase of only 1.8 percent above the 152.4 million pounds monthly average production a year earlier. On a percentage basis, the Class I utilization of producer milk in the 12-month period through October 1966 was 75 versus a 73 percent utilization during the corresponding period a year earlier.

In the most recent 3-month period for which data are available, August, September, and October 1966, the average monthly Class I sales for the two markets increased 3.1 million pounds (from 113.6 to 116.7 million pounds) from a year earlier. Producer deliveries in the same period increased an average of 1.3 million pounds monthly from a year ago. The percent of milk used in Class I increased from 73 percent in 1965 to 75 percent in 1966 in this 3-month period.

Despite the extent to which the production and sales area of the Washington and Upper Chesapeake Bay markets overlap, the availability of milk to Washington order handlers relative to their needs has been declining relative to the situation of Upper Chesapeake Bay handlers. In only two of the 12 months through October 1966 was the percentage of producer milk used in Class I under the Washington order below a year ago. In 6 of the 12 months, the Washington Class I utilization was at least 80 percent of producer receipts. For the 12 months, the Class I utilization was 78 percent compared to 74 percent a year earlier.

The Class I utilization of producer milk under the Washington order during the 12 months through October averaged 64.6 million pounds monthly compared to 61.7 million pounds a year earlier, a 4.7 percent increase. Producer deliveries for the same 12-month period averaged 83.1 million pounds, only 0.2 percent above the 82.9 million pounds monthly average a year earlier.

Taken separately, the supply of milk for the Upper Chesapeake Bay market relative to its needs has not been losing ground in the same manner as in the Washington market. The 3.5 percent increase in Class I sales under the Upper



Chesapeake Bay order in the 12 months through October 1966 was matched by a 3.7 percent increase in producer deliveries in the same period. The Class I utilization of producer receipts in the 12-month period was 72 percent, the same as a year earlier.

A Washington Class I price through March 1967 that is 10 cents above the Upper Chesapeake Bay Class I price, as provided in this decision, is necessary as a temporary measure to attract additional supplies to the Washington market from farms that are now supplying Upper Chesapeake Bay and Delaware Valley handlers. It would not be feasible at this time, however, to specify that the Washington Class I price be maintained at 10 cents above the Upper Chesapeake Bay Class I price on a permanent basis. To do this might tend to take away an undue amount of supplies from the Upper Chesapeake Bay market.

There was no testimony for establishing Class I prices under the Washington and Upper Chesapeake Bay orders in the perspective of the long-range point of view rather than in the perspective of the several months immediately ahead. The testimony was directed primarily at providing pricing under the two orders through June 1967. Producer spokesmen stated that pricing beyond that date should be considered at a hearing prior to June 30, 1967, to consider comprehensively the Class I pricing under the two orders subsequent to that date.

The Class I price herein provided through June 1967 will provide a reasonable level of pricing under the two orders for this limited period, and provide the necessary incentive to producers not only to continue to ship to Washington and Upper Chesapeake Bay markets but also to maintain a level of production to supply the markets' needs.

It was not established at the hearings that it would be economically feasible to specify that the Washington, D.C., and Upper Chesapeake Bay Class I prices should be the same as the Delaware Valley Class I price for an indefinite period. Although substantial portions of the milksheds of the three markets overlap, there are major portions of the production areas of the three markets which do not. There are also substantial differences in the sales areas of the handlers under the three orders. Moreover, it was not shown that the Delaware Valley Class I price by itself is a better basis for determining the Class I prices for the Washington and Upper Chesapeake Bay orders than a basis that uses a number of factors, especially those which give consideration directly to the supply-sales relationship in these markets.

Nevertheless, the Delaware Valley Class I price is an important factor that must be considered in establishing the Class I prices under the Washington, D.C., and Upper Chesapeake Bay orders. It is desirable, therefore, in establishing a price for the limited period through June 1967 that such price be related to the Delaware Valley price in this period. It would be inappropriate, for example, to provide for a price of \$6.40 for April,

May, and June under the Washington, D.C., and Upper Chesapeake Bay orders (as proposed by Washington and Upper Chesapeake Bay producers) if the Delaware Valley Class I price in this three-month period should be \$5.80 or \$6, as was indicated at the hearing.

2. The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto on Issue No. 1. The conditions in these markets are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions made will tend to make ineffective the relief sought. The time necessarily involved in the preparation, filing and publication of a recommended decision and the filing of exceptions thereto would in this instance contribute to the threat of an insufficient supply of milk for these markets.

Producer spokesmen requested that because of the economic and emergency marketing conditions relating to the proposed amendments, action be taken under the procedure described above.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the records were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity

of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which hearings have been held.

*Marketing agreement and order.* Annexed hereto and made a part hereof are four documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Washington, D.C. Marketing Area," "Order Amending the Order, Regulating the Handling of Milk in the Washington, D.C., Marketing Area," "Marketing Agreement Regulating the Handling of Milk in the Upper Chesapeake Bay Marketing Area," and "Order Amending the Order, Regulating the Handling of Milk in the Upper Chesapeake Bay Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders, as hereby proposed to be amended by the attached orders which will be published with this decision.

*Determination of representative period.* The month of September 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Washington, D.C., and Upper Chesapeake Bay marketing areas is approved or favored by producers, as defined under the terms of the orders, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on November 23, 1966.

GEORGE L. MEHREN,  
Assistant Secretary.

Order<sup>1</sup> Amending the Order Regulating the Handling of Milk in the Washington, D.C., Marketing Area

#### § 1003.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments hereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Washington, D.C., marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which hearings have been held.

#### ORDER RELATIVE TO HANDLING

*It is therefore ordered,* That on and after the effective date hereof the handling of milk in the Washington, D.C., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

In § 1003.50 the introductory text of paragraph (a) is revised to read as follows:

#### § 1003.50 Class prices.

(a) *Class I price.* The Class I price from the effective date of this paragraph through March 1967 shall be the Class I price pursuant to Part 1004 (Delaware Valley) of this chapter and for April, May, and June 1967 shall be such price minus 10 cents.

#### Order<sup>1</sup> Amending the Order Regulating the Handling of Milk in the Upper Chesapeake Bay Marketing Area

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

#### § 1016.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Chesapeake Bay marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which hearings have been held.

#### ORDER RELATIVE TO HANDLING

*It is therefore ordered,* That on and after the effective date hereof the handling of milk in the Chesapeake Bay marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

In § 1016.50 the introductory text of paragraph (a) is revised to read as follows:

#### § 1016.50 Class prices.

(a) *Class I price.* The Class I price from the effective date of this paragraph through June 1967 shall be the Class I price pursuant to Part 1004 (Delaware Valley) of this chapter minus 10 cents.

[F.R. Doc. 66-12808; Filed, Nov. 25, 1966; 8:48 a.m.]

#### [7 CFR Part 1013]

[Docket No. AO 286-A11]

### MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

#### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fort Lauderdale, Fla., on November 9, 1966, pursuant to notice thereof issued on October 25, 1966 (31 F.R. 13863).

The material issues on the record of the hearing related to:

1. The Class I price through June 1967; and

2. Whether an emergency exists to warrant omission of a recommended decision.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The Class I price through June 1967 should be established at \$7.25.

Since July 1966, the Class I price has been computed by adding \$3.20 to a basic formula price, which is the Minnesota-Wisconsin manufacturing milk price series. (Since July 5, the order has provided that the basic formula shall not be less than \$4.) From July through November 1966, the Class I price averaged \$7.38. The November 1966 Class I price is \$7.46.

Replacing the present Class I pricing provisions in the order with a Class I price of \$7.25 through June 1967 was proposed by the major handlers and supported by the principal producer association in the market. Both handlers and producers contend that the fixed price proposed would insure stability in the market in a period when the price that might be obtained through the present formula is uncertain and, under present conditions, tends to fluctuate widely from month to month. They cited recent changes in the Minnesota-Wisconsin price which averaged 10 cents monthly in the first 10 months of 1966, with monthly changes in this period of 17 cents from May to June, 23 cents from June to July, and 21 cents from July to August.

Handlers and producers anticipate that the \$7.25 Class I price proposed by them will approximate the average Class I price that would result from the present Class I pricing provisions now in the order through June 1967. They base this on their estimate that the Minnesota-Wisconsin price, which declined from \$4.34 in September to \$4.26 in October 1966, will decline further and average \$4.05 from December 1966 through June 1967. The purpose of handlers in proposing a flat price is to avoid frequent



changes in resale prices and to enable them to anticipate more precisely future prices when bidding on long-term contracts.

The Southeastern Florida market has been accustomed to little variation from month to month in its milk prices. Handlers said the relatively wide, recent month-to-month variations in the Class I price have been disturbing to them because for many years they have been accustomed to maintaining the same resale prices throughout the market for long periods.

The pricing standard under the statute provides that prices shall be at levels which will tend to obtain an adequate but not an excessive supply of milk to meet the Class I needs in the market. Supply and demand conditions are subject to periodic change and sometimes in considerable degree. During the past year, the dairy industry generally has been in a state of substantial change in supply-demand conditions and the variation in prices for milk have reflected these changes. Since the Class I price was amended effective July 1, 1966, to base it on the Minnesota-Wisconsin price, the Class I price has also varied in accordance with changing national supply and demand conditions.

Since prices have been rather stable in this market for a long time, it is appropriate that for a further temporary period a fixed price be maintained. This will give a better opportunity to judge whether this level of prices accurately reflects supply and demand conditions in this market during the next several months. This level price, therefore, will aid in a future decision as to appropriate pricing mechanisms to be employed in this area.

There were no proposals at the hearing to extend the Class I pricing beyond June 1967. The order does not now provide for a Class I price beyond that date. A hearing will be held before June 1967 to provide for a Class I price after that month.

**2. Emergency action.** The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto on Issue No. 1. The conditions in this market are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions made will tend to make ineffective the relief sought. The time necessarily involved in the preparation, filing and publication of a recommended decision and the filing of exceptions thereto would in this instance contribute to the threat of disruptive marketing conditions and instability in the market.

Both producer and handler spokesmen requested that because of the economic and emergency marketing conditions relating to the proposed amendments, action be taken under the procedure described above.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

**Rulings on proposed findings and conclusions.** Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

**General findings.** The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

**Marketing agreement and order.** Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Southeastern Florida Marketing Area" and "Order Amending the Order, Regulating the Handling of Milk in the Southeastern Florida Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

**It is hereby ordered,** That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

**Determination of Representative Period.** The month of September 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Southeastern Florida marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on November 23, 1966.

GEORGE L. MEHREN,  
Assistant Secretary.

*Order<sup>1</sup> Amending the Order Regulating the Handling of Milk in the Southeastern Florida Marketing Area*

#### § 1013.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

#### ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Southeastern Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

In § 1013.51, paragraph (a) is amended to read as follows:

#### § 1013.51 Class prices.

(a) *Class I price.* From the effective date of this paragraph through June 1967, the Class I price shall be \$7.25.

[F.R. Doc. 66-12809; Filed, Nov. 25, 1966; 8:48 a.m.]

#### [ 7 CFR Part 1068 ]

[Docket No. AO178-A18, -A19]

### MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

#### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Minneapolis, Minn., on November 9, 1966, pursuant to notices thereof issued on October 25, 1966 (31 F.R. 13864) and October 27, 1966 (31 F.R. 13916), and at Denver, Colo., on November 16-17, 1966 (31 F.R. 14407) on proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area.

*Preliminary statement.* The material issues on the records of the hearings related to:

1. The appropriate level of Class I prices for the next several months; and
2. The need for emergency action.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearings and the records thereof.

1. *Class I differential.* The Class I differential should be fixed at 86 cents per hundredweight for the period December 1966 through June 1967.

All of the major cooperatives in the market supported a proposal to maintain the Class I differential at \$1 per hundredweight during the period December 1966 through June 1967. The Minneapolis-St. Paul order now provides a differential of \$1 per hundredweight during the months of July through November

and \$0.76 per hundredweight during the remaining months. This differential is subject to a maximum adjustment of 24 cents as supplies vary in relation to demand.

If the Class I differential were permitted to drop to \$0.76 per hundredweight on December 1, it would seriously threaten the supply of milk for the market. In recent months the prices paid for manufacturing milk by plants located in the supply area have been substantially in excess of the average price paid for manufacturing grade milk in Minnesota and Wisconsin. The latter price is used both as the basic formula and as the Class II price under the Minneapolis-St. Paul order.

In July the prices paid by 12 manufacturing plants in the milkshed ranged from \$4.185 to \$4.50 per hundredweight. In August the prices paid by these plants ranged from \$4.325 to \$4.50 and in September the range was from \$4.45 to \$4.60. For the same months the Minnesota-Wisconsin price averaged \$4.05, \$4.26, and \$4.34, respectively. During this period the net returns to Grade A producers delivering to country plants was very little higher than the prices received by dairy farmers supplying manufacturing grade milk to these nearby manufacturing plants. The narrowing of the spread between uniform prices at country plants and manufacturing milk prices is further aggravated by the difference in hauling costs. The bulk hauling rate paid by producers shipping to regulated plants ranges from 17 cents to 25 cents per hundredweight. The hauling rate on manufacturing milk is substantially lower and in some cases is only 10 cents per hundredweight.

Since more than 70 percent of the milk supply for the Minneapolis-St. Paul market is received at country plants, the relationship between prices paid by manufacturing plants and the uniform price at country pool plants has a much greater effect on market supplies than in markets where a substantial percentage of the producer milk is received at city plants.

Unless action is taken to offset part of the decline in the Class I price which would otherwise occur beginning on December 1, 1966, uniform prices to producers at country plants could drop so low that net returns to producers in many instances would be at the same level as, or possibly lower than the returns to neighboring farmers producing manufacturing grade milk. Such a situation could only result in disorderly marketing and would seriously threaten not only the supply of milk for the market but its quality, since producers would have no incentive to comply with the sanitary standards prescribed for the production of Grade A milk.

At present price levels producers are leaving the market in substantial numbers. In September there were 4,342 producers on the market, a decline of 71 from the July peak. This is particularly significant since, in both 1964 and 1965, there was an increase of producers from July to September. In 1964 the increase was 61 and in 1965 it was 133.

Although there was a very substantial increase in the volume of milk pooled under the order beginning in July 1966, this increase came about through the affiliation with the market of three large-volume plants, not through the addition of individual producers. These plants were operated by two large cooperative associations. One of these associations operates a plant which was a pool plant under the Chicago order during the entire period the Chicago order was in effect. With the termination of the Chicago order, this plant became associated with the Minneapolis-St. Paul market. Although it represents a substantial volume of milk, it cannot be considered a permanent part of the supply for the Minneapolis-St. Paul market, since it is likely that it would again become associated with the Chicago market if a new order were issued for that market. The remaining plants came on the market as a result of the consolidation of cooperatives. This consolidation took place primarily for the purpose of permitting increased efficiency in plant operations.

As a result of the addition of these plants to the market the supply-demand adjuster has been reducing the Class I price in the Minneapolis-St. Paul market by increasing amounts and for the period December through June it is expected that the adjustment will be at the maximum rate of 24 cents per hundredweight. Thus, the effective Class I differential in the December-June period would be 52 cents per hundredweight rather than 76 cents if no action were taken. As a result of the action taken herein the effective differential will be 62 cents per hundredweight.

On the record of the hearing held in Denver, Colo., on November 16-17, at which the level of Class I prices for 22 other Federal order markets, in addition to the Minneapolis-St. Paul market, was considered, it is also concluded that a floor should be established under the basic formula price during the December 1966 through June 1967 period. It is also concluded that the basic formula price for the months of December 1966 and January and February 1967 should be not less than \$4.26. For the months of March and April 1967 it should be not less than \$4.15 and for the months of May, June, and July 1967 should be not less than \$4.05. However, the changes in this regard will be effectuated by a common order dealing with the 23 orders and the reasons for the changes set forth in the decision thereon are adopted for the purposes of this decision.

The increase of 10 cents in the Class I differential together with the establishment of a floor under the basic formula is expected to produce Class I and uniform prices which will provide an adequate supply of milk for the market.

2. *The need for emergency action.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto on Issue No. 1. The conditions in this



market are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions made will tend to make ineffective the relief sought. The time necessarily involved in the preparation, filing and publication of a recommended decision and the filing of exceptions thereto, would in this instance contribute to the threat of an insufficient supply of milk for the market.

The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to the proposed amendments. Action under the procedure described above was requested by proponents at the hearing.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

*Rulings on proposed findings and conclusions.* A brief with proposed findings and conclusions was filed on behalf of the proponent cooperative association. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or to reach such conclusions is denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed; except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will

be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Minneapolis-St. Paul, Minn., Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Minneapolis-St. Paul, Minn., Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of September 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on November 23, 1966.

GEORGE L. MEHREN,  
Assistant Secretary.

*Order<sup>1</sup> Amending the Order Regulating the Handling of Milk in the Minneapolis-St. Paul, Minn., Marketing Area*

#### § 1068.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

#### ORDER RELATIVE TO HANDLING

*It is therefore ordered,* That on and after the effective date hereof the handling of milk in the Minneapolis-St. Paul, Minn., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

In § 1068.53 the provisions preceding the table are revised to read as follows:

#### § 1068.53 Class I price.

Subject to the differentials provided in §§ 1068.55 and 1068.56(a) the price per hundredweight for Class I milk each month shall be the basic formula price for the preceding month computed pursuant to § 1068.51 plus an amount as follows: \$1 for July, August, September, October, and November; \$0.76 for other months except that prior to July 1, 1967, \$0.86 shall be added to the basic formula price in lieu of the above amounts: *Provided,* That whenever the current supply-demand ratio varies from that set forth in the table below, the Class I price shall be increased or decreased 1.5 cents for each full percentage point that the current supply-demand ratio is above or below that set forth in the table, but such price shall not be increased or decreased more than 24 cents for any month because of the current supply-demand ratio:

\* \* \* \* \*

[F.R. Doc. 66-12810; Filed, Nov. 25, 1966; 8:48 a.m.]



## FEDERAL AVIATION AGENCY

[ 14 CFR Part 39 ]

[Docket No. 7761]

## AIRWORTHINESS DIRECTIVES

## Certain Models of Marvel-Schebler Carburetors

Amendment 39-189 (31 F.R. 1267), AD 66-5-4 requires inspection, parts replacement, installation of the positive retraction float valve assembly, and safetying of the bowl screws on certain Marvel-Schebler carburetors. Subsequent to the issuance of AD 66-5-4, the Agency determined that there were certain additional carburetors that should have been included in the AD, and that there were a number of carburetors included in the AD that were actually in compliance. Therefore, the Agency is considering amending amendment 39-189 (31 F.R. 1267), AD 66-5-4 to correct the applicability provision.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before December 27, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, amendment 39-189 (31 F.R. 1267), AD 66-5-4, by revising the applicability paragraph to read as follows:

**MARVEL-SCHLEBLER.** Applies to Models MA-3, MA-3A, MA3-PA (Marvel-Schebler Part No. 10-2948 only), MA-3SPA, MA4PA, MA-4-5, MA4-5AA and MA-6 carburetors used on various Franklin (Air-cooled), Continental, Lycoming, and Ranger Engines, except carburetors which (1) have Marvel-Schebler basic part numbers higher than 10-4495 or (2) have the number "64" stamped on the nameplate or (3) are listed herein.

Marvel-Schebler P/N	Serial No.
10-3103-1 and higher (-) Nos.	Y-7-2216 and up.
10-3346-1 and higher (-) Nos.	B-7-206 and up.

Marvel-Schebler P/N	Serial No.
10-3565-1 and higher (-) Nos.	C-7-229 and up.
10-3678-32 and higher (-) Nos.	A-5-5207 and up.
10-3859-1 and higher (-) Nos.	W-5-285 and up.
10-3878 and all (-) Nos---	G-6-1922 and up.
10-3965-12 and higher (-) Nos.	H-11-4119 and up.
10-4025-12 and higher (-) Nos.	Z-2-1385 and up.
10-4057-1 and higher (-) Nos.	AI-2-108 and up.
10-4115-1 and higher (-) Nos.	AV-2-1165 and up.
10-4164-1 and higher (-) Nos.	K-3-1697 and up.
10-4171 and all (-) Nos---	L-4-692 and up.
10-4218-1 and higher (-) Nos.	AK-2-368 and up.
10-4233 and all (-) Nos---	P-6-304 and up.
10-4240 and all (-) Nos---	AU-2-143 and up.
10-4252 and all (-) Nos---	Q-6-1227 and up.
10-4401-1 and higher (-) Nos.	AC-3-1400 and up.
10-4404 and all (-) Nos---	R-6-3320 and up.
10-4404-1 and higher (-) Nos.	AO-3-996 and up.
10-4438-1 and higher (-) Nos.	AH-4-768 and up.
10-4439 and all (-) Nos---	S-5-5847 and up.
10-4495 and all (-) Nos---	AE-6-245 and up.

Issued in Washington, D.C., on November 21, 1966.

C. W. WALKER,  
Director, Flight Standards Service.  
[F.R. Doc. 66-12738; Filed, Nov. 25, 1966;  
8:45 a.m.]

## [ 14 CFR Part 121 ]

[Docket No. 7765; Notice No. 66-41]

## DURATION OF SUPPLEMENTAL AIR CARRIER OPERATING CERTIFICATES

## Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending § 121.53 to delete the annual renewal requirement for supplemental air carrier operating certificates.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before January 25, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be

available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

The annual renewal requirement for supplemental air carrier operating certificates was adopted in 1950 (Amendment 42-5, 15 F.R. 4263). In adopting that requirement the Civil Aeronautics Board stated "This provision is designed to provide a specific recurrent period for proving qualification for an operating certificate. Such a provision is deemed necessary, in view of the fact that experience has shown that operators who satisfactorily show their ability to perform air carrier operations safely at the time of original issuance of an operating certificate often fail to maintain the necessary facilities and personnel thereafter."

During the past several years, as a result of many factors, including regulatory action and increased surveillance, the overall level of safety of supplemental air carriers has increased substantially. At the present time supplemental air carriers are, with minor exceptions, required to comply with the same operating rules that apply to the scheduled air carriers. The differences that remain reflect inherent differences in the types of operations and not differences in the level of safety sought. Furthermore, the Agency now believes that its inspection system is such that it would be apprised of any failure of a supplemental air carrier to maintain the required level of safety, regardless of whether the certificate expires annually or is of indefinite duration.

In addition, the Civil Aeronautics Board recently recognized the improved status of certain supplemental air carriers by granting them certificates of public convenience and necessity for an indefinite period (Order dated Mar. 11, 1966, Docket 13795). Prior to this order all supplemental air carriers operated under temporary certificates issued by the CAB.

In consideration of the foregoing, it is proposed to amend § 121.53 to provide that "a supplemental air carrier operating certificate is effective until termination of the certificate of public convenience and necessity or other economic authority issued to the carrier by the Civil Aeronautics Board or until the certificate is surrendered or the Administrator suspends, revokes, or otherwise terminates it."

This amendment is proposed under the authority of sections 313(a), 601, 604, and 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1424, and 1429).

Issued in Washington, D.C., on November 21, 1966.

C. W. WALKER,  
Director, Flight Standards Service.  
[F.R. Doc. 66-12739; Filed, Nov. 25, 1966;  
8:45 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

### Fiscal Service

[Dept. Circ. 570, 1966 Rev., Supp. No. 10]

## CHARTER OAK FIRE INSURANCE CO.

### Surety Company Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13). An underwriting limitation of \$1,538,000 has been established for the company.

*Name of company, location of principal executive office, and State in which incorporated*

The Charter Oak Fire Insurance Co.

Hartford, Conn.

Connecticut

Certificates of authority expire on May 31 each year, unless sooner revoked, and new certificates are issued on June 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of June 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

Dated: November 21, 1966.

[SEAL]

JOHN K. CARLOCK,  
*Fiscal Assistant Secretary.*

[F.R. Doc. 66-12758; Filed, Nov. 25, 1966; 8:47 a.m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

### HENRY P. LEONHARDY

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservation expenses:

*Claimant, Claim Number, Property, and Location*

Henry P. Leonhardy, Kleinfeldstr. 43, Gar-misch-Partenkirchen, Germany; Claim No.

67065; Vesting Order Nos. 5421, 6685, 8200, and 8582; \$91,243.85 in the Treasury of the United States.

Executed at Washington, D.C., on November 22, 1966.

For the Attorney General.

BAREFOOT SANDERS,  
*Assistant Attorney General,  
Civil Division, Director, Office  
of Alien Property.*

[F.R. Doc. 66-12774; Filed, Nov. 25, 1966; 8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Washington 03359]

### WASHINGTON

### Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 18, 1966.

Notice of a Department of Agriculture application, Washington 03359, for withdrawal and reservation of lands for roadside zones in the Snoqualmie National Forest, was published as F.R. Doc. No. 62-11165, on page 10915 of the issue for November 8, 1962. The applicant agency has canceled its application to the extent of reducing the width of the roadside zones from 330 feet to 200 feet on each side of the centerline of each of certain roads described below:

#### WILLAMETTE MERIDIAN

#### BUMPING LAKE ROAD ZONE

T. 16 N., R. 12 E., unsurveyed,  
In sections 12, 13, 23, and 24.  
T. 16 N., R. 13 E., unsurveyed,  
In sections 5, 6, and 7.  
T. 17 N., R. 13 E.,  
In sections 12, 13, 14, 22, 23, 27, 32, 33, and 34.

Total area is approximately 1,000 acres.

#### WILLAMETTE MERIDIAN

#### MIDDLE FORK SNOQUALMIE—TAYLOR RIVER ROAD ZONES

T. 23 N., R. 11 E.,  
In sections 6, 7, 8, 9, 15, and 16.  
T. 24 N., R. 10 E.,  
In sections 2, 10, 15, 21, 22, 23, 25, 26, and 29.  
T. 24 N., R. 11 E.,  
In sections 7 and 31.

Total area is approximately 1,200 acres.

#### WILLAMETTE MERIDIAN

#### WHITE PASS HIGHWAY—SR NO. 5 ZONE (TIETON RIVER VALLEY)

T. 14 N., R. 14 E., unsurveyed,  
In sections 25, 26, 27, 28, 29, 30, 31, and 32.  
T. 14 N., R. 15 E.,  
In sections 12, 14, 22, 24, 28, and 30.

Total area is approximately 800 acres.

The total combined area is approximately 3,000 acres.

The applicant agency has canceled its application for a roadside zone insofar as it affects the following described land:

#### WILLAMETTE MERIDIAN

#### WHITE PASS HIGHWAY—SR NO. 5 ZONE (TIETON RIVER VALLEY)

T. 14 N., R. 15 E.,  
Sec. 12, NE $\frac{1}{4}$ .

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands, at December 23, 1966, will be relieved of the segregative effect of the above-mentioned application.

ERLING A. OLSON,  
*Chief, Lands Adjudication Section.*

[F.R. Doc. 66-12750; Filed, Nov. 25, 1966; 8:46 a.m.]

[Washington 03360]

### WASHINGTON

### Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 18, 1966.

Notice of a Department of Agriculture application, Washington 03360, for withdrawal and reservation of lands for roadside zones in the Wenatchee National Forest, was published as F.R. Doc. No. 62-11166, on page 10915 of the issue for November 8, 1962. The applicant agency has canceled its application to the extent of reducing the width of the roadside zones from 330 feet to 200 feet on each side of the centerline of each of certain roads described below:

#### WILLAMETTE MERIDIAN

#### WENATCHEE NATIONAL FOREST

#### Sunset Highway Route No. U.S. 97 Roadside Zone

T. 21 N., R. 17 E.,  
In sections 1, 10, and 11.  
T. 21 N., R. 18 E.,  
In sections 3, 4, 5, 6, 7, 8, and 9.  
T. 22 N., R. 18 E.,  
In sections 17, 18, 20, 21, 27, 28, and 34.

Total area is approximately 700 acres.

#### Entiat River Roadside Zone

T. 27 N., R. 19 E.,  
In sections 2, 3, 11, and 14.  
T. 28 N., R. 18 E.,  
In sections 1, 2, 12, and 13.  
T. 28 N., R. 19 E.,  
In sections 19, 20, 28, 29, 33, and 34.  
T. 29 N., R. 18 E.,  
In sections 7, 8, 16, 17, 21, 22, 26, 27, 35, and 36.

Total area is approximately 1,600 acres. The total combined area is approximately 2,300 acres.

The applicant agency has canceled its application for a roadside zone insofar as it affects the following described lands:



## WILLAMETTE MERIDIAN

Sunset Highway Route No. U.S. 97 Roadside Zone

T. 21 N., R. 17 E.,  
Sec. 11, NE¼NE¼, N½SE¼NE¼;  
Sec. 12, N½NW¼, SW¼NW¼, and N½SE¼NW¼.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands, at December 23, 1966, will be relieved of the segregative effect of the above-mentioned application.

ERLING A. OLSON,

Chief, Lands Adjudication Section.

[F.R. Doc. 66-12751; Filed, Nov. 25, 1966; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

## FRESH PEARS

## Notice of Purchase Program HMP 96a

In order to encourage the domestic consumption of pears by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the U.S. Department of Agriculture will purchase fresh winter pears of the D'Anjou variety. The pears must have been grown in the Pacific Coast States and will be purchased from growers, associations of growers, or growers' agents on an offer and acceptance basis. The Consumer and Marketing Service will distribute the pears for use in school lunch programs. Details and specifications of the invitation to offer fresh pears are contained in Announcement FV-405 issued by the Department on November 15, 1966. Quantities purchased will depend on marketing conditions at the time of purchase, and availability of outlets for use of the pears without waste. Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Consumer and Marketing Service, Department of Agriculture, Washington, D.C. 20250.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: November 22, 1966.

PAUL A. NICHOLSON,

Deputy Director,

Fruit and Vegetable Division.

[F.R. Doc. 66-12773; Filed, Nov. 25, 1966; 8:48 a.m.]

## Office of the Secretary

## MISSISSIPPI

## Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Mississippi natural disasters have caused

a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

## MISSISSIPPI

Lafayette.

Marshall.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 21st day of November 1966.

ORVILLE L. FREEMAN,

Secretary.

[F.R. Doc. 66-12755; Filed, Nov. 25, 1966; 8:46 a.m.]

## TEXAS, COLORADO, AND NEBRASKA

## Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

## TEXAS

Lamb.  
Lee.

Mitchell.  
Wilson.

It has also been determined that in the hereinafter-named counties in the States of Colorado and Nebraska natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Colorado	Original designation	Present extension
Baca .....	29 F.R. 7784 .....	30 F.R. 8282
Crowley .....	29 F.R. 9544 .....	30 F.R. 8282
Otero .....	29 F.R. 9544 .....	30 F.R. 8282
Phillips .....	29 F.R. 12852 .....	30 F.R. 8495
Washington .....	29 F.R. 15876 .....	30 F.R. 8282
Yuma .....	29 F.R. 12852 .....	30 F.R. 8495

Nebraska	Original designation	First extension	Present extension
Dawes ..	29 F.R. 11934	30 F.R. 7616	31 F.R. 5642-5643
Sioux ..	29 F.R. 11934	30 F.R. 7616	31 F.R. 5642-5643

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 21st day of November 1966.

ORVILLE L. FREEMAN,

Secretary.

[F.R. Doc. 66-12756; Filed, Nov. 25, 1966; 8:46 a.m.]

## DEPARTMENT OF COMMERCE

## Maritime Administration

## AMERICAN EXPORT ISBRANDTSEN LINES, INC.

## Notice of Application

Notice is hereby given that American Export Isbrandtsen Lines, Inc. has applied for increased sailings on its Line D, Trade Route No. 12 (U.S. Atlantic/Far East) freight service from a minimum of 24 to a minimum of 45, and from a maximum of 30 to a maximum of 55 per annum.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on December 7, 1966, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: November 21, 1966.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.

Secretary.

[F.R. Doc. 66-12793; Filed, Nov. 25, 1966; 8:48 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 17907; Order No. E-24425]

## UNITED AIR LINES, INC.

## Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of November 1966.



On November 4, 1966, United Air Lines, Inc. (United) filed an application whereby it requests exemption pursuant to section 416(b) of the Federal Aviation Act of 1958 to enable it to transport without charge a total of 25 travel agents from Milwaukee, Wis., and Chicago, Ill., to Denver, Colo. and return. The transportation is scheduled to commence on December 7 and to be completed on December 10, 1966. The purpose of the transportation is to familiarize the travel agents with the accommodations, recreational facilities, and tourist attractions in connection with the various ski resorts in the Denver area.

In 1963 the Board adopted a policy of permitting the carriers to provide free or reduced-fare interstate air transportation for the purpose of conducting group familiarization tours to acquaint travel agents with the accommodations, recreational facilities, and tourist attractions in specific geographical areas.<sup>1</sup> Prior to that time the carriers had been permitted to grant individually ticketed reduced-fare transportation to travel agents in overseas and foreign air transportation, but not in interstate air transportation. The Board's domestic group orientation tour policy was therefore adopted largely as a measure to compensate for the lack of travel agent individual reduced-fare privileges and to aid in the promotion of the Discover America program.

The Board has recently approved an Air Traffic Conference (ATC) agreement which permits the carriers to grant reduced fares to travel agents for individual travel in interstate air transportation basically similar to the reduced-fare privileges made available to travel agents in overseas and foreign air transportation.<sup>2</sup> Subsequent to our approval of that agreement, the Board considered whether to continue or terminate its domestic travel agent group orientation policy. It was concluded to continue granting exemptions for the group orientation tours while the ATC program is being implemented to determine whether there is a continuing need for the group tours. The Board will reappraise its domestic program early in 1967 and may solicit the views of carriers and other interested persons at that time.

Turning now to the instant application, United sets forth the activities in which the travel agents it intends to transport will participate. The scheduled program extends over a period of 4 days and includes sightseeing tours covering specific points of interest, inspection of facilities available and briefings concerning the areas by airline and ski resort representatives. The program is distinguishable from a mere pleasure trip and meets the criteria for a domestic familiarization program of this type.

Under the circumstances here presented it has been determined to grant the exemption requested by United. The carrier will be required to file with the Board's Docket Section two copies of a

list of names of persons receiving the transportation exempted by this order together with the names and addresses of the travel agencies such persons represent, and the routing over which they traveled, within 30 days after the travel exempted by this order has been completed. Subject to these requirements, it is found that enforcement of section 403 of the Act and Part 221 of the Economic Regulations would be an undue burden on the air carrier because of the limited extent of and unusual circumstances affecting its operations in this instance and would not be in the public interest.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly section 416(b) thereof,

*It is ordered, That:*

1. United Air Lines, Inc., is exempted from the provisions of section 403 of the Federal Aviation Act of 1958, and Part 221 of the Board's Economic Regulations, subject to the requirements and under the circumstances stated above, insofar as the enforcement of section 403 and Part 221 would prevent United Air Lines, Inc., from engaging in the transportation stated in its application in Docket 17907.

2. This order shall be served upon United Air Lines, Inc., and upon all other air carriers certificated to engage in interstate air transportation of persons.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12768; Filed, Nov. 25, 1966;  
8:48 a.m.]

## DELAWARE RIVER BASIN COMMISSION

### COMPREHENSIVE PLAN

#### Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on November 28, 1966. The hearing will take place in Room 1306 of the Pennsylvania State Office Building, Broad and Spring Garden Streets, Philadelphia, beginning at 2 p.m. The hearing will be on proposals to amend the Comprehensive Plan so as to include therein the following projects:

1. *Musconetcong Sewerage Authority.* A sanitary sewer system, interceptor sewer, and sewage treatment plant to provide service in the boroughs of Stanhope and Netcong and a portion of Roxbury Township in Sussex County, N.J. The system would have a capacity of 0.5 million gallons per day and would discharge to the Musconetcong River after secondary treatment.

2. *Township of Hamilton.* Expansion in capacity of the digester facilities at the township's sewage treatment plant in Mercer County, N.J. The proposed

expansion would provide for a 1978 population of approximately 100,000 people.

3. *Avondale Borough Sewer Authority.* A sewage collection system and treatment plant to serve the borough of Avondale and a portion of Garden Township, Chester County, Pa. The plant would have a capacity of 300,000 gallons per day. Effluent would discharge to Indian Run, a tributary of the East Branch of White Clay Creek, after secondary treatment.

4. *West Bangor Water Co.* Four new wells to provide supplemental water supply in the company's service area in the village of West Bangor, and portions of several adjacent townships, Northampton County, Pa. Designated as Wells Nos. 3, 4, 5, and 6, the new facilities are expected to yield a total of 180 gallons per minute.

5. *Philadelphia Suburban Water Co.* A new well to provide supplemental water supply in the company's service area in Upper Merion Township, Delaware County, Pa. Designated as the "Babb" well, the new facility is expected to yield 1,000 gallons per minute.

6. *Valley Water Co.* A new well to be developed by the company to serve the Paul Valley Industrial Park and apartments, and to serve as an additional supply for the Warminster Township Municipal Authority, Bucks County, Pa. Designated as Well No. 2, the new facility is expected to yield 225 gallons per minute.

7. *Lehighon Water Authority.* Two new wells to be developed as supplemental water supply in the Boroughs of Lehighon and Weissport, and portions of Franklin and Mahoning Townships, Carbon County, Pa. Designated as Wells Nos. 2 and 3, the new facilities are expected to yield 118 and 95 gallons per minute respectively.

8. *North Penn Water Authority.* Two new wells to be developed as supplemental water supply in the Authority's service area in Montgomery County, Pa. Designated as N.P. No. 5 and N.P. No. 8, the new facilities are expected to yield 448 and 125 gallons per minute respectively.

9. *Pennsylvania Department of Forests and Waters.* Unit 1 of the Department's flood control program for Norristown, Montgomery County. A rolled earth dam with appurtenant spillway and control structures will be built in the Borough of Norristown on Saw Mill Run. To be constructed for single-purpose flood control, the dam will be 44 feet high and 1,200 feet long.

10. *Pennsylvania Game Commission.* A waterfowl habitat project in Pike County, Pa. The Commission will construct a 16-foot high monolithic type dam on Shohola Creek. The dam will be located upstream from the point where Route 6 crosses Shohola Creek. It will create a shallow reservoir pool of approximately 1,135 surface acres.

Documents relating to the above projects may be examined at the Commission's offices. All persons wishing to testify are requested to register in ad-

<sup>1</sup> See Orders E-20120, Oct. 24, 1963, E-20224, Dec. 3, 1963.

<sup>2</sup> Order E-24182, Sept. 14, 1966.



vance with the Secretary to the Commission; Telephone 609-883-9500.

W. BRINTON WHITALL,  
*Secretary.*

NOVEMBER 17, 1966.

[F.R. Doc. 66-12757; Filed, Nov. 25, 1966;  
8:47 a.m.]

## FEDERAL MARITIME COMMISSION

UNITED STATES LINES CO. AND  
SEATRAN LINES, INC.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Harvey M. Flitter, Assistant Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J. 07020.

Agreement 9596, between United States Lines Co. and Seatrain Lines, Inc., provides for the establishment of a through billing arrangement for the movement of general cargo from ports in England, Northern Ireland, the Republic of Ireland and the Vigo/Hamburg range of Continental Europe to ports in Puerto Rico with transshipment at New York, N.Y., all in accordance with the terms set forth in the agreement.

Dated: November 22, 1966.

By order of the Federal Maritime Commission,

THOMAS LIST,  
*Secretary.*

[F.R. Doc. 66-12760; Filed, Nov. 25, 1966;  
8:47 a.m.]

## FEDERAL POWER COMMISSION

[Project No. 2613]

CENTRAL MAINE POWER CO., ET AL.

### Notice of Application for License for Constructed Project

NOVEMBER 18, 1966.

Central Maine Power Co., Scott Paper Co., Milstar Manufacturing Co., Kenne-

bec River Pulp & Paper Co., Inc., and Bates Manufacturing Co., Inc.; Project No. 2613.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by the above-named companies (correspondence to: W. H. Kimball, Vice President, Central Maine Power Co., 9 Green Street, Augusta, Maine 04330) for constructed Project No. 2613, known as the Moxie Storage Project, located on Moxie Stream, a tributary of the Kennebec River, near the town of Stratton, in Somerset County, Maine.

The existing Moxie Storage Project consists of: (1) A 1,727-foot long dam consisting of the following sections: (a) A 140-foot long earth dike with concrete core wall; (b) the main concrete dam, 19 feet high and 238 feet long; (c) a gate section 36.5 feet long with three wooden gates; (d) an overflow section 171.5 feet long; and (e) three low saddle dikes totaling 452 feet in length; and (2) a reservoir of 2,370 acres with maximum drawdown of 7.5 feet (normal elevation of 970.3 feet) and extending 7.6 miles upstream.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 18, 1967. The application is on file with the Commission for public inspection.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12740; Filed, Nov. 25, 1966;  
8:45 a.m.]

[Project No. 2615]

CENTRAL MAINE POWER CO. ET AL.

### Notice of Application for License for Constructed Project

NOVEMBER 18, 1966.

Central Maine Power Co., Scott Paper Co., Milstar Manufacturing Corp., and Kennebec River Pulp & Paper Co., Inc.; Project No. 2615.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by the above-named companies (correspondence to: W. H. Kimball, Vice President and Comptroller, Central Maine Power Co., 9 Green Street, Augusta, Maine 04330) for constructed Project No. 2615, known as the Brassua Storage Project, located on Moose River, a tributary of the Kennebec River, in Somerset County, Maine.

The existing Brassua Storage Project consists of: (1) A 1,789-foot long dam comprised of: (a) An earth dike section 410 feet long with 100 feet of concrete core wall, (b) a concrete-faced earth dike section 340 feet long, (c) the main concrete Amberson dam 284 feet long having a height of 52 feet above stream bed, (d) a fishway and (e) a 734-foot long earth dike section with a concrete core wall; and (2) a reservoir of 9,700 acres with normal elevation of 1,074 feet

(U.S.G.S. datum) and a minimum drawdown of 31 feet, extending 7.75 miles upstream.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 18, 1967. The application is on file with the Commission for public inspection.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12741; Filed, Nov. 25, 1966;  
8:45 a.m.]

[Docket No. CP67-141]

EL PASO NATURAL GAS CO.

### Notice of Application

NOVEMBER 18, 1966.

Take notice that on November 14, 1966, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP67-141 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to deliver, on an exchange basis, natural gas to Cascade Natural Gas Corp. (Cascade) and to construct and operate certain facilities necessary to implement the proposed exchange, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant and Cascade have executed a gas exchange agreement providing for the delivery of gas by Cascade to Applicant at a point on Applicant's Piceance Creek lateral in Rio Blanco County, Colo. (delivery point), in exchange for the delivery of like quantities of gas by Applicant to Cascade at the discharge side of Applicant's Compressor Station No. 24 (redelivery point), also in Rio Blanco, Colo.

To implement the proposed exchange Applicant proposes to construct at the delivery point and operate a pipeline tap and to construct at the redelivery point and operate a measuring and regulating station.

The total estimated cost of the proposed facilities is \$15,000, which cost will be financed through use of working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 16, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its



own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12742; Filed, Nov. 25, 1966;  
8:45 a.m.]

[Docket No. CP65-165]

## FLORIDA GAS TRANSMISSION CO.

### Notice of Extension of Time

NOVEMBER 18, 1966.

Upon consideration of the motion for extension of time filed November 16, 1966, by Florida Gas Transmission Co. in the above-designated matter;

Notice is hereby given that the time is extended to and including February 8, 1967, within which Florida Gas Transmission Co. shall complete construction and place in actual operation the facilities authorized by the Commission's order issued June 8, 1965.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12743; Filed, Nov. 25, 1966;  
8:45 a.m.]

[Docket No. CI63-1434]

## GULF OIL CORP.

### Notice of Application

NOVEMBER 17, 1966.

Take notice that on May 24, 1963, The British-American Oil Producing Co. (British-American) filed in Docket No. CI63-1434 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the Garden City Field, St. Mary Parish, La., at a total initial rate of 20.625 cents per Mcf at 15.025 p.s.i.a., all as more fully set forth in the application which is on file with the Commission and open to public inspection. On September 19, 1966, Gulf Oil Corp. (Gulf), Post Office Box 1589, Tulsa, Okla. 74102, filed an application in the subject docket to be substituted as applicant in lieu of British-American and for authorization to continue, as of July 1, 1966, the sales of natural gas authorized to be made by British-American pursuant to a temporary certificate issued in said docket.

By motion filed June 30, 1966, British-American directs the Commission's attention to the provision in the contract<sup>1</sup>

<sup>1</sup> On file with the Commission as British-American Oil Producing Co. FPC Gas Rate Schedule No. 59.

with United which specifies that the rate is subject to adjustment to conform to the rate finally fixed for a similar sale by Humble Oil & Refining Co. (Humble) in Docket No. G-17349. By order issued August 7, 1963, in Docket No. G-13221, et al., accepting a settlement proposal submitted by Humble, the Commission issued a certificate in Docket No. G-17349 at a 20.625-cent rate. By relating its proposed rate with Humble's rate British-American's proposal is similar to those offers of settlement accepted by the Commission as a result of which various certificate proceedings were severed from the proceeding in Union Texas Petroleum, et al., Docket No. G-13221, et al. In addition to the aforementioned rate provision, the contract between British-American and United requires United to take gas only on a ratable basis with no take-or-pay obligation; United has the right to purchase all natural gas produced; there are no specific swing limitations; and deliveries are to be made up to the working pressure of United's line.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 9, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12744; Filed, Nov. 25, 1966;  
8:45 a.m.]

[Project No. 2622]

## HAMMERMILL PAPER CO.

### Notice of Application for License for Constructed Project

NOVEMBER 18, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Hammermill Paper Co. (correspondence to: R. J. Kilgore, Esquire, Hammermill Paper Co., Erie, Pa. 16512) for constructed Project No. 2622 located on the Connecticut River at Turners Falls, in Hampden County, Mass.

The existing project consists of a gate structure on Western Massachusetts Electric Co.'s power canal, a 8.5 foot in diameter penstock 50 feet long, an indoor powerhouse containing one 1,110 horsepower turbine and one 937 kilowatt generator and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 4, 1967. The application is on file with the Commission for public inspection.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12745; Filed, Nov. 25, 1966;  
8:45 a.m.]

[Docket No. CP67-138]

## NORTHERN NATURAL GAS CO.

### Notice of Application

NOVEMBER 17, 1966.

Take notice that on November 14, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-138 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation of natural gas in interstate commerce for industrial use, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a measuring station with appurtenant facilities to enable it to deliver up to 10,000 Mcf of natural gas per day to New Mexico Electric Service Co. during the period from December 1, 1966, to May 1, 1967.

The total estimated cost of the proposed facilities is \$8,180, which will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 16, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.



Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12746; Filed, Nov. 25, 1966;  
8:45 a.m.]

[Docket No. CP67-139]

## NORTHERN NATURAL GAS CO.

### Notice of Application

NOVEMBER 17, 1966.

Take notice that on November 14, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-139 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and operation of gas sales facilities for the sale of natural gas and miscellaneous rearrangement of facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to augment its ability to act with reasonable dispatch in supplying the needs of its customers as such needs should arise as within previously authorized demand. The proposed facilities are to be utilized for the sale of natural gas to existing distributors for resale in existing market areas and for direct sales through Applicant's Peoples Division. Sales to any one customer will not exceed 100,000 Mcf annually.

The total estimated cost of the proposed facilities will not exceed \$300,000 and will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 16, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12747; Filed, Nov. 25, 1966;  
8:46 a.m.]

[Docket No. CP67-140]

## NORTHERN NATURAL GAS CO.

### Notice of Application

NOVEMBER 17, 1966.

Take notice that on November 14, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-140 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and operation of facilities for the gathering of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to transport and receive into its main pipeline system natural gas from new producing areas and to construct and operate horsepower and pipeline facilities on certain existing gathering systems.

The total estimated cost of the proposed facilities will not exceed \$1,500,000, and the total cost of any single project will be limited to a maximum of \$500,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 16, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12748; Filed, Nov. 25, 1966;  
8:46 a.m.]

[Project No. 2621]

## PACOLET INDUSTRIES, INC.

### Notice of Application for License for Constructed Project

NOVEMBER 17, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Pacolet Industries, Inc. (correspondence to: J. D. Allen, Vice President, Pacolet Industries, Inc., Post Office Box 1926, Spartanburg, S.C. 29301) for constructed Project No. 2621, known as Pacolet Industries Dam and Hydro Project, located on the Pacolet River in the town of Pacolet Park, County of Spartanburg, S.C.

The existing project consists of: (1) A 390-foot-long, 20-foot-high dam comprised of: a 287-foot-long rubble masonry overflow spillway with flashboards; and a concrete gate structure containing a penstock gate and three sluice gates; (2) a narrow, 2,800-foot-long reservoir with no storage capacity and a normal pool elevation at 493.02 feet (U.S.G.S.); (3) a penstock, 10 feet in diameter and approximately 100 feet long; (4) two turbines located in basement of Applicant's yarn mill, developing a total of 950 hp., each connected to a 400-kw generator; and (5) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 29, 1966. The application is on file with the Commission for public inspection.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 66-12749; Filed, Nov. 25, 1966;  
8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[70-4431]

### NORTHEAST UTILITIES

#### Notice of Filing and Order for Hearing

NOVEMBER 21, 1966.

Notice is hereby given that Northeast Utilities ("Northeast"), 70 Federal Street, Boston, Mass. 02110, a registered holding company, has filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding a proposed offer by Northeast to exchange its common shares for the outstanding shares of capital stock of Holyoke Water Power Co. ("Holyoke"), a nonassociate company. Applicant-declarant has designated sections 6(a), 7, 9(a) (1) and (2), 10, and 12(e) of the Act and Rules 50, 62, and 65 thereunder as applicable to the proposed transactions. All interested persons are re-



ferred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Northeast's subsidiary companies are engaged in the electric utility business in the greater part of Connecticut and western Massachusetts. Its principal operating subsidiary companies are The Connecticut Light and Power Co., The Hartford Electric Light Co., and Western Massachusetts Electric Co. ("WMECO"). The consolidated balance sheet of Northeast as of September 30, 1966, shows total assets, less related depreciation reserves, of \$880,982,000, and for the 12 months then ended its consolidated operating revenues amounted to \$247,040,000.

Holyoke is engaged principally, directly and through a wholly owned subsidiary company, in the production, purchase, transmission, distribution, and sale of electricity to commercial, industrial, and other customers in western Massachusetts. Its consolidated balance sheet as of September 30, 1966, shows total assets, less related depreciation reserves of \$41,075,000. For the 12 months ended that date its consolidated operating revenues totaled \$11,100,000. Holyoke has outstanding 480,000 shares of capital stock.

The application-declaration states that the electric service areas of Holyoke and WMECO in western Massachusetts are geographically contiguous and interconnected through existing transmission facilities, that power interchange among Northeast's principal operating subsidiaries and Holyoke has existed for many years, and that all generation and substantially all transmission facilities of such subsidiaries and Holyoke are dispatched by Northeast Utilities Service Co., a subsidiary company of Northeast. The filing further states that affiliation of Holyoke with Northeast will assure continuance of the existing benefits now being derived from coordinated operation and that further economies can be realized through the proposed affiliation.

Northeast proposes to offer to issue to Holyoke's stockholders, subject to certain conditions specified in an agreement dated November 10, 1966, between Northeast and Holyoke, 2.25 of its common shares in exchange for each outstanding share of the capital stock of Holyoke. No fractional shares will be issued under the exchange offer, but any exchanging stockholder, who otherwise would be entitled to a fractional share, will be afforded an opportunity, through an agent, to sell his fractional interest for cash or to purchase an additional interest sufficient to entitle him to a full share.

The exchange offer, to become effective, requires acceptance thereof by the holders of not less than 80 percent of the outstanding shares of capital stock of Holyoke. The exchange offer will be made over an initial period of approximately 30 days from the day the material soliciting acceptances is first mailed to the holders of Holyoke capital stock. The offer period may be extended from time to time by Northeast, provided that

the aggregate of such extensions does not exceed 180 days, unless approved by the Commission. Deposits of shares will become irrevocable when 80 percent of the outstanding shares of capital stock of Holyoke have been deposited in acceptance of the exchange offer.

The application-declaration states that no Federal commission, other than this Commission, and no State commission has jurisdiction over the proposed transactions. The applicant-declarant requests that, pursuant to paragraph (a) (5) of Rule 50 under the Act, the issue and sale of common shares of Northeast pursuant to the exchange offer be exempt from competitive bidding.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transactions; that the stockholders of Holyoke and other interested persons be afforded an opportunity to be heard in such hearing with respect to the fairness of the proposed exchange offer and other aspects of the proposed transactions; and that the application-declaration should not be granted or permitted to become effective except pursuant to further order of the Commission:

*It is ordered*, That a hearing be held herein on December 15, 1966, at 10 a.m. at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. On such date the Hearing Room Clerk will advise as to the room in which the hearing will be held.

*It is further ordered*, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the proposed issue of common shares of Northeast pursuant to the exchange offer satisfies the requirements of section 7 of the Act.

(2) Whether the proposed acquisition by Northeast of 80 percent or more of the outstanding shares of capital stock of Holyoke meets the standards of section 10 of the Act, and particularly the requirements of sections 10(b) and 10(c).

(3) Whether exemption from compliance with the competitive bidding requirements of Rule 50 should be granted as to the common shares of Northeast to be issued pursuant to the exchange offer.

(4) Whether the fees, commissions and other expenses to be incurred are for necessary services and reasonable in amount.

(5) What terms or conditions, if any, the Commission's order should contain.

(6) Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the Act and of the rules and regulations promulgated thereunder:

*It is further ordered*, That particular attention be directed at said hearing to the foregoing matters and questions.

*It is further ordered*, That the secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to Northeast, Holyoke, and the Department of Public Utilities of Massachusetts; that Holyoke shall mail copies of this notice and order, not later than 15 days prior to the date of the hearing herein, to the stockholders of record of Holyoke; and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

*It is further ordered*, That any person, other than applicant-declarant, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before December 12, 1966, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12752; Filed, Nov. 25, 1966;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 22, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 40794—Chlorine to Bogalusa, La. Filed by Western Trunk Line Committee, agent (No. A-2478), for interested rail carriers. Rates on chlorine, in tank carloads, from Wichita, Kans., to Bogalusa, La.

Grounds for relief—Market competition.



Tariff—Supplement 89 to Western Trunk Line Committee, agent, tariff ICC A-4393.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12762; Filed, Nov. 25, 1966;  
8:47 a.m.]

[Notice 291]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 22, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

### MOTOR CARRIERS OF PROPERTY

No. MC 106760 (Sub-No. 69 TA), filed November 18, 1966. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio 43609. Applicant's representative: C. J. Leopold (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Boards* (building, wall, or insulating), and *materials and supplies* used in their installation from plant-site of Armstrong Cork Co. at Macon, Ga., to points in Alabama, Arkansas, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and District of Columbia, for 180 days. Supporting shipper: Armstrong Cork Co., Lancaster, Pa. 17604. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 113678 (Sub-No. 269 TA), filed November 18, 1966. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as applicant).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Meat, meat products, and meat byproducts*, from points in Pottawattamie County, Iowa, to points in Colorado, Connecticut, Florida, Georgia, Maryland, Washington, D.C., Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, for 180 days. Supporting shipper: American Beef Packers, Inc., Oakland, Iowa (Pottawattamie County). Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 2022 Federal Office Building, Denver, Colo. 80202.

No. MC 115181 (Sub-No. 9 TA), filed November 17, 1966. Applicant: HAROLD M. FELTY, INC., Rural Delivery No. 1, Pine Grove, Pa. 17963. Applicant's representative: Delong, Dry & Cianci, 541 Penn Street, Reading, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Coal*, from points in Dauphin County, Pa., to Sparrows Point (Baltimore), Md., for 150 days. Supporting shipper: Quaker Products, Inc., 1 East Wynnewood Road, Wynnewood, Pa. 19096. Send protests to: Kenneth R. Davis, District Supervisor, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC-119493 (Sub-No. 26 TA), filed November 18, 1966. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, Mo. 64802. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Animal food and animal feed* (except in bulk), from the plant-site of Usen Products Co., at or near Golden Meadow, La., and storage facilities of Usen Products Co., at or near Lockport, La., to points in Texas, Colorado, Wyoming, Montana, North Dakota, South Dakota, Minnesota, and Wisconsin, for 180 days. Supporting shipper: P. Lorillard Co., 200 East 42d Street, New York, N.Y. 10017. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128699 TA, filed November 17, 1966. Applicant: SECURITY STORAGE AND VAN COMPANY OF NORFOLK, VA., INC., doing business as SECURITY STORAGE AND VAN COMPANY, 5786 Sellger Drive, Norfolk, Va. 23502. Applicant's representative: Alan F. Wohlstetter, Denning and Wholstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Household goods*, as defined by the Commission, between points in Virginia within a 50 mile radius of Norfolk, Va., including Norfolk, Va. Restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrat-

ing, and decontainerization of such shipments, over irregular routes, for 180 days. NOTE: The area involved is the cities of Norfolk, Newport News, Hampton, Virginia Beach, Williamsburg, Portsmouth, and Chesapeake, Va., and the counties of York, James City, Gloucester, Mathews, Surry, Isle of Wight, Nansemond, Sussex, Southampton, and Northampton, Va. Supporting shippers: Astron Forwarding Co., Post Office Box 161, Oakland, Calif. 94604; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98109; Columbia Export Packers, Inc., 2805 Columbia Street, Torrance, Calif. 90503; Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, Calif. 94802. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 128701 TA, filed November 18, 1966. Applicant: R. MARTEL EXPRESS, LIMITED, 29 Visitation Street, Farnham Quebec, Canada. Applicant's representative: Raymond Martel (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Limestone*, in bags, from Florence, Rutland, and West Rutland, Vt., to international boundary between Canada and the United States, with port of entry at Highgate Springs, Vt., restricted to traffic moving under contract with St. Lawrence Chemical Co. (sales), Ltd., of Montreal, Quebec, for 180 days. Supporting shipper: St. Lawrence Chemical Co. (sales), Ltd., 5405 Pare Street, Montreal 9, Canada. Send protests to: District Supervisor Ross J. Seymore, Bureau of Operations and Compliance, Interstate Commerce Commission, 14 Parkhurst Street, Lebanon, N.H.

### MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 112 TA), filed November 18, 1966. Applicant: GREYHOUND LINES, INC., WESTERN GREYHOUND LINES DIVISION, 371 Market Street, San Francisco, Calif. Applicant's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, as follows: *Passengers and their baggage, and express and newspapers in the same vehicle with passengers*, over alternate route for operating convenience only, serving no intermediate points, between Grant Line Road Junction, Calif., and Bradshaw Road Junction, Calif.: From Junction U.S. Highway 99 and Grant Line Road (Grant Line Road Junction), over Grant Line Road to Junction Bradshaw Road, thence over Bradshaw Road to Junction U.S. Highway 50 (Bradshaw Road Junction), for 180 days. Supporting shipper: No shipper support. Applicant states that because of a particularly hazardous tule fog condition developing over a portion of existing alternate route, immediate relief is necessary and that because the justification for the relief is a matter of safety or operation over an alternate route with no service at intermediate points, no direct shipper statements have been obtained. Send protests to: Wm. R.



Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12763; Filed, Nov. 25, 1966;  
8:47 a.m.]

[Notice 1444]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 22, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69078. By order of November 18, 1966, the Transfer Board approved the transfer to Myers Contract Trucking, Inc., York, Pa., of permit in No. MC-70313, issued August 13, 1956, to Ezra T. Myers, doing business as Myers Contract Trucking, York, Pa., authorizing the transportation of: Such general merchandise as is dealt in by chain, cable, hoisting equipment, garage equipment, and malleable iron and steel manufacturing houses, and machinery, materials, and supplies, between York, Pa., on the one hand, and, on the other, Washington, D.C., Baltimore, and Bel Air, Md., Wilmington, Del., Philadelphia, Pa., and specified points in New Jersey and New York. Spencer R. Liverant, 15 South Duke Street, York, Pa. 17401, attorney for applicants.

No. MC-FC-69149. By order of November 16, 1966, the Transfer Board approved the transfer to Martin Marano, doing business as Marty's Express, Phila-

delphia, Pa., of that portion of the operating rights in certificate No. MC-70833, issued March 31, 1966, to Joseph Zogorski, Hulmeville, Pa., and authorizing the transportation of general commodities with usual exceptions, over regular routes, between South Langhorne, Pa., and Trenton, N.J., and return, and general commodities, with usual exceptions, over irregular routes, between points in Philadelphia, Pa., and between South Langhorne, Pa., on the one hand, and, on the other, points in Pennsylvania within 5 miles of South Langhorne. Stephen J. Kovrak, 5713 Torresdale Avenue, Philadelphia, Pa. 19135, attorney for applicants.

No. MC-FC-69198. By order of November 16, 1966, the Transfer Board approved the transfer to Donald M. Bowman, Jr., Williamsport, Md., of the operating rights in permit No. MC-117613, issued April 15, 1959, to Herman L. Rhoton, Hagerstown, Md., authorizing the transportation of: Brick and tile, from Williamsport and Hagerstown, Md., to Washington, D.C., and points in Pennsylvania, West Virginia, Virginia, and Delaware. Donald E. Freeman, 172 East Green Street, Westminster, Md. 21157, representative for applicants.

No. MC-FC-69221. By order of November 16, 1966, the Transfer Board approved the transfer to AAA Trucking, Inc., Brookhaven, Miss., of the operating rights of Dan W. Ready, Jr., and Johnny C. Ready, a partnership, doing business as D. W. Ready & Sons, Monticello, Miss., in permit No. MC-125962, issued by the Commission May 6, 1965, authorizing the transportation, over irregular routes, of pressure treated wood products, from the plantsite of Mississippi Wood Preserving Co., Brookhaven, Miss., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Missouri, Ohio, and Tennessee. Donald B. Morrison, Post Office Box 961, Jackson, Miss. 39205, attorney for applicants.

No. MC-FC-69223. By order of November 17, 1966, the Transfer Board approved the transfer to Mary E. Nee, doing business as E. M. Nee Transfer and Storage, Arnold, Pa., the operating rights in certificate No. MC-74528 issued September 21, 1951, to Edward M. Nee, Arnold, Pa., authorizing the transportation, of: Household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, over irregular

routes, between points in Allegheny and Westmoreland Counties, Pa., on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Tennessee, and the District of Columbia. William F. Nee, 1602 Fifth Avenue, Arnold, Pa., attorney for applicants.

No. MC-FC-69225. By order of November 17, 1966, the Transfer Board approved the transfer to Loungecraft Moving & Storage Corp., a corporation, Elmhurst, N.Y., of the operating rights in certificate No. MC-112744 issued April 7, 1964, to Nicholas Briggs, doing business as Loungecraft Movers, Elmhurst, N.Y., authorizing the transportation, of: Household goods, as defined by the Commission, between New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in New York, Connecticut, New Jersey, and Pennsylvania. Morris Honig, 150 Broadway, New York, N.Y. 10038, attorney for applicants.

No. MC-FC-69197. By order of November 16, 1966, the Transfer Board approved the transfer to Johnson Truck Service, Inc., Waupun, Wis., of the operating rights in certificate No. MC-46406 and MC-46406 (Sub-No. 2) issued January 10, 1945, and November 23, 1953, to Verdie A. Johnson and Florence A. Johnson, doing business as Johnson Truck Service, Waupun, Wis., authorizing the transportation, of: General commodities, with the usual exceptions, between Berlin and Milwaukee, Wis., serving specified intermediate points. Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703, attorney for applicants.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12764; Filed, Nov. 25, 1966;  
8:47 a.m.]

[Investigation and Suspension Docket No. M-20877; Investigation and Suspension Docket No. M-20877 (Sub-No. 1)]

## CALIFORNIA, ARIZONA, NEW MEXICO, TEXAS

### Increased Rates and Charges

#### Correction

In F.R. Doc. 66-12609 appearing in the issue for Tuesday, November 22, 1966, at page 14803, the bracket should read as set forth above.



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# Rules and Regulations

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

#### SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-EA-34]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Designation of Transition Area

On page 11616 of the FEDERAL REGISTER for September 2, 1966, the Federal Aviation Agency published proposed regulations which would designate a 700-foot floor transition area for Chagrin Falls Airport, Chagrin Falls, Ohio.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., January 5, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 4, 1966.

WAYNE HENDERSHOT,  
*Deputy Director, Eastern Region.*

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Chagrin Falls, Ohio, as follows:

#### CHAGRIN FALLS, OHIO

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 41°25'45" N., 81°19'50" W., of Chagrin Falls Airport, Chagrin Falls, Ohio, and within 2 miles each side of the Chardon, Ohio, VOR 235° radial extending from the 4-mile radius area to the VOR.

[F.R. Doc. 66-12777; Filed, Nov. 28, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-42]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Alteration of Transition Area

On page 11759 of the FEDERAL REGISTER for September 8, 1966, the Federal Aviation Agency published proposed regulations which would alter the Cleveland, Ohio, 700-foot floor transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., January 5, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 3, 1966.

WAYNE HENDERSHOT,  
*Deputy Director, Eastern Region.*

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add in the description of the Cleveland, Ohio, 700-foot floor transition area following the phrase, "Burke-Lakefront 3-mile radius area to 10 miles NW of the airport;," the phrase, "within a 5-mile radius of the center, 41°19'25" N., 81°51'50" W., of Strongsville Airpark, Strongsville, Ohio, and within 2-miles each side of the Strongsville VOR 261° radial extending from the Strongsville Airpark 5-mile radius area to 8 miles W of the VOR;".

[F.R. Doc. 66-12778; Filed, Nov. 28, 1966; 8:45 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-264]

### PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

#### Algeria; Special Tonnage Tax and Light Money

NOVEMBER 21, 1966.

The Secretary of State advised the Secretary of the Treasury on August 31, 1966, that the Department of State was notified as of July 5, 1962, of the fact of the independence of the Popular Republic of Algeria and of the further fact that continuously from that date no discriminating duties of tonnage or imposts have been imposed or levied in ports of Algeria upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Algeria in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization given to me by Treasury Department Order No. 190, Rev. 4, December 15, 1965 (30 F.R. 15769), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of Algeria, and the produce, manufactures, or merchandise imported into the United

States in such vessels from Algeria or from any other foreign country. This suspension and discontinuance shall be effective from July 5, 1962, and shall continue for so long as the exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22, Customs Regulations, is amended by the insertion of "Algeria" immediately before "Argentina" in the list of countries exempt from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(R.S. 161, as amended, 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 22, 46 U.S.C. 3, 121, 128, 141)

[SEAL] TRUE DAVIS,  
*Assistant Secretary of the Treasury.*  
[F.R. Doc. 66-12797; Filed, Nov. 28, 1966; 8:46 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 121—FOOD ADDITIVES

#### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

#### ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7B2097) filed by the Dow Chemical Co., Biochemical Research Laboratory, 1803 Building, Midland, Mich. 48640, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of an additional optional substance, as set forth below, in the formulation of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2520(c)(5) is amended by inserting alphabetically in the list of substances a new item, as follows:

#### § 121.2520 Adhesives.

\* \* \* \* \*

(c) \* \* \*

(5) \* \* \*



## COMPONENTS OF ADHESIVES

Substances	Limitations
1. 2-Dichloroethylene (mixed isomers)	

1. 2-Dichloroethylene (mixed isomers)

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348 (c) (1))

Dated: November 18, 1966.

WINTON B. RANKIN,  
Deputy Commissioner  
of Food and Drugs.

[F.R. Doc. 66-12803; Filed, Nov. 28, 1966;  
8:47 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter VII—Department of the Air Force

#### SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

#### MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Chapter VII is amended as follows:

#### PART 1001—GENERAL PROVISIONS

##### Subpart D—Procurement Responsibility and Authority

1. In § 1001.453(j), delete the last sentence of subparagraph (2). Section 1001.453(j) (2) now reads as follows:

§ 1001.453 Delegations of authority.

(j) . . .

(2) Purchases involving more than \$2,500 made by persons to whom requisite authority has not been delegated may be ratified only by the Director of Procurement and Production, Hq AFSC, or the Deputy Chief of Staff, Procurement and Production, Hq AFSC. Commanders will cause to be prepared the material and information required by subparagraph (1) of this paragraph and forwarded to AFLC (MCPKA), and/or

AFSC (SCKP), as appropriate. All such transactions must be reviewed by the Staff Judge Advocate, Hq AFLC or Hq AFSC, as appropriate.

#### PART 1002—PROCUREMENT BY FORMAL ADVERTISING

##### Subpart D—Opening of Bids and Award of Contract

2. In § 1002.407-9, paragraphs (b) and (c) are revised; and in § 1002.408-1 the clause in paragraph (b) is revised to read as follows:

§ 1002.407-9 Protests against award.

(b) Protests before awards: (1) No implementation.

(2) No implementation. (i) If the written protest is received by the contracting officer within the required time, he will investigate. It is the responsibility of the contracting officer to decide, whenever possible, with the concurrence or advice of the local staff judge advocate, if necessary, whether the protest has any valid basis and to take appropriate action on the protest. If his conclusion is affirmative, he will take necessary action to rectify the erroneous action. If his conclusion is negative or if he deems it desirable to obtain the views of higher authority, he will make a written statement of his opinion in the matter supported by copies of all pertinent papers. Contracting officers at activities other than AFSC activities will submit the protest and statement to AFLC (MCPK) for decision. Contracting officers at AFSC activities will submit their protests to AFSC (SCKP) for decision. The letter of transmittal should be forwarded by the most expeditious means and marked "Immediate Action—Protest Before Award." The protest report will include the following in sequence:

(a) Copy of Protest.

(b) Copy of contracting officer's letter acknowledging protest, stating action he proposes to take regardless of manner in which he received notification.

(c) Contracting officer's statement of facts and findings. Comments shall be made by the contracting officer on each allegation made by the protestant. The merit of each allegation will be discussed and conclusions supported by AFPI/ASPR references as well as Comptroller General decisions where appropriate. Last sentence of statement will include contracting officer's recommendation. Exhibits and documentary evidence, e.g., Preaward Surveys, letters, comments, and affidavits from other Air Force activities, DOD, other Government agencies, or other interested parties pertinent to the protest will be complete and properly tabbed.

(d) Copy of IFB with amendments (less applicable drawings, unless pertinent to the protest).

(e) Copy of protestant's bid, if any (less General Provisions, Technical Provisions, etc., which do not require completion by the bidder and are otherwise

included in the IFB). Include brochures and descriptive literature, where appropriate.

(f) Copy of the low bid or copy of the bid of the successful bidder to whom award has been or is proposed to be made. (Less material mentioned in (e) of this subdivision.) Include brochures and descriptive literature, where appropriate.

(g) Copy of the Abstract of Bids.

(h) Copy of local staff judge advocate's opinion, pertinent to the protest, if appropriate, as indicated in the introduction of this subparagraph.

(i) The letter of transmittal:

(a) Will contain current status of award or contract. If award has been made, indicate if performance has commenced, shipment or delivery has been made, award action has been suspended, or stop work order issued.

(b) Will contain name and complete telephone number of person within the procurement office who may be contacted for information relevant to the protest.

(c) Will be signed at AFSC activities by the Director of Procurement and Production or his deputy.

(d) Will be signed at AFSC activities by the senior staff officer responsible for Procurement or his deputy.

(e) Will be signed by the Chief or Deputy Chief of the Purchasing Office at all other activities.

(f) Where corrective action is required the letter will indicate the action taken to preclude recurrence.

Submissions of protests to AFLC (MCPK) or AFSC (SCKP) under this section (except on protests which are filed at Hq AFLC, Hq AFSC, or higher level) may be dispensed with by the contracting officer only if he is satisfied that the protest is without any reasonable degree of foundation. In such case except as modified in subparagraph (2) (iii) and (iv) of this paragraph and paragraph (e) of this section, the contracting officer on his own responsibility, after receiving that guidance necessary and appropriate under the circumstances, such as that of the local staff judge advocate, may disallow the protest. In such case, the contracting officer should reply to the protester in writing making a timely and complete answer to the allegations of the protesting bidder.

(iii) Where it is known that a protest against the making of an award has been lodged directly with the Comptroller General, a determination by the contracting officer to make award under § 2.407-9(b) (3) of this title must be approved by Hq USAF before the award is made.

(iv) Notices of intent to make awards with appropriate justification will be furnished to Hq USAF (AFSPPCA) for submittal to the Comptroller General. A copy of the notice of intent will be sent to AFLC (MCPK) or AFSC (SCKP), as appropriate. Hq USAF will advise the contracting officer forwarding the notice of intent whether the determination to make award prior to decision by the Comptroller General is approved or disapproved. This notice will be made



through AFLC (MCP) or AFSC (SCKP), as appropriate.

(c) Protests after award: All protests after award will be processed to AFLC (MCP) or AFSC (SCKP), as appropriate. The protest report will include the material listed in paragraph (b) (2) (i) and (ii) of this section.

§ 1002.408-1 Unclassified awards.

The interest shown by your firm in submitting a bid is appreciated; however, we are unable to award you a contract in this instance due to a negative preaward survey (facility capability report) on your firm with respect to this procurement. Basis for the negative survey report cannot be provided to you by the undersigned but may be obtained from the chief of the activity that performed the survey, located at ----- (here insert name and address of the administering activity).

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart D—Types of Contracts

3. Subpart D is revised to read as follows:

Sec.	
1003.405	Cost-reimbursement type contracts.
1003.405-4	Cost-plus-incentive-fee contracts.
1003.406	Other types of contracts.
1003.406-1	Time and materials contract.
1003.406-2	Labor-hour contract.
1003.408	Letter contract.
1003.410	Other types of agreements.
1003.410-1	Basic agreements.
1003.410-2	Basic ordering agreement (BOA).
1003.410-3	Call procurement arrangements.

**AUTHORITY:** The provisions of this Subpart D issued under sec. 8012, 70A Stat. 488, secs. 2301-2314, 70A Stat. 126-133; 10 U.S.C. 8012, 2301-2314.

§ 1003.405 Cost-reimbursement type contracts.

§ 1003.405-4 Cost-plus-incentive-fee contracts.

(a) and (b) No implementation.

(c) The statutory limits on fees for CPFF contracts are the administrative ceilings for CPIF contracts. The ASPR Committee has determined that any deviations from § 3.405-4(c) of this title to exceed the administrative ceiling placed on fee must come before the ASPR Committee according to § 1001.109-3 of this subchapter. In other words, the provisions of § 1.109-3 of this title will be followed in any deviation from § 3.405-4(c) of this title.

§ 1003.406 Other types of contracts.

§ 1003.406-1 Time and materials contract.

(a) and (b) No implementation.

(c) **Limitations.** The determination that no other type of contract will suitably serve may be accomplished by the contracting officer placing the contract if the total consideration is not in excess of \$5,000. For contracts in excess

of \$5,000, the determination will be accomplished by the following, subject to the provisions of subparagraph (3) of this paragraph:

(1) Staff officer in charge of procurement at the AFLC or AFSC procurement activity concerned, or the staff officer responsible for procurement within APRE, APRFE, or OAR.

(2) The commander of the major command concerned (or a duly authorized representative not below the level of the staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major command), except for contracts to be placed outside the United States and its possessions. The determination also may be made by air attaches and chiefs of AF foreign missions, as appropriate.

(3) The authority set forth in this paragraph is subject to the following limitations: (i) No person will exercise the authority if he is himself the contracting officer in the procurement involved, and (ii) the officials to whom authority is delegated will exercise such authority only within the jurisdictional limits of their respective duty assignments.

§ 1003.406-2 Labor-hour contract.

(a) and (b) No implementation.

(c) **Limitations.** Limitations on the use of Time and Materials contracts (see § 1003.406-1(c)) also apply to Labor-Hour contracts, except that specific provision will be made and there will be no direct reimbursement for any materials used or consumed in the performance of the Labor-Hour contract.

§ 1003.408 Letter contract.

(a) and (b) No implementation.

(c) **Limitations.** (1) No implementation. (i) No letter contract may be issued prior to the execution of all Determinations and Findings necessary to authorize the intended subsequent definitive contract (see Subpart C, Part 3 of this title). The determination required by § 3.408(c) (1) of this title that no other type of contract is suitable will be accomplished by the Director of Procurement and Production, Hq AFLC, for all activities except AFSC/OAR, and for AFSC/OAR by the Deputy Chief of Staff/Procurement and Production, Hq USAF, or the Director of Procurement, Hq OAR, or by the appropriate official listed in subparagraph (1) (ii) (a) and (b) of this paragraph. Except as provided in paragraph (e) (2) of this section, the approval of a request for authority to issue a letter contract will constitute the determination. If an approval to issue a letter contract has not been used within 30 days of date of approval, the authority is automatically rescinded.

(ii) The authority to issue letter contracts has been redelegated as indicated in this subdivision.

(a) Hq AFLC, by the Director of Procurement and Production.

(1) Irrespective of dollar amount:

(i) Commanders of overseas commands, air attaches, and chiefs of AF foreign missions. Oversea commanders may redelegate to not below the level

of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the oversea command.

(ii) No implementation.

(2) Where the total cost of the subsequent definitive contract is estimated not to exceed \$1 million.

(i) Commanders, AFLC AMAs without power of redelegation, Deputy commanders may be authorized to exercise the authority only during the absence of the Commander.

(ii) Commander and Deputy Commander, APRE and APRFE respectively, have been authorized to issue letter contracts, with power of redelegation to not lower than a staff officer responsible for procurement.

(b) Hq AFSC by the Deputy Chief of Staff/Procurement and Production to the Commanders, Systems Divisions, without monetary limitation, and to the Commander of OAR and the other AFSC subcommands to the extent of their manual approval authority, with power of redelegation.

(2) The overall price (estimated cost and fee) ceiling required by § 3.408(c)

(2) of this title will be no higher than the quotation leading to the issuance of letter contract.

(3) Letter contract definitization date is defined as the date of the definitive contract distribution. The date by which definitization is expected to be completed is that date set forth in a schedule of events leading to the contract definitization; the anticipated definitization date will not be established beyond the limits imposed by § 3.408(c) (3) of this title. The expected definitization date in either of the above instances is subject to the approval of the approving authority or his designee. Contract definitization schedules will be coordinated with the proposed contractor and those AF or DOD activities responsible for the accomplishment of major definitization milestones. The contracting officer will advise all concerned by letter of the definitization schedule set forth in the letter contract. Such letters will establish a requirement for written notification to the procuring contracting officer of actual or pending slippage in any of the milestones cited in the contract along with an explanation of the cause and what action is being taken to meet the milestone or limit its slippage to a minimum. Any change or slippage in the expected definitization schedule of events which has an effect on the scheduled definitive contract distribution date will be brought to the attention of the letter contract approving authority (or in the case of letter contracts requiring prior approval of SCK-3 or MCP, the official who requested permission to issue the letter contract) and will be fully explained and justified in writing. A copy of the notice will be forwarded by the contracting officer to AFSC (SCKAA) if the delay is attributed to the contractor, contract administration activity, or the Defense Contract Audit Agency.

(4) The amount obligated for each letter contract will be the amount esti-



mated to cover the contractor's requirements for funds prior to definitization, but will not exceed the limits imposed by § 3.408(c) (4) of this title. If it becomes necessary to increase the funds obligated for the letter contract by later amendment, the personal approval of the official who authorized the issuance of the letter contract (or in the case of letter contracts requiring prior approval of SCK-3 or MCPC, the official who requested permission to issue the letter contract) is required. Any such request exceeding the limits imposed by § 3.408(c) (4) of this title will be reported to the commander of the procuring activity involved, provided that no activity will authorize the obligation of any sum in excess of 70 percent of the total estimated cost of the procurement except with the prior approval of Command Headquarters, through SCK-3 or MCPC, as applicable.

(d) *Content.* The date to be inserted in the first sentence of paragraph (b) of the clause in § 7.802-4(a) of this title will be the date by which definitization is to be completed based upon the agreement included in the letter contract but in no event will a date later than 180 days from the date of the letter contract be used.

(e) *Procedure.* (1) No letter contract will be issued unless a request for authorization has been approved.

(2) The request for authorization will be prepared by the procuring office and will be transmitted through command channels to AFSC (SCK-3) or AFLC (MCPC), or to the applicable official (AFLC activities see paragraph (c) (1) (ii) (a) of this section, and AFSC/OAR activities see paragraph (c) (1) (ii) (b) of this section), for approval. The request to SCK-3 or MCPC will be signed by a designated approving official or authorized designee; the request will constitute the determination required by § 3.408(c) (1) of this title. The same effect will be given to electrically transmitted messages to SCK-3 or MCPC which conclude with the phrase "Signed by the (here insert the title of appropriate official)," as for example, "Signed by the Director Procurement and Production."

(3) All requests will be in the exact order set forth in this subparagraph and each item must be answered or marked "N/A" as appropriate.

It is requested this office be authorized to issue a letter contract in accordance with the information contained herein:

(1) Contract Number:  
Buyer's name: \_\_\_\_\_  
Location: \_\_\_\_\_  
Org. code: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

(11) *Supplies or Services:*  
NOTE: Include the quantities and a brief description of each item being procured, including spare parts, data, etc., to be included in the letter contract. When letter is used, inclose Purchase Request.

(111) *Has determination required by § 3.408 (c) (1) of this title been executed?*

(1v) *Reasons establishing the need for a letter contract:*

(a) *Required delivery schedule:*  
(b) *Who established the required delivery schedule?*

(c) *If the requesting activity itself established the required delivery schedule, was it so established by direction of authority outside the requesting activity? If so, identify that authority by name and office code.*

(d) *What is the production lead time, and on what is this answer based?*

(e) *Date by which an order must be placed in order to meet delivery dates stated in answer to (a) of this subdivision.*

(f) *Efforts made to secure agreement to a later delivery schedule so as to avoid need for a letter contract. Include identification of related programs that will be affected if this contract is delayed and estimate of cost of such delay.*

(g) *Specify why a definitive contract is not possible within the time required to meet the mandatory delivery schedule as verified.*

(v) *Contractor's name and address:*

(a) *Is contractor a small business concern?*

(b) *Where is work to be performed?*

(vi) *Selection of Source:*

(a) *Was the requirement subjected to synopsis (Subpart J, Part 1 of this title)? If not, what exemption applied?*

(b) *Number of quotations requested:*

(c) *Number of quotations received;*

(d) *Date quotations received:*

(e) *Was further negotiation conducted after the receipt of quotations? If yes, state with whom and major details.*

(f) *If competition was obtained, is award proposed to the lowest bidder? If no, explain.*

(g) *If price competition was the controlling factor in source selection, what is the ceiling price in the letter contract?*

(h) *Has small business coordination been obtained, both as to small business and critical labor area determination? If no, explain.*

(i) *Give the reasons for the selection of the recommended contractor, and identify by contract number any previous procurements for like items.*

(vii) *Prices and Funding:*

(a) *Have the unit prices or a specific amount been negotiated and agreed to between the contractor and the Government?*

(b) *Where comparison can be made of prices of same or equivalent item(s), state such facts to extent feasible, including prices or unit prices and quantities on recent contract(s).*

(c) *Total dollar estimated cost of this procurement:*

(d) *Total funds presently available:*

(e) *Total dollar amount to be obligated on the letter contract:*

NOTE: The amount obligated should be no more than is necessary to provide funds up to the anticipated date of definitization, and will in no event exceed 50 percent of the total estimated cost of this procurement. See § 3.408(c) (4) of this title and paragraph (c) (4) of this section.

(f) *Total dollar amount in addition to item (d) of this subdivision committed to cover the cost of this procurement:*

(viii) *State whether Preaward Survey Report (PAS) has been requested, received, or is not required. If not required, why not?*

NOTE: In those instances where a PAS is required it is understood the authorization, if granted, is conditioned upon the receipt of an affirmative PAS or granting of a waiver, prior to issuing the letter contract.

(ix) *Government Aid:*

(a) *Are existing Government facilities to be used by the contractor?*

(b) *Are any additional facilities to be furnished to the contractor? If yes, has authorization been obtained therefor?*

(c) *Is any Government property to be furnished, bailed or leased? If yes, has availability been verified and does the letter contract make such provision?*

(d) *Is it contemplated that the contractor will require guaranteed loan or advance payments? If yes, has approval been obtained?*

(x) *Contract:*

(a) *Indicate under which sections, if applicable, of Subpart B of this part the procurement is being negotiated, e.g., § 1003.210-2(a), and state whether or not the required Determinations and Findings has been executed. If a "class" Determinations and Findings is applicable, so state, and identify it by number and date.*

(b) *Type and form of contract contemplated.*

(c) *Has a cost reimbursement type or fixed price incentive Determinations and Findings been executed according to § 3.303 and § 1003.303 of this title?*

(d) *Is this contract to be under a basic agreement? If yes, state the number and identify the standard and special clauses to be included in the letter contract and the superseding contract.*

(e) *Are there any clauses other than those specified in Subchapter A, Chapter 1 of this title and this subchapter to be included in the letter contract?*

(f) *Is it contemplated that the definitive contract will include a Warranty or Correction of Deficiency clause, assuming it can be obtained at a reasonable price? If the clause is not contemplated or desired, state reason therefor.*

(g) *Are there to be any deviations from standard contract clauses? If yes, comply with § 1001.109-50 of this subchapter.*

(h) *Percentage and method of current reimbursement contemplated, if any?*

(i) *Indicate as briefly as possible the project fund or funds to be utilized.*

(j) *Contract Definitization Schedule: All letter contracts awarded should include a definitization schedule whether definitization is anticipated prior to, or subsequent to, 180 days after award. Approval to write a letter contract without the use of a definitization schedule must be obtained from the letter contract approving authority or his designee. Identify milestones of important events by date leading to definitization of the letter contract. Identify by asterisk those dates to be set forth in the letter contract. Minimum mandatory milestones where applicable, will include the following:*

Title	Date
Definitive work statement completed	-----
Issuance of RFP	-----
Proposal cutoff <sup>1</sup>	-----
Submittal of contractor cost proposal	-----
Pricing-Audit Reports completed	-----
Negotiations complete	-----
Contractor signature	-----
Government signature	-----
Contract distribution <sup>2</sup>	-----

<sup>1</sup> Proposal cutoff date will normally be 60 days prior to contractor's proposal for negotiating the definitive contract. All changes prior to proposal cutoff date including quantities, model specification or any changes affecting work to be performed by the contractor will be included in the contractor's proposal for definitization of the letter contract. Changes subsequent to the proposal cutoff date may be made under the provisions of the letter contract but will be incorporated by a supplemental agreement into the definitive contract.

<sup>2</sup> Explain any date or combination of dates which prolong the letter contract beyond 180 days.

(4) *One copy of all requests for authorization as approved will be forwarded by the procuring activity to the applicable contract administration ac-*



tivity responsible for the administration of the contract.

(f) Copies of the letter contract issued will be forwarded AFSC (SCK-3) or AFLC (MCPC) if the letter contract required their approval for issuance, or if the resultant definitive contract contemplated will require manual approval of DCS/Procurement and Production, AFSC, or Director of Procurement and Production, AFLC.

#### § 1003.410 Other types of agreements.

##### § 1003.410-1 Basic agreements.

(a) and (b) No implementation.

(c) *Content and form.* All mandatory clauses will be included in Part A. Additional parts may be added to provide for additional clauses or changes to clauses to cover peculiar situations such as, provisions for letter contracts and R&D contracts.

(d) No implementation.

(e) *Authority to negotiate.* Contracting officers of AFSC ASD (ASKI) are authorized to negotiate, write, and execute basic agreements. Contracting officers of OAR are authorized to negotiate, write, and execute basic agreements with respect to educational institutions only. AF activities are encouraged to submit suggestions and recommendations to ASD (ASKI) for consideration in negotiating basic agreements. AFLC requirements will be negotiated by ASKI upon request and approval of MCPC and with such assistance from AFLC personnel as referenced activities may agree.

(f) *Approval.* All basic agreements and amendments will be submitted to AFSC (SCK-3) for review and administrative approval prior to execution by the contracting officer. Prior to submission to the office of the Procurement Committee (SCK-3), Hq AFSC, each proposed basic agreement, or supplement, will be submitted to the staff judge advocate of the installation negotiating the basic agreement for review; and in addition, any coordination deemed necessary to insure that the contents of the basic agreement are adequate and suitable for the needs of the Air Force will be obtained.

(g) *List of approved basic agreements.* (1) AFSC ASD (ASKBD) will publish quarterly a list of all approved basic agreements and supplements issued by AFSC ASD and OAR. Changes to the quarterly list will be published monthly until the succeeding quarterly list is issued.

(2) The quarterly list will indicate in alphabetical order by contractor's name the following information.

- (i) Contract or supplement number.
- (ii) Date contract or supplement number assigned.
- (iii) Type of contract covered by the basic agreement.
- (iv) Date distributed.
- (v) Procurement activity which negotiated the latest basic agreement.
- (3) Requests for copies of the list will be addressed to AFSC ASD (ASKBD).
- (h) *Distribution of OAR basic agreements.* Basic agreements and supple-

ments executed by OAR with educational institutions will be distributed by OAR (RRMK). Requests for copies will be addressed to OAR (RRMK).

##### § 1003.410-2 Basic ordering agreement (BOA).

(a) *Description.* (1) BOAs will not be used for the procurement of major systems, major modifications, or major operation and maintenance (O&M) programs. This proscription will not apply to orders for the repair of battle or crash damaged aircraft.

(2) To minimize the number of BOAs with an individual contractor, BOAs should normally be written to provide for the procurement of authorized supplies and services covering as wide a range as is practicable. However, separate BOAs may be negotiated when the pricing arrangement will be on other than a firm fixed price basis, when it is considered necessary to restrict the use of a BOA to the procurement of specific supplies or services; or when it is considered necessary to authorize the ACO to issue orders. Such BOAs are referred to as specialized BOAs.

(3) BOAs will refer to the ordering document as an order.

(4) BOAs will provide for the issuance of the following types of orders:

(i) *Priced orders.* Orders of this type will be for supplies or services where prices and delivery schedules have already been established as a result of negotiation.

(ii) *Unpriced orders.* Orders of this type will be for supplies or services where prices will be negotiated after the issuance of such orders and according to the provisions of the BOA.

(5) BOAs will provide for the contractor to submit signed priced exhibits numbered the same as the unpriced orders to which they pertain, and cost and pricing data as required by § 3.807-3 of this title. When executed, approved, and distributed, the priced exhibit to the order will become a firm and binding obligation regarding prices and delivery schedules.

(6) Either the BOA or the unpriced order will provide for the contractor to submit proposed priced exhibit and any required cost and pricing data within 45 calendar days from date of issuance of the unpriced order unless an earlier submission is required to comply with § 3.410-2(c)(2)(i) of this title. Target date for distribution of the final priced exhibit will not exceed 150 days from date of issuance of an unpriced order.

(7) BOAs which do not contain delivery schedules will provide that the delivery schedule cited on unpriced orders as desired or required are subject to negotiation (see subparagraph (4)(i) of this paragraph and § 1001.305-51 of this subchapter).

(8) BOAs will normally provide for the contracting officer who issues an unpriced order to negotiate the price and delivery schedule for that order. However, BOAs negotiated by AFLC activities with contractors assigned to the Air Force for contract administration will provide for the ACO to negotiate

prices and delivery schedules for unpriced orders issued by contracting officers of other departments. Upon request of an AF procuring activity and if the Director of Procurement and Production, AFLC, approves, these BOAs may also provide for the ACO to negotiate those unpriced orders issued by the requesting activity. Such requests will be sent to AFLC (MCPPP). When subsequently reviewing these BOAs according to § 3.410-2(c)(4) of this title, the reviewing activity will ascertain from AFLC (MCPPP) if the provision is still required.

(9) BOAs will contain a clause similar to § 1007.4055 of this subchapter, appropriately modified, to provide for increases or decreases in obligated funds caused by provisioning procedures. For this purpose, unpriced orders are considered partially funded until distribution of the final priced exhibit.

(b) *Applicability.* (1) Orders normally will be issued by PCOs. However, BOAs may authorize ACOs to issue orders under those BOAs or those specialized BOAs whose use is limited to the procurement of specific supplies or services, provided the supplies or services ordered are specifically covered by blanket determinations (including those for authority to negotiate and impracticability to obtain competition) for the period the ACO is authorized to issue orders.

(c) No implementation.

(d) *Procedures.*—(1) *Responsibility:* (i) In AFLC BOAs will be written by the AMA or air procurement region in whose geographical area the contractor is located. When a procurement activity has a requirement for a BOA with a contractor in a geographical area for which it is not responsible, the director of procurement and production of that activity will forward such a requirement to the appropriate director of procurement and production in sufficient detail and time to permit negotiation of a BOA on a routine basis. An activity having a requirement for a specialized BOA with a contractor outside its geographical area may write its own BOA.

(ii) In AFSC and OAR the procuring activity having the requirement will issue the BOA subject to subparagraph (2) of this paragraph.

(2) An activity having a requirement for a BOA is responsible for ascertaining that a BOA has not already been issued which will satisfy its requirement.

(3) AFLC (MCPPP) will periodically publish a consolidated list of BOAs which are currently in effect.

(4) *Review of BOAs:* The first BOA issued by each activity will be submitted to the Procurement Committee (MCPC for AFLC and SCK-3 for AFSC and OAR) for review and approval. Terms as approved will be deemed a pattern for subsequent BOAs. Subsequent BOAs which follow the pattern without substantial change will not require review and approval. Changes to the pattern established by the first BOA when necessary to the execution of subsequent BOA will be treated as deviations according to the procedures in § 1001.109-50 of this subchapter. The director or chief,



procurement and production, of the activity issuing a BOA will assure that the BOA provides for compliance with § 3.410-2(c)(2)(i) of this title.

(5) The contracting officer who negotiates an unpriced order will be responsible for the execution and approval of the priced exhibit.

(6) Review and approval of exhibits: (i) Priced exhibits negotiated by AF ACOs will be reviewed.

(ii) Priced orders and exhibits negotiated by AF PCOs are subject to the same reviews and manual approval requirements as would be applicable if such were contracts entered into apart from the BOAs.

(7) Prior to issuance of an unpriced order, anticipated to exceed \$2,500, there will be a determination that it is not practical to establish prices prior to authorizing the contractor to begin work or there is reasonable assurance that the pricing provisions contained in the BOA and paragraph (a)(6) of this section can be adhered to. Such determination will be approved by the director or chief, procurement and production. This requirement does not apply to orders issued by ACOs.

#### § 1003.410-3 Call procurement arrangements.

(a) *Description.* A call procurement arrangement is an agreement containing a specific description of the supplies or services to be furnished but not containing specific quantities or delivery schedules. The arrangement, along with other terms, contains fixed prices and specifies the period during which calls may be made. The Government is under no obligation to call for any supplies or services during such period. Quantities and delivery schedules are established by each call. The estimated aggregate price of the calls will be considered the amount of the contract within the delegation of authority to make awards and execute or approve contracts set forth in § 1001.455 of this subchapter.

(b) *Applicability.* A call procurement arrangement may be appropriate where quantity and delivery requirements are not presently known, but where recurring requirements are expected to arise in circumstances where—by the time such requirements become definitely known—time would not permit solicitation of bids or proposals, and fixed prices can be established at the outset for the supplies or services to be procured. Thus, a call procurement arrangement may be applicable where standby procurement coverage is required and circumstances will not permit firm contractual commitments by either the Government or the contractor; for example, in the procurement of the printing of technical data or oxygen.

(c) *Limitations.* (1) Call procurement arrangements will be written for a period not exceeding 12 months, but not necessarily on a fiscal year basis.

(2) Call procurement arrangements will not be used where the requisites for indefinite quantity contracts or requirements contracts can be met. Maximum

effort should be exerted to come up with minimum and maximum requirements. A call procurement arrangement should be used only when no other method of procurement can be used. The procurement file will contain a statement giving the reasons why the use of an indefinite quantity or requirement contract cannot be used and why a call arrangement is necessary.

(3) Any call using one year funds will be supported by fiscal year funds in effect at the date of the call.

(d) *Contract clause.* The appropriate clause for incorporating the call feature in a contract is set forth in § 1007.4040 of this subchapter.

#### Subpart F—Small Purchases

4. Section 1003.608-6 is revised to read as follows:

##### § 1003.608-6 Use of DD Form 1155 as a delivery order.

(a) DD Form 1155 will be used as a delivery order under basic ordering agreements (§ 3.410-2 of this title).

(b) The responsibility for scheduling deliveries under indefinite delivery contracts rests with the procurement office. However, the nature of certain supplies and services makes it advisable to permit requiring activities to schedule such deliveries. These supplies are usually items that do not lend themselves to normal warehouse storage and requisitioning procedures. These services are those that are not susceptible to planned scheduling because the frequency of need for the service varies from day to day. To provide for expeditious ordering of such supplies and services under indefinite delivery contracts, the contracting officer may issue a delivery order that delegates the scheduling of deliveries to a member of the requiring activity, if authorized by paragraph (d) of this section. Such delivery orders may be referred to as Blanket Delivery Orders (BDO). Blanket delivery orders against indefinite delivery contracts will be issued monthly or prior to the beginning of each fiscal quarter, except for commissary stock fund requirements, which may be issued at the beginning of each fiscal year.

(c) [Reserved]

(d) The following procedures apply to:

(1) Products listed in Supply Bulletins issued by the Defense Subsistence Supply Center that satisfy paragraph (b) of this section. However, permission must be obtained from the supplier if not specifically authorized by the Supply Bulletin.

(2) Commissary requirements not listed in Supply Bulletins that satisfy paragraph (b) of this section.

(3) All services of a recurring nature.

(4) Motor vehicle and equipment repair parts obtained from an on-base contractor-operated vehicle parts store.

(5) All other supplies and services, provided the procurement office schedules deliveries.

(i) Upon receipt of the purchase request, the contracting officer will submit

a delivery order (DD Form 1155) to the contractor for the estimated requirements for the period covered. The delivery order will not itemize the items listed on the contract but will cite the appropriate accounting classification and will contain a statement similar to the following:

For \* \* \* products covered by Contract No. \* \* \* to be delivered during the month(s) \* \* \* as scheduled by the \* \* \* officer. Aggregate monetary total of all deliveries made against this delivery order shall not exceed \$ \* \* \* unless authorized in writing by the contracting officer.

(ii) The activity scheduling deliveries set forth in the contract will maintain informal records against the delivery orders to insure that the designated monetary limitations are not exceeded. Orders will be placed in numerical sequence and recorded. The sequence of recording deliveries will run for the duration of the delivery order.

(iii) On the last day of the month the requiring activity will prepare a consolidated receiving report (by line item of the contract) for all deliveries made during the monthly period. Obligations will be recorded and reported in the reporting month (as opposed to calendar month) in which they are incurred. One copy of each consolidated receiving report prepared will be furnished to complete the files in the base procurement office.

(iv) Delivery orders for commissary resale items will coincide with the inventory date (e.g., 25th day of each month) of the commissary. Items will be reported for the month for which the consolidated receiving report is prepared. Delivery order numbers should be taken from the register sufficiently in advance so as to come within the subsequent month's business.

(v) AF activities desiring to allow a requiring activity to schedule deliveries of supplies and services not authorized in this paragraph will forward a request for approval with complete justification to AFLC (MCPPL).

## PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

### Subpart U—DOD Non Temporary Storage Contracts

5. In § 1004.2102, paragraph (a) is revised and paragraph (b) is deleted. As amended § 1004.2102 reads as follows:

#### § 1004.2102 Department of Defense commercial warehousing and related services for household goods of military and civilian personnel.

The procedure for processing commercial storage requirements for household goods of military and civilian personnel is set forth in AFR 67-61 (Commercial Warehousing and Related Services for Household Goods of Military Personnel).

(a) *Policy.* The execution and administration of service orders (DD Form 1164, Service Order for Household Goods) against basic agreements (DD Form 1162) will be performed in the base



transportation office. Since this duty is fundamentally a procurement responsibility, the individual in the base transportation office performing these duties must be a duly appointed contracting officer. In the appointment of base transportation personnel as AF contracting officers, care must be exercised to insure that such individuals' qualifications and experience meet the minimum standards.

## PART 1007—CONTRACT CLAUSES

### Subpart NN—Special Clauses

§ 1007.4034 [Deleted]

6. Section 1007.4034 *Discounts* is deleted.

## PART 1013—GOVERNMENT PROPERTY

### Subpart D—Industrial Facilities

7. Section 1013.401 is corrected as follows: F.R. Doc. 66-11109, appearing at page 13220 of the issue for Thursday, October 13, 1966, is corrected in the following respect: Amended § 1013.401 (a)(1) pertaining to the instruction in item 18, "correcting section reference 13.407 in subparagraph (a)(1)," was omitted and reads as follows:

§ 1013.401 Award of procurement contracts.

(a) \* \* \*

(1) The estimated cost to be listed in the schedule pursuant to the above clause must include the total dollar value of the required facilities expenditures plus the acquisition cost of the items to be furnished directly from the industrial reserve or from other Government sources. The identification of the facilities required by the above clause "as specifically as practicable" requires a listing of the types of facilities to be provided, e.g., buildings, pavements, machine tools, and production, processing, handling, laboratory, or testing equipment. Such listing is to set forth the best estimated quantities of the facilities to be provided. Unless an exception to § 1013.102-3(a)(10)(vii) has been granted, such listing will specifically provide that no items costing \$500 or less will be provided by the Government. If the contract does not qualify for no-charge use of the facilities under § 13.402 of this title, the last sentence of paragraph (a) of the clause above will be appropriately revised, including where applicable, terms under which all or part of the facilities are to be provided to subcontractors performing subcontracts under the procurement contract. Where a contractor is to be permitted to obtain the benefit of the use by certain of its subcontractors of Government facilities in the possession of such subcontractors, on a no-charge basis (as provided in paragraph (b) of the clause set forth in § 1007.4052 of this chapter), paragraph (a) of the clause above will be modified to provide such authority.

## PART 1054—CONTRACT ADMINISTRATION

### Subpart CC—Processing of Claims Under Cost-Reimbursement Type Contracts

8. Subpart CC—Processing of Claims Under Cost-Reimbursement Type Contracts, is deleted.

(Sec. 8012, 70A Stat. 488, Secs. 2301-2314, 70A Stat. 126-133; 10 U.S.C. 8012, 2301-2314) [AFPI Rev. 70, Sept. 30, 1966]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,  
Colonel, U.S. Air Force, Chief,  
Special Activities Group, Of-  
fice of The Judge Advocate  
General.

[F.R. Doc. 66-12798; Filed, Nov. 28, 1966;  
8:46 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 5—General Services Administration

#### PART 5-1—GENERAL

#### Subpart 5-1.3—General Policies

##### USE OF SPECIFICATIONS

This amendment of the General Services Administration Procurement Regulations is designed to make it clear that invitations for bids should not be amended or canceled when a specification is cited which is not the specification that should have been cited unless such action is in the best interest of the Government.

Sections 5-1.305-50 and 5-1.307 are revised to read as follows:

##### § 5-1.305-50 Use and availability of specifications and standards.

(a) Formal specifications and standards shall be included by reference in invitations for bids and requests for proposals. The reference shall fully identify the specification or standard by the series printed thereon, e.g., Federal (or Interim Federal), military, or departmental (Forest Service, etc.), followed by the number and date. (The specification number includes the revision indicator.) Amendments shall be separately identified, e.g., Federal Specification GG-S-225b, November 30, 1961, and Interim Amendment 1, dated August 5, 1964. Canceled or superseded specifications or standards shall not be used. Normally, there is a sufficient time interval between the time a revised specification is issued (i.e., when it is available in distribution) and its effective date (i.e., as indicated in supplements to the Index of Federal Specifications and Standards) to permit contracting officers to reference the specification in invitations for bids which will be effective both at the time of bid opening and at the time of award. As a result it seldom should be necessary to consider amendment or cancellation of

invitations for bids because a superseded specification has been cited.

(b) Business Service Centers stock most Federal and Interim Federal Specifications and Standards for issue in limited quantities without charge. When an invitation for bids or request for proposals refers to a specification or standard not normally available from Business Service Centers, the contracting officer shall arrange with appropriate Business Service Centers or otherwise, to make copies available to bidders. The invitation or request shall state where copies of required specifications and standards can be obtained.

(c) (1) In formally advertised procurements, when the contracting officer discovers, prior to the time set for the opening of bids, that a specification has been cited which is not the specification that should have been cited (e.g., not current, number and title do not agree, number and date do not agree, etc.) and a change in the outstanding invitation for bids is deemed necessary in the best interest of the Government, an amendment shall be issued in accordance with § 1-2.207 of this title. If such a discovery is made after the opening of bids, but prior to award, the bids should not be rejected and the invitation canceled unless it is determined that cancellation is in the best interest of the Government (e.g., cancellation may be in the best interest of the Government where the supplies to be furnished under the cited specification would deviate in significant respects from the Government's current actual requirements, or where bidders did not bid on an equal basis because of Government publicity indicating the intention to use the latest version of a specification). Where such a discovery is not made until after award, the contractor shall be required to comply with the cited specification unless cancellation of the contract, or the acceptance of nonconforming supplies for a consideration in accordance with the criteria set forth in § 1-14.206 of this title, would be in the best interest of the Government.

(2) In negotiated procurements, discoveries made either before the closing date for the receipt of proposals, or after award shall be handled in accordance with the procedure provided in § 5-1.305-50(c)(1) for discoveries made either before the time set for the opening of bids or after award, respectively. When the discovery is made after the closing date for receipt of proposals, but prior to award, and it is determined that award on the basis of the cited specification would not be in the best interest of the Government, negotiations on the basis of the specification which would have been cited in the request shall be conducted with offerors as provided in § 1-3.805-1(d) of this title, or the request shall be canceled.

##### § 5-1.307 Purchase descriptions.

Repeated use of the same purchase description indicates that consideration should be given to developing a specification. In such cases procuring activities shall forward an appropriate recom-



mendation through channels, together with a complete description of the item, to the Standardization Division, FSS, for necessary action.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

**Effective date.** These regulations are effective immediately.

Dated: November 18, 1966.

J. E. Moody,  
Acting Administrator of  
General Services.

[F.R. Doc. 66-12795; Filed, Nov. 28, 1966;  
8:46 a.m.]

## Chapter 11—Coast Guard, Department of the Treasury

[CGFR 66-56]

### PART 11-1—GENERAL

#### Subpart 11-1.51—Novation Agreements and Change of Name Agreements

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530):

1. New Subpart 11-1.51 is added, reading as follows:

##### Sec.

- 11-1.5101 Scope of subpart.
- 11-1.5102 Definition.
- 11-1.5103 Agreement to recognize a successor in interest.
- 11-1.5104 Agreement to recognize change of name of contractor.
- 11-1.5105 Procedures.
- 11-1.5106 Sample letter requesting issuance of change order.
- 11-1.5107 Sample change order format.

**AUTHORITY:** The provisions of this Subpart 11-1.51 issued under 14 U.S.C. 633, 10 U.S.C. Ch. 137.

##### § 11-1.5101 Scope of subpart.

This subpart prescribes the policy and procedures for (a) recognition of a successor in interest to Government contracts when such interests are acquired incidental to transfer of all the assets of a contractor or such part of his assets as is involved in the performance of the contract, (b) a change of name of a contractor, and (c) single procuring activity execution of novation agreements affecting more than one procuring activity.

##### § 11-1.5102 Definition.

For the purpose of this subpart, the following definition applies. A novation agreement is a contractual amendment by which the Government recognizes a successor in interest to a Government contract or a change of name of a contractor. The successor in interest assumes all the obligations under the contract and the transferor guarantees the performance of the contract by the transferee. Where only a change of name is made the rights and obligations of the parties remain unaffected.

##### § 11-1.5103 Agreement to recognize a successor in interest.

(a) The transfer of a Government contract is prohibited by law (41 U.S.C. 15). However, the Government may recognize a third party as the successor in interest to a Government contract where the third party's interest is incidental to the transfer of all the assets of the contractor, or all that part of the contractor's assets involved in the performance of the contract. Examples include, but are not limited to:

- (1) Sale of such assets;
- (2) Transfer of such assets pursuant to merger or consolidation of corporation; and
- (3) Incorporation of a proprietorship or partnership.

(b) When a contractor requests that the Government recognize a successor in interest the contractor shall be required to provide the designated procuring activity concerned (see § 11-1.5105) with one copy of each of the following, as applicable:

- (1) A properly authenticated copy of the instrument by which the transfer of assets was effected, as for example, a bill of sale, certificate of merger, indenture of transfer, or decree of court;
- (2) A list of all contracts and purchase orders which have not been finally settled between the Coast Guard and the transferor, showing the contract number, the name and address of the purchasing office involved, the total dollar value of each contract as amended, the type of contract involved, and the balance remaining unpaid;
- (3) A certified copy of the resolutions of the Boards of Directors of the corporate parties authorizing the transfer of assets;
- (4) A certified copy of the minutes of any stockholders' meetings of the corporate parties necessary to approve the transfer of assets;

(5) A properly authenticated copy of the certificate and articles of incorporation of the transferee if such corporation was formed for the purpose of receiving the assets involved in the performance of the Government contracts;

(6) Opinion of counsel for the transferor and transferee that the transfer was properly effected in accordance with applicable law and the effective date of transfer;

(7) Evidence of the capability of the transferee to perform the contracts;

(8) Balance sheets of the transferor and the transferee as of dates immediately prior to and after the transfer of assets;

(9) Evidence of security clearance requirements; and

(10) Consent of sureties on all contracts listed under (2) above where bonds are required.

(c) When it is consistent with the Government's interest to recognize a successor in interest to a Government contract, the designated procuring activity concerned shall execute an agreement with the transferor and the

transferee, which shall ordinarily provide in part that:

(1) The transferee assumes all the transferor's obligations under the contract;

(2) The transferor waives all rights under the contract as against the Government;

(3) The transferor guarantees performance of the contract by the transferee (a satisfactory performance bond may be accepted in lieu of such guarantee); and

(4) Nothing in the agreement shall relieve the transferor or the transferee from compliance with any Federal law. All agreements, prior to execution, shall be reviewed by Government counsel for legal sufficiency. A form for such an agreement for use when the transferor and transferee are corporations, and all the assets of the transferor are transferred, is set forth herein. This form may be adapted to fit specific cases and may be used as a guide in preparing similar agreements for use in other situations.

#### NOVATION AGREEMENTS AND CHANGE OF NAME AGREEMENTS

##### AGREEMENT (FEBRUARY 1966)

This Agreement, entered into as of (date) upon which the transfer of assets became effective pursuant to applicable State law) 19--, by and between the ABC Corp., a corporation duly organized and existing under the laws of the State of ----- with its principal office in the city of ----- (hereinafter referred to as the "Transferor"); the XYZ Corp. add if appropriate (formerly known as the LMN Corp.), a corporation duly organized and existing under the laws of the State of ----- with its principal office in the city of ----- (hereinafter referred to as the "Transferee"); and the United States of America (hereinafter referred to as the "Government").

##### WITNESSETH

1. Whereas, the Government, represented by various contracting officers (of the Coast Guard) has entered into certain contracts and purchase orders with the Transferor (namely: -----) or as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference; and the term "the contracts as hereinafter used means the above contracts and purchase orders, and all other contracts and purchase orders, including modifications thereto, heretofore made between the Government, represented by various contracting officers of the Coast Guard and the Transferor (whether or not performance and payment have been completed and releases executed, if the Government or the Transferor has any remaining rights, duties or obligations thereunder), and including modifications thereto hereafter made in accordance with the terms and conditions of such contracts and purchase orders between the Government and the Transferee;

2. Whereas, as of -----, 19--, the Transferor assigned, conveyed, and transferred to the Transferee all the assets of the Transferor by virtue of a (term descriptive of the legal transaction involved) between the Transferor and the Transferee;

3. Whereas, the Transferee, by virtue of said assignment, conveyance and transfer, has acquired all the assets of the Transferor;

4. Whereas, by virtue of said assignment, conveyance and transfer, the Transferee has



assumed all the duties, obligations and liabilities of the Transferor under the contracts;

5. Whereas, the Transferee is in a position fully to perform the contracts, and such duties and obligations as may exist under the contracts;

6. Whereas, it is consistent with the Government's interest to recognize the Transferee as the successor party to the contracts;

7. Whereas, there has been filed with the Government evidence of said assignment, conveyance or transfer, as required by CGPR 11-1.5103(b);

Where a change of name is also involved, such as prior or concurrent change of name of the transferee, an appropriate recital shall be used; for example:

8. Whereas, there has been filed with the Government a certificate dated \_\_\_\_\_, 19\_\_\_\_, signed by the Secretary of the State of the State of \_\_\_\_\_, to the effect that the corporate name of LMN Corp. was changed to XYZ Corp. on \_\_\_\_\_ 19\_\_\_\_;

Now, therefore, in consideration of the premises, the parties hereto agree as follows:

9. The Transferor hereby confirms said assignment, conveyance and transfer to the transferee, and does hereby release and discharge the Government from, and does hereby waive, any and all claims, demands, and rights against the Government which it now has or may hereafter have in connection with the contracts.

10. The Transferee hereby assumes, agrees to be bound by, and undertakes to perform each and every one of the terms, covenants, and conditions contained in the contracts. The Transferee further assumes all obligations and liabilities of, and all claims and demands against, the Transferor under the contracts, in all respects as if the Transferee were the original party to the contracts.

11. The Transferee hereby ratifies and confirms all actions heretofore taken by the Transferor with respect to the contracts with the same force and effect as if the action had been taken by the Transferee.

12. The Government hereby recognizes the Transferee as the Transferor's successor in interest in and to the contracts. The Transferee hereby becomes entitled to all right, title, and interest of the Transferor in and to the contracts in all respects as if the Transferee were the original party to the contracts. The term "Contractor" as used in the contracts shall be deemed to refer to the Transferee rather than to the Transferor.

13. Except as expressly provided herein, nothing in this Agreement shall be construed as a waiver of any rights of the Government against the Transferor.

14. Notwithstanding the foregoing provisions, all payments and reimbursements heretofore made by the Government to the Transferor and all other action heretofore taken by the Government, pursuant to its obligations under any of the contracts, shall be deemed to have discharged pro tanto the Government's obligations under the contracts. All payments and reimbursements made by the Government after the date of this Agreement in the name of or to the Transferor shall have the same force and effect as if made to said Transferee and shall constitute a complete discharge of the Government's obligations under the contracts, to the extent of the amounts so paid or reimbursed.

15. The Transferor and the Transferee hereby agree that the Government shall not be obligated to pay or reimburse either of them for, or otherwise give effect to, any costs, taxes or other expenses, or any increases therein, directly or indirectly arising out of or resulting from (i) said assignment, conveyance and transfer, or (ii) this Agreement, other than those which the Government, in the absence of said assignment, conveyance and transfer, or this Agreement,

would have been obligated to pay or reimburse under the terms of the contracts.

16. The Transferor hereby guarantees payment of all liabilities and the performance of all obligations which the Transferee (i) assumes under this Agreement, or (ii) may hereafter undertake under the contracts as they may hereafter be amended or modified in accordance with the terms and conditions thereof; and the Transferor hereby waives notice of and consents to any such amendment or modification.

17. Except as herein modified, the contracts shall remain in full force and effect.

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA  
By \_\_\_\_\_  
Title \_\_\_\_\_

[CORPORATE SEAL] ABC CORP.

By \_\_\_\_\_  
Title \_\_\_\_\_

[CORPORATE SEAL] XYZ CORP.

By \_\_\_\_\_  
Title \_\_\_\_\_

CERTIFICATE

I, \_\_\_\_\_, certify that I am the Secretary of ABC Corp., named above; that \_\_\_\_\_, who signed this Agreement on behalf of said corporation, was then \_\_\_\_\_ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and seal of said corporation this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

[CORPORATE SEAL] By \_\_\_\_\_

CERTIFICATE

I, \_\_\_\_\_, certify that I am the Secretary of XYZ Corp., named above; that \_\_\_\_\_, who signed this Agreement on behalf of said corporation, was then \_\_\_\_\_ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and within the scope of its corporate powers.

Witness my hand and the seal of said corporation this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

[CORPORATE SEAL] By \_\_\_\_\_

(End of Agreement)

§ 11-1.5104 Agreement to recognize change of name of contractor.

(a) Where only a change of name is involved, so that the rights and obligations of the parties remain unaffected, an agreement between the designated procuring activity (see § 11-1.5105) and the contractor shall be executed effecting the amendment of all existing contracts between the parties so as to reflect the contractor's change of name. Prior to the execution of such agreement, one copy of each of the following shall be deposited by the contractor with the designated procuring activity:

(1) A copy of the instrument by which the change of name was effected, authenticated by a proper official of the State having jurisdiction;

(2) Opinion of counsel for the contractor as to the effective date of the change of name and that it was properly effected in accordance with applicable law; and

(3) A list of all contracts and purchase orders which have not been finally settled between the Coast Guard and the transferor, showing the contract number, the name and address of the procuring activity involved, the total dollar value of each contract as amended, and the balance remaining unpaid.

(b) A format for such an agreement which shall be adapted for specific cases is set forth below.

AGREEMENT (SEPTEMBER 1962)

This Agreement, entered into as of \_\_\_\_\_, 19\_\_\_\_ by and between the ABC Corp. (formerly the XYZ Corp. and hereinafter sometimes referred to as the "contractor"), a corporation duly organized and existing under the laws of the State of \_\_\_\_\_, and the United States of America, represented by the Coast Guard (hereinafter referred to as the "Government"):

WITNESSETH:

1. Whereas, the Government, represented by various contracting officers of the Coast Guard has entered into certain contracts and purchase orders with the XYZ Corp., [namely: \_\_\_\_\_] or [as set forth in the attached list marked "Exhibit A" to this agreement and herein incorporated by reference;] and the term "the contracts" as hereinafter used means the above contracts and purchase orders, and all other contracts and purchase orders, including modifications thereto, entered into between the Government, represented by various contracting officers of the Coast Guard, and the contractor (whether or not performance and payment have been completed and releases executed, if the Government or the contractor has any remaining rights, duties, or obligations thereunder);

2. Whereas, the XYZ Corp., by an amendment to its certificate of incorporation, dated \_\_\_\_\_, has changed its corporate name to ABC Corp.;

3. Whereas, a change of corporate name only is accomplished by said amendment, so that rights and obligations of the Government and of the contractor under the contracts are unaffected by said change; and

4. Whereas, there has been filed with the Government documentary evidence of said change in corporate name;

Now therefore, in consideration of the premises, the parties hereto agree, that the contracts covered by this agreement are hereby amended by deleting therefrom the name "XYZ Corp." wherever it appears in the contracts and substituting therefor the name "ABC Corp."

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA  
By \_\_\_\_\_  
Title \_\_\_\_\_

[CORPORATE SEAL] ABC CORP.

By \_\_\_\_\_  
Title \_\_\_\_\_

CERTIFICATE

I, \_\_\_\_\_, certify that I am the Secretary of ABC Corp., named above; that \_\_\_\_\_ who signed this Agreement on behalf of said corporation, was then \_\_\_\_\_ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and seal of said corporation this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

[CORPORATE SEAL] By \_\_\_\_\_



**§ 11-1.5105 Procedures.**

(a) Any Coast Guard procuring activity within the continental United States, upon being notified of a successor in interest to, or change in name of, one of its contractors, shall promptly report such information by letter to Commandant (FS).

(b) To avoid duplication of effort on the part of Coast Guard procuring activities in preparing and executing agreements to recognize a change of name or successor in interest, only one supplemental agreement will be prepared to effect necessary changes for all contracts between Coast Guard and the contractor involved. The Commandant (FS) will, in each case, designate the procuring activity responsible for taking all necessary and appropriate action with respect to either recognizing or not recognizing a successor in interest, or recognizing a change of name, including without limitation the following:

(1) Obtaining from the contractor a list of the affected contracts, the names and addresses of the procuring activities responsible for those contracts, and the required documentary evidence;

(2) Drafting and executing a supplemental agreement to one of the contracts affected but covering all applicable outstanding and incomplete contracts affected by the transfer of assets or change of name; and

(3) Instituting and monitoring procedures for security clearance. A supplemental agreement number need not be obtained for contracts other than for the one under which the supplemental agreement is written. Each supplemental agreement will contain a list of the contracts affected and, for distribution purposes, the names and addresses of the procuring activities having contracts subject to the supplemental agreement.

(c) The agreement and supporting documents will be reviewed for legal sufficiency by the legal office at the designated procuring activity.

(d) After execution of the supplemental agreement, the designated procuring activity shall:

(1) Forward an authenticated copy of the supplemental agreement to Commandant (FS-1); and

(2) Advise each of the affected procuring activities, by letter, of the consummation of the supplemental agreement and request that a change order be issued for each affected contract. (A copy of the supplemental agreement should be enclosed—see § 11-1.5106.)

(e) For each such affected contract, the contracting officer shall prepare a change order (see § 11-1.5107) acknowledging the change in name or successor in interest. The change order will receive the same distribution as the affected contract. The change order will indicate the nature of the transaction, the re-

sult attained, and will cite the number of the contract with which the original relevant documents and supplemental agreement are filed.

**§ 11-1.5106 Sample letter requesting issuance of change order.**

The following sample letter format is appropriate to give notice of execution of a novation agreement and to request issuance of a change order, in accordance with § 11-1.5105(d).

COMMANDER, FIRST COAST GUARD DISTRICT,  
J. F. KENNEDY FEDERAL BUILDING, GOVERNMENT CENTER

Boston, Mass.,  
October 15, 1966.

Subject: Novation Agreement.

To: Contracting Officer, 5th Coast Guard District.

1. Your attention is invited to the attached supplemental agreement wherein a transfer of the business of ABC Corp. to XYZ Corp. is recognized.

2. In accordance with § 11-1.5104 Coast Guard Procurement Regulations, the contracting officer presently responsible for affected contracts placed by your activity, which are listed in the supplemental agreement, should immediately issue a Change Order to each such contract to reflect the change.

J. J. JONES,  
Contracting Officer,  
First Coast Guard District.

**§ 11-1.5107 Sample change order format.**

U.S. Coast Guard { Contract No:  
Change Order No:  
Change Order

Date:

Contractor:

Subject: (Insert type of transaction—merger, etc.)

Pursuant to the provisions of the clause of modification No. \_\_\_\_\_ of Contract No. \_\_\_\_\_ (This reference will be to the modification actually recognizing the transfer.)

It is hereby acknowledged that said Contract Modification (insert, as appropriate, "effecting recognition of XYZ Corp. as a successor in interest applies in accordance with all of its terms and conditions to this contract; "or" effecting recognition of a change of the contractor's name from ABC Corp. to XYZ Corp. applies in accordance with all of its terms and conditions to this contract").

Except as hereby modified, all the terms, covenants, and conditions of said contract as heretofore modified or amended shall remain in full force and effect.

THE UNITED STATES OF AMERICA  
By \_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Contracting Officer)

Dated: November 21, 1966.

[SEAL] W. J. SMITH,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 66-12796; Filed, Nov. 28, 1966;  
8:46 a.m.]

**Title 7—AGRICULTURE****Chapter I—Consumer and Marketing Service (Standards, Inspection, Marketing Practices), Department of Agriculture****SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946****PART 55—GRADING AND INSPECTION OF EGG PRODUCTS****Miscellaneous Amendments**

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55) as set forth below.

*Statement of Considerations.* On September 3, 1966, a notice of proposed amendments to the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55) was published in the FEDERAL REGISTER (31 F.R. 11666).

After careful consideration of all comments received from interested persons, additional meetings with industry representatives and further study of research data, the Department has decided to amend the regulations as proposed with the following changes and exceptions.

The official inspection mark of shield design is changed from that which was proposed by adding the phrase "Processed under Supervision of USDA Licensed Inspector." This statement is presently used in the official identification mark. The words "Selected Eggs" are deleted from the mark. The official identification for nonpasteurized egg products is modified by using the statement "For Further Processing in an Official USDA Plant," in lieu of the statement as shown in the proposal.

The provision for holding liquid egg products other than whites which are to be desugared is modified to allow 72 hours from time of breaking until the pasteurization, stabilization or drying operations are begun. The present regulations do not include a provision for limiting the time from breaking to further processing. A 72-hour time limitation is being used in lieu of the proposed 48-hour period since it has been demonstrated that product can be held for 72 hours under optimum operating practices. As the condition of most liquid egg product tends to deteriorate when held any period of time, the 72-hour time limitation should be considered as a maximum in good operating procedures.

Sampling and testing of pasteurized product for the presence of salmonellae will be required. This provision should be considered as a "spot check" or quality control measure rather than a certification program. The sampling will be a check on the effectiveness of the pasteurization operation as well as other process-



ing and handling operations which could result in contamination after pasteurization. The product will not need to be held in the official plant pending results of laboratory examination. The sampling and testing program should offer greater assurance to the processor as well as the purchaser that the pasteurization and processing operations are, in fact, producing a salmonellae negative product.

For liquid and frozen egg products, there are three different sampling plans which may be used as a basis for sampling egg products for the presence of salmonellae. Such plans may be obtained from the Grading Branch, Poultry Division, Consumer and Marketing Service, and processors will have a choice of using any of these sampling plans. For example, one of the plans would provide that initially, each day's production of liquid or frozen eggs would be considered as a lot and every fourth lot will have to be tested. This reduced level of sampling is possible because of the high degree of effectiveness found in pasteurizing liquid and frozen egg products. A further level of reduced sampling (1 for every 8 days of production) may be achieved in one of the sampling plans when a sufficient number of salmonellae negative laboratory results have been completed. Conversely, if product were found to be salmonellae positive, a more restrictive sampling process will be required until such time as a sufficient number of salmonellae negative results are received to again qualify for reduced sampling.

For dried egg products, processors must submit a sampling plan to the National Supervisor for approval. Such a plan must be more restrictive than the example cited for liquid and frozen eggs since the possibility of contamination of dried products after pasteurization is greater than it is for liquid and frozen eggs. Therefore, such plans must be at least comparable to testing one sample of each type of dried product produced (i.e., whites, whole eggs or yolks (with not more than 1 percent added ingredients) and whole eggs and yolks (with more than 1 percent added ingredients)) for each day's production. This would be minimal until sufficient results are obtained from each plant to qualify for a reduced sampling level.

Any laboratory which has been approved by the National Supervisor for testing product for salmonellae will be eligible to do the laboratory testing.

The section of the regulation specifying time-temperature requirements for holding stabilized liquid whites is not being amended. It was found that a time limitation for cooling stabilized liquid whites was not necessary because of the nature of the operation and the stability of the product. However, as presently written, storage of stabilized albumen shall be only to the extent necessary to provide for a continuous drying operation.

The provision for washing of shell eggs prior to breaking is being modified to require a minimum wash water temperature of 90° F. and at least 20° F. warmer

than the temperature of the eggs rather than the minimum temperature of 100° F. that was proposed. This temperature change is being done in an effort to alleviate some possible thermal checking which may occur from the higher temperature. Research data as well as recommendations by most manufacturers of egg washers support requiring a relatively high temperature for wash water, at least a 20° F. differential in water and egg temperature and the use of an approved egg washing compound.

As a result of additional information made available to the Department and further technical research in progress, the proposed specific temperature of 144° F. and 3½ minutes holding time for the pasteurization of yolks is not being adopted at this time. The section on pasteurization has been changed to specify that a temperature of 140° F. and a holding time of at least 3½ minutes is an acceptable pasteurization method for plain whole eggs and that other egg products shall be pasteurized for such times and at such temperatures as will give equivalent results. It is generally agreed that a higher temperature and/or an increased holding time is necessary for some products such as yolks and their mixes and blends. Other products, such as albumen, require different pasteurizing techniques with adjusted temperatures and holding time requirements. As valid and proven pasteurization temperatures, holding times and varied techniques are approved by the National Supervisor, this information will be forwarded to processors for use in the pasteurization operations.

The proposal allowing the entry of fowl ova into an official plant will not be adopted. In addition, other sections of the amendments have been slightly modified to provide clarity and continuity.

The amendments are as follows:

**§ 55.2 [Amended]**

1. Paragraphs (w) and (y) in § 55.2 are hereby deleted.

2. Section 55.6(b) is hereby amended to read:

**§ 55.6 Basis of service.**

(b) Whenever grading or inspection service is performed on a sample basis, such sample shall be drawn in accordance with the provisions of this paragraph except sampling for the presence of salmonellae shall be in accordance with the provisions set forth in § 55.77(p).

(1) When frozen egg products are packed in 30-pound or larger containers, a sufficient number of randomly selected containers shall be selected equivalent to not less than the square root of the total number in the lot. When frozen egg products are packed in smaller containers, the number of containers to be selected shall be not less than the figure obtained by dividing the total net weight of the lot by 30 and extracting the square root thereof. For sampling purposes, a lot shall consist of not more than 45,000 pounds.

(2) Samples of dried egg solids of appropriate size shall be drawn in approximately equal portions from four randomly selected containers in each lot. For sampling purposes, a lot shall consist of not more than 15,000 pounds. If the lot consists of less than four containers, the sample shall be drawn in equal portions from each container in the lot.

3. Subparagraph (5) of § 55.17(a) is hereby amended to read:

**§ 55.17 Authority and duties of inspectors performing service on a resident inspection basis.**

(a) \* \* \*

(5) To issue a certificate upon request on any egg product processed in the official plant.

\* \* \* \* \*

4. Section 55.20 is hereby amended to read:

**§ 55.20 Who may obtain grading and inspection services.**

(a) An application for grading and inspection service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

(b) Where grading service is offered: Any product may be graded or inspected, wherever a grader or inspector is available and the facilities and the conditions are satisfactory for the conduct of the service.

5. Paragraph (a) of § 55.22 is hereby amended to read:

**§ 55.22 How application for service may be made; conditions of resident service.**

(a) *On a fee basis.* An application for any grading service may be made in any office of grading, or with any grader or inspector at or nearest the place where the service is desired. Such application for service may be made orally (in person or by telephone), in writing or by telegraph. If an application for grading service is made orally, the office of grading, grader or inspector with whom such application is made, or the Administrator may require that the application be confirmed in writing.

\* \* \* \* \*

**§ 55.23 [Amended]**

6. The word "Four" is hereby changed to read "Three" in the first sentence of paragraph (b) in § 55.23.

**§ 55.24 [Amended]**

7. The words "grading service, inspection service or sampling service" are hereby changed to read: "grading or inspection service" in the first sentence of § 55.24.

8. Section 55.32 is hereby amended to read:

**§ 55.32 Report of violations.**

Each grader and inspector shall report, in the manner prescribed by the Ad-



ministrator, all violations and noncompliance under the Act and this part of which such grader or inspector has knowledge.

9. Section 55.33 is hereby amended to read:

**§ 55.33 Reuse of containers bearing official identification prohibited.**

The reuse, by any person, of containers bearing official identification is prohibited unless such identification is applicable in all respects to product being packed therein. In such instances, the container and label may be used provided the packaging is accomplished under the supervision of an inspector or grader and the container is in compliance with § 55.77(k).

10. Section 55.35 is hereby amended by changing the last two sentences to read:

**§ 55.35 Approval of official identification.**

\* \* \* Egg products that are labeled "whites and yolks" or words of similar import shall have the total egg solids declared on the label if the egg solids content is less than 24.70 percent. The label, as well as the official mark, if used, shall be applied to the container and shall not be applied to a detachable cover such as a lid.

11. Section 55.36(b) is hereby amended to read:

**§ 55.36 Form of official identification symbol and inspection mark.**

(b) The inspection mark which is permitted to be used on egg products other than those prepared in accordance with §§ 55.39 and 55.40 shall be contained within the outline of a shield and with the wording and design set forth in Figure 2 of this section, except that the lot number and plant number may be omitted from the official identification if applied elsewhere on the container. When the lot number and plant number are omitted from the official identification, the inspection mark shall be in the form and design indicated in Figure 3 of this section. Existing supplies and devices used for marking and labeling with official identification may be used until July 1, 1968.



FIGURE 2



FIGURE 3

12. Section 55.38 is hereby amended to read:

**§ 55.38 Form of other identification.**

Egg products prepared in accordance with §§ 55.39 and 55.40, if to be officially identified, shall be marked with the appropriate official identification of the wording and design set forth in Figure 4 or Figure 5 of this section whichever is applicable, except that the lot number and plant number may be omitted from the official identification if applied elsewhere on the container.

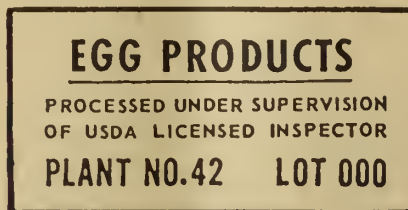


FIGURE 4

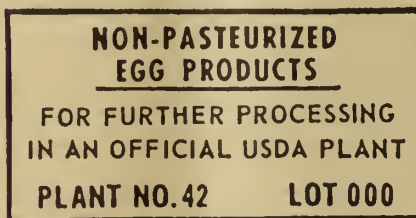


FIGURE 5

13. Section 55.39 is hereby amended to read:

**§ 55.39 Products which may bear other official identification.**

(a) Egg products which are produced in an official plant from edible shell eggs of other than current production or from other egg products which bear the rectangular mark set forth in Figure 4 of § 55.38, may bear the identification mark illustrated in Figure 4 of § 55.38 and such products may contain other edible ingredients. None of such products may bear the inspection mark illustrated in Figures 2 and 3 of § 55.36. After freezing and prior to shipping, such products shall be drilled and inspected organoleptically by a grader of frozen eggs and those products which are in satisfactory condition may bear the identification set forth in Figure 4 of § 55.38.

(b) All nonpasteurized egg products which are to be shipped from an official plant in packaged form to another official plant for pasteurization or heat treatment shall be marked with the official identification mark set forth in Figure 5 of § 55.38. Such products shall meet all requirements for egg products which are permitted to bear the official inspection mark shown in Figures 2 and 3 of § 55.36 except those pertaining to pasteurization or heat treatment. After pasteurization or heat treatment, such products may bear the official inspection mark shown in Figures 2 and 3 of § 55.36.

14. Section 55.45 is hereby amended to read:

**§ 55.45 Grading certificates.**

Grading certificates (including appeal grading certificates) shall be issued on forms approved by the Administrator.

15. Paragraphs (e), (k), (o), and (p) of § 55.77 are hereby amended to read:

**§ 55.77 General operating procedures.**

(e) Pasteurizing, stabilizing or drying operations shall start within 72 hours from time of breaking for egg products other than whites which are to be degassed.

(k) Packages or containers for egg products shall be clean when being filled with any egg products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such egg products. Only new containers or used containers that are clean, in sound condition and lined with suitable inner liners shall be used for packaging pasteurized egg products.

(o) All egg products prior to being released into consumptive channels shall be pasteurized in accordance with § 55.101 except that dried whites prepared from nonpasteurized liquid shall be heat treated in accordance with § 55.103.

(1) Pasteurized liquid egg product shall be sampled and tested for the presence of salmonellae. The sample shall be drawn after final packaging and if to be frozen, may be drawn prior to freezing. Dried egg products shall be sampled in the final packaged form and tested for the presence of salmonellae. All sampling for the presence of salmonellae shall be in accordance with the procedures outlined in paragraph (p) of this section and product found to be salmonellae positive shall be reprocessed.

(2) Nonpasteurized or Salmonellae positive egg product may be shipped from an official plant only when it is to be pasteurized, repasteurized or heat treated in another official plant. All shipments of products from one official plant to another for pasteurization, repasteurization or heat treatment shall be in sealed cars or trucks with an accompanying certificate stating that the product is not pasteurized or is Salmo-



nellae positive. If nonpasteurized or Salmonellae positive products are to be stored in other than the official plant facilities, the grader or inspector-in-charge at the consignee and consignor's plants shall be given full knowledge of the disposition of the product, including warehouse inventory receipts, until such time as product is pasteurized, repasteurized or heat treated. The containers of such products shall be marked with the identification mark shown in Figure 5 of § 55.38.

(p) Salmonellae sampling and testing:

(1) Pasteurized egg products shall be sampled and tested for the presence of Salmonellae in a manner prescribed by the National Supervisor.

(2) Dried whites which have been heat treated in the dried form shall be sampled at the rate of one composite sample per lot of not in excess of 4,000 pounds and analyzed for the presence of Salmonellae. Each lot of product must be identified.

(3) Results of laboratory analyses for the presence of Salmonellae shall be made available to the inspector. Such analyses shall be made by a laboratory approved by the National Supervisor and continuing approval will be based on the results of confirmation samples submitted to a USDA laboratory and analyzed at the applicant's expense.

16. Paragraphs (b), (e), (f), and (g) of § 55.79 are hereby amended to read:

**§ 55.79 Candling and transfer-room operations.**

\* \* \* \* \*

(b) Floors, benches, and conveyors shall be cleaned as often as necessary to maintain a clean operation but at least once daily.

\* \* \* \* \*

(e) All shell eggs eligible for breaking shall be placed on conveyors or into containers that are easily cleaned and handled in a manner which will minimize breakage.

(f) Shell eggs shall be handled in a manner to minimize sweating prior to breaking.

(g) Shell eggs with extensively damaged shells unless prohibited under § 55.80(d) shall be placed into leaker trays and shall be broken promptly.

17. Section 55.80 is hereby amended to read:

**§ 55.80 Classifications of shell eggs used in the processing of egg products.**

(a) The shell eggs shall be sorted and classified into the following categories in a manner approved by the National Supervisor:

(1) Eggs listed in § 55.80(d).

(2) Dirty.

(3) Leakers that may be broken.

(4) Eggs from other than chickens. Duck, turkey, guinea and goose eggs may be processed in accordance with § 55.40.

(5) All other eggs—satisfactory breaking stock.

(b) Shell eggs received in cases having strong odors such as kerosene, gasoline, or other odors of a volatile nature, shall be candled and broken separately to

determine their acceptability for egg meat purposes and each container of the resultant frozen product shall be drilled and examined organoleptically.

(c) Shell eggs, when presented for breaking, shall be of edible interior quality and the shell shall be sound and free of adhering dirt and foreign material, except that:

(1) Checks and eggs with a portion of the shell missing may be used when the shell is free of adhering dirt and foreign material and the shell membrane is not ruptured.

(2) Eggs with clean shells which are damaged in candling and/or transfer and have a portion of the shell and shell membrane missing may be used only when the yolk is unbroken and the contents of the egg are not exuding over the outside shell. Such eggs shall be placed in leaker trays and be broken promptly.

(3) Eggs with meat or blood spots may be used if the spots are removed in an acceptable manner.

(d) All loss or inedible eggs shall be placed in a designated container and be handled as required in § 55.77(c). Inedible and loss eggs for the purpose of this section and § 55.83 are defined to include black rots, white rots, mixed rots, green whites, eggs with diffused blood in the albumen or on the yolk, crusted yolks, stuck yolks, developed embryos at or beyond the blood ring state, moldy eggs, sour eggs, any eggs that are adulterated as such term is defined pursuant to the Federal Food, Drug and Cosmetic Act, and any other filthy and decomposed eggs including the following:

(i) Any egg with visible foreign matter other than removable blood and meat spots in the egg meat.

(ii) Any egg with a portion of the shell and shell membrane missing and with egg meat adhering to or in contact with the outside of the shell.

(3) Any egg with dirt or foreign material adhering to the shell and with cracks in the shell and shell membrane.

(4) Any liquid egg recovered from shell egg containers and leaker trays.

(5) Open leakers made in the washing operation.

(6) Any egg which shows evidence that the contents are or have been exuding prior to transfer from the case.

(e) Incubator reject eggs and ova from slaughtered birds of any species shall not be brought into the official plant.

18. Section 55.81 is hereby amended to read:

**§ 55.81 Egg cleaning operations.**

(a) The following requirements shall be met when washing shell eggs to be presented for breaking:

(1) The temperature of the wash water shall be maintained at 90° F. or higher and shall be at least 20° F. warmer than the temperature of the eggs to be washed.

(2) An approved cleaning compound shall be used in the wash water.

(3) The washing operation shall be continuous and eggs shall not be allowed to stand or soak in water.

(4) Remedial measures shall be taken to prevent excess foaming during the egg washing operation.

(5) Washed eggs shall be spray-rinsed with an approved sanitizing agent of not less than 100 p.p.m. nor more than 200 p.p.m. of available chlorine or its equivalent.

(6) Immersion-type washers shall not be used after January 1, 1968.

(b) Shell eggs shall not be washed in the breaking room or any room where edible products are processed.

(c) Shell eggs shall be sufficiently dry at time of breaking to prevent contamination or adulteration of the liquid egg product from free moisture on the shell.

(d) Washed eggs shall be immediately broken after they are dried.

**§ 55.82 [Amended]**

19. Paragraph (o) of § 55.82 is hereby deleted.

20. Paragraphs (k), (y), and (bb) of § 55.83 are hereby amended and paragraph (o) is deleted as follows:

**§ 55.83 Breaking room operations.**

\* \* \* \* \*

(k) Inedible and loss eggs as defined in § 55.80(d) apply to this section.

\* \* \* \* \*

(o) [Deleted]

\* \* \* \* \*

(y) Dump tanks, draw-off tanks and churns shall be flushed at least every 4 hours. All such equipment and all other liquid handling equipment unless cleaned by acceptable in-place cleaning methods, shall be dismantled and cleaned after each shift. Pasteurization equipment shall be thoroughly cleaned at the end of each day's production or more often if necessary. All such equipment shall be thoroughly flushed with a sanitizing solution and thoroughly drained prior to placing in use.

\* \* \* \* \*

(bb) Metal containers and lids for other than dried products shall be thoroughly washed, rinsed, sanitized, and drained immediately prior to filling, except that if equally effective measures approved by the National Supervisor in writing are followed to assure clean and sanitary containers at the time of filling, the foregoing sequence shall not be required.

\* \* \* \* \*

**§ 55.84 [Deleted]**

21. Section 55.84 is hereby deleted.

22. Section 55.85 is hereby amended to read:

**§ 55.85 Liquid egg cooling.**

(a) Liquid egg storage rooms, including surface coolers and holding tank rooms, shall be kept clean, free from objectionable odors and condensation. Surface coolers and all liquid holding vats containing pasteurized product shall be kept covered while in use. Liquid cooling units shall be of approved construction and have sufficient capacity to cool all liquid eggs to the temperature requirements specified in this section.



(b) Compliance with temperature requirements applying to liquid eggs shall be considered as satisfactory only if the entire mass of the liquid meets the requirements.

(c) Unless the resultant liquid egg is immediately mechanically cooled to the temperatures specified in this section for each product, all shell eggs shall be cooled to temperatures that will result in liquid egg product not exceeding a temperature of 70° F. during processing, other than while being stabilized or pasteurized.

(d) Liquid egg product which is not to be held in excess of 8 hours and which is not subjected to immediate stabilization or pasteurization shall be cooled and maintained at the following temperatures within 2 hours from time of breaking:

(1) Liquid whites, except whites that are to be stabilized and dried—55° F. or lower.

(2) Liquid whites that are to be stabilized by removal of glucose and dried—70° F. or lower: *Provided*, That the stabilization process is begun within 8 hours from time of breaking.

(3) Liquid egg product to which 10 percent salt has been added—60° F.: *Provided*, That immediately after processing product is packaged and placed in a freezer.

(4) All other liquid egg product—45° F. or lower.

(e) For liquid egg product other than stabilized liquid egg product which is to be held in excess of 8 hours; liquid whites shall be cooled and maintained at a temperature of 55° F. or lower, and all other liquid egg product shall be cooled and maintained at a temperature of 40° F. or lower, within 2 hours from time of breaking.

(f) Stabilized liquid whites shall be dried as soon as possible after removal of glucose and the storage of stabilized liquid white shall be limited to that necessary to provide a continuous operation. All other stabilized liquid egg product, if held 8 hours or less, shall be cooled to 45° F. or lower, and if held longer than 8 hours, shall be cooled to 40° F. or lower unless immediately dried or pasteurized following stabilization. The cooling process shall be started immediately after stabilization and completed within 3 hours for all stabilized liquid egg products except whites.

(g) Pasteurized liquid whites shall be cooled to 55° F. or less. All other pasteurized liquid egg product, unless immediately dried or stabilized following pasteurization, shall be cooled to 45° F. or lower if held 8 hours or less or to 40° F. or lower if held longer than 8 hours. The cooling process shall be started immediately following pasteurization and completed within 2 hours.

(h) Upon written request and under such conditions as may be prescribed by the National Supervisor, liquid cooling and handling temperatures not otherwise provided for in this section may be approved.

(i) Agitators shall be operated in such a manner as will minimize foaming.

(j) When ice is used as an emergency refrigerant by being placed directly into the egg meat, the source of the ice must be certified by the local or State Board of Health. Such liquid shall not be frozen and identified with the Department legend, but it may be dried and so identified. All ice shall be handled in a sanitary manner.

23. Paragraph (a) of § 55.86 is hereby amended to read:

#### § 55.86 Liquid egg holding.

(a) All tanks, vats, drums, or cans used for holding liquid eggs shall be of approved construction, fitted with covers and located in rooms maintained in a sanitary condition.

24. Paragraph (i) of § 55.91 is hereby amended to read:

#### § 55.91 Spray process drying facilities.

(i) Sifters shall be constructed of an approved metal or metal lined interior. The sifting screens and frames shall be of an approved metal construction and shall be no coarser than the opening size specified for No. 10 mesh (U.S. Bureau of Standards). Sifters shall be so constructed that accumulations of large particles or lumps of dried eggs can be removed continuously while the sifters are in operation.

25. Paragraph (a) of § 55.92 is hereby amended to read:

#### § 55.92 Spray process drying operations.

(a) The drying room shall be kept in a dust-free condition at all times and shall be free of flies, insects, and rodents. A packaging room with a filtered positive air ventilation system shall be provided in an area separate from other processing operations prior to May 1, 1967.

26. Subparagraph (4) of § 55.93(b) is hereby amended to read:

#### § 55.93 Spray process powder; definitions and requirements.

(b) . . . . .  
(4) When deemed necessary a resident inspector shall draw a representative sample to be scored for palatability. A lot scoring  $6\frac{1}{2}$  or higher is eligible for identification with the inspection mark as provided in § 55.36. A lot scoring 4 to 6, inclusive, may be officially identified as provided in § 55.38. Powder scoring less than  $6\frac{1}{2}$  shall not be blended with higher scoring powder, if the resultant finished product is to be officially identified as provided in § 55.36. Powder, including sweep-down powder, scoring less than  $6\frac{1}{2}$  but not lower than 4 may be officially identified as provided in § 55.38.

27. Paragraph (b) of § 55.101 is hereby amended to read:

#### § 55.101 Pasteurization of liquid eggs.

(b) *Pasteurizing operations.* Strained and filtered liquid whole egg shall be flash heated to not less than 140° F. and held at this temperature for not less than  $3\frac{1}{2}$  minutes. All other egg products shall be flash heated to such temperatures and held for such times as will give equivalent effects and result in a salmonellae negative product. The flow diversion valve shall be adjusted so that all liquid not meeting the temperature requirements shall be diverted to a receiving tank. The sanitary pipe leading from the flow diversion valve shall be dismantled, cleaned, and sanitized and the flow diversion valve flushed with cold water whenever a 30-minute time interval has elapsed between use and reuse. The pasteurizing equipment shall be dismantled, cleaned, and sanitized at the end of each day's operation. If the eggs are pasteurized within 30 minutes after time of breaking, they need not be chilled to 45° F. prior to pasteurization. Immediately after pasteurization, the liquid eggs shall be cooled as provided in § 55.85 unless they are dried immediately.

28. Section 55.103 is hereby amended to read:

#### § 55.103 Heat treatment of whites.

Where heat treating of dried whites is required, product shall be heated throughout for such times and at such temperatures as will result in salmonellae negative product.

Done at Washington, D.C., this 23d day of November 1966, to become effective January 1, 1967.

G. R. GRANGE,  
Deputy Administrator,  
Marketing Services.

[F.R. Doc. 66-12817; Filed, Nov. 28, 1966; 8:48 a.m.]

### Chapter III—Agricultural Research Service, Department of Agriculture

[P.F.C. 624, 12th Rev.]

### PART 301—DOMESTIC QUARANTINE NOTICES

#### Subpart—Soybean Cyst Nematode

##### REGULATED AREAS

##### Correction

In F.R. Doc. 66-12116, appearing at page 14339 of the issue for Tuesday, November 8, 1966, the following corrections are made in § 301.79-2a, under Virginia:

1. In the fourth paragraph in the first column of page 14345, the words "the R. E. Hedgebeth" should read "Claudie Hedgebeth".

2. In the third column of page 14345, the matter which appears as the sixth paragraph should appear as two separate paragraphs. The two paragraphs should read as follows:

The property owned by Marlon B. and Clarine G. King, located on the east side of



State Road 642, 0.7 mile north of the junction of State Roads 642 and 674.

The property owned by Marlon B. and Clarine G. King, located on the east side of State Road 642, 0.9 mile north of the junction of State Roads 642 and 674.

**Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture**

**PART 913—GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA**

**Expenses and Rate of Assessment**

On November 5, 1966, notice of rule making was published in the *FEDERAL REGISTER* (31 F.R. 14316) regarding proposed expenses and the related rate of assessment for the period beginning August 1, 1966, and ending July 31, 1967, pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913) regulating the handling of grapefruit grown in the Interior District in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Interior Grapefruit Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

**§ 913.202 Expenses and rate of assessment.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Interior Grapefruit Marketing Committee during the period August 1, 1966, through July 31, 1967, will amount to \$40,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 913.31, is fixed at \$0.005 per standard packed box of grapefruit.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 553 (1966)) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid period, and (2) such period began on August 1, 1966, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 23, 1966.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-12818; Filed, Nov. 28, 1966; 8:48 a.m.]

**PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY**

**Expenses and Rate of Assessment**

Notice of rule making regarding the proposed expenses and rate of assessment to be effective under Marketing Agreement No. 114, as amended, and Order No. 947, as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and all Counties in Oregon except Malheur County, was published in the October 26, 1966, *FEDERAL REGISTER* (31 F.R. 13758). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the *FEDERAL REGISTER*. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

**§ 947.219 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1966, and ending June 30, 1967, by the Oregon-California Potato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to \$24,465.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be four-tenths of one cent (\$0.004) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1967, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 553 (1966)), in that: (1) The relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began July 1, 1966, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 23, 1966.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-12821; Filed, Nov. 28, 1966; 8:48 a.m.]

**PART 959—ONIONS GROWN IN SOUTH TEXAS**

**Expenses and Rate of Assessment**

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959) regulating the handling of onions grown in designated counties in South Texas, was published in the October 28, 1966, *FEDERAL REGISTER* (31 F.R. 13862). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the *FEDERAL REGISTER*. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, which were recommended by the South Texas Onion Committee, established pursuant to the said marketing agreement and this part, it is hereby found and determined that:

**§ 959.207 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning August 1, 1966, through July 31, 1967, by the South Texas Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to \$34,000.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be one cent (\$0.01) per 50-pound sack of onions, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1967, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable onions from the beginning of such period, and (2) the current fiscal period



began August 1, 1966, and the rate of assessment herein fixed will automatically apply to all assessable onlons beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 23, 1966.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and  
Vegetable Division, Consumer  
and Marketing Service.

[F.R. Doc. 66-12792; Filed, Nov. 28, 1966;  
8:46 a.m.]

## PART 993—DRIED PRUNES PRO- DUCED IN CALIFORNIA

### Subpart—Administrative Rules and Regulations

#### REPORTS OF HOLDINGS, RECEIPTS, USES, AND SHIPMENTS

Notice was published in the November 9, 1966, issue of the *FEDERAL REGISTER* (31 F.R. 14402) regarding proposed amendment of the Subpart—Administrative Rules and Regulations (7 CFR Part 993; 31 F.R. 2777, 5751, 13751). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal, and comments were submitted by one person.

After consideration of all relevant matter presented, including that in the notice, the views submitted pursuant to the notice, information from the Prune Administrative Committee, and other available information, it is found that the amendment of the Subpart—Administrative Rules and Regulations, as hereinafter set forth, is in accordance with this part, will tend to effectuate the declared policy of the act, and should become effective at the times provided herein.

Therefore, it is hereby ordered, That § 993.172 is revised as follows:

1. Effective 30 days after publication hereof in the *FEDERAL REGISTER*, the section heading of § 993.172 and the provisions of paragraph (d) thereof are revised to read, respectively:

§ 993.172 Reports of holdings, receipts  
uses, and shipments.

(d) *Shipments by handlers.* Beginning in 1967 and prior to the 10th calendar day of each month, each handler shall file with the committee a signed report on Form PAC 12.1, "Report of Shipments" reporting shipments of prunes during the crop year through the last day of the month immediately preceding. Such report shall contain at least the following information:

(1) The date, the name, and address of the handler, and the period covered by the report;

(2) The poundages of prunes shipped or otherwise disposed of, other than shipments to or for the account of other handlers, as follows: (i) Domestic outlets segregated by uses (including Federal Government agencies); (ii) export markets, segregated by countries; (iii) both domestic and export totals segregated by type of pack (carton, visipak, and other), and (iv) pitted prunes (pitted weight) segregated as to total to domestic outlets and total to export markets;

(3) The total poundage shipped to or for the account of other handlers, including interhandler transfers; and

(4) The total poundage of prunes not covered by, or excluded from, the definition of the term "prunes" (§ 993.5) shipped.

2. Effective January 12, 1967, paragraph (c) of § 993.172 is deleted.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated November 23, 1966, to become effective at the times specified herein.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Veg-  
etable Division, Consumer and  
Marketing Service.

[F.R. Doc. 66-12819; Filed, Nov. 28, 1966;  
8:48 a.m.]

## Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agri- culture

[Milk Order 12]

### PART 1012—MILK IN TAMPA BAY MARKETING AREA

#### Order Amending Order

#### § 1012.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tampa Bay marketing area. Upon the basis of the evidence intro-

duced at such hearings and the records thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than December 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decisions of the Deputy Administrator, Regulatory Programs, were issued on September 12, 1966, and October 17, 1966, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued November 3, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective December 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the *FEDERAL REGISTER*. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handing.* It is therefore ordered, that on and after the ef-



fective date hereof, the handling of milk in the Tampa Bay marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1012.7 is revised to read as follows:

**§ 1012.7 Fluid milk product.**

"Fluid milk product" means milk (including frozen and concentrated milk), flavored milk, or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers or milk shake mix.

2. Section 1012.13 is revised to read as follows:

**§ 1012.13 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a non-pool plant for the account of such cooperative association;

(d) A cooperative association with respect to milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; and

(f) A producer-handler.

3. Section 1012.14 is revised to read as follows:

**§ 1012.14 Producer-handler.**

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant from which the Class I disposition (except that represented by nonfat solids used in the fortification of fluid milk products) is entirely from his own farm production;

(b) Receives no fluid milk products from sources other than his own farm production; and

(c) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all fluid milk products handled and the operation of the processing and packaging business are his personal enterprise and risk.

4. Section 1012.16(a) is revised to read as follows:

**§ 1012.16 Producer milk.**

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1012.13(d): *Provided*, That if the milk received at a pool plant from a handler pursuant to § 1012.13(d) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler pursuant to § 1012.13(d) at the location of the pool plant; or

5. Section 1012.30 is revised to read as follows:

**§ 1012.30 Reports of receipts and utilization.**

On or before the 7th day after the end of each month, each handler, except a handler pursuant to § 1012.13 (e) or (f), shall report to the market administrator for such month with respect to each plant at which milk is received, reporting in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Producer milk (including such handler's own production) or, in the case of handlers pursuant to § 1012.13 (b), milk received from dairy farmers;

(2) Fluid milk products and Class II products received from pool plants of other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1012.16; and

(5) Inventories of fluid milk products and Class II products at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

6. In § 1012.31, the introductory text of paragraph (a) is revised to read as follows:

**§ 1012.31 Producer payroll reports.**

(a) Each handler pursuant to § 1012.13 (a), (c), and (d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

7. In § 1012.32, a new paragraph (c) is added to read as follows:

**§ 1012.32 Other reports.**

(c) Each handler pursuant to § 1012.13(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

8. Section 1012.41(c)(5) is revised to read as follows:

**§ 1012.41 Classes of utilization.**

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1012.16) but not in excess of:

(i) Two percent of producer milk (except that received from a handler pursuant to § 1012.13(d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1012.13(d): *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler;

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

9. The introductory text of § 1012.60 is revised to read as follows:

**§ 1012.60 Computation of the net pool obligation of each handler.**

The net pool obligation of each handler pursuant to § 1012.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: December 1, 1966.

Signed at Washington, D.C., on November 23, 1966.

GEORGE L. MEHREN,  
Assistant Secretary.

[F.R. Doc. 66-12820; Filed, Nov. 28, 1966; 8:48 a.m.]



# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[ 7 CFR Part 301 ]

MASSACHUSETTS, NEW JERSEY,  
OHIO, AND PENNSYLVANIA

European Chafer; Hearing on  
Extension of Quarantine

The Deputy Administrator of the Agricultural Research Service has information that the European chafer, *Amphimallon majalis* (Razoumowsky), a dangerous insect injurious to cultivated crops, lawns, and pastures, which previously has been found to exist in certain parts of the States of Connecticut and New York, has been discovered in certain parts of the States of Massachusetts, New Jersey, Ohio, and Pennsylvania.

Notice is hereby given that it is proposed under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), to quarantine the States of Massachusetts, New Jersey, Ohio, and Pennsylvania, and to regulate, under the European chafer quarantine and supplemental regulations (7 CFR 301.77, 301.77-1 et seq.), the movement from these States, or areas therein where the European chafer has been discovered or other basis for regulation exists, into or through any other State, Commonwealth, Territory, or District of the United States of (1) forest, field, nursery, and greenhouse-grown woody or herbaceous plants with roots and grass sod; (2) plant crowns and roots for propagation; true bulbs, corms, tubers, and rhizomes, when freshly harvested or uncured; (3) soil, whether independent of or associated with plants; and used soil-moving equipment; and (4) any other products and articles, or means of conveyance, of any character whatsoever, not heretofore designated, when it is determined by the inspector that they present a hazard of the spread of European chafers, and the person in possession thereof has been so notified.

Further, notice is hereby given under the administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Research Service proposes to amend the European chafer quarantine and administrative instructions thereunder (7 CFR 301.77, 301.77-2a) by adding Massachusetts, New Jersey, Ohio, and Pennsylvania, to the States designated as quarantined and specifying regulated areas in said States for purposes of the regulations, if it is determined that such action is necessary.

A public hearing to consider the above proposals will be held before a rep-

resentative of the Agricultural Research Service in Room 2106, State Office Building, 100 Cambridge Street, Boston, Mass., at 10 a.m., e.s.t., on December 14, 1966, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals.

Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, on or before December 14, 1966, or with the presiding officer at the hearing. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 21st day of November 1966.

[SEAL]

R. J. ANDERSON,  
Acting Administrator,  
Agricultural Research Service.

[F.R. Doc. 66-12791; Filed, Nov. 28, 1966;  
8:46 a.m.]

## Consumer and Marketing Service

[ 7 CFR Part 967 ]

CELERY GROWN IN FLORIDA

Proposed Expenses and Rate of  
Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment, as hereinafter set forth, for the fiscal year ending July 31, 1967. These were recommended by the Florida Celery Committee, established pursuant to Marketing Agreement No. 149 and Marketing Order No. 967 (7 CFR 967; 30 F.R. 14266), herein referred to collectively as the "order." The order regulates the handling of celery grown in Florida, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 967.202 Expenses and rate of assessment.

(a) The expenses that are reasonable and likely to be incurred during the fiscal year August 1, 1966, through July 31, 1967, by the Florida Celery Committee for its maintenance and functioning and for such purposes as the Secretary may determine to be appropriate, will amount to \$38,500.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one half of one cent (\$0.005) per crate of celery handled by him as the first handler thereof during said fiscal year.

(c) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601, 674)

Dated: November 23, 1966.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-12822; Filed, Nov. 28, 1966;  
8:48 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[ 45 CFR Part 301 ]

FEDERAL CREDIT UNIONS

Organization and Operation

Notice is hereby given pursuant to the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U.S.C. 1003) that the regulations set forth below in tentative form are proposed to be prescribed by the Director of the Bureau of Federal Credit Unions with the approval of the Commissioner of Social Security and the Secretary of Health, Education, and Welfare.

Because of the steadily increasing interest by Federal credit unions in the maintenance of their accounting records by outside accounting service centers and in order to set forth appropriate guidelines within which Federal credit unions will be permitted to provide for such outside maintenance of their accounting records, Part 301 is amended by adding the following sections thereto:

§ 301.26 Purchase of accounting services.

A Federal credit union may purchase accounting services for the maintenance of all or a portion of its accounting rec-



ords. As used in this section the term "accounting services" means the maintenance of bookkeeping, accounting, or other records related to the purposes and functions of a credit union, by manual, mechanical, or electronic methods, and the furnishing of reports and information derived from such records. Any purchase of accounting services shall be evidenced by a written agreement the terms and conditions of which shall expressly include a provision requiring compliance with § 301.14, and a provision requiring the vendor to make any accounting records of the Federal credit union in his possession immediately available for examination by the Bureau. A Federal credit union purchasing accounting services shall notify the Regional Representative in writing of the arrangement at least 60 days prior to the date on which such services shall commence. Such notice shall disclose the name and address of the vendor and information with respect to the records to be maintained and the method to be used. A Federal credit union shall notify the Regional Representative in writing at least 60 days prior to the discontinuance of the arrangement. A Federal credit union, in addition to regular payments for services as provided under the written agreement, shall not pay in advance the actual or estimated charges for more than 3 months services. Where such advance payment is made it shall be amortized over a period not in excess of the period of the written agreement. No official or employee of a Federal credit union shall be engaged directly in the management or operation of the accounting service purchased pursuant to this section.

#### § 301.27 Participation in accounting service center.

(a) A Federal credit union may participate with one or more other credit unions (either Federal or State chartered) in the establishment or maintenance of an accounting service center, the functions, facilities, and operations of which are limited to providing data processing services only for such participating credit unions. As used in this section the term "data processing services" means the maintenance of bookkeeping, accounting, or other records related to the purposes and functions of a credit union, primarily by mechanical or electronic methods, and the furnishing of reports and information derived from such records. Participation in the accounting service center may be by means of a partnership or other non-corporate arrangement between or among the participating credit unions or by participation in an accounting service center corporation organized for the sole purpose of providing data processing services to the participating credit unions, through ownership of a proportionate amount of the capital stock of such a corporation, provided that the remaining capital stock of such corporation is available for ownership only by the participating credit unions. A Federal credit union's proportionate ownership of the accounting service center

shall be in similar proportion to the total ownership of the center as the facilities and services used by the Federal credit union bears as a percentage of the total facilities and services provided by the accounting service center to all the participating credit unions, but shall not exceed 2 percent of its members' shareholdings. Ownership by the participating credit unions will be reviewed not less frequently than every 2 years and adjusted among them as necessary to bring such ownership into conformity with the percentage of the total facilities and services of the accounting service center used by each of them.

(b) A Federal credit union may not participate in the establishment or maintenance of an accounting service center unless the arrangement provides, (1) that the operating costs of the accounting service center shall be charged to each of the participating credit unions in such proportion to the total operating costs as the facilities and services used by each bears as a percentage to the total facilities and services used by all of them; (2) that each participating credit union will have in its records current information disclosing, (i) the name of each participant, (ii) the proportion and amount of ownership of each in the accounting service center, (iii) the proportion of the facilities and services used by each, (iv) the current total operating costs of the accounting service center, and (v) the proportion and the amount of the total operating costs charged to each of the participating credit unions; (3) that the accounting service center shall establish and maintain the records of participating Federal credit unions in accordance with the requirements of § 301.14; and (4) that the records of participating Federal credit unions in possession of the accounting service center shall be available immediately for examination by the Bureau. No official or employee of a participating Federal credit union may receive any compensation or remuneration from the accounting service center.

(c) Each Federal credit union participating in an accounting service center shall notify the Regional Representative in writing of the arrangement at least 60 days prior to the date on which such participation shall commence. Such notice shall disclose the name and address of the accounting service center, the name of its managing officer, and shall provide information on the records to be maintained and the method to be used for that purpose. A Federal credit union shall notify the Regional Representative in writing at least 60 days prior to discontinuing its participation in an accounting service center.

#### § 301.28 Separate operations and activities.

The operations and activities of each Federal credit union, other than services purchased pursuant to section 301.26 or participated in pursuant to § 301.27, shall be carried on at a location or office physically separated from similar operations and activities of any other credit

union or financial institution unless specific approval is granted by the Director.

The proposed amendments to Part 301 are issued under authority contained in section 21 of the Federal Credit Union Act, 73 Stat. 635, 12 U.S.C. 1766.

Prior to the official adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Director of the Bureau of Federal Credit Unions, Department of Health, Education, and Welfare, Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 31, 1966.

[SEAL] J. DEANE GANNON,  
Director,  
Bureau of Federal Credit Unions.

Approved: September 23, 1966.

ROBERT M. BALL,  
Commissioner of Social Security.

Approved: November 19, 1966.

WILBUR J. COHEN,  
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 66-12804; Filed, Nov. 28, 1966;  
8:47 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 71 ]

[Airspace Docket No. 66-EA-79]

### CONTROL ZONE

#### Proposed Alteration

The Federal Aviation Agency is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Richmond, Va., control zone.

The Richmond, Va., control zone, in part, provides airspace protection for the Byrd Field VOR-6 instrument approach procedure which has been canceled. Therefore, there will be no requirement for the control zone extension based on the Richmond 230° true radial.

A new VOR-20 instrument approach procedure to Byrd Field has been authorized. This procedure will require an additional control zone extension based on the Richmond 005° magnetic (359° true) radial.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace and Standards Branch, Eastern Region.



Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a review of the airspace requirements for the terminal area of Richmond, Va., proposes the airspace action hereinafter set forth:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Richmond, Va., control zone, the letters and numerals, "230°" and "SW" and insert in lieu thereof, "359°" and "N".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on November 9, 1966.

WAYNE HENDERSHOT,  
Deputy Director, Eastern Region.

[F.R. Doc. 66-12780; Filed, Nov. 28, 1966; 8:45 a.m.]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 66-EA-80]

#### TRANSITION AREA

##### Proposed Alteration

The Federal Aviation Agency is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Waterville, Maine, 700-foot floor transition area.

A new VOR/DME and alteration of the ADF instrument approach procedure to Robert LaFleur Airport, Waterville, Maine, has recently been authorized. To provide airspace protection for these procedures, an alteration of the 700-foot floor transition area at Waterville, Maine, will be required.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted

in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a review of the airspace requirements for the terminal area of Waterville, Maine, proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Waterville, Maine, 700-foot floor transition area and insert in lieu thereof the following:

#### WATERVILLE, MAINE

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the center (44°32'10" N., 69°40'30" W.) of Robert LaFleur Airport, Waterville, Maine; within 2 miles each side of a 210° bearing from Waterville RBN (44°30'26" N., 69°41'48" W.) extending from the 5 mile radius area to 8 miles SW of the RBN and within 2 miles each side of the Augusta, Maine, VOR 022° radial extending from the 5-mile radius area to 9 miles north of the VOR excluding the portion that coincides with the Augusta, Maine, 700-foot floor transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on November 10, 1966.

WAYNE HENDERSHOT,  
Deputy Director, Eastern Region.

[F.R. Doc. 66-12781; Filed, Nov. 28, 1966; 8:45 a.m.]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 66-EA-86]

#### TRANSITION AREA

##### Proposed Designation

The Federal Aviation Agency is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part time 700-foot floor transition area over Oneonta Municipal Airport, Oneonta, N.Y.

A new instrument approach procedure has been published to Oneonta Municipal Airport, and, to provide airspace protection for IFR arrival and departure procedures, the designation of a part time 700-foot floor transition area will be required.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Ken-

nedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The Federal Aviation Agency, having completed a review of the airspace requirements for the terminal area of Oneonta, N.Y., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part time 700-foot floor transition area for Oneonta, N.Y., as follows:

#### ONEONTA, NEW YORK

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (42°31'26" N., 75°03'56" W.), of Oneonta Municipal Airport, Oneonta, N.Y.; and within 2 miles each side of the Rockdale VOR 066° radial, extending from the 5-mile radius area to the Rockdale VOR, excluding the portion within the Sidney, N.Y. transition area. This transition area shall be effective from sunrise to sunset, daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on November 10, 1966.

WAYNE HENDERSHOT,  
Deputy Director, Eastern Region.

[F.R. Doc. 66-12782; Filed, Nov. 28, 1966; 8:45 a.m.]

#### [ 14 CFR Part 73 ]

[Airspace Docket No. 66-EA-48]

#### RESTRICTED AREA

##### Proposed Alteration

##### Correction

In F.R. Doc. 66-12556, appearing at page 14745 of the issue for Saturday, November 19, 1966, the following corrections are made in the restricted area R-5001, Fort Dix, N.J.:

1. Under Subarea A, the fifth line should be deleted.

2. Under Subarea B, in the seventh line, "to latitude 39°53'45" " should read "to latitude 39°58'45" ".



# Notices

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

**MERLIN L. ALSON**

### Notice of Granting of Relief Pursuant to Federal Firearms Act

Notice is hereby given that Merlin L. Alson, R.R. No. 3, Elkhart, Indiana, has applied, pursuant to section 10 of the Federal Firearms Act (15 U.S.C. 910), for relief from the disabilities under the Act incurred by reason of his conviction November 28, 1951, in St. Joseph County, Ind., Superior Court One, for a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it would be unlawful for Merlin L. Alson, because of such conviction, to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearms or ammunition or to receive firearms or ammunition so shipped, and he would be prevented from obtaining a license under the Act as a firearms dealer or firearms manufacturer. Notice is further given that having considered Merlin L. Alson's application and by reason of having found that—

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of the Federal Firearms Act or of the National Firearms Act;

(2) The applicant has, for many years, been a respected citizen in his community and he was granted a full pardon on January 6, 1965, by the Governor of the State of Indiana; and

(3) It has been established to my satisfaction that the circumstances regarding the conviction and Merlin L. Alson's record and reputation subsequent to his conviction are such that he will not be likely to conduct his operations in an unlawful manner and that the granting to Merlin L. Alson of relief from disabilities under the Federal Firearms Act incurred by reason of his conviction would not be contrary to the public interest: *It is ordered*, That, pursuant to the authority vested in the Secretary of the Treasury by section 10 of the Federal Firearms Act (15 U.S.C. 910) and delegated to me by Treasury Decision 6897, as set out in § 177.31(c) of Internal Revenue Regulations (26 CFR 177.31(c)), Merlin L. Alson be, and hereby is, granted relief from any and all disabilities under the Federal Firearms Act, as amended, incurred by reason of the conviction hereinabove described.

‘Signed at Washington, D.C., this 23d day of November 1966.

**SHELDON S. COHEN,**  
Commissioner of Internal Revenue.

[F.R. Doc. 66-12816; Filed, Nov. 28, 1966; 8:48 a.m.]

**JOHN S. WARCHAK**

### Notice of Granting of Relief Pursuant to Federal Firearms Act

Notice is hereby given that John S. Warchak, 563 Walnut Street, Macon, Ga., has applied, pursuant to section 10 of the Federal Firearms Act (15 U.S.C. 910), for relief from the disabilities under the Act incurred by reason of his conviction, January 19, 1944, by a general court-martial convened at Camp Claiborne, La., for crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John S. Warchak, because of such conviction, to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearms or ammunition or to receive firearms or ammunition so shipped, and he would be prevented from obtaining a license under the Act as a firearms dealer or firearms manufacturer. Notice is further given that having considered John S. Warchak's application and by reason of having found that—

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of the Federal Firearms Act or of the National Firearms Act;

(2) The applicant, by his subsequent conduct, has established himself as a prominent, respected, citizen in his community; and

(3) It has been established to my satisfaction that the circumstances regarding the conviction and John S. Warchak's record and reputation subsequent to his conviction are such that the granting to John S. Warchak of relief from disabilities under the Federal Firearms Act incurred by reason of his conviction would not be contrary to the public interest: *It is ordered*, That, pursuant to the authority vested in the Secretary of the Treasury by section 10 of the Federal Firearms Act (15 U.S.C. 910) and delegated to me by Treasury Decision 6897, as set out in § 177.31(c) of Internal Revenue Regulations (26 CFR 177.31(c)), that John S. Warchak be, and he hereby is, granted relief from any and all disabilities under the Federal Firearms Act, as amended, incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 25th day of November 1966.

**SHELDON S. COHEN,**  
Commissioner of Internal Revenue.

[F.R. Doc. 66-12860; Filed, Nov. 28, 1966; 8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. C-249]

**FREDERICK N. WEDEL**

### Notice of Loan Application

Frederick N. Wedel, Post Office Box 193, Bodega Bay, Calif. 94923, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 40.9-foot registered length wood vessel to engage in the fishery for salmon, albacore, and Dungeness crabs.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

**HAROLD E. CROWTHER,**  
Acting Director,  
Bureau of Commercial Fisheries.

NOVEMBER 23, 1966.

[F.R. Doc. 66-12802; Filed, Nov. 28, 1966; 8:47 a.m.]

### National Park Service

#### OLYMPIC NATIONAL PARK

#### Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Louis L. and Helen M. Perkins, husband and wife, authorizing them to continue to provide accommodations, facilities, and services for the public in Olympic National Park for a period of five (5) years from January 1, 1967, through December 31, 1971.

The foregoing concessioners have performed their obligations under a prior contract to the satisfaction of the National Park Service and, therefore, pur-



suant to the Act cited above, are entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Service is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Director of the National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: November 18, 1966.

HARTHON J. BILL,  
Acting Assistant Director.

[F.R. Doc. 66-12789; Filed, Nov. 28, 1966;  
8:46 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 17881]

### EL AL ISRAEL AIRLINES, LTD.

#### Notice of Hearing

Application of El Al Israel Airlines, Ltd., for the amendment of its foreign air carrier permit to designate Gernay, Austria, and Cyprus as additional intermediate countries, within which it may serve one or more points on its route between a terminal point in Israel, intermediate points in certain European nations, the United Kingdom, Ireland, Greenland, the Azores, Canada, and the terminal point New York, N.Y.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on December 14, 1966, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Hearing Examiner.

For further information concerning the issues involved and other matters in this proceeding, interested persons are referred to the report of prehearing conference, served November 17, 1966, and other documents on file in the above docket in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 22, 1966.

[SEAL] LESLIE G. DONAHUE,  
Hearing Examiner.

[F.R. Doc. 66-12799; Filed, Nov. 28, 1966;  
8:47 a.m.]

### PACIFIC AIR FREIGHT, INC.

#### Notice of Application for Tariff-Filing Authority Pickup and Delivery Zone

NOVEMBER 23, 1966.

In accordance with Part 222 (14 CFR Part 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 17972, from Pacific Air Freight, Inc., 206 Colman Building, Seattle, Wash., for authority to extend the pickup and delivery zone applicable to airfreight at

Wichita, Kans., to include Hutchinson, Kans.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and 19 copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12800; Filed, Nov. 28, 1966;  
8:47 a.m.]

[Docket No. 17951]

### WESTERN-PACIFIC NORTHERN MERGER

#### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 15, 1966, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ralph L. Wiser.

In order to facilitate the conduct of the conference, interested parties are instructed to submit on or before December 9, 1966, (1) motions pertaining to the scope of the issues in this proceeding; (2) proposed statements of issues; (3) proposed stipulations; (4) requests for information; (5) statements of positions of parties; and (6) proposed procedural dates.

The motions referred to in (1) above, shall be filed with the Docket Section in accordance with the Board's rules of practice in economic proceedings and copies thereof shall be served on the parties and the Examiner. The balance of the written submissions called for by this notice shall be made to the Examiner, with copies served on interested parties, but shall not be filed with the Docket Section.

Dated at Washington, D.C., November 23, 1966.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 66-12801; Filed, Nov. 28, 1966;  
8:47 a.m.]

## DEPARTMENT OF COMMERCE

### Bureau of the Census

#### SURVEY OF DISTRIBUTORS STOCKS OF CANNED FOODS

##### Notice of Determination

In conformity with Title 13 U.S.C. 181, 224, and 225, and due notice of consideration having been published October 28, 1966 (31 F.R. 13867), I have de-

termined that year-end data on stocks of 30 canned and bottled products, including vegetables, fruits, juices, and fish, are needed to aid the efficient performance of essential governmental functions, and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other governmental sources. This is a continuation of the survey conducted in previous years.

All respondents will be required to submit information covering their December 31, 1966, inventories of 30 canned and bottled vegetables, fruits, juices, and fish. Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods, in order to provide year-end inventories of the specified canned food items with measured reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." In addition, a number of selected multiunit firms will be requested to provide information on the location of establishments maintaining canned food stocks that are not currently reporting in the Canned Food Survey.

Report forms will be furnished to firms covered by the survey. Additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Reports are due 8 days after receipt of the report forms.

I have therefore directed that this annual survey be conducted for the purpose of collecting these data.

Dated: November 17, 1966.

A. ROSS ECKLER,  
Director, Bureau of the Census.

[F.R. Doc. 66-12775; Filed, Nov. 28, 1966;  
8:45 a.m.]

## CIVIL SERVICE COMMISSION

### GEOPHYSICISTS

#### Notice of Adjustment of Minimum Rates and Rate Ranges

1. Under the authority of 5 U.S.C. 5303 (formerly section 504 of the Federal Salary Reform Act of 1962) the Civil Service Commission has authorized certain adjustments in special salary rate coverage with respect to positions in the Geophysics series, GS-1313. These adjustments result from the issuance of revised position classification standards which have eliminated all specializations formerly authorized within this series.

2. Effective with the retitling of Geophysicist positions under the new standards, the special minimum salary rates authorized for all such positions, in grades GS-5 through GS-11, will be equal to the indicated rate on the current statutory salary schedule:



GS-5 minimum equal to seventh rate of regular range.  
 GS-6 minimum equal to seventh rate of regular range.  
 GS-7 minimum equal to seventh rate of regular range.  
 GS-8 minimum equal to fifth rate of regular range.  
 GS-9 minimum equal to fourth rate of regular range.  
 GS-10 minimum equal to second rate of regular range.  
 GS-11 minimum equal to second rate of regular range.

Corresponding adjustments are made in the other rates in each rate range.

3. Employees in positions which were classified prior to the standards change as Geophysicist (Exploration), GS-5 through GS-11 shall, on the effective date of the retitling of their positions, have their rates fixed, under § 530.305 (a)(1) of the Commission's regulations, at the numerical rank for their grade on the rate range authorized herein which corresponds to their existing numerical rank on the special rate range or statutory schedule which is applicable to them immediately prior to the change.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Acting Executive Assistant to the Commissioners.*

[F.R. Doc. 66-12902; Filed, Nov. 28, 1966; 11:38 a.m.]

## FEDERAL AVIATION AGENCY

ENGINEERING AND MANUFACTURING DISTRICT OFFICE, HARRISBURG, PA.

### Notice of Relocation

Notice is hereby given that on or about November 28, 1966, the Engineering and Manufacturing District Office at Harrisburg, Pa., will be relocated to the Terminal Building at the Harrisburg-York State Airport, New Cumberland, Pa. Services to other Federal activities, State and municipal agencies and the general aviation public will be rendered at the new location.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

OSCAR BAKKE,  
*Director, Eastern Region.*

[F.R. Doc. 66-12776; Filed, Nov. 28, 1966; 8:45 a.m.]

## FEDERAL MARITIME COMMISSION

[No. 66-45]

AMERICAN MAIL LINE, LTD., ET AL.  
 Agreement for Consolidation or Merger; First Supplemental Order

On August 3, 1966, the Commission instituted the instant investigation to determine whether it has jurisdiction over FMC Agreement No. 9551, or any part thereof, and if so whether that agreement should be approved, dis-

approved, or modified. FMC Agreement No. 9551, between American Mail Line, Ltd., American President Line, Ltd., and Pacific Far East Line, Inc., proposes to establish the machinery through which those lines may eventually merge or consolidate, and, during the interim, coordinate their sailings and solicit traffic jointly.

Agreement 8485 among the said three lines was approved by the Commission on August 11, 1960. This Agreement, as it has been amended, has as its purpose the elimination of wasteful competition between the parties and elimination of competition arising out of their individual operations. The most recent modification, FMC No. 8485-C-3 permits Consolidated Marine, Inc., a terminal company jointly owned by the members of Agreement 8485, and presently operating at the port of Los Angeles, to expand its services to include husbanding at all southern California ports; to perform purchasing services for the companies; and to provide joint data processing services.

Matson Navigation Co. has entered a protest requesting a hearing not only on Agreement 8485-C-3, but on the entire Agreement as it has been modified from time to time since 1960. In response thereto, the parties to the Agreement objected to a reexamination of 8485, as amended. However, they do not object to approval of 8485-C-3 subject to reexamination of that modification in the instant proceeding. On November 18, 1966, the Commission approved Agreement 8485-C-3 for reasons set forth in the order of approval of that date. In so approving, the Commission directed that Matson be afforded an opportunity to present evidence and argument in support of its assertions concerning the future impact of Agreement No. 8485-C-3.

*Therefore, it is ordered,* That the order of investigation and hearing instituting FMC Docket 66-45, served August 3, 1966, is hereby modified to include the following paragraph:

*It is further ordered,* That FMC Agreement No. 8485-C-3 should be examined in this proceeding to determine whether in the light of the record established herein the approval granted the Agreement under section 15 should be continued.

*It is further ordered,* That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each party to this proceeding.

[SEAL]

THOMAS LISI,  
*Secretary.*

[F.R. Doc. 66-12811; Filed, Nov. 28, 1966; 8:47 a.m.]

[Docket Nos. 1187, 1187 (Sub. 1)]

MACHINERY AND TRACTORS FROM U.S. PORTS TO PORTS IN PUERTO RICO

### Order Regarding Reduced Rates

On May 10, 1966, the Commission entered its report and order in this pro-

ceeding, setting minimum rates on heavy machinery moving from U.S. North Atlantic and South Atlantic ports to ports in Puerto Rico. Thereafter, TMT Trailer Ferry, Inc., a carrier in the trade from South Atlantic ports to ports in Puerto Rico, filed a petition to review the report and order with the U.S. Court of Appeals for the District of Columbia Circuit. On October 17, 1966, we moved the Court of Appeals to remand the instant proceedings to us so that we might "reconsider the issues after the taking of further evidence and opportunity to the parties to reargue the legal issues involved." The motion requested the Court to remand "to enable the Commission to forthwith vacate the order under review and to reopen the proceeding for the taking of further evidence and for such further action as may be appropriate in the circumstances." On November 14, 1966, the Court of Appeals granted the motion, conditioned upon the filing with it of our report on the proceedings on remand within 60 days from the date of the Court's order.

The Commission is of the opinion that further evidence should be received and argument presented on the following issues: (1) Prejudice to New York resulting from diversion of traffic due to TMT's rates; (2) the Commission's authority to set rates which will enable New York and Florida ports to each get the traffic originating in territory from which inland freight costs are lower to the respective ports; (3) what rate differential is necessary to allow TMT to capitalize on its natural distance advantage; and (4) whether high value commodities should take a high rate in order to enable New York carriers to secure some of the high value commodity traffic and thus to be able to carry goods essential to the needs of the Commonwealth of Puerto Rico at a low rate.

*Therefore, it is ordered,* That the order of May 10, 1966 entered in this proceeding is hereby vacated, and the carrier respondents are directed to file with the Commission within ten days of the date of service of this order schedules of rates identical to those in effect prior to the entry of the May 10 order; and

*It is further ordered,* That this proceeding be remanded for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

*It is further ordered,* That notice of this order be published in the FEDERAL REGISTER; and

*It is further ordered,* That these proceedings shall be expedited and a pre-hearing conference set within ten days of the date of service of this order.

By the Commission.

[SEAL]

THOMAS LISI,  
*Secretary.*

[F.R. Doc. 66-12812; Filed, Nov. 28, 1966; 8:47 a.m.]



# GULF/MEDITERRANEAN PORTS CONFERENCE

## Notice of Proposed Cancellation of Agreements

Notice is hereby given that a request for cancellation of the following agreement(s), pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of intent to cancel agreements 134-B and 134-C filed by:

Mr. John T. Crook, Chairman, Gulf/Mediterranean Ports Conference, Suite 927, Whitney Building, New Orleans, La. 70130.

Agreement 134-B, approved July 3, 1936, between the Gulf/Mediterranean Ports Conference (Agreement 134, as amended), and Lykes Bros. Steamship Co., Inc., Richard Meyer Lines, and Waterman Steamship Corp., provides for the associate membership of these carriers and requires their observance of rates not lower than those established by the Conference on cargo moving under through bills of lading from Gulf ports to Mediterranean ports when transshipped at a port in the Bordeaux/Hamburg Range.

Agreement 134-C, approved January 27, 1937, between the Gulf/Mediterranean Ports Conference (Agreement 134, as amended), and T. & J. Harrison, Ltd., Larrinaga Steamship Co., Ltd., Lykes Bros. Steamship Co., Inc., Richard Meyer Lines and Waterman Steamship Corp., provides for the associate membership of these carriers and requires their observance of rates not lower than those established by the Conference on cargo moving under through bills of lading from Gulf ports to Mediterranean ports when transshipped at a port in the United Kingdom or Irish Free State.

Dated: November 22, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12813; Filed, Nov. 28, 1966;  
8:48 a.m.]

# D. HAUSER, INC., ET AL.

## Notice of Agreements Filed for Ap- proval and Agreement Subject to Cancellation

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working agreements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

D. Hauser, Inc., New York, N.Y., and Godwin Shipping Co., Inc., Mobile, Ala.----- FF-3174  
Daniel F. Young, Inc., New York, N.Y., and F. B. Vandegrift & Co., Inc., Phila., Pa.----- FF-3175  
General Foreign Freight Forwarders, Norfolk, Va., and Tidewater Forwarding Co., Inc., New York, N.Y.----- FF-3176  
William R. Rowe Company, San Francisco, Calif., and W. R. Zanes & Co., Houston, Tex.----- FF-3177  
Seaport Shipping Co. (Seattle), Seattle, Wash., and Master Shipping Agency, Inc., New York, N.Y. FF-3178  
Stone & Downer Co., Boston, Mass., and J. W. Hampton, Jr. & Co., Inc., New York, N.Y.----- FF-3179  
T. J. Hanson, Inc., Beaumont, Tex. (Branches), and Fred P. Gaskell Co., Inc., New York, N.Y. (Branches)----- FF-3180  
Triangle Forwarding Corp., New York, N.Y., and Dickinson, Mikell & Comar, Inc., Charleston, S.C. FF-3181  
R. W. Smith & Co., Houston, Tex., Daniel F. Young, Inc., New York, N.Y.----- FF-3182  
Reginald W. Winter, Los Angeles, Calif., and San Diego International Services, San Diego, Calif. FF-3183  
Mario J. Macchione, Boston, Mass., and M. J. Corbett & Co., Inc., New York, N.Y.----- FF-3184  
Gerard & Hey Co. & Intersped, Inc., New York, N.Y., and General Foreign Freight Forwarders, Norfolk, Va.----- FF-3185  
Wilfred Schade & Co., Inc., Newport News, Va. (Branch), and United Forwarders Service, Inc., New York, N.Y.----- FF-3186

Karr, Ellis & Co., Inc., New York, N.Y., and Mario J. Macchione, Boston, Mass.----- FF-3187  
D. Hauser, Inc., New York, N.Y., and James Loudon & Co., Inc., Los Angeles, Calif. (Branches) FF-3188  
Albert E. Bowen, Inc., New York, N.Y., and Fred P. Gaskell Co., Inc., Norfolk, Va. (Branches)----- FF-3189  
Chas. Kurz Co., Philadelphia, Pa., and W. Helmann, Inc., New York, N.Y.----- FF-3190  
Wolf & Gerber, Inc., New York, N.Y., and John A. Merritt & Co., Pensacola, Fla.----- FF-3191  
Buckley & Co., New York, N.Y., (Branch), and Trans Atlantic Shipping Co., Ltd., New York, N.Y.----- FF-3192  
Reedy Forwarding Co., Inc., Miami, Fla., and United States Forwarding Corp., New York, N.Y.----- FF-3193

Agreement No. FF-3194 between Export Enterprises, Inc., Philadelphia, Pa., and Ray C. Fischer Co., Inc., Minneapolis, Minn., is a cooperative working arrangement whereunder \$3.50 will be charged for the clearance of export declarations at the port of New Orleans and ocean freight compensation is to be retained by the originating forwarder.

## NOTICE OF AGREEMENT SUBJECT TO CANCELLATION

Notice is hereby given that the following independent ocean freight forwarder cooperative working agreement approved by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, Stat. 763, 46 U.S.C. 814) is scheduled for cancellation inasmuch as in accordance with the terms therein one of the parties to the agreement has requested in writing that the agreement be terminated.

Arnel International Corp., New York, N.Y., and Florida International Forwarders, Miami, Fla.--- FF-1674

Dated: November 22, 1966.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12814; Filed, Nov. 28, 1966;  
8:48 a.m.]

[Docket No. 66-62]

## SEA-LAND SERVICE, INC., AND SEATRAN LINES, INC.

### Increased Rates on Candy, Confectionery or Chewing Gum; Investigation and Suspension; Correction

It is ordered, That the first paragraph of the original order of investigation and suspension in this proceeding dated November 18, 1966, be amended as follows:

SEA-LAND SERVICE, INC.

TARIFF FMC-F NO. 3 (PAN ATLANTIC STEAMSHIP CORP., FMC-F SERIES)

24th Revised Page 40.  
16th Revised Page 43.  
12th Revised Page 44.  
17th Revised Page 45.  
18th Revised Page 45.  
3d Revised Page 45-A.  
12th Revised Page 46.  
8th Revised Page 58.



SEATRAN LINES, INC.  
TARIFF FMC-F NO. 1

14th Revised Page 11.  
10th Revised Page 13.  
11th Revised Page 14.  
14th Revised Page 15.  
8th Revised Page 20.  
Original Page 86-A (Item 1137).

[SEAL]

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12815; Filed, Nov. 28, 1966;  
8:48 a.m.]

**GLOBAL STEAMSHIP TRANSPORT,  
LTD., ET AL.**

**Notice of Agreement Filed for  
Approval**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Edward P. Cotter, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.

Agreement 9587-1, between Global Steamship Transport, Ltd., Aris Steamship Co., Ltd., Adrian Maritime Co., Ltd., and Arger Navigation Co., Ltd., modifies Agreement 9587, not yet approved, by expanding the scope thereof to include service to and from ports of Thailand and by clarifying the trade area presently reading "West Africa to and including Casablanca" to read "Northwest Africa from the Strait of Gibraltar to and including Casablanca."

Dated: November 25, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12870; Filed, Nov. 28, 1966;  
8:49 a.m.]

**SOUTH CAROLINA STATE PORTS AUTHORITY AND SEA-LAND SERVICE, INC.**

**Notice of Agreement Filed for  
Approval**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 15 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Marion S. Moore, Jr., South Carolina State Ports Authority, Post Office Box 827, Charleston, S.C. 29402.

Agreement No. T-1970 between South Carolina State Ports Authority (Authority) and Sea-Land Service, Inc. (Sea-Land) provides for an initial 60-month lease of certain premises, with the option to renew or extend but not to exceed three consecutive 60-month periods. As rental, Sea-Land will pay a fixed monthly charge of \$3,376.76, plus dockage on any vessels docked at the Authority's terminals. Sea-Land will also pay the Authority wharfage at the current published tariff rate but not to exceed the present rate of \$0.40 per net ton. The wharfage rate may be changed upon each renewal of the lease. Sea-Land guarantees a minimum annual tonnage of 100,000 tons. Wharfage will be paid on any deficit between actual tonnage and the guaranteed tonnage at the agreed rate. On tonnage in excess of 150,000 tons per year Sea-Land will pay 75 percent wharfage and on tonnage in excess of 250,000 tons per year Sea-Land will pay 50 percent wharfage.

Dated: November 25, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 66-12871; Filed, Nov. 28, 1966;  
8:49 a.m.]

**FEDERAL POWER COMMISSION**

[Project No. 2599]

**CONSUMERS POWER CO.**

**Notice of Land Withdrawal; Michigan**

NOVEMBER 21, 1966.

Conformable to the provisions of section 24, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power Project No. 2599 for which completed application for license (major) was filed June 10, 1966, by Consumers Power Co., Jackson, Mich. Under said section 24 these lands are from the date of filing of said application, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress.

**MICHIGAN PRINCIPAL MERIDIAN, MICHIGAN  
ACQUIRED LAND**

That portion of the following subdivision lying within the project boundary as delimited and described by metes and bounds on map, Exhibit K-1 (FPC No. 2599-2):

T. 23 N., R. 12 W.,  
Sec. 30: NW¼SE¼.

The area of U.S. lands reserved pursuant to the filing of this application is approximately 4.78 acres, all of which was acquired by the United States, and is entirely located within the Manistee National Forest.

Copies of the aforementioned map has been transmitted to the Forest Service, the Bureau of Land Management, and the Geological Survey.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12783; Filed, Nov. 28, 1966;  
8:45 a.m.]

[Docket No. E-7325]

**NORTHERN STATES POWER CO.**

**Notice of Application**

NOVEMBER 21, 1966.

Take notice that on November 14, 1966, Northern States Power Co. (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 203 of the Federal Power Act authorizing it to sell certain electric distribution facilities to Wright-Hennepin Cooperative Electric Association (Wright-Hennepin) and to purchase certain electric distribution facilities from Wright-Hennepin.

Applicant is incorporated under the laws of the State of Minnesota and is authorized to do business in the States of North Dakota and South Dakota with its principal place of business office at Minneapolis, Minn. Applicant owns and operates utility properties and furnishes electric service at retail in 424 commu-



nities and adjacent territories and electric energy at wholesale for resale to 28 additional communities and to 8 other utility companies. Of the 452 communities so served, 399 (including Minneapolis and St. Paul) are located in Minnesota, 18 in North Dakota, 35 in South Dakota.

Wright-Hennepin is an electric cooperative association with its principal business office at Maple Lake, Minn.

The electric distribution facilities proposed to be disposed of by the Applicant consist of approximately 32.4 pole line miles, including taps, of 12.5, 7.5, and 7.2 kv lines located in Hennepin County.

The facilities to be acquired by the Applicant consist of approximately 8 pole line miles, including taps, of 12.5 and 7.2 kv lines located in Hennepin County. The cash consideration to be received by the Applicant from Wright-Hennepin is approximately \$152,400. This amount represents the estimated original cost depreciated of \$83,544 as of November 1, 1965, plus twice the gross revenues of \$34,428 from such properties for the 12 months ended June 30, 1965. The cash consideration to be paid by the Applicant to Wright-Hennepin is approximately \$56,495. This amount represents the estimated original cost depreciated of \$19,852 as of November 1, 1965, plus twice the gross revenues of \$18,321.50 from such properties for the 12 months ended June 30, 1965.

According to the application there will be no change in the use of any of the above-mentioned facilities after the acquisition.

Any person desiring to be heard or to make any protest with reference to the application should on or before December 22, 1966, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12784; Filed, Nov. 28, 1966;  
8:45 a.m.]

[Project No. 2623]

#### ST. REGIS PAPER CO.

#### Notice of Application for License for Constructed Project

NOVEMBER 21, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by St. Regis Paper Co. (correspondence to: Homer Crawford, Esq., Secretary, St. Regis Paper Co., 150 East 42d Street, New York, N.Y. 10017) for constructed Project No. 2623, known as East Pepperell Project, located on the Nashua River, a tributary of the Merrimack River, in the city of East Pepperell, Middlesex County, Mass.

The existing East Pepperell Project consists of: (1) A concrete gravity dam 490 feet long, including abutments, intake sections and spillway, and having a height of 32 feet at highest section; (2) an ungated ogee type spillway with crest elevation of 203.56 feet with provision for 3-foot high flashboards; (3) a reservoir with 2,700 acre-feet of operating capacity, a 2.5 feet operating fluctuation, and an approximate area of 1,000 acres at reservoir elevation 203.56 feet (normal pond elevation) extending 2.5 miles upstream from the dam; (4) a 675-foot long wood penstock 13 feet in diameter; (5) a separate indoor powerhouse containing two 900 horsepower vertical turbines and two 800 kva generators; and (6) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 5, 1967. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12785; Filed, Nov. 28, 1966;  
8:45 a.m.]

[Docket No. E-7324]

#### UNION ELECTRIC CO.

#### Notice of Application

NOVEMBER 21, 1966.

Take notice that on November 10, 1966, Union Electric Co. (Applicant), filed an application with the Federal Power Commission seeking authority pursuant to section 203 of the Federal Power Act authorizing it to sell certain electric facilities to Iowa Southern Utilities Co. (Iowa Southern).

Applicant is incorporated under the laws of the State of Missouri and is authorized to do business of the States of Missouri, Illinois, and Iowa with its principal business office at St. Louis, Mo., and is engaged in the business of furnishing electric service in the city of St. Louis, in 10 counties in Missouri, six counties in Illinois and four counties in Iowa.

The facilities to be sold consist of the 2.46 mile northerly portion of a double circuit 69 kv steel tower transmission line extending from Applicant's Lee Substation in Lee County, Iowa, to the Agency Street Substation of Iowa Southern in Des Moines County, Iowa. At the present time these facilities provide a means for Applicant to sell electricity at wholesale to Iowa Southern. After the sale, the facilities will be used as a means of interconnecting Applicant's and Iowa Southern's systems and Iowa Southern will also use the facilities to connect its existing system with its new Burlington Generating Station. Iowa Southern has agreed to pay \$60,677 for the facilities.

Any person desiring to be heard or to make any protest with reference to the application should on or before December 22, 1966, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12786; Filed, Nov. 28, 1966;  
8:46 a.m.]

[Docket Nos. RI67-145, etc.]

#### TENNECO OIL CO.

#### Order Providing for Hearings on and Suspension of Proposed Changes in Rates <sup>1</sup>

NOVEMBER 18, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I) and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 4, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.



## APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-145...	Tenneco Oil Co., Post Office Box 2511 Tennessee Bldg., Houston, Tex. 77001, Attn.: John E. Watson, Esq.	141	11	Trunkline Gas Co. (McAllen Field, Hidalgo County, Tex.) (R.R. District No. 4)	\$112,073	10-25-66	<sup>2</sup> 1- 1-67	6- 1-67	<sup>8</sup> 14.55861	<sup>3</sup> <sup>4</sup> 15.5581	
RI67-146...	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840, Attn.: Jack Fariss, Esq.	13	8	Natural Gas Pipeline Co. of America (La Gloria Field, Jim Wells and Brooks Counties, Tex.).	127,453	10-27-66	<sup>2</sup> 12- 2-67	5- 2-67	<sup>8</sup> <sup>7</sup> 10.81979	<sup>3</sup> <sup>4</sup> <sup>6</sup> <sup>7</sup> <sup>8</sup> 15.51331	
RI67-147...	A. L. Abercrombie, Inc. (agent), 801 Union Center Bldg., Wichita, Kans.	19	3	Kansas-Nebraska Natural Gas Co. (East Camrick Field, Beaver County, Okla.) (Panhandle Area).	180	10-27-66	<sup>2</sup> 11-27-66	4-27-67	<sup>8</sup> 17.2	<sup>11</sup> <sup>4</sup> <sup>6</sup> 17.8	R164-160.
I67-148...	C. Grady Davis, et al., 201 University Blvd., Denver, Colo. 80206.	1	<sup>12</sup> 10	Southern Union Gathering Co. (Blanco-Mesaverde Gas Field, San Juan Basin Area).	3,897	10-20-66	<sup>2</sup> 11-20-66	4-20-67	13.0013	<sup>10</sup> <sup>11</sup> 14.0006	

<sup>2</sup> The stated effective date is the effective date proposed by Respondent.

<sup>3</sup> Periodic rate increase.

<sup>4</sup> Pressure base is 14.65 p.s.i.a.

<sup>5</sup> Settlement rate as approved by Commission order issued Apr. 8, 1964, in Docket Nos. G-20429, et al.

<sup>6</sup> Subject to a downward B.t.u. adjustment.

<sup>7</sup> Subject to a 0.21931 cent dehydration deduction for gas being dehydrated by Buyer.

<sup>8</sup> Inclusive of 0.31 cent allowance paid by Buyer in consideration for Buyer's right to vary its daily contract quality by 45 percent.

<sup>9</sup> Three-step periodic rate increase.

<sup>10</sup> Favored nation rate increase.

<sup>11</sup> Pressure base is 15.025 p.s.i.a.

<sup>12</sup> Includes letter from buyer stating the proposed rate is being paid to other producers for gas produced from the Mesa Verde formation in the same area.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, 2.56).

[F.R. Doc. 66-12787; Filed, Nov. 28, 1966; 8:46 a.m.]

[Docket Nos. RI67-142 etc.]

THOMAS E. BERRY, ET AL.

### Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>

NOVEMBER 18, 1966.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-142...	Thomas E. Berry, agent (Operator), et al., Post Office Box 528, Stillwater, Okla. 74074.	1	<sup>2</sup> 4 5	Colorado Interstate Gas Co. (Kamas and Whitmarsh Units, Moccasin Field, Beaver County, Okla.) (Panhandle Area).	\$1,620	<sup>3</sup> 10-12-66 <sup>5</sup> 10-26-66	<sup>4</sup> 11-12-66 <sup>6</sup> 11-26-66	(Accepted) 4-26-66	<sup>8</sup> 15.0	<sup>7</sup> <sup>9</sup> <sup>10</sup> 17.0	
RI67-143...	do.	3	5	Colorado Interstate Gas Co. (Evans and Rose Smith Units, Moccasin Field, Beaver County, Okla.) (Panhandle Area).	1,525	<sup>5</sup> 10-26-66	<sup>4</sup> 11-26-66	4-26-66	<sup>10</sup> <sup>11</sup> 15.0	<sup>7</sup> <sup>9</sup> <sup>10</sup> <sup>11</sup> 18.1	
RI67-144...	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118, Attn.: Ted P. Holshouser, Esq.	82	<sup>12</sup> 4	Consolidated Gas Supply Corp. (Leases in Kanawha County, W. Va.)	7,544	<sup>13</sup> 10-28-66	<sup>4</sup> 11-28-66	4-28-66	<sup>16</sup> 20.570	<sup>14</sup> <sup>15</sup> 30.0	

<sup>2</sup> Contract amendment dated Oct. 11, 1966, which provides for B.t.u. adjustment to be measured on wet basis in accordance with Opinion No. 464, eliminates indefinite pricing provisions, provides for increased rate and periodic 1-cent increases every 5 years commencing May 31, 1967.

<sup>3</sup> Completes filing of notice of change submitted Oct. 12, 1966, as amended by filing of Oct. 26, 1966.

<sup>4</sup> The stated effective date is the first day after expiration of the statutory notice.

<sup>5</sup> Corrected notice of change dated Oct. 21, 1966 (filed Oct. 26, 1966), replaces notice of change filed Oct. 12, 1966.

<sup>6</sup> Renegotiated rate increase.

<sup>7</sup> Pressure base is 14.65 p.s.i.a.

<sup>8</sup> Subject to upward and downward B.t.u. adjustment.

<sup>9</sup> Periodic rate increase.

<sup>10</sup> Subject to a downward B.t.u. adjustment.

<sup>11</sup> Rose Smith Unit.

<sup>12</sup> Includes letter from buyer dated July 1, 1965, stating average price buyer received from gas sold during test year ending Apr. 30, 1965, was 48.54 cents per Mcf.

<sup>13</sup> Letter dated Oct. 25, 1966, was filed Oct. 28, 1966, to complete the filing (change in pressure base).

<sup>14</sup> Redetermined rate increase.

<sup>15</sup> Pressure base is 15.325 p.s.i.a.

<sup>16</sup> Initial rate.



Thomas E. Berry, Agent (Operator), et al., and Thomas E. Berry (Operator), et al. (both referred to herein as Berry) request an effective date of October 10, 1966, for their proposed rate increases. Ashland Oil & Refining Co. (Ashland) requests that its proposed rate increase be permitted to become effective as of November 17, 1966. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Berry and Ashland's rate filings and such requests are denied.

On October 12, 1966, Thomas E. Berry, Agent (Operator), et al., tendered for filing a contract amendment dated October 11, 1966, which provides for B.t.u. adjustment to be measured on wet basis in accordance with Opinion No. 464; eliminates indefinite pricing provisions; provides for increased rate and periodic 1.0 cent increases every 5 years commencing May 31, 1967. Such amendment has been designated as Supplement No. 4 to Berry's FPC Gas Rate Schedule No. 1. We believe that it would be in the public interest to accept for filing Berry's aforementioned contract amendment to become effective as of November 12, 1966, the date of expiration of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.<sup>2</sup>

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Berry's proposed contract amendment dated October 11, 1966, designated as Supplement No. 4 to Berry's FPC Gas Rate Schedule No. 1, and for permitting such supplement to become effective as of November 12, 1966, the date of expiration of the statutory notice.

(2) Except for the supplement set forth in paragraph (1) above, it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as herein-after ordered.

The Commission orders:

(A) Berry's contract amendment dated October 11, 1966, designated as Supplement No. 4 to Berry's FPC Gas Rate Schedule No. 1, is accepted for filing and permitted to become effective as of November 12, 1966.

<sup>2</sup>The notice of change in rate filed on Oct. 12, 1966, was corrected by a filing on Oct. 26, 1966, and will therefore be suspended for 5 months from November 26, 1966, which is 30 days after the date of the corrected filing.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplement set for in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 4, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12788; Filed, Nov. 28, 1966;  
8:46 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Disaster Area 595]

### MAINE

#### Declaration of Disaster Area

Whereas, it has been reported that during the month of November 1966, because of the effects of certain disasters, damage resulted to residences and business property located in Washington, Hancock, Waldo, Knox, Lincoln, Sagadahoc, Cumberland, and York Counties in the State of Maine;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, As Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the afore-

said Counties and areas adjacent thereto, suffered damage or destruction resulting from winds, tides, waves, and accompanying conditions occurring on November 2 and 3, 1966.

#### OFFICE

Small Business Administration Regional Office, 20 Willow Street, Augusta, Maine 04330.

2. Field offices will be established as needed, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1967.

BERNARD L. BOUTIN,  
Administrator.

NOVEMBER 22, 1966.

[F.R. Doc. 66-12790; Filed, Nov. 28, 1966;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Drouth Order 65, Amdt. 2]

### UTAH

#### Transportation of Hay to Disaster Area at Reduced Rates

It appearing, that by reason of drouth conditions existing in certain portions of the State of Utah, hereinafter referred to as the disaster area, the Secretary of the U.S. Department of Agriculture has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates:

It is ordered, That carriers by railroad participating in the transportation of hay to the counties of:

Box Elder.	Sanpete.
Davis.	Sevier.
Iron.	Summit.
Juab.	Utah.
Millard.	Wasatch.
Salt Lake.	Weber.

all located in the State of Utah, referred to herein as the disaster area, be, and they are hereby authorized under section 22 of the Interstate Commerce Act to establish and maintain until May 31, 1967, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be effective 1 day after publication and filing instead of 30.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the U.S. Department of Agriculture or by such State agents or agencies as may in turn be designated by the U.S. Department of Agriculture to assist in relieving the distress caused by the drouth.

It is further ordered, That during the period in which any reduced rates authorized by this order are effective the



carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

*It is further ordered*, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

*And it is further ordered*, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Ga., the Chairman of the Executive Committee, Western Railroads Traffic Association, Chicago, Ill., the Vice President and Director, Bureau of Railway Economics, Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 22d day of November A.D. 1966.

By the Commission, Vice Chairman Tucker.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12805; Filed, Nov. 28, 1966;  
8:47 a.m.]

[Notice 292]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 23, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

### MOTOR CARRIERS OF PROPERTY

No. MC 116544 (Sub-No. 84 TA), filed November 21, 1966. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Post Office Box 518, Carthage, Mo. 64836. Applicant's representative: Harry Ross, Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Animal food and animal feed* (except in bulk), from the plantsite of Usen Products Co., at or near Golden Meadow, La., and storage facilities of Usen Products Co., at or near Lockport, La., to points in Georgia, Florida, Missouri, Kansas, Oklahoma, Nebraska, Iowa, Minnesota, Wisconsin, Illinois, North Dakota, South Dakota, Texas, Arizona, California, and New Mexico, for 180 days. Supporting shipper: P. Lorillard Co., 200 East 42d Street, New York, N.Y. 10017. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 117686 (Sub-No. 80 TA), filed November 21, 1966. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa 51105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite and storage facilities of American Beef Packers, Inc., located in Pottawattamie County, Iowa, to points in Alabama, Arkansas, Louisiana, Mississippi, Tennessee, and Texas, for 180 days. Supporting shipper: American Beef Packers, Inc., Oakland, Iowa 51560. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

Mo. MC 123669 (Sub-No. 2 TA), filed November 21, 1966. Applicant: SILVER TRUCK, INC., Box 41, 1405 12th Street SW., Austin, Minn. Applicant's representative: Harold R. Cox (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Corrugated sheets, corrugated shipping containers, and parts thereof* from Cloquet, Minn., to Augusta, Barron, Cumberland, Eau Claire, Frederic, Hudson, Menomonie, New Richmond, and Superior, Wis., and on return, rejected or returned goods for 150 days. Supporting shipper: Weyerhaeuser Co., 100 South Wacker Drive, Chicago, Ill. 60606. Send protests to: C. H. Bergquest, District Supervisor, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 124899 (Sub-No. 7 TA), filed November 21, 1966. Applicant: RAY BETHERS, Post Office Box 116, Kamas, Utah. Applicant's representative: L. Rodney Kump, 716 Newhouse Building, Salt Lake City, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Lumber*, for the account of Forest Prod-

ucts Sales, from West Yellowstone and Darby, Mont., Encampment, Afton, and Riverton, Wyo. and Paradox, Colo., to Salt Lake City, Utah, and points within 50 miles thereof; and from West Yellowstone and Darby, Mont., Encampment, Afton, and Riverton, Wyo., to Denver, Colo., and points within 50 miles thereof; and *utelite* (a light weight aggregate) for the account of Utelite Corp., from points in Summit County, Utah, to points in Idaho, Nevada, and Wyoming, for 180 days. Supporting shipper: Forest Products Sales, 3140 South Main Street, Salt Lake City, Utah 84115; Utelite, Coalville, Utah. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 128597 (Sub-No. 2 TA), filed November 21, 1966. Applicant: WALTER TABER, doing business as WALT'S POULTRY AND BEEF CO., 1920 Wadsworth Boulevard, Lakewood, Colo. 80215. Applicant's representative: Bert L. Penn, 30 South Emerson, Denver, Colo. 80209. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Meats, meat products, and meat byproducts*, as described in Part A of Appendix 1 to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Gering, Grand Island, and Scottsbluff, Nebr., to Alamosa, Colorado Springs, Durango, Monte Vista, Pagosa Springs, Pueblo, and Trinidad, Colo., and Aztec, Farmington, and Raton, N. Mex.; from Denver, Colo., to Aztec, Farmington, and Raton, N. Mex., for 180 days. Supporting shipper: Swift & Co., Terminal Annex Station, Denver, Colo. 80217. Send protests to: District Supervisor Luther H. Oldham, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 128664 (Sub-No. 1 TA), filed November 21, 1966. Applicant: LEON W. KARDUX, doing business as KARDUX TRANSFER, 516 West Fourth Street, Muscatine, Iowa 52761. Applicant's representative: William A. Landau, 1307 East Walnut Street, Post Office Box 1634, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Agricultural chemicals* (other than in bulk), from plantsite of Monsanto Co. near Muscatine, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 332 Federal Building, Davenport, Iowa 52801.

No. MC 128705 TA, filed November 21, 1966. Applicant: JET FORWARDING, INC., 2945 Columbia Street, Torrance, Calif. 90503. Applicant's representative: Alan F. Wohlstetter, 1 Farragut



Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to shipments having a prior or subsequent movement beyond said points in containers, restricted to traffic originating at or destined to out-of-State points, for 180 days. Supporting shipper: Gallenkamp Stores Co., 8300 Santa Monica Boulevard, Los Angeles, Calif. 90069; Sears Roebuck & Co., Los Angeles, Calif. 90054; the Prudential Insurance Co. of America, Post Office Box 2314 Terminal Annex, Los Angeles, Calif. 90054. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 7708, Federal Building, 300

North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12806; Filed, Nov. 28, 1966;  
8:47 a.m.]

[Notice 998]

### MOTOR CARRIER APPLICATIONS

NOVEMBER 25, 1966.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b), of the Interstate Commerce Act, and certain other proceedings with respect thereto (49 CFR 1.240).

No. MC-F-9472 (BERNARD A. BROWN—Control—SERVICE TRUCKING CO., INC.), published in the July 27, 1966, and November 23, 1966, issues of the FEDERAL REGISTER on pages 10164, and 14859, respectively. By second application filed November 25, 1966, applicant SATELLITE EXPRESS, INC., seeks authority to temporarily lease SERVICE TRUCKING CO., INC. By letter dated November 23, 1966, JEROME M. ASCH (appointed receiver of SERVICE TRUCKING CO., INC., bankrupt) has no objection to the granting of a temporary lease of the properties to BERNARD A. BROWN'S nominee, SATELLITE EXPRESS, INC.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12872; Filed, Nov. 28, 1966;  
8:49 a.m.]



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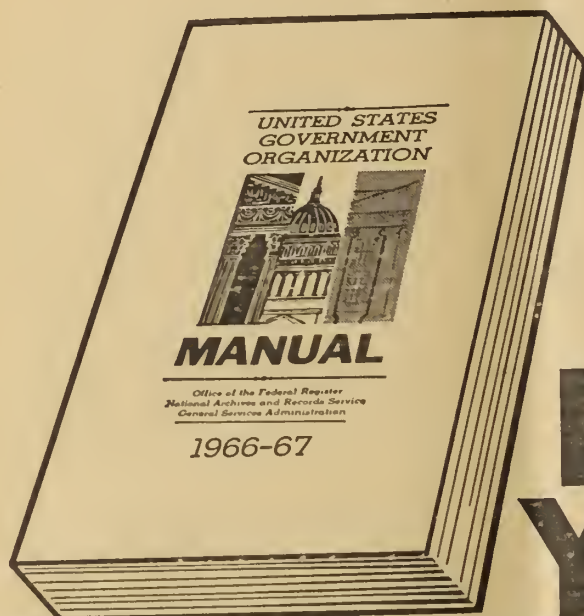












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# FEDERAL REGISTER

VOLUME 31 • NUMBER 231

Wednesday, November 30, 1966 • Washington, D.C.

Pages 15007-15053

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# Volume 79

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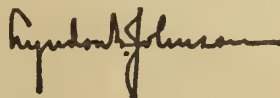
## Title 3—THE PRESIDENT

### Executive Order 11316

#### PLACING AN ADDITIONAL POSITION IN LEVEL V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by Section 5317 of Title 5 of the United States Code, and as President of the United States, Section 2 of Executive Order No. 11248 of October 10, 1965, as amended, is further amended by adding thereto the following:

(10) Director, Demonstration Cities Administration, Department of Housing and Urban Development.



THE WHITE HOUSE,  
*November 28, 1966.*

[F.R. Doc. 66-12909; Filed, Nov. 28, 1966; 2:49 p.m.]







# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

#### Department of Commerce

1. Section 213.3214 is amended to show that 25 positions in the National Highway Safety Agency at grade GS-14 and above concerned with the development of vehicle and program safety standards and requiring pertinent engineering, research, and other technical experience in related program specialties are in Schedule B until November 30, 1968. Effective on publication in the FEDERAL REGISTER, paragraph (d) is added under § 213.3214 as set out below.

#### § 213.3214 Department of Commerce.

(d) *National Highway Safety Agency.* (1) Until November 30, 1968, 25 positions of specialists at GS-14 and above concerned with the development of vehicle and program safety standards and requiring pertinent engineering, research, and other technical experience in related program specialties.

2. Section 213.3314 is amended to show that two positions in the National Highway Safety Agency, those of the Deputy Administrator and the Administrator's Private Secretary, are in Schedule C. Effective on publication in the FEDERAL REGISTER subparagraphs (39) and (40) are added under paragraph (a) of § 213.3314 as set out below.

#### § 213.3314 Department of Commerce.

(a) *Office of the Secretary.* \* \* \* (39) Deputy Administrator, National Highway Safety Agency.

(40) One Private Secretary to the Administrator, National Highway Safety Agency.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 C.F.R. 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Acting Executive Assistant  
to the Commissioners.*

[F.R. Doc. 66-12903; Filed, Nov. 29, 1966; 8:49 a.m.]

### PART 213—EXCEPTED SERVICE

#### National Aeronautics and Space Administration

Section 213.3348 is amended to show that the positions of Secretaries to the Associate Administrators for Advanced Research and Technology and for Space Science and Applications are excepted

under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (d) of § 213.3348 is amended as set out below.

#### § 213.3348 National Aeronautics and Space Administration.

(d) One Secretary to each of the following: The Associate Administrator for Manned Space Flight, the Associate Administrator for Advanced Research and Technology, and the Associate Administrator for Space Science and Applications.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 C.F.R. 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Acting Executive Assistant  
to the Commissioners.*

[F.R. Doc. 66-12904; Filed, Nov. 29, 1966; 8:49 a.m.]

## Title 1—GENERAL PROVISIONS

### Chapter I—Administrative Committee of the Federal Register

#### PART 14—INDEXES AND ANCILLARIES

#### PART 31—U.S. GOVERNMENT ORGANIZATION MANUAL

#### Technical Amendments Affecting Ancillaries and Official Distribution

Pursuant to the authority vested in the Administrative Committee of the Federal Register by the Federal Register Act (44 U.S.C. 301 et seq.) and in the Attorney General and the Administrator of General Services by Part V of Executive Order No. 10530 (empowering the Attorney General and the Administrator jointly to perform certain functions of the President with respect to the Federal Register Act), Chapter I of Title 1 of the Code of Federal Regulations is hereby amended as follows:

1. Part 14 is amended by adding at the end thereof a new center head and a new section to read as follows:

#### SPECIAL DIGESTS AND GUIDES

#### § 14.9 Index-digests and guides.

(a) Index-digests and similar guides, based on laws, Presidential documents, regulations, and notice materials published by the Office, and serving an appropriate need for users of the FEDERAL REGISTER, may be prepared and published annually or at such intervals as may be necessary to keep them current and useful.

(b) Such digests and guides shall be considered special editions of the FEDERAL

REGISTER whenever the public need requires special imposition or special binding in substantial numbers.

2. The first sentence of § 31.21 is amended by changing the word "four" to read "ten." As amended, § 31.21 reads as follows:

#### § 31.21 The Congress.

Each Member of the Congress shall be furnished two free copies of the Manual; and each Member shall be entitled to receive not more than ten additional free copies for official use. Authorization for the furnishing of such additional copies shall be submitted in writing to the Director by the authorizing Member.

(Sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306. Sec. 6, E.O. 10530, 19 F.R. 2709, 3 C.F.R. 1954-1958 Comp.)

The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER,

ROBERT H. BAHMER,  
*Archivist of the United States, Chairman.*

JAMES L. HARRISON,  
*The Public Printer, Member.*

MARY O. EASTWOOD,  
*Representative of the Attorney General, Member.*

Approved:

RAMSEY CLARK,  
*Acting Attorney General.*  
LAWSON B. KNOTT, Jr.,  
*Administrator of General Services.*

[F.R. Doc. 66-12932; Filed, Nov. 29, 1966; 8:49 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

#### Administrative Instructions Prescribing Commuted Travel Time Allowances; Correction

F.R. Doc. 66-11853 (9 CFR Part 97), published on page 13939 in the FEDERAL REGISTER dated November 1, 1966, is corrected by making the following changes in commuted travel time periods:

OUTSIDE METROPOLITAN AREA  
ONE HOUR

Add: Coos Bay, Ore. (served from Coos Bay, Ore.).

Add: North Bend, Ore. (served from Coos Bay, Ore.).



## FIVE HOURS

Add: Newport, Oreg. (served from Coos Bay, Oreg.).

Coos Bay, North Bend, and Newport, Oreg., were inadvertently shown as being served from Portland, Oreg., in the aforesaid previously published docket.

R. E. OMORUNDRO,  
Acting Director, Animal Health  
Division, Agricultural Re-  
search Service.

[F.R. Doc. 66-12852; Filed, Nov. 29, 1966;  
8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

#### SUBCHAPTER C—AIRCRAFT

[Docket No. 1133; Amdt. 39-314]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Boeing Model 707 and 720 Series Airplanes

A proposal to amend Part 39 by amending Amendment 413 (27 F.R. 3319), AD 62-8-4, to provide for an additional visual inspection of horizontal stabilizer balance panel cover skins and incorporate later manufacturer's service bulletins on Boeing Model 707 and 720 Series airplanes was published in 30 F.R. 14814 on November 30, 1965.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment stated that the proposed revisions are unnecessary and unduly stringent because present maintenance programs are adequate. The record of recent horizontal stabilizer balance bay cover plate magnesium skin failures indicates that present maintenance programs are not adequate and that the proposed revisions are necessary to prevent further failures. This comment cannot, therefore, be accepted. One comment questioned the proposed exclusion of fiberglass overlay repairs, stating that such repairs are more effective and more quickly and inexpensively applied than the scrim cloth metal patch repairs specified in the later Structural Repair Manuals incorporated in the notice. Since an acceptable fiberglass repair has been incorporated in the repair manual, appropriate revisions have been made in the regulation. One comment stated that proposed paragraph (c) contains routine maintenance practices that need not be specified. Service experience has shown that the proposed practice is in fact not being done routinely and that the proposed practices must be specified in order to prevent further balance bay cover plate skin failures. One comment requested that the repetitive inspection requirement be amended from 170 hours to 200 hours. The record of recent horizontal stabilizer balance bay cover plate magnesium skin failures does not justify any relaxation

in the present repetitive inspection requirement of 170 hours.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Amendment 413 of Part 39 of the Federal Aviation Regulations is amended as follows:

1. Subparagraph (b)(1) is amended to read as follows:

(1) Repair in accordance with Structural Repair Manual Chapter 51-9-1, Chapter 51-9-2 (for fiberglass overlay panels) or later Chapters, as appropriate to the airplane model involved.

2. Paragraphs (c) and (d) are redesignated as (d) and (e), respectively, and new paragraph (c) is added to read as follows:

(c) When repairing any panel in accordance with subparagraph (b)(1), or during inspection at major overhaul, visually inspect the bonding between the cover skin and its supporting structure for evidence of bond separation. If separation is found, repair either by tack riveting the separated parts together with  $\frac{1}{8}$  inch diameter 5056 aluminum alloy rivets at  $0.60 \pm \frac{1}{2}$  inch spacing, or in accordance with the applicable Structural Repair Manual set forth in subparagraph (b)(1).

3. The parenthetical reference is amended to read:

(Boeing Service Bulletin No. 1594 pertains to this subject.)

This amendment becomes effective December 29, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on November 22, 1966.

JAMES F. RUDOLPH,  
Acting Director,  
Flight Standards Service.

[F.R. Doc. 66-12825; Filed, Nov. 29, 1966;  
8:45 a.m.]

#### SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7766; Amdt. 95-148]

### PART 95—IFR ALTITUDES

#### Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to

me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective January 5, 1967 as follows:

1. By amending Subpart C as follows:

From, to, and MEA

Section 95.49 *Green Federal airway 9* is added to read:

Bethel, Alaska, LF/RBN; Schaefer INT, Alaska; \*6,000. \*5,800—MOCA.  
Schaefer INT, Alaska; Sparrevohn, Alaska, LF/RBN; \*6,000. \*5,600—MOCA.  
Sparrevohn, Alaska, LF/RBN; \*Stony INT, Alaska; \*6,000. \*7,100—MCA Stony INT, eastbound. \*\*5,800—MOCA.  
Stony INT, Alaska; \*Spurr INT, Alaska; \*11,000. \*8,500—MCA Spurr INT, westbound. \*\*10,100—MOCA.  
Spurr INT, Alaska; Anchorage, Alaska, LFR; 6,000.

Section 95.239 *Red Federal airway 39* is amended to read in part:

\*Aniak, Alaska, LF/RBN; McGrath, Alaska, LFR; 5,800. \*3,500—MCA Aniak LF/RBN, northeastbound.  
McGrath, Alaska, LFR; Minchumina, Alaska, LFR; \*5,000. \*4,800—MOCA.

Section 95.1001 *Direct routes—United States* is amended to delete:

Alice, Tex., VOR; Cotulla, Tex., VOR; 1,800.  
Palm Beach, Fla., LF/RBN; \*Kingfish INT, Fla.; 2,000. \*2,500—MRA.  
Kingfish INT, Fla.; Shark INT, Fla.; 3,000.  
Shark INT, Fla.; Porpoise INT, Fla.; 7,000.  
Panama City, Fla., VOR; Tyndall, Fla., VOR; \*1,600. \*1,300—MOCA.  
Marlanna, Fla., VOR; Albany, Ga., VOR; \*2,000. \*1,600—MOCA. \*\*6,500—MOCA.  
San Jose, Calif., VOR; Lick INT, Calif.; 4,000.  
Lick INT, Calif.; Gilroy INT, Calif.; 5,000.  
Gilroy INT, Calif.; Hollister INT, Calif.; 6,000.

Section 95.1001 *Direct routes—United States* is amended by adding:

Battle Mountain, Nev., VORTAC; Lucin, Utah, VOR; 18,000. MAA—45,000.  
Jacksonville, Fla., LF/RBN; Gateway INT, Fla.; \*2,000. \*1,300—MOCA.  
Lucin, Utah, VOR; Rock Springs, Wyo., VORTAC; #18,000. MAA—45,000. #MEA is established with a gap in navigation signal coverage.  
Oakland, Calif., VORTAC; Ukiah, Calif., VORTAC; 18,000. MAA—45,000.  
Ukiah, Calif., VORTAC; Fortuna, Calif., VORTAC; 18,000. MAA—45,000.  
Fortuna, Calif., VORTAC; North Bend, Oreg., VORTAC; 18,000. MAA—45,000.  
North Bend, Oreg., VORTAC; Newport, Oreg., VORTAC; 18,000. MAA—45,000.  
Newport, Oreg., VORTAC; Hoquiam, Wash., VORTAC; 18,000. MAA—45,000.  
Hoquiam, Wash., VORTAC; Seattle, Wash., VORTAC; 18,000. MAA—45,000.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Jacksonville, Fla., VOR; St. Johns INT, Fla.; \*2,000. \*1,300—MOCA.  
Bergstrom INT, Tex.; Austin, Tex., VOR; 2,500.  
Sarasota, Fla., VOR; Lakeland, Fla., VOR; 2,500.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

\*Sombrero INT, Fla.; Eagle INT, Fla.; \*6,000. \*6,000—MRA. \*\*1,300—MOCA.  
Palm Beach, Fla., VOR; \*Fort Pierce INT, Fla.; \*2,000. \*4,000—MRA. \*\*1,300—MOCA.  
Fort Pierce INT, Fla.; Vero Beach, Fla., VOR; \*2,000. \*1,300—MOCA.



*From, to, and MEA*

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Carson INT, Iowa; \*Lyman INT, Iowa; \*\*3,000. \*3,500—MRA. \*\*2,500—MOCA. Lyman INT, Iowa; Middle River INT, Iowa; \*3,000. \*2,600—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

\*Teresa INT, Fla., via W alter.; Creek INT, Fla., via W alter.; \*\*3,000. \*5,500—MCA. Teresa INT, eastbound. \*\*1,300—MOCA. Evansville, Ind., VOR; Princeton INT, Ind.; 2,000. Princeton INT, Ind.; Decker INT, Ind.; \*2,400. \*1,900—MOCA. Decker INT, Ind.; Lewis, Ind., VOR; \*2,400. \*2,000—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Carson INT, Iowa; \*Lyman INT, Iowa; \*\*3,000. \*3,500—MRA. \*\*2,500—MOCA. Lyman INT, Iowa; Middle River INT, Iowa; \*3,000. \*2,600—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

McComb, Miss., VOR, via W alter.; \*Byram INT, Miss., via W alter.; 2,800. \*4,200—MRA. Byram INT, Miss., via W alter.; Jackson, Miss., VOR via W alter.; 2,800. Farmington, Mo., VOR; Crystal City INT, Mo.; \*3,000. \*2,400—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Burlington, Iowa, VOR; Bradford, Ill., VOR; \*2,600. \*2,200—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

\*Capron INT, Okla.; Anthony, Kans., VOR; \*\*3,000. \*4,300—MRA. \*\*2,700—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Guthrie INT, Okla., via N alter.; Langston INT, Okla., via N alter.; \*3,000. \*2,400—MOCA. Langston INT, Okla., via N alter.; Yale INT, Okla., via N alter.; \*3,800. \*2,500—MOCA. Minco INT, Okla.; Oklahoma City, Okla., VOR; \*3,000. \*2,900—MOCA. Neosho, Mo., VOR; Plano INT, Mo.; \*3,000. \*2,500—MOCA. Conway INT, Mo., Vichy, Mo., VOR; \*3,000. \*2,700—MOCA. Neosho, Mo., VOR, via S alter.; Billings INT, Mo., via S alter.; \*3,000. \*2,600—MOCA. Springfield, Mo., VOR, via N alter.; Vichy, Mo., VOR, via N alter.; \*3,000. \*2,400—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Neola, Iowa, VOR; Sioux City, Iowa, VOR; \*3,000. \*2,800—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Austin, Tex., VOR, via E alter.; Hutto INT, Tex., via E alter.; \*2,700. \*2,100—MOCA. Hutto INT, Tex., via E alter.; Tracy INT, Tex., via E alter.; \*2,700. \*1,900—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Lake Charles, La., VOR; Midland INT, La., \*1,500. \*1,400—MOCA. Lake Charles, La., VOR, via N alter.; Hathaway INT, La., via N alter.; \*1,500. \*1,300—MOCA.

*From, to, and MEA*

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

Oakwood INT, S. Dak.; Redwood Falls, Minn., VOR; \*4,600. \*3,400—MOCA.

Section 95.6029 *VOR Federal airway 29* is amended to read in part:

Snow Hill, Md., VOR; Salisbury, Md., VOR; 2,000.

Section 95.6044 *VOR Federal airway 44* is amended to read in part:

Patton INT, Ind.; Decker INT, Ind.; \*2,400. \*1,800—MOCA.

Section 95.6048 *VOR Federal airway 48* is amended to read in part:

Mora INT, Ill.; Pontiac, Ill., VOR; \*2,400. \*2,100—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

Junction, Tex., VOR; Doss INT, Tex.; \*3,700. \*3,600—MOCA. Doss INT, Tex.; \*Comfort INT, Tex.; \*4,000. \*4,000—MRA. \*\*3,600—MOCA.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

Farmington, Mo., VOR; Crystal City INT, Mo.; \*3,000. \*2,400—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Gross INT, La.; Baton Rouge, La., VOR; \*1,600. \*1,500—MOCA. Lake Charles, La., VOR; Midland INT, La.; \*1,500. \*1,400—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Harrison, Ark., VOR; Reeds INT, Mo.; \*3,100. \*2,400—MOCA. Reeds INT, Mo.; Crane INT, Mo.; \*3,000. \*2,400—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

Maples, Mo., VOR; Richwoods, Mo., VOR; \*3,000. \*2,500—MOCA.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

Guthrie INT, Okla., via E alter.; Langston INT, Okla., via E alter.; \*3,000. \*2,400—MOCA. Langston INT, Okla., via E alter.; Ponca City, Okla., VOR, via E alter.; \*3,000. \*2,500—MOCA.

Section 95.6088 *VOR Federal airway 88* is amended to read in part:

Conway INT, Mo., Vichy, Mo., VOR; \*3,000. \*2,700—MOCA.

Section 95.6095 *VOR Federal airway 95* is amended to read in part:

\*Phoenix, Ariz., VOR; \*\*Tonto INT, Ariz., northbound; 10,000. Southbound; 8,500. \*4,700—MCA. Phoenix VOR, northbound. \*\*11,000—MRA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Cypress INT, Fla.; Seminole INT, Fla.; \*1,700. \*1,200—MOCA.

Section 95.6107 *VOR Federal airway 107* is amended to read in part:

Reyes INT, Calif.; Ranger INT, Calif.; \*11,000. \*10,800—MOCA. Ranger INT, Calif.; Derby INT, Calif.; north-westbound; 10,000. Southeastbound; 11,000.

*From, to, and MEA*

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Gay INT, W. Va.; \*Belpre INT, W. Va.; 2,500. \*3,500—MRA.

Belpre INT, W. Va.; Parkersburg, W. Va., VOR; 2,500.

Section 95.6137 *VOR Federal airway 137* is amended to read in part:

\*Gorman, Calif., VOR; \*\*Ranger INT, Calif.; \*\*11,000. \*9,500—MCA. Gorman VOR, westbound. \*9,500—MCA. Ranger INT, eastbound. \*\*10,800—MOCA. Ranger INT, Calif.; Fellows, Calif., VOR; westbound; 7,000. Eastbound; 11,000.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Kingfisher, Okla., VOR; Langston INT, Okla.; 3,000. Langston INT, Okla.; Yale INT, Okla.; \*3,800. \*2,500—MOCA. Harrison, Ark., VOR; Walnut Ridge, Ark., VOR; \*3,000. \*2,400—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Cypress INT, Fla.; Seminole INT, Fla.; \*1,700. \*1,200—MOCA.

Section 95.6168 *VOR Federal airway 168* is amended to read in part:

Scottsbluff, Nebr., VOR; Snake INT, Nebr.; eastbound; \*14,000. Westbound; \*6,000. \*5,500—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Wolbach, Nebr., VOR; Bellwood INT, Nebr.; \*4,000. \*3,800—MOCA.

Section 95.6190 *VOR Federal airway 190* is amended to read in part:

Springfield, Mo., VOR; Maples, Mo., VOR; \*3,000. \*2,500—MOCA. Farmington, Mo., VOR.; Marion, Ill., VOR; \*3,000. \*2,400—MOCA. Marion, Ill., VOR; Texas INT, Ill.; 2,000.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

Farmington, Mo., VOR; Crystal City INT, Mo.; \*3,000. \*2,400—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Junction, Tex., VOR; Doss INT, Tex.; \*3,700. \*3,600—MOCA. Doss INT, Tex.; \*Comfort INT, Tex.; \*\*4,000. \*4,000—MRA. \*\*3,600—MOCA.

Section 95.6205 *VOR Federal airway 205* is amended to read in part:

Omaha, Nebr., VOR; Sioux City, Iowa, VOR; \*3,000. \*2,800—MOCA. Blair INT, Nebr., via W alter.; Sioux City, Iowa, VOR, via W alter.; \*3,000. \*2,500—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

Lake Charles, La., VOR; Crow INT, La.; \*1,500. \*1,100—MOCA. Crow INT, La.; Goony INT, La.; \*2,200. \*1,400—MOCA. Houston, Tex., VOR; Fry INT, Tex.; 1,600.

Section 95.6264 *VOR Federal airway 264* is amended to read in part:

Banning INT, Calif., via S alter.; \*Palm Springs, Calif., VOR, via S alter.; \*\*13,000. \*5,300—MCA. Palm Springs VOR, eastbound. \*11,800—MCA. Palm Springs VOR, westbound. \*\*7,500—MOCA.



*From, to, and MEA*

Section 95.6272 *VOR Federal airway 272* is amended to read in part:

Minco INT, Okla., via S alter.; Oklahoma City, Okla., VOR, via S alter.; \*3,000. \*2,900—MOCA.

Section 95.6289 *VOR Federal airway 289* is amended to read in part:

Kountze INT, Tex.; Lufkin, Tex., VOR; \*2,200. \*1,500—MOCA.

Section 95.6300 *VOR Federal airway 300* is amended to read in part:

United States-Canadian border; Whitefish, Mich., VOR; \*6,500. \*2,800—MOCA.

Section 95.6317 *VOR Federal airway 317* is amended to read in part:

Malaspina DME Fix, Alaska; Katalla INT, Alaska; \*#10,000. \*5,400—MOCA. #MEA is established with a gap in navigation signal coverage.

Section 95.6402 *Hawaii VOR Federal airway 2* is amended to delete:

Upolu Point, Hawaii, VOR, via S alter.; Paradise INT, Hawaii, via S alter.; 2,000.

Section 95.6404 *Hawaii VOR Federal airway 4* is amended to read in part:

Papaya INT, Hawaii; Crab INT, Hawaii; northeastbound; 5,000. Southwestbound; 3,000.

Crab INT, Hawaii; \*Sunrise INT, Hawaii; northeastbound; 7,000. Southwestbound; 5,000. \*7,000—MRA.

Section 95.6438 *VOR Federal airway 438* is amended to read in part:

Kodiak, Alaska, VOR; Homer, Alaska, VOR; 6,000.

Kodiak, Alaska, VOR, via W alter.; Homer, Alaska, VOR, via W alter.; 6,000.

Section 95.6462 *VOR Federal airway 462* is amended to read in part:

Houghton, Mich., VOR; Whitefish, Mich., VOR; \*4,500. \*2,500—MOCA.

Section 95.6470 *VOR Federal airway 470* is amended to read in part:

Harvey INT, Mich.; Williams INT, Mich.; \*4,300. \*2,000—MOCA.

Williams INT, Mich.; Whitefish, Mich., VOR; \*4,500. \*2,500—MOCA.

Section 95.6485 *VOR Federal airway 485* is amended to delete:

Priest, Calif., VOR; Panoche INT, Calif.; \*7,000. \*6,500—MOCA.

Panoche INT, Calif.; Cathedral INT, Calif.; \*7,000. \*5,800—MOCA.

Cathedral INT, Calif.; Mount Hamilton INT, Calif.; \*7,000. \*6,400—MOCA.

Mount Hamilton INT, Calif.; Mount Day INT, Calif.; southbound; 7,000. Northbound; 6,000.

Mount Day INT, Calif.; Mission INT, Calif.; southbound; 7,000. Northbound; 5,500.

Mission INT, Calif.; Oakland, Calif., VOR; southeastbound; 7,000. Northwestbound; 3,500.

Section 95.6485 *VOR Federal airway 485* is amended by adding:

Priest, Calif., VOR; \*Hollister INT, Calif.; \*\*7,000. \*7,000—MCA. Hollister INT, southeastbound. \*\*6,500—MOCA.

Hollister INT, Calif.; Gilroy INT, Calif.; \*6,000. \*4,100—MOCA.

Gilroy INT, Calif.; Lick INT, Calif.; \*5,000. \*4,800—MOCA.

Lick INT, Calif.; San Jose, Calif., VOR; 4,000.

*From, to, and MEA*

Section 95.6516 *VOR Federal airway 516* is amended to read in part:

Ponca City, Okla., VOR; Coffeyville INT, Kans.; \*3,100. \*2,500—MOCA.

Section 95.7019 *Jet Route No. 19* is deleted.

Section 95.7020 *Jet Route No. 20* is amended to delete:

Jackson, Miss., VORTAC; Crestview, Fla., VOR 18,000; 45,000.

Crestview, Fla., VOR; Tallahassee, Fla., VORTAC; 18,000; 45,000.

Section 95.7020 *Jet Route No. 20* is amended by adding:

Jackson, Miss., VORTAC; Meridian, Miss., VORTAC; 18,000; 45,000.

Meridian, Miss., VORTAC; Montgomery, Ala., VORTAC; 18,000; 45,000.

Section 95.7070 *Jet Route No. 70* is amended to read in part:

Hoquiam, Wash., VORTAC; Seattle, Wash., VORTAC; 18,000; 45,000.

Section 95.7128 *Jet Route No. 128* is amended to read in part:

Tuba City, Ariz., VORTAC; Gunnison, Colo., VORTAC; #20,000; 45,000. #MEA is established with a gap in navigation signal coverage.

2. By amending Subpart D as follows:

Section 95.8003 *VOR FEDERAL AIRWAY CHANGEOVER POINTS*:

*Airway segment: From; to—Changeover point: Distance; from*

V-7 is amended to delete:  
Marianna, Fla., VOR; via W alter.; Dothan, Ala., VOR, via W alter.; 14; Marianna.

V-7 is amended by adding:  
Evansville, Ind., VOR; Lewis, Ind., VOR; 38; Evansville.

V-139 is amended to delete:  
Cape Charles, Va., VOR; Snow Hill, Md., VOR; 30; Cape Charles.

V-300 is amended by adding:  
Lakehead, Canada, VOR; Whitefish, Mich., VOR; 80; Whitefish.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on November 21, 1966.

JAMES F. RUDOLPH,  
*Acting Director,  
Flight Standards Service.*

[F.R. Doc. 66-12779; Filed, Nov. 29, 1966;  
8:45 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter VI—Department of the Navy

#### SUBCHAPTER C—PERSONNEL

#### PART 710—PROCEDURES AND REQUIREMENTS FOR APPOINTMENT AS A MIDSHIPMAN AT THE U.S. NAVAL ACADEMY

##### Miscellaneous Amendments

*Scope and purpose.* Part 710 is amended to conform to Public Law 89-650 of October 13, 1966, and reflect current procedures and requirements.

1. The "Authority" note is revised to read as follows:

**AUTHORITY:** The provisions of this Part 710 issued under sec. 5031, 70A Stat. 278, sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 5031. Interpret or apply secs. 651, 6951-6974, 70A Stat. 27, 428-436, as amended, sec. 516, 72 Stat. 1439; 10 U.S.C. 516, 651, 6951-6974.

2. Section 710.13 is amended by revising paragraphs (b) (6), (8), (9) and (11) and (c) (2) (ii) to read as follows:

§ 710.13 Obtaining a nomination.

\* \* \* \* \*  
(b) *Types and sources of nominations.* \* \* \*

(6) *Presidential.* The President may appoint 100 midshipmen each year. These appointments are limited by law to sons and adopted sons of officers and enlisted personnel, Regular and Reserve, of the Army, Navy, Air Force, Marine Corps, or Coast Guard who:

(i) Are on active duty (other than for training) and have served continuously on active duty for at least 8 years; or

(ii) Are, or who died while they were, retired with pay or granted retired or retainer pay, other than those granted retired pay under 10 U.S.C. 1331.

A person who is eligible for selection in the Sons of Deceased/Disabled Veterans category is not eligible in the Presidential category. Adopted sons to be eligible must have been adopted prior to their 15th birthday; the Secretary of the Navy is authorized to approve waivers of this policy where adoption proceedings had been initiated but the adoption had not occurred prior to the 15th birthday through circumstances beyond the control of the foster parents. Stepsons are not eligible. Applications should be addressed to the Chief of Naval Personnel, Navy Department, Washington, D.C. 20370. A sample letter of application is included in § 710.52.

\* \* \* \* \*  
(8) *Naval Reserve and Marine Corps Reserve.* The Secretary of the Navy may appoint 85 enlisted men of the Naval Reserve and Marine Corps Reserve each year. These men must be qualified as to age and must have served in the Reserve for at least 1 year by July 1 of the year of entrance to the Naval Academy. In addition to all other normal requirements for appointment, these men must be on active duty, or must be members of a drilling unit of the Reserve, be recommended by their commanding officers, and have maintained efficiency in drill attendance with their Reserve units. For further information about enlistment in the Naval Reserve or Marine Corps Reserve, applicants should apply to their nearest Navy or Marine Corps Recruiting Station.

(9) *Sons of deceased/disabled veterans.* The President may have a maximum of 40 midshipmen, who are sons of deceased or disabled veterans, attending the Naval Academy at any one time. Eligibility for nomination under this quota is limited to sons of members of the Armed Forces of the United States who



were killed in action or died of, or have a service-connected disability rated at not less than 100 percent resulting from, wounds or injuries received or diseases contracted in, or preexisting injury or disease aggravated by active service. The determination of the Veteran's Administration as to service connection of the cause of death or percentage of disability is binding upon the Secretary of the Navy. A sample letter of application is included in § 710.53.

(11) *Naval Reserve Officers' Training Corps.* The Secretary of the Navy may appoint 10 midshipmen annually from among members of the Naval Reserve Officers' Training Corps. Three candidates may be nominated each year by the president of each educational institution in which an NROTC unit is established. Each candidate must be a regularly enrolled student in the NROTC and must have completed 1 year of scholastic work in the Corps at the time of entrance to the Naval Academy. Students should request a nomination from their professor of naval science.

(e) *Nominating methods.*

(ii) Candidates are selected for appointment on a strictly competitive basis from nominees entered in the several service-connected categories: Presidential, Sons of Deceased/Disabled Veterans, Regular and Reserve Components, Honor Military and Naval Schools, and NROTC. Factors considered in the competition are the same as those discussed in the Competitive Method "whole man" analysis used for the evaluation of congressional candidates. There is no limit on the number of eligible candidates who may compete in the Presidential, Sons of Deceased/Disabled Veterans, or Regular and Reserve categories.

3. Section 710.24 is amended by revising footnote 1 to read as follows:

§ 710.24 Examination method.

<sup>1</sup>For the class entering in June 1967, the dates of administration of the College Entrance Board tests are Dec. 3, 1966, Jan. 14, 1967, or Mar. 4, 1967. The Level II Test of the Mathematics Achievement Test is offered on Dec. 3, 1966, and Jan. 14, 1967, only.

4. Section 710.25 is amended by revising footnote 2 to read as follows:

§ 710.25 College certificate method.

<sup>2</sup>For the class entering in June 1967, the Dean of Admissions should be advised by letter prior to Mar. 15, 1967.

5. Section 710.32 is amended by revising footnote 3 to read as follows:

§ 710.32 Medical and physical aptitude examinations.

<sup>3</sup>For the class entering in June 1967 medical and physical aptitude examinations terminate on Mar. 15, 1967.

6. Section 710.41 is amended by revising paragraph (f) to read as follows:

§ 710.41 Entrance requirements.

(f) *Pay.* The pay of the midshipman is \$1,823.40 a year, commencing at the date of his admission. Its purpose is to permit him to cover his expenses; i.e., uniforms, books, equipment, laundry, income tax, etc., while at the Naval Academy.

7. Sections 710.52 and 710.53 are revised to read as follows:

§ 710.52 Format for requesting a Presidential nomination.

Chief of Naval Personnel,  
Department of the Navy,  
Washington, D.C. 20370.  
Attn.: Pers-B66.

Dear Sir: I request a nomination under the Presidential category for the class that enters the Naval Academy in June 19-- and submit the following information:

Name (give name as shown on birth certificate. If different from that which you use, attach a copy of court order, if applicable).

Address (give permanent and temporary address).

Date of birth (spell out month).

Date of high school graduation.

If member of military (list grade (rank), serial number, component, branch of service, organizational address).

If previous candidate (list year).

Information on parent:

Name, Grade (Rank), Serial Number, Component and Branch of Service.

Organizational address.

Retired or deceased (give date and attach copy of retirement orders or casualty report).

Officer personnel (attach statement of service prepared by personnel officer specifying that officer is on active duty and has been on active duty for at least 8 years).

Enlisted personnel (attach statement prepared by personnel officer listing date of enlistment, date of expiration of enlistment, component and branch of service, and specifying that member is on active duty and has been on active duty for at least 8 years).

Sincerely yours,

Signature.

§ 710.53 Format for requesting a Son of Deceased/Disabled Veteran nomination.

Chief of Naval Personnel,  
Department of the Navy,  
Washington, D.C. 20370.  
Attn.: Pers-B66

Dear Sir: I request a nomination under the Sons of Deceased/Disabled Veterans category for the class that enters the Naval Academy in June 19-- and submit the following information:

Name (give name as shown on birth certificate. If different from that which you use, attach a copy of court order, if applicable).

Address (give permanent and temporary address).

Date of birth (spell out month).

Date of high school graduation.

If member of military (list grade (rank), serial number, component, branch of service, organizational address).

If previous candidate (list year).

Information on parent:

Name, grade (rank), serial number, component and branch of service.

Date and place of death or injury.

If parent is deceased.

Date and place of death.

Cause of death.

Veterans Administration claim number (forwarding a copy of death certificate, preferably the casualty report, will expedite processing of application).

Address of VA Office where case is filed.

If parent is 100 percent disabled.

Veterans Administration claim number, and retirement orders or other documents showing 100 percent service-connected disability.

Address of Veterans Administration office where case is filed.

Sincerely yours,

Signature.

8. Section 710.54 is amended by deleting the segment relating to France and revising the segments relating to Hawaii, the Canal Zone, and England to read as follows:

§ 710.54 Authorized medical examining facilities for Naval Academy medical examinations.

HAWAII

Hickam AFB, Honolulu.  
Tripler Gen Hosp, Honolulu.  
USNAS, Barbers Point.

CANAL ZONE

Albrook AFB, Balboa.  
Fort Clayton.

ENGLAND

S. Ruislip Air Stn, Middlesex.

FRANCE [Deleted]

(Secs. 651, 5031, 6951-6974, 70A Stat. 27, 278, 428-436, as amended, sec. 516, 72 Stat. 1439, sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 516, 651, 5031, 6951-6974)

By direction of the Secretary of the Navy.

[SEAL]

R. H. HARE,  
Rear Admiral, U.S. Navy, Acting  
Judge Advocate General of  
the Navy.

NOVEMBER 21, 1966.

[F.R. Doc. 66-12824; Filed, Nov. 29, 1966; 8:45 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 9—Atomic Energy Commission

### PART 9-7—CONTRACT CLAUSES

#### Subpart 9-7.50—Use of Standard Clauses

##### MISCELLANEOUS AMENDMENTS

1. Section 9-7.5006-9, *Allowable costs and fixed fee (CPFF operating and construction contracts)*, the Note following paragraph (d) (8) (vii) is revised to read as follows:



**§ 9-7.5006-9 Allowable costs and fixed fee (CPFF operating and construction contracts).**

- (d) *Example of items of allowable cost.*
- (8) *Personnel costs and related expenses.*
- (vii) . . . .

NOTE: In appropriate circumstances, the lead sentence in subparagraph (8) may be changed to read as follows:

2. In § 9-7.5006-10, *Allowable costs and fixed fee (supply contracts and research and development contracts with concerns other than educational institutions)*, and in § 9-7.5006-12, *Allowable costs and fixed fee (Architect-Engineer Contracts)*, subparagraph (d) (1) is revised to read as follows:

**§ 9-7.5006-10 Allowable costs and fixed fee (supply contracts and research and development contracts with concerns other than educational institutions).**

- (d) *Examples of items of allowable cost.*

(1) *Bonds and insurance (including self-insurance) as provided in the clause entitled "Required bonds and insurance—exclusive of Government property."*

**§ 9-7.5006-12 Allowable costs and fixed fee (Architect-Engineer Contracts).**

- (d) *Examples of items of allowable cost.*

(1) *Bonds and insurance (including self-insurance) as provided in the clause entitled "Required bonds and insurance—exclusive of Government property."*

3. In § 9-7.5006-23, *Payments and advances (cost-type contracts where funds are advanced by AEC)*, paragraph (c) is revised to read as follows:

**§ 9-7.5006-23 Payments and advances (cost-type contracts where funds are advanced by AEC).**

(c) *Special Bank Account—Use.* All advances of Government funds shall be withdrawn pursuant to a letter of credit in favor of the contractor or, in the option of the Government, shall be made by check payable to the contractor, and shall be deposited only in the Special Bank Account referred to in the Agreement for Special Bank Account, which is attached hereto and incorporated into this contract as an appendix. The contractor shall likewise deposit in the Special Bank Account any other revenues received by the contractor in connection with the work under this contract. No part of the funds in the Special Bank Account shall be (1) mingled with any funds of the contractor or (2) used for a purpose other than that of making payments for costs allowable under this contract or payments for other items specifically approved in writing by the Contracting Officer. If the Contracting Officer shall at any time determine that the balance on such bank account exceeds the contractor's current needs, the contractor shall promptly make such disposition of the excess as the Contracting Officer may direct.

NOTE: For Special Bank Account Agreement, see § 9-7.5006-24.

4. In § 9-7.5006-24, *Special bank account agreement*, paragraph (3) under COVENANTS is revised to read as follows:

**§ 9-7.5006-24 Special bank account agreement.**

**COVENANTS**

(3) The Government, or its authorized representatives, shall have access to the books and records maintained by the Bank with respect to such Special Bank Account at all reasonable times and for all reasonable purposes, including, without limitation, the inspection or copying of such books and records and any and all memoranda, checks, correspondence, or documents appertaining thereto. Except as agreed upon by the Government and the Bank, all books and records pertaining to the Special Bank Account in the possession of the Bank relating to the Special Bank Account agreement shall be preserved by the Bank for a period of three (3) years after final payment under the contract to which the Special Bank Account agreement pertains or otherwise disposed of in such manner as may be agreed upon by the Government and the Bank.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

*Effective date.* These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 23d day of November 1966.

For the U.S. Atomic Energy Commission.

R. J. HART,  
Acting Director,  
Division of Contracts.

[F.R. Doc. 66-12823; Filed, Nov. 29, 1966; 8:45 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 33—SPORT FISHING

##### Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

##### § 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

###### DELAWARE

##### BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Sport fishing on the Bombay Hook National Wildlife Refuge, Smyrna, Del., is permitted in tidal waters from January 1 to December 31, 1967, inclusive. These open areas, comprising 2,500 acres, are

delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing from boats only is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

EUGENE E. CRAWFORD,  
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 21, 1966.

[F.R. Doc. 66-12835; Filed, Nov. 29, 1966; 8:45 a.m.]

#### PART 33—SPORT FISHING

##### Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

##### § 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

###### MICHIGAN

##### SENEY NATIONAL WILDLIFE REFUGE

Sport fishing on the Seney National Wildlife Refuge, Seney, Mich., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 5,700 acres or 100 percent of the total water area of the refuge, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations including the requirement that a current State fishing license be in the possession of the fisherman and shall be subject to the following special conditions:

(1) The open season for sport fishing on the refuge, during daylight hours only, extends from January 1, 1967, through February 28, 1967.

(2) Boating and the use of minnows for bait are prohibited, except on the Manistique River.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through February 28, 1967.

JOHN B. HAKALA,  
Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

NOVEMBER 23, 1966.

[F.R. Doc. 66-12859; Filed, Nov. 29, 1966; 8:47 a.m.]



# **PART 33—SPORT FISHING** **Arrowwood National Wildlife** **Refuge, N. Dak.**

The following special regulation is issued and is effective on date of publication in the **FEDERAL REGISTER**.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

## **NORTH DAKOTA**

### **ARROWWOOD NATIONAL WILDLIFE REFUGE**

Sport fishing on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 1,550 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport Fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from December 15, 1966, to March 26, 1967, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 26, 1967.

ARNOLD D. KRUSE,  
*Refuge Manager, Arrowwood  
 National Wildlife Refuge,  
 Edmunds, N. Dak.*

NOVEMBER 23, 1966.

[F.R. Doc. 66-12836; Filed, Nov. 29, 1966; 8:46 a.m.]

## **Title 7—AGRICULTURE**

### **Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture**

#### **PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PROD- UCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PROD- UCTS**

##### **Subpart—U.S. Standards for Grades of Green Olives**

###### **CORRECTIONS**

In the revision of the U.S. Standards for Grades of Green Olives, published in the **FEDERAL REGISTER** of November 4, 1966 (31 F.R. 14249), the definition for Broken Pitted Style green olives now appears unclear and liable to misinterpretation. In addition, the allowance for harmless extraneous material for the broken pitted style was inadvertently omitted in Table V—Defect Allowances.

1. Paragraph (g) of § 52.5443 is corrected to read as follows:

(g) "Broken pitted" or "Salad pack" green olives are pitted olives—broken or stuffed—that have not been cut or sliced.

2. Table V, 2d column, is changed to show that "2 pieces" of harmless ex-

traneous material is the allowance under U.S. Grade C for the Broken pitted style.

TABLE V—DEFECT ALLOWANCES—GREEN OLIVES FOR SLICED—CHOPPED—BROKEN PITTED STYLES

Defects	Broken pitted style	Sliced style	Sliced; chopped styles	Sliced; chopped styles
	U.S. Grade C or U.S. Standard	U.S. Grade A or U.S. Fancy	U.S. Grade B or U.S. Choice	U.S. Grade C or U.S. Standard
Harmless extraneous material.	Maximum (per pound of drained olives—average) 2 pieces.	These or any other defects (including pieces of pits and fragments) do not more than slightly affect the appearance or edibility of the product.	These or any other defects (including pieces of pits and fragments) do not materially affect the appearance or edibility of the product.	These or any other defects (including pieces of pits and fragments) do not seriously affect the appearance or edibility of the product.
Pit material.....	2 pits or pieces of pit.			
Stems: Minor and Major.	4 stems.			
Olives that are blemished by minor and/or major blemishes.	Maximum (by weight of drained olives) 15 percent.			

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: November 23, 1966.

G. R. GRANGE,  
*Deputy Administrator,  
 Marketing Services.*

[F.R. Doc. 66-12857; Filed, Nov. 29, 1966; 8:47 a.m.]

### **Chapter IV—Federal Crop Insurance Corporation, Department of Agri- culture**

#### **PART 410—FLORIDA CITRUS CROP INSURANCE**

##### **Subpart—Regulations for the 1967 and Succeeding Crop Years** *Correction*

In F.R. Doc. 66-12273, appearing at page 14491 of the issue for Friday, November 11, 1966, the second paragraph of item 14(c), under § 410.25, should read as follows:

As determined by the Corporation, citrus lost from an insured cause shall include any citrus which is unmarketable either as fresh fruit or for juice due to an insured cause, and any citrus which is partially damaged by freeze as provided in the following subsections (d) and (e). For the purposes hereof, pink and red grapefruit of the citrus of type (III) shall be deemed to be unmarketable if it is unmarketable as fresh fruit due to insured causes and citrus of type (IV) shall be deemed to have a minimum of 70 percent damage if it is unmarketable as fresh fruit due to insured causes. Any fruit on the ground as a result of an insured cause which is not marketed shall be deemed to be totally lost.

### **Chapter VII—Agricultural Stabiliza- tion and Conservation Service (Agricultural Adjustment), Depart- ment of Agriculture**

#### **SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS**

[Amdt. 12]

#### **PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES** **Dividing Allotments and Bases By Cropland Method**

(a) This amendment is issued pursuant to section 375(b) of the Agricul-

tural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)), section 124 of the Soil Bank Act (7 U.S.C. 1812), and the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g–p). This amendment specifies that in the case of a farm reconstitution by division the acreage of cropland on the farm available for the production of rice shall be considered as the cropland on the farm for the purpose of dividing the rice allotment by the cropland method. This is in accordance with a recent amendment to the regulations in Part 730 of this chapter (31 F.R. 12123).

(b) Since farms are now being reconstituted and rice producers are making plans for their 1967 crops of rice, it is essential that this amendment be made effective as soon as possible. It is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 553) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

Section 719.8(b) of the Regulations for Reconstitution of Farms, Allotments, and Bases (29 F.R. 13370, as amended), is amended by changing the first sentence to read as follows:

§ 719.8 Rules for determining allotments and bases where reconstitution is made by division.

(b) *Cropland method.* The cropland method for dividing allotments and bases is the proration of allotments and bases to the tracts being separated from the parent farm in the same proportion that the cropland acreages (for rice, the acreage of cropland on the farm available for the production of rice) for each such tract bears to the cropland (for rice, the acreage of cropland on the farm available for the production of rice) for the parent farm. \* \* \*

(Secs. 375, 378, 52 Stat. 66, as amended, 72 Stat. 995, as amended, 124, 70 Stat. 198, 16(b), 74 Stat. 1030; 7 U.S.C. 1375, 1378, 1812, 16 U.S.C. 590p)

*Effective date.* Date of filing this document with the Director, Office of the Federal Register.



Signed at Washington, D.C., on November 23, 1966.

H. D. GODFREY,  
Administrator, Agricultural Sta-  
bilitization and Conservation  
Service.

[F.R. Doc. 66-12853; Filed, Nov. 29, 1966;  
8:47 a.m.]

## PART 725—FLUE-CURED TOBACCO

### Subpart—Determination and An- nouncements for 1967-68 Market- ing Year

Determination and announcements, 1967-68 marketing year of (1) the reserve supply level for flue-cured tobacco for the marketing year beginning July 1, 1966, (2) the amount of the national marketing quota for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1967, (3) the 1967 national average yield goal, (4) the 1967 national acreage allotment, (5) the 1967 reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and establishing acreage allotments for new farms, (6) the 1967 national acreage factor, and (7) the 1967 national yield factor.

Sec.

725.1 Basis and purpose.

725.2 Determinations and announcements.

**AUTHORITY:** The provisions of this subpart issued under secs. 301, 313, 317, 375, 52 Stat. 38, 47, 66, as amended, 79 Stat. 66; 7 U.S.C. 1301, 1313, 1314c, 1375.

#### § 725.1 Basis and purpose.

(a) Sections 725.1 and 725.2 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and as further amended by Public Law 89-12 (79 Stat. 66), approved April 16, 1965, hereinafter referred to as the Act, to (1) determine and announce the reserve supply level for flue-cured tobacco for the marketing year beginning July 1, 1966, and (2) to determine and announce for flue-cured tobacco for the marketing year beginning July 1, 1967, under the provisions of Public Law 89-12, (i) the amount of the national marketing quota on an acreage-poundage basis, (ii) the national average yield goal, (iii) the national acreage allotment, (iv) the reserve for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, (v) the national acreage factor, and (vi) the national yield factor. The determinations by the Secretary contained in § 725.2 have been made on the basis of the latest available statistics of the Federal Government. Due consideration has been given data, views, and recommendations received from flue-cured tobacco producers and others pursuant to the notice (31 F.R. 13242) given in accordance with the provisions of 5 U.S.C. 553. Flue-cured tobacco farmers approved quotas on an acreage-poundage basis for the 3 marketing years beginning July 1, 1965, July 1, 1966, and July 1, 1967, for flue-cured tobacco com-

prising Types 11, 12, 13 and 14, in a special referendum (30 F.R. 9299; 31 F.R. 881-886; 30 F.R. 6144, 6145), in lieu of quotas on an acreage basis in effect for those marketing years. Since flue-cured tobacco farmers are making their plans for 1967 flue-cured tobacco production and need to know the 1967 acreage allotments for their farms in order to complete such plans, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the determinations and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

(b) Under the formula in the Act the basis for determining the reserve supply level for flue-cured tobacco is determined in which it is determined. 7 U.S.C. 1301(b)—(10)(B), (11)(B), (12), (14)(B). The present marketing year began on July 1, 1966, and ends on June 30, 1967 (7 U.S.C. 1301(b)(7)). The reserve supply level for flue-cured tobacco is determined to be 3,187.8 million pounds, based upon a normal year's domestic consumption of 810.0 million pounds and a normal year's exports of 490.0 million pounds.

(c) The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports. The 10-year average domestic consumption during the 10 marketing years preceding the 1966-67 marketing year was 759.0 million pounds, and the 10-year average exports during such period was 452.4 million pounds. After adjustment for trends, a normal year's domestic consumption at 810.0 million pounds and a normal year's exports of 490.0 million pounds appear reasonable, and result in a reserve supply level of 3,187.8 million pounds.

(d) The carryover of flue-cured tobacco on July 1, 1967 is estimated at 2,244.3 million pounds. The 1967 crop, based on the 1967 national acreage allotment of 607,335.49 acres and with an allowance for overmarketings and undermarketings, is estimated at 1,215 million pounds. The total supply of flue-cured tobacco for the 1967-68 marketing year is, therefore, presently estimated at

3,459.3 million pounds or 271.5 million pounds above the reserve supply level.

(e) It is estimated that 785.0 million pounds of flue-cured tobacco will be utilized in the United States during the 1967-68 marketing year, and 495.0 million pounds will be exported in such marketing year. This compares with the present estimates for the 1966-67 marketing year of 770 million pounds for domestic utilization and 525 million pounds for export. The estimates for the 1967-68 marketing year take into account an expected increase in cigarette production and a high level of exports because of improved quality in the leaf marketed under the acreage-poundage program.

(f) It is determined that it is desirable to effect an orderly reduction of supplies to the reserve supply level, and, therefore, a downward adjustment in a national marketing quota of 1,280 million pounds should be made. Accordingly, the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1967 is determined to be 1,126 million pounds. This reduction is less than the maximum reduction of 15 per centum permitted by the Act, but no further reduction is deemed desirable because experience gained from actual operations under the acreage-poundage program is limited and a greater reduction would not effect an orderly reduction to the reserve supply level.

(g) It is determined that the national marketing quota of 1,126 million pounds in view of the anticipated carryover will insure an adequate supply of flue-cured tobacco for the 1967-68 marketing year.

(h) The "national average yield goal" has been determined to be 1,854 pounds per acre. It has been determined that this yield will improve or insure the usability of flue-cured tobacco and increase the net return per pound to the growers. In making this determination consideration was given to research data of the Agricultural Research of the Department and one of the land-grant colleges in the flue-cured tobacco area. A national average yield goal of 1,854 pounds was determined and announced for the 1965-66 and 1966-67 marketing years (30 F.R. 6144, 14592).

(i) The national acreage allotment is 607,335.49 acres, determined in accordance with the provisions of the Act by dividing the national marketing quota of 1,126 million pounds by the national average yield goal of 1,854 pounds.

(j) In accordance with the provisions of the Act a reserve from the national acreage allotment is established in the amount of 218.36 acres for making corrections in farm acreage allotments, adjusting inequities, and establishing allotments for new farms. It is estimated that the reserve acreage will be adequate.

(k) Consideration in the light of the latest available statistics of the Federal Government was given as to whether any of the types of flue-cured tobacco should be treated as a kind of tobacco pursuant to the proviso in section 301(b)(15) of the Act at the time the national marketing quota for the 1965-66 marketing



year for flue-cured tobacco was determined (30 F.R. 6144), and it was determined that Types 11, 12, 13 and 14 constitute one kind of tobacco for purposes of the Act for the 1965-66, 1966-67, and 1967-68 marketing years. This finding was affirmed by the Secretary in his determination of January 18, 1966 (31 F.R. 881), and that determination was sustained in the case of *Brown et al. v. Freeman*.

(l) No action may be taken under section 313(i) of the Act unless a substantial difference exists in the usage or market outlets for any one or more of the types comprising the kind of tobacco. On the basis of the facts recited (30 F.R. 6144) in connection with the consideration of section 301(b) (15), it was determined that there is no substantial difference existing in the usage or marketing outlets for any one or more of the types of flue-cured tobacco and, therefore, no action was taken for the 1965-66 marketing year (nor for the 1966 marketing year) under this section of the statute. The same conditions prevail with respect to usage or marketing outlets that prevailed at the time of the determination for the marketing quotas on an acreage-poundage basis for the 1965-1966 and 1966-67 marketing years and, therefore, no action is being taken under section 313(i) of the Act for the 1967-68 marketing year. In addition, section 313(i) of the Act applied only to marketing quotas and acreage allotments established pursuant to section 313. It is, therefore, concluded that, notwithstanding section 4 of the Public Law 89-12, the better view is that section 313(i) of the Act should not be applied to acreage allotments and marketing quotas determined under Public Law 89-12.

(m) One respondent to the notice (31 F.R. 13242) recommended taking action under the proviso in section 317(g) (1) of the Act relating to the marketing of N. tobacco or any grade of tobacco not eligible for price support in excess of the farm marketing quota. However, the preponderant collective opinion of other respondents regarding the issues in the notice was to make as few changes in the program as possible, although one respondent did recommend a national marketing quota of 1,155 million pounds for the 1967-68 marketing year. It is concluded that no determination should be made with respect to this proviso at the present time.

#### § 725.2 Determinations and announcements.

(a) *Reserve supply level for flue-cured tobacco for the marketing year beginning July 1, 1966.* The reserve supply level for flue-cured tobacco for the marketing year beginning July 1, 1966 is 3,187.8 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 810.0 million pounds and a normal year's exports of 490.0 million pounds.

(b) *National marketing quota for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1967.* A national marketing quota for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1967 is hereby determined and announced in the amount of 1,126 million pounds. This quota is based upon an estimated utilization in the United States in such marketing year of 785 million pounds and exports in such marketing year of 495 million pounds, with a downward adjustment which is determined to be desirable for the purpose of effecting an orderly reduction of supplies (3,459.3 million pounds estimated as of July 1, 1967) to the reserve supply level.

(c) *National average yield goal.* The national average yield goal for flue-cured tobacco for the marketing year beginning July 1, 1967 is determined and announced at 1,854 pounds. This goal is based on the yield per acre which on a national average basis it is determined will improve or insure the usability of flue-cured tobacco and increase the net return per pound to growers.

(d) *National acreage allotment.* The national acreage allotment for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1967 is determined and announced to be 607,335.49 acres. This allotment was determined by dividing the national marketing quota of 1,126 million pounds by the national average yield goal of 1,854 pounds.

(e) *Reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and establishment of acreage allotments for new farms.* A national reserve from the national acreage allotment in the amount of 218.36 acres is hereby determined and announced. This reserve is for making corrections in farm acreage allotments, adjusting inequities, and establishing allotments for new farms. Of the 218.36 acres, 100.0 acres are hereby set aside to be available for new farms. The remainder of 118.36 acres is hereby made available for making corrections in farm acreage allotments and for adjusting inequities.

(f) *National acreage factor.* The national acreage factor for flue-cured tobacco for the 1967-68 marketing year is determined and announced to be 1.0.

(g) *National yield factor.* The national yield factor for flue-cured tobacco for the 1967-68 marketing year is determined and announced to be 0.9316.

*Effective date.* Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 23, 1966.

JOHN A. SCHNITTKER,  
Acting Secretary.

[F.R. Doc. 66-12854; Filed, Nov. 29, 1966; 8:47 a.m.]

## Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 113, Amdt. 1]

### PART 907 — NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 970), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedures, and postpone the effective date of this amendment until 30 days after publication thereof in the *FEDERAL REGISTER* (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

*Order, as amended.* The provisions in paragraph (b) (1) (i), (iii), and (iv) of § 907.413 (Navel Orange Reg. 113, 31 F.R. 14735) are hereby amended to read as follows:

#### § 907.413 Navel Orange Regulation 113.

(b) *Order.* (1) \* \* \*

(i) District 1: 500,000 cartons;

(ii) District 2: 500,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: 75,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 25, 1966.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and  
Vegetable Division, Consumer  
and Marketing Service.

[F.R. Doc. 66-12880; Filed, Nov. 29, 1966; 8:49 a.m.]



# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 987]

### DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

#### Proposed Modification of Container Regulations

Notice is hereby given of proposals, based on the unanimous recommendation of the Date Administrative Committee, to revise § 987.501 of Subpart—Container Regulation and amend § 987.155(a)(1) of Subpart—Administrative Rules and Regulations. These subparts are operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

To clarify the basic intent of the container regulation, it is proposed to revise § 987.501 so a handler may not either directly or through another person, sell or otherwise make available dates certified for handling (free dates) to a repacker of dates unless the repacker has agreed to comply with the container requirements of the program and is on the Committee's list of approved repackers. At the present time a person who obtains bulk packs of dates certified for handling and packages the dates in consumer size containers is not covered by the container requirements of this part. Also to clarify the basic intent, a revision of § 987.501 would change "net weight capacity" to "net weight content" as such terms are used in connection with the packing of dates in a plastic container. In § 987.155(a)(1) with respect to restricted dates, the consumer size containers to be permitted would be specified separately for whole dates and for pitted dates.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 8th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

1. Revise § 987.501 to read:

§ 987.501 Container regulation.

No handler shall package or handle any whole or pitted Deglet Noor, Zahidi,

Halawy, or Khadrawy varieties of dates in plastic containers, other than bags and master shipping containers, unless the net weight content of the dates in the container is: (a) For whole dates, either 12 ounces, 1 pound 8 ounces, or more than 2 pounds; and (b) for pitted dates, either 10 ounces, 1 pound 8 ounces, or more than 2 pounds. Whole or pitted dates packed in other than plastic containers may be handled without regard to the net weight content. However, no handler shall, either directly or through another person, handle any dates certified for handling (other than for packing specialty packs as permitted pursuant to §§ 987.52 and 987.152) by selling or otherwise making such dates available to a repacker of dates unless the repacker is on the Committee's list of approved repackers. Placement on such list shall be contingent upon the repacker entering into a written agreement with the Committee to comply with the container requirements of this part; and retention on the list shall continue only so long as the repacker complies. Such list shall be maintained by the Committee and available to interested persons. For purposes of this section: "Repacker" means any packer of dates who is not a handler or not a person primarily engaged in retailing dates; and "plastic container" means any container of any shape made from a plastic and in which dates are packed without the use of cardboard boats, trays, or other like stiffening material.

#### § 987.155 [Amended]

2. Amend subparagraph (1) of § 987.155(a) by revising subdivision (ii) to read: "(ii) Be packed prior to export either in bulk containers each having a net weight content of 10 pounds or more, or in individual containers (not including bags) each having, for whole dates a net weight content of 8, 12, or 24 ounces, or for pitted dates a net weight content of 8 ounces, 10 ounces, or 24 ounces".

Dated: November 25, 1966.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-12881; Filed, Nov. 29, 1966; 8:49 a.m.]

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1602]

### EMPLOYER REPORTING REQUIREMENTS

#### Notice of Proposed Rule Making

Notice of Public Hearing required by section 709(c), Title VII, Civil Rights

Act of 1964, and of proposed rule making:

A. *Notice of public hearing.* Pursuant to the requirements of section 709(c), Title VII, Civil Rights Act of 1964, notice is hereby given that the Equal Employment Opportunity Commission will conduct a public hearing on Wednesday, December 21, 1966 at 10 a.m., e.s.t., in Room 1242, 1800 G Street NW., Washington, D.C., with respect to a proposed amendment to § 1602.7 of Subpart B, Chapter XIV, Title 29, of the Code of Federal Regulations, which amendment will require the filing on or before March 31, 1967, and annually thereafter of Standard Form 100 (Equal Employment Opportunity Employer Information Report EEO-1) by certain employers subject to its jurisdiction. The existing regulation calls for filing of the report on or before March 31, 1966.

Interested persons are invited to participate in, and to present evidence, views, and arguments with respect to the proposed amendment at the said hearing. Pertinent statements from interested persons not desiring to participate in the hearing may be submitted in writing to the Director, Office of Research and Reports, Equal Employment Opportunity Commission, Washington, D.C. 20506, at any time prior to said hearing.

Standard Form 100, as submitted for clearance to the Bureau of the Budget appears in a revised format and certain changes in reporting procedures, principally to simplify reporting and processing, are being proposed. However, the form calls for no information by race, sex, etc., in addition to that required to be filed on Standard Form 100 on or before March 31, 1966.

Employers who became subject to Title VII of the Civil Rights Act of 1964 for the first time on July 2, 1966, because of the statutory provision extending coverage to persons employing 75 or more employees which was effective on that date, are not required by the Equal Employment Opportunity Commission to file Standard Form 100, but may nevertheless continue to be subject to the reporting requirements of the Office of Federal Contract Compliance, cosponsors of Standard Form 100.

B. *Notice of proposed rule making.* Pursuant to the authority vested in it by section 709, 78 Stat. 625, the Equal Employment Opportunity Commission proposes that § 1602.7, Subpart B, Chapter XIV, Title 29, of the Code of Federal Regulations, be amended to read as follows:

#### § 1602.7 Requirement for filing of report.

On or before March 31, 1967, and annually thereafter, every employer subject to Title VII of the Civil Rights Act of 1964 which meets the 100-employee



test set forth in section 701(b) thereof shall file with the Commission or its delegate executed copies of Standard Form 100, as revised (otherwise known as "Employer Information Report EEO-1") in conformity with the directions set forth in the form and accompanying instructions. Notwithstanding the provisions of § 1602.14, every such employer shall retain at all times at each reporting unit a copy of the most recent report filed for such unit and shall make the same available if requested by an officer, agent, or employee of the Commission under the authority of section 710(a) of Title VII. Appropriate copies of Standard Form 100 in blank will be supplied to every employer known to the Commission to be subject to the reporting requirements, but it is the responsibility of all such employers to obtain necessary supplies of same prior to the filing date from the Joint Reporting Committee, 1800 G Street NW., Washington, D.C.

STEPHEN N. SHULMAN,  
*Chairman.*

NOVEMBER 28, 1966.

[F.R. Doc. 66-12951; Filed, Nov. 29, 1966;  
10:07 a.m.]

## ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

Office of the Secretary (Director of  
the Federal Register)

[1 CFR Part 20]

### INCORPORATION BY REFERENCE

#### Proposed Standards for Approval Under Section 3(a) of the Admin- istrative Procedure Act as Amended

Section 3(a) of the act to amend section 3 of the Administrative Procedure Act (Public Law 89-487, approved July 4, 1966) provides in part as follows:

For purposes of this subsection, matter which is reasonably available to the class of persons affected thereby shall be deemed published in the FEDERAL REGISTER when incorporated by reference therein with the approval of the Director of the Federal Register.

Legislative history references to the amendment are: (1) House Report No. 1497 Committee on Government Operations; (2) Senate Report No. 813 Committee on the Judiciary; (3) Congressional Record Vol. 111 (1965) October 13, considered and passed Senate; Vol. 112 (1966) June 20, considered and passed House.

In accordance with the amendment, the Director of the Federal Register hereby proposes to establish standards and procedures governing his approval of instances of incorporation by reference submitted to the FEDERAL REGISTER for filing and publication.

The standards and procedures are proposed below in the form of a new Part 20 to be added to Title 1, Chapter I, Code of Federal Regulations. This opportunity for comment and the proposed standards and procedures were approved in principle by the Administrative Committee of the Federal Register at its meeting of November 16, 1966.

*Opportunity for comment.* Although proposed rule making is not required by law in this instance, all interested persons are invited to submit comments in writing to the Director.

All comments received on or before Wednesday, March 1, 1967, will be fully considered in formulating the final rule. Multiple copies are not required.

Address communications to: Director of the Federal Register, National Archives Building, Washington, D.C. 20408.

The text of the proposed rule is as follows:

### PART 20—INCORPORATION BY REFERENCE

#### Subpart A—General

Sec.  
20.1 Scope and purpose.

#### Subpart B—Standards

20.6 Language of incorporation.  
20.7 Identification and description.  
20.8 Statement of availability.

#### Subpart C—Procedures

20.15 Advance submission.  
20.16 Letter of transmittal of advance submission.  
20.17 Notification to issuing agency.  
20.18 Letter transmitting final document.

*AUTHORITY:* The provisions of this Part 20 issued under sec. 3(a), Public Law 89-487, 80 Stat. 250; 5 U.S.C. 1002(a).

#### Subpart A—General

§ 20.1 Scope and purpose.

The provisions of this part establish the standards and procedures under which the Director of the Federal Register shall decide to approve or deny use of incorporation by reference as contemplated by section 3(a) of the Administrative Procedure Act as amended July 4, 1966 (Public Law 89-487, 80 Stat. 250). In making decisions under this part, the Director shall be governed primarily by concern for the actual and personal convenience and necessity of the members of the class affected by the instant document.

#### Subpart B—Standards

§ 20.6 Language of incorporation.

The language whereby a matter is incorporated by reference in the FEDERAL REGISTER shall be both precise and unequivocal on the face of the document making the reference. The words expressing the incorporation shall make it clear that incorporation by reference is both intended and completed by the instant document.

§ 20.7 Identification and description.

Each incorporation by reference shall include an identification and a description of the matter incorporated. These shall be as precise and as useful as practicable within the limits of reasonable brevity.

(a) *Identification.* Titles, dates, numbers, signs, and symbols shall be used where they contribute substantially to clear identification.

(b) *Description.* A brief subject description also shall be included, designed to inform the user regarding his potential need to obtain the matter incorporated.

§ 20.8 Statement of availability.

(a) *Information.* Each incorporation by reference shall also include a statement covering the availability of the matter incorporated, including current information as to where and how copies may be examined and readily obtained with maximum convenience to the inquirer.

(b) *Official showing.* Such statements also shall be tantamount to an official showing that the matter incorporated is in fact reasonably available to the class of persons affected thereby.

#### Subpart C—Procedures

§ 20.15 Advance submission.

In order to afford the Director reasonable time to consider instances of incorporation by reference, the issuing agency shall submit a copy of the document involved, or a copy of the pertinent provisions thereof, to the Office of the Federal Register at least 20 days before the proposed date of publication.

§ 20.16 Letter of transmittal of advance submission.

Each copy or excerpt submitted in advance shall be covered and accompanied by a letter requesting approval for publication under the pertinent statute and the regulations in this part.

§ 20.17 Notification to issuing agency.

The Director shall notify the issuing agency of his decision regarding publication at least 5 days before the proposed date of publication.

§ 20.18 Letter transmitting final document.

All documents submitted for publication under the provisions of this part shall be covered and accompanied by a letter of transmittal primarily concerned with the matter of incorporation by reference and referring specifically to the required previous submission and approval.

DAVID C. EBERHART,  
*Director of the Federal Register.*

[F.R. Doc. 66-12933; Filed, Nov. 29, 1966;  
8:49 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

### Coast Guard AUXILIARY PROGRAM

#### Nondiscrimination

NOVEMBER 23, 1966.

Pursuant to § 24.5 of Title 33, Code of Federal Regulations, effectuating Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d-1), notice is hereby given that the utilization of Coast Guard personnel, facilities and funds to assist the Coast Guard Auxiliary, or any unit thereof, constitutes a program to which Part 24 of Title 33, Code of Federal Regulations, applies.

[SEAL] TRUE DAVIS,  
Assistant Secretary of the Treasury.

[F.R. Doc. 66-12847; Filed, Nov. 29, 1966;  
8:47 a.m.]

#### Fiscal Service

[Dept. Circ. 570, 1966 Rev., Supp. No. 11]

### WISCONSIN SURETY CORP.

#### Surety Company Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13). An underwriting limitation of \$38,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated

Wisconsin Surety Corp.

Madison, Wis.

Wisconsin

Certificates of authority expire on May 31 each year, unless sooner revoked, and new certificates are issued on June 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of June 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

Dated: November 23, 1966.

[SEAL] JOHN K. CARLOCK,  
Fiscal Assistant Secretary.

[F.R. Doc. 66-12848; Filed, Nov. 29, 1966;  
8:47 a.m.]

### Office of the Secretary

[Antidumping—ATS 643.3-b]

### FUR FELT HAT BODIES FROM CZECHOSLOVAKIA

#### Notice of Intent To Discontinue Investigation and To Make Determination That No Sales Exist Below Fair Value

NOVEMBER 21, 1966.

Information was received on May 24, 1965, that fur felt hat bodies imported from Czechoslovakia were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)), in the FEDERAL REGISTER of June 15, 1965, on page 7725 thereof.

Comparison between purchase price and constructed value based on comparable hat bodies from a country not having a controlled economy, revealed that constructed value was higher than purchase price. Upon being advised of this fact, the exporter revised his prices. Assurances were given, that, regardless of the determination of this case, no future sales to the United States will be made at prices which could be construed as being at less than fair value, within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Appraisement of the above-described merchandise from Czechoslovakia has not been withheld.

In view of the foregoing it appears that there are not, and are not likely to be, sales below fair value of fur felt hat bodies from Czechoslovakia.

Unless persuasive evidence or argument to the contrary is presented within 30 days, a determination will be made that there are not, and are not likely to be, sales below fair value.

Any such evidence or argument should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice is published pursuant to § 14.7(b) (9) of the Customs Regulations (19 CFR 14.7(b) (9)).

[SEAL] TRUE DAVIS,  
Assistant Secretary of the Treasury.

[F.R. Doc. 66-12849; Filed, Nov. 29, 1966;  
8:47 a.m.]

## EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

### Guidelines for Compliance by Depository Banks

The regulations of the Fiscal Service, Department of the Treasury, governing the deposit of public moneys and special deposits of public moneys (31 CFR Parts 202, 203) were amended on August 25, 1966, to provide that the acceptance of a deposit of public money after November 30 constituted an amendment of the deposit contract between the depository bank and the Treasury Department to incorporate the equal employment opportunity provisions of Executive Order 11246, September 24, 1965, 30 F.R. 12319. These amendments were published in the FEDERAL REGISTER of August 27, 1966, 31 F.R. 11388.

Under Executive Order 11246 the Secretary of Labor is given the responsibility for assuring compliance with the terms of the order and providing the regulations governing compliance and procedure. These regulations appear in 41 CFR Ch. 60. The Labor Department is in the process of revising these regulations. When revised, they will be more clearly applicable to depository banks.

Notice is hereby given that until the revised regulations of the Department of Labor are issued in final form the following interpretations of the Executive order and the present regulations will be adhered to by the Treasury Department in the exercise of its responsibility as compliance agency for the depository banks. Under authorization from the Office of Federal Contract Compliance of the Labor Department, the Treasury Department will issue from time to time regulations and interpretations supplemental to those promulgated by the Labor Department.

1. *Affirmative action.* The first provision respecting equal employment opportunity included in depository contracts under the Executive order is the agreement by the bank not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and to take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to race, creed, color, or national origin. This provision means that the depository banks must actively seek to establish equal employment opportunity as a positive guide in hiring, promoting, selecting for training, and other personnel activities. It does not mean that banks must hire unqualified people or replace existing employees.

2. *Notices.* The depository bank agrees to post in conspicuous places available



to employees and applicants for employment notices furnished by the Treasury Department of the nondiscrimination provisions of the Executive order. This Department will provide to each depository bank copies of the standard poster prepared by the Office of Federal Contract Compliance and the Equal Employment Opportunity Commission for this purpose.

3. *Solicitations or advertisements.* The depository bank agrees to include in all solicitations or advertisements for employees a statement that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin. The alternative types of action which will satisfy this requirement are set forth in 41 CFR 60-1.60.

4. *Compliance reports.* Depository banks having 50 or more employees will be required to file compliance reports annually, on or before the 31st day of March on Standard Form 100 (EEO-1) promulgated jointly by the Office of Federal Contract Compliance, the Equal Employment Opportunity Commission, and Plans for Progress, or such form as may hereafter be promulgated in its place. The Treasury Department will provide to the reporting banks the appropriate form. The dollar amount of the contract now stated in Standard Form 100 as one of the criteria determining contractors required to file this report is not considered to be applicable to depository contracts.

5. *Subcontracts.* The definition of "subcontract" in 41 CFR 60-1.2(k) restricts the term to "any agreement made or purchase order executed by a prime contractor or a subcontractor where a material part of the supplies or services covered by such agreement or purchase order is being obtained for use in the performance of a contract." Depository banks will not be considered to be entering into subcontracts within the application of the Executive order except in those instances where the supplies or services are obtained in material part for use in the performance of the contract for the deposit of public money.

6. *Compliance reviews.* The Treasury Department will conduct compliance reviews, in accordance with the procedure in 41 CFR 60-1.20, to determine the extent to which the contract provisions in the Executive order are being observed. The objective will be to resolve compliance problems by conciliation before formal action.

7. *Complaints.* The Treasury Department, through such officers as it may designate, has the responsibility for investigating complaints involving depository banks directed to the Department or to the Office of Federal Contract Compliance. Every effort will be made to resolve complaints by conciliation.

8. *Communications.* Requests for advice and information may be directed to the Equal Employment Opportunity Of-

ficer, U.S. Treasury Department, Washington, D.C. 20220.

[SEAL] ROBERT A. WALLACE,  
Assistant Secretary, Equal  
Employment Opportunity Officer.

NOVEMBER 28, 1966.

[F.R. Doc. 66-12908; Filed, Nov. 29, 1966;  
8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[R 267]

### CALIFORNIA

#### Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 23, 1966.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial Number R267, for the withdrawal of lands from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, subject to valid existing rights. The applicant desires the land for the planned supplemental recreation purposes of the Sespe Creek Project. The principal features being considered are Topatopa Dam and Reservoir and Cold Springs Dam and Reservoir.

The lands involved in this application have previously been withdrawn for the Pine Mountain and Zaca Lake Forest Reserve by Presidential Proclamation of March 2, 1898, now the Los Padres National Forest, and as such have been open to entry under the general mining laws. It is intended that the described lands will continue to be administered by the Forest Service, U.S. Department of Agriculture, consistent with the reclamation purposes to be served.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned office of the Bureau of Land Management, Department of the Interior, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. The lands involved in the application are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 5 N., R. 22 W.,  
Sec. 4, lots 15 to 18, inclusive.  
T. 6 N., R. 20 W.,  
Sec. 22, S $\frac{1}{2}$ SW $\frac{1}{4}$ .

The area described aggregates 240.00 acres.

IRA J. PEAVY,  
Acting Manager.

[F.R. Doc. 66-12837; Filed, Nov. 29, 1966;  
8:46 a.m.]

### CALIFORNIA

#### Notice of Amendment of Proposed Withdrawal and Reservation of Lands

NOVEMBER 21, 1966.

In F.R. Vol. 31, No. 219, for Thursday, November 10, 1966, Doc. No. 66-12217 appearing on page 14461, the land description for Sacramento serial number S 70 is amended under sec. 18, T. 21 N., R. 12 E., M.D.M., to read: sec. 18, lots 1 and 2, N $\frac{1}{2}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ NW $\frac{1}{4}$ , and that portion of lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ NE $\frac{1}{4}$  lying east of the highest contour line of the divide between the Feather and Yuba Rivers and north of the highest contour line of the divide between the Gray Eagle and Frazier Creeks.

R. J. LITTEN,  
Chief, Lands Adjudication Section.

[F.R. Doc. 66-12838; Filed, Nov. 29, 1966;  
8:46 a.m.]

### NEW MEXICO

#### Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 21, 1966.

Notice of a Bureau of Land Management application, New Mexico 20, for withdrawal and reservation of lands for protection of the San Simon Cienega Mexican Duck Habitat Development Project, was published as F.R. Doc. No. 66-8235, on page 10201 of the issue for July 28, 1966. The applicant agency has canceled its application insofar as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN,  
NEW MEXICO

T. 26 S., R. 21 W.,  
Sec. 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described aggregates 40 acres. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such



lands at 10 a.m. on December 28, 1966, will be relieved of the segregative effect of the above-mentioned application.

MICHAEL T. SOLAN,  
Chief, Division of Lands and  
Minerals, Program Manage-  
ment and Land Office.

[F.R. Doc. 66-12840; Filed, Nov. 29, 1966;  
8:46 a.m.]

[Utah 1361]

## UTAH

### Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 22, 1966.

The Bureau of Reclamation has filed the above application for the withdrawal of the lands described below, from all forms of appropriation except leasing under the mineral leasing laws.

The applicant desires the land for construction, management, and operation of the proposed Tyzack Dam and Reservoir.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 3 S., R. 22 E.,  
Sec. 3, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 5, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and  
SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The areas described aggregate 230.00 acres.

R. D. NIELSON,  
State Director.

[F.R. Doc. 66-12839; Filed, Nov. 29, 1966;  
8:46 a.m.]

## National Park Service

### ISLE ROYALE NATIONAL PARK, MICH.

#### Proposed Wilderness Establishment; Hearing

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on January 31, 1967, in the Memorial Union Building, 1503 College Avenue, Houghton, Mich., for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of a wilderness area comprising about 119,618 acres within the Isle Royale National Park. The proposed wilderness area is located in Keweenaw County, Mich.

A packet containing a map depicting the preliminary boundaries of the proposed wilderness area and providing additional information about the proposal may be obtained from the Superintendent, Isle Royale National Park, 87 North Ripley Street, Houghton, Mich. 49931, or the Regional Director, National Park Service, 143 South Third Street, Philadelphia, Pa. 19106.

A description of the preliminary boundaries and larger maps of the area proposed for establishment as wilderness are available for review in the above offices and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C. The master plan for this park, likewise, may be inspected at these three locations.

Interested individuals, representatives of organizations, and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the hearing officer in care of the Superintendent, Isle Royale National Park, 87 North Ripley Street, Houghton, Mich. 49931, by January 27, 1967, of their desire to appear. Those not wishing to appear in person may submit written statements on this wilderness proposal to the hearing officer at that address for inclusion in the official record, which will be held open for 10 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which should be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to

determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the hearing officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the hearing officer, insofar as possible will adhere to the following order in calling for the presentation of oral statements:

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the county in which the proposed wilderness area is located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

A. C. STRATTON,  
Acting Director,  
National Park Service.

NOVEMBER 18, 1966.

[F.R. Doc. 66-12841; Filed, Nov. 29, 1966;  
8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

#### Child Nutrition

Pursuant to the delegation of authority contained in 31 F.R. 14463, dated November 10, 1966, which delegated the administration and enforcement of the Child Nutrition Act of 1966 (P.L. 89-642) to the Consumer and Marketing Service, the statement of organization, functions, and delegations of authority appearing in 31 F.R. 13249 et seq. is amended to reflect such delegation as follows:

Section 2(c)(2) is amended to read as follows:

(2) Directing and coordinating the administration of consumer food programs, including the national school lunch program, the special milk program, the program for distribution of donated commodities acquired under the price support program and the surplus removal program, the program for accelerated movement of plentiful foods through normal channels of trade, the food stamp program, programs contained in the Child Nutrition Act of 1966 (P.L. 89-642), and related activities, and the food management phases of the civil defense and defense mobilization programs. These programs are carried out by three functional Divisions (Commodity Distribution, Food Stamp, and School Lunch), one functional staff (Food Trades Staff), one program services staff (Consumer Food Programs Services Staff), located at Washington, D.C., and



by five Consumer Food Programs District Offices in the field.

Section 4(c) (1) is amended to read as follows:

(1) Planning and administering the national school lunch program, programs contained in the Child Nutrition Act of 1966 (P.L. 89-642), and the special milk program, including technical services for these and other consumer food programs; and.

Issued at Washington, D.C., this 25th day of November 1966.

S. R. SMITH,  
Administrator.

[F.R. Doc. 66-12856; Filed, Nov. 29, 1966;  
8:47 a.m.]

## DEPARTMENT OF COMMERCE

### Maritime Administration

#### TROOPSHIPS

##### Allocation

Notice of Allocation of 15 C4 Troopships:

In F.R. Doc. 66-8493 appearing in the FEDERAL REGISTER issue of August 3, 1966 (31 F.R. 10425), notice was given that pursuant to the Ship Exchange Act (sec. 510(i) of the Merchant Marine Act, 1936, as added by Public Law 86-575 and amended by Public Law 89-254, 46 U.S.C. 1160(i)), 25 C4 troopships, owned by the United States of America, represented by the Secretary of Commerce, acting by and through the Maritime Administrator, were available for trade-out to non-subsidized American flag steamship operators in exchange for their older and less efficient ships in accordance with the terms therein stated.

The notice stated that the ships would be exchanged in accordance with the provisions of the Ship Exchange Act and General Order 92 (27 F.R. 2011, Mar. 1, 1962), except that for the purpose of making assignments of the ships among applicants, applications would be closely evaluated to determine the type of conversion and resulting efficiency of the ship, including suitability of the ship for military or national defense use and the extent of upgrading of the American merchant marine; the applicant's operating ability; the applicant's financial responsibility; and other factors having a bearing on the intent of the Ship Exchange Act.

The notice also stated all assignments would be conditioned on the applicant's undertaking commitments for conversion satisfactory to the Acting Maritime Administrator and the Secretary of the Navy; and that persons interested in acquiring C4 troopships should file their applications for exchange of ships with the Maritime Administration on or before September 20, 1966.

In response to the notice, 27 companies filed applications proposing conversions for a total of 86 troopships. Five of the applications which were later withdrawn or held to be nonresponsive, were made by The Intercoastal Shipping and Trading Corp.; American Export-Isbrandtsen Airlift Corp.; Sea-Land Service, Inc.; Sapphire Steamship Lines/Atlantic Express Lines; and Matson Navigation Co.

On the basis of a review of the applications received in relation to the criteria for assignments of the available troopships as stated in the notice, 15 of the C4 troopships have been assigned by the Acting Maritime Administrator as follows:

Applicant	Name of ship	Fleet
<b>HEAVY LIFT SHIPS</b>		
U.S. Bulk Carriers, Inc. (for affiliated companies).....	General W. C. Langfitt.....	James.
Hudson Waterways Corp.....	General R. L. Howze.....	Astoria.
	Marine Adder.....	Do.
	Marine Lynx.....	Do.
<b>BREAK BULK</b>		
Consolidated Mariners, Inc.....	General S. D. Sturgis.....	Beaumont.
Doric Shipping & Trading Corp.....	Marine Corp.....	Do.
Waterman Steamship Corp.....	General M. B. Stewart.....	Hudson.
	General H. F. Hodges.....	Do.
	General J. H. McRae.....	Suisun.
Central Gulf Steamship Corp.....	General C. G. Morton.....	Do.
	General W. M. Black.....	Do.
Bulk Transport, Inc.....	Marine Phoenix.....	Astoria.
<b>CONTAINER SHIPS</b>		
Isthmian Lines, Inc.....	General Stuart Heintzelman.....	Beaumont.
	General C. C. Ballou.....	Do.
	General W. G. Hann.....	Do.

As requested by the Navy Department, the Acting Maritime Administrator has reserved 10 C4 troopships out of the 25 for conversion to container ships, and will delay the allocation of these until after bids have been received and evaluated on MSTs procurement of container services to South Vietnam.

**Conditions of assignment.** The Assignments of the above-mentioned ships

are approved subject to the individual applicants agreeing to:

(a) Convert the C4 troopships to a configuration acceptable to the Secretary of Navy by and in accordance with conversion plans approved by the Maritime Administration.

(b) Offer the C4 ships to Commander, MSTs, for service at fair and reasonable rates. Ships not immediately required

may be placed in commercial operation subject to military call after reasonable advance notice by Commander, MSTs, that they are required for Military or National Defense use.

(c) Qualify for the ship exchange in accordance with the provisions of the Ship Exchange Act, P.L. 86-575, as amended, and with the requirements of General Order 92 (27 F.R. 2011).

(d) Accept the ship assignment within 15 days and enter in a Ship Exchange Contract within 90 days after the receipt of notice of assignment, unless additional time is granted by the Maritime Administration for good cause. Each assignment is contingent upon the execution of a shipyard contract or commitment for the contemplated conversion and the completion of financing both as approved by the Maritime Administration and not later than the time of execution of the exchange contracts. The allocations are also contingent upon the applicants meeting all other requirements for the exchanges involved.

(e) In the event any assignment is rejected or any applicant does not comply with the conditions of assignment, the Maritime Administration reserves the right to rescind the assignment and take such action with respect to the ships as it may deem appropriate.

(f) The Maritime Administration, without obligation to the applicants, reserves the right to cancel, in whole or in part, any of the above assignments prior to the execution of an exchange contract, if it determines for good cause that it would be in the public interest to do so, or that the applicant is not proceeding promptly and in good faith to comply with the conditions of the assignment.

(g) The Ship Exchange Contract will contain provisions requiring that the applicant complete the conversion of the C4 ship substantially in accordance with plans approved by the Maritime Administration within 12 months after execution of the Ship Exchange Contract, unless additional time is granted by the Maritime Administration for good cause. The exchange contract will provide that in the event the applicant fails to complete the conversion within the time stipulated, there shall become due and payable liquidated damages in the sum of \$1,000 per day for failure to complete the conversion and should this default continue for a period of more than 60 days, the exchange contract will be subject to termination at the option of the Maritime Administration in which event title and possession of the C4 ship will be returned to the U.S. Government, without obligation to the applicant.

(h) All assignments of ships are conditioned upon the vessels being taken for title by the applicant or a closely related company, and for the conversions to be financed without aid from a subsidized company or affiliate thereof and for chartering of the ships by the nonsubsidized shipowner directly to MSTs.

(i) The assignment of the 3 ships to Isthmian Lines, Inc., for conversion to container ships is conditioned upon that company, within approximately 8 weeks



after the date of allocation, chartering three of its C4 company-owned break bulk ships to MSTs, in lieu of the requirements of (b) above.

By order of the Acting Maritime Administrator.

Dated: November 28, 1966.

JAMES S. DAWSON, Jr.,  
Secretary.

[F.R. Doc. 16-12913; Filed, Nov. 29, 1966;  
8:49 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-264]

### DOW CHEMICAL CO.

#### Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission ("the Commission") is considering the issuance of a construction permit substantially in the form annexed to The Dow Chemical Co. which would authorize the construction of a TRIGA Mark I nuclear reactor on the company's site at Midland, Mich.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this construction permit may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed license, see (1) the application and amendments thereto, and (2) a related Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 23d day of November, 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director,  
Division of Reactor Licensing.

#### PROPOSED CONSTRUCTION PERMIT

1. By application dated August 3, 1966 and amendments thereto dated September 9, 1966, and September 13, 1966 (hereinafter referred to as "the application"), The Dow Chemical Co. requested a Class 104 license authoriz-

ing construction and operation on the company's site at Midland, Mich., of a TRIGA Mark I nuclear research reactor facility (hereinafter referred to as "the facility").

2. The Atomic Energy Commission ("the Commission") has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities";

C. The facility will be used in the conduct of research and development activities of the types specified in section 31 of the Act;

D. The Dow Chemical Co. is financially qualified to construct the facility in accordance with the Commission's regulations and to assume financial responsibility for the payment of Commission charges for special nuclear material;

E. The Dow Chemical Co. and its contractor, General Atomic Division of General Dynamics Corp., are technically qualified to design and construct the facility;

F. The Dow Chemical Co. has submitted sufficient technical information concerning the proposed facility to provide reasonable assurance that the proposed facility can be constructed and operated at the proposed location without endangering the health and safety of the public;

G. The issuance of the proposed construction permit will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to The Dow Chemical Co. to construct the facility in accordance with the application. This permit should be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereinafter in effect, and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is January 1, 1967. The latest completion date of the facility is November 1, 1970. The term "completion date", as used herein means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The Facility shall be constructed and located at the location on the company's site at Midland, Mich., specified in the application.

4. Upon completion of the construction of the facility in accordance with the terms and conditions of this permit, upon finding that the facility authorized has been constructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, upon execution of the indemnity agreement as required by section 170 of the Act, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to The Dow Chemical Co. pursuant to section 104c of the Act, which license shall expire ten (10) years from the date of issuance of this construction permit, unless sooner terminated.

Date of Issuance:

For the Atomic Energy Commission.

Director,  
Division of Reactor Licensing.

#### SAFETY EVALUATION BY TEST AND POWER REACTOR SAFETY BRANCH

##### DIVISION OF REACTOR LICENSING

**Introduction.** By application dated August 3, 1966, and a supplement thereto dated September 13, 1966, the Dow Chemical Co. requested authorization to construct and operate a TRIGA Mark I reactor at its research and development facility at Midland, Mich. The reactor is intended for use in activation analysis and short-life tracer production and will be operated at steady-state power levels up to a maximum of 100 kilowatts thermal (kw). Pulsed operation of the reactor is not planned.

The TRIGA Mark I reactor proposed by the applicant is a design developed by the General Atomic Division of the General Dynamics Corp. It is a heterogeneous pool-type reactor with fuel-moderator elements composed of a mixture of zirconium hydride and 8 weight percent uranium, 20 percent enriched, clad with aluminum. The applicant has stated that the initial fuel loading may include several stainless steel clad fuel elements; however, the applicant's analysis was conservatively based on the use of all aluminum clad fuel elements. This type of fuel element has been used successfully in other TRIGA reactors, and has demonstrated a prompt negative temperature coefficient of reactivity which inherently limits the reactor power to safe levels during transients.

**Site evaluation.** The proposed site for the TRIGA reactor does not present any special problems from a geological, hydrological, or meteorological viewpoint. The reactor room will be located within a security fence which surrounds a two-block area containing research laboratories of the Dow Chemical Co. There are no residences within about 500 yards of the site. No undue hazard is expected since, as discussed later, it is unlikely that a significant release of fission products would result from operation of the reactor. On the basis of these considerations, we have concluded that the site is suitable for a reactor of this type and power level.

**Description.** The reactor core will be located at the bottom of a 6.5 foot diameter aluminum tank 21.5 feet deep installed in a pit below the grade level of the reactor building. Approximately 16 feet of water above the core provides vertical shielding. In the radial direction, the core is surrounded by a 12 inch thick graphite reflector and a steel reinforced concrete shell 1 foot thick. Experimental facilities will include a rotary specimen rack adjacent to the core, a central thimble and a pneumatic transfer system for short-term irradiations in the core. The above irradiation facilities are similar to those installed in other research reactors.

The core loading will provide a maximum excess reactivity of 1.5 percent above cold, clean critical. Reactor control will be provided by three rack and pinion driven control rods with a total reactivity worth of about 5.9 percent.

Reactor instrumentation will include four channels to monitor, indicate, and control neutron flux. Reactor shutdown is caused by excessive power level, short period, power supply failure, and manual scram. This type of protective system has been proven satisfactory in other TRIGA reactors.

The reactor will be housed in a room to be constructed adjacent to the present Radiochemistry Laboratory building. The reactor room will be 20 feet by 25 feet by 12 feet high of steel and concrete construction. Entrance to the windowless reactor room will be from an adjacent room in the present building which will contain the reactor control console as well as sample counting and chemistry areas. The reactor room will have an independent ventilation system by means of



which fresh air will be supplied from the outside by an intake fan and heater and will be exhausted by a fan to the outside. The intake and exhaust openings will have dampers which close to isolate the room when the fans are turned off. The openings are located in a manner to minimize the possibility of exhaust air entering the Radiochemistry Laboratory building. The adjacent laboratory and control room will be supplied with air from the existing building ventilation system and which is exhausted through hoods to the roof. The hood fans are normally run continuously and are capable of maintaining a negative pressure in the room when the room is isolated.

Storage of radioactive samples and wastes will be in pipes embedded in concrete below ground level in the reactor room. Disposal or transfer of radioactive samples or waste will be in accordance with 10 CFR Part 20 and existing byproduct material licenses held by the applicant.

**Discussion.** A TRIGA reactor which is considered a prototype of the proposed reactor has operated for several years at the General Atomic Laboratory in San Diego, Calif. In addition, many other reactors of the TRIGA design have been constructed and are operating in a manner similar to that proposed by the applicant. The operating experience with these reactors has demonstrated that the important reactor parameters can be confidently predicted. The applicant has analyzed various potential hazards associated with the operation of the reactor. These include: (1) Release of argon-41; (2) reactivity accident; (3) fuel element cladding failure; and (4) a loss of pool water accident.

Radioactive argon-41, which is produced by neutron activation of the air in the various irradiation facilities, could be released to the reactor room and to the environment. The applicant's calculations and our analysis indicate that the release of argon-41 will not exceed the concentrations specified as 10 CFR 20 limits for restricted and nonrestricted areas.

The reactivity accident considered by the applicant is the rapid insertion of all the excess reactivity available in the core. Analysis indicates that no damage to the core will result from this unlikely accident. The core will be loaded to provide a maximum of 1.5 percent excess reactivity above a cold, clean, critical condition. The prototype TRIGA reactor at General Atomic has operated with several thousand pulsed insertions of 2.2 percent reactivity and greater, with measured fuel temperatures considerably below the point that would cause damage. On the basis of experience gained from operation of the prototype TRIGA reactor, we have concluded that there would be no undue hazard associated with the sudden insertion of all the excess reactivity available in the core.

The applicant has considered an accident involving the release of fission products following the rupture of the cladding of one fuel element. In this event, the reactor room ventilation system would be shut down following the high activity level alarm, and personnel would be evacuated immediately. Calculations indicate that a person could remain in the reactor room for at least 25 minutes without exceeding the permissible weekly radiation dose of 100 mr. Ample time exists, therefore, for safe evacuation of personnel. Furthermore, calculations indicate that the leakage of fission products from the reactor room would result in negligible doses to the public.

The effect of a complete loss of pool water has been investigated, although such an accident is considered extremely unlikely. Siphon breaks prevent the pool from being pumped dry accidentally, and only a rupture

of the aluminum pool tank and its surrounding concrete shell could allow tank drainage. Even in this event, tests at the site indicate that the surrounding water table level is such that about 7 feet of water would remain above the core. Nevertheless, the applicant has calculated and we concur that, even if all the pool water were lost, no damage to the core would result. We have also concluded that if a fuel element cladding failure were to accompany such an accident, or if an element were to be damaged while being handled in the open, ample time would still remain for evacuation of the reactor room and the dose to the public would be negligible.

The experimental program planned by the applicant will produce only small amounts of radioactivity and the hazard associated in the handling or failure of samples is considered to be negligible. This aspect of the applicant's program will be reviewed in detail prior to issuance of an operating permit.

The General Atomic Division of General Dynamics Corp. has installed many TRIGA type reactors and demonstrated that it is technically qualified to construct the proposed reactor. The Dow Chemical Co. has an established organization in existence for administering and using other radiation sources at the site, including two Van der Graaf machines and two large Co-60 sources now in use. The applicant's plans for administering and operating the proposed reactor will be reviewed prior to issuance of a license to operate the facility.

**Conclusion.** On the basis of our review, we have concluded that there is reasonable assurance that the proposed TRIGA Mark I reactor can be constructed and operated at the Dow Chemical Co. research facility at Midland, Mich., without endangering the health and safety of the public.

Dated: November 23, 1966.

SAUL LEVINE,  
Chief, Test and Power Reactor Safety  
Branch, Division of Reactor  
Licensing.

[F.R. Doc. 66-12906; Filed, Nov. 29, 1966;  
8:49 a.m.]

[Docket No. 50-253]

## GENERAL DYNAMICS CORP.

### Notice of Proposed Issuance of Construction Permit and Facility License

Please take notice that the Atomic Energy Commission ("the Commission") is considering the issuance of a construction permit substantially in the form annexed to General Dynamics Corp. which would authorize the construction of an Accelerator Pulsed Fast Critical Assembly, designated as the APFA-III, for nuclear research on the corporation's John Jay Hopkins Laboratory site at Torrey Pines Mesa, near San Diego, Calif.

Notice is also hereby given that if the Commission issues the construction permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license in the form annexed authorizing operation of the reactor by General Dynamics Corp. if it is found that construction of the reactor has been completed in compliance with the terms and conditions contained in the construction permit and that the reactor will operate

in conformity with the application and the provisions of the Atomic Energy Act of 1954, as amended, and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of such license would not be in accordance with the provisions of the Act.

Prior to issuance of the license, General Dynamics Corp. will be required to provide proof of financial protection which satisfies the requirements of 10 CFR Part 140 and to execute an indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this construction permit may file a petition for leave to intervene. Requests for hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to these proposed licenses, see (1) the application and amendments thereto, and (2) a related Safety Analysis prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Analysis may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 25th day of November 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director,  
Division of Reactor Licensing.

#### PROPOSED CONSTRUCTION PERMIT

1. By application dated May 2, 1966, and amendments thereto dated August 4, 1966, August 18, 1966, October 4, 1966, and October 13, 1966 (hereinafter referred to as "the application"), General Dynamics Corp. requested a Class 104 license authorizing construction and operation on the corporation's laboratory site at Torrey Pines Mesa, near San Diego, Calif., of an Accelerator Pulsed Fast Critical Assembly (APFA-III) nuclear research reactor facility (hereinafter referred to as "the facility").

2. The Atomic Energy Commission ("the Commission") has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities";



C. The facility will be used in the conduct of research and development activities of the types specified in section 31 of the Act;

D. General Dynamics Corp. is financially qualified to construct the facility in accordance with the Commission's regulations, and to assume financial responsibility for the payment of Commission charges for special nuclear material;

E. General Dynamics Corp. is technically qualified to design and construct the facility;

F. General Dynamics Corp. has submitted sufficient technical information concerning the proposed facility to provide reasonable assurance that the proposed facility can be constructed and operated at the proposed location without endangering the health and safety of the public;

G. The issuance of the proposed construction permit and facility license will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to General Dynamics Corp. to construct the facility in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereinafter in effect, and is subject to the additional conditions specified below:

A. The earlier completion date of the facility is December 19, 1966. The latest completion date of the facility is February 15, 1967. The term "completion date", as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The facility shall be constructed and located at the location on the corporation's laboratory site at Torrey Pines Mesa, near San Diego, Calif., specified in the application.

4. Upon completion of the construction of the facility in accordance with the term and conditions of this permit, upon finding that the facility authorized has been constructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, upon execution of the indemnity agreement as required by section 170 of the Act, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to General Dynamics Corp. pursuant to section 104 c of the Act, which license shall expire approximately five (5) years from the date of issuance of this construction permit, unless sooner terminated.

Date of issuance:

For the Atomic Energy Commission.

Director,  
Division of Reactor Licensing.

PROPOSED LICENSE

[License No. R-----]

The Atomic Energy Commission (hereinafter referred to as "the Commission") having found that:

a. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. The facility has been constructed in conformity with Construction Permit No. CPRR----- and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

c. There is reasonable assurance that the facility can be operated at the designated location without endangering the health and safety of the public;

d. General Dynamics Corp. is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations, and to assume financial responsibility for Commission charges for special nuclear material;

e. The possession and operation of the facility, and the receipt, possession and use of the special nuclear material, in the manner proposed in the application, will not be inimical to the common defense and security or to the health and safety of the public;

f. General Dynamics Corp. has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

Facility License No. R-----, effective as of the date of issuance, is issued as follows:

1. This license applies to the Accelerator Pulsed Fast Critical Assembly (APFA-III) (hereinafter, "the facility"), owned by the General Dynamics Corp. (hereinafter, "the licensee") and located at the licensee's laboratory site at Torrey Pines Mesa, near San Diego, Calif., and is described in the licensee's application for license dated May 2, 1966, and amendments thereto dated August 4, 1966, August 18, 1966, October 4, 1966, and October 13, 1966 (herein referred to as "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses General Dynamics Corp.;

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities" to possess, use, and operate the facility in accordance with the procedures and limitations described in the application;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use up to 70 kilograms of contained uranium-235 and 250 grams of plutonium in connection with operation of the facility;

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess, but not to separate such byproduct material as may be produced by operation of the facility.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50 and § 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Maximum power level.* The licensee may operate the facility at steady state power levels up to a maximum of 1,000 watts (thermal).

B. *Technical specifications.* The Technical Specifications contained in Appendix A hereto,<sup>1</sup> are hereby incorporated into this license. Except as otherwise permitted by the Act and the rules, regulations, and orders of the Commission, the licensee shall operate the facility in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

C. *Records.* In addition to those otherwise required under this license and application regulations, the licensee shall keep the following records:

<sup>1</sup> This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

(1) Facility operating records, including power levels and periods of operation at each power level.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at or prior to the point of such release or discharge.

(3) Records of emergency shutdowns and inadvertent scrams, including reasons for emergency shutdowns.

(4) Records of maintenance operations involving substitution or replacement of facility equipment or components.

(5) Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation and any unusual events involved in their performance and in their handling.

(6) Records of tests and measurements performed pursuant to the Technical Specifications.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the facility which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications. For each such occurrence, General Dynamics Corp. shall promptly notify by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, Director, DRL) with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the facility from performance specifications contained in the Hazards Summary Report of the Technical Specifications.

(3) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant changes in transient or accident analysis as described in the Hazards Summary Report.

4. This license shall expire at midnight, January 31, 1972, unless sooner terminated.

Date of issuance:

For the Atomic Energy Commission.

Director,  
Division of Reactor Licensing.

[F.R. Doc. 66-12907; Filed, Nov. 29, 1966; 8:49 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 14468; Order No. E-24451]

DELTA AIR LINES, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.

Order Granting Tentative Approval and Temporary Discontinuance of Interchange Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of November 1966.

Joint applications of Delta Air Lines, Inc., and Pan American World Airways, Inc., for renewal of approval of an equipment interchange agreement and temporary discontinuance of interchange service.



By Order E-20806, May 12, 1964, the Board approved, subject to various conditions, an equipment interchange lease agreement between Delta Air Lines, Inc. (Delta) and Pan American World Airways, Inc. (Pan American) to provide for the operation of one-plane interchange service with combination aircraft between New Orleans, La., and Atlanta, Ga., on the one hand, and London, England, and Paris, France, on the other hand, via Washington, D.C., and Philadelphia, Pa., for a period of 2 years from the date of that order or until sixty (60) days after final decision in the Transatlantic Route Renewal Case, Docket 13577, et al., whichever shall first occur. Thereafter, by Order E-22833, November 1, 1965, the Board approved the carriers' modification of the original agreement to substitute Frankfurt, Germany, for Paris and delete Philadelphia as an interchange point. Following the decision in the Transatlantic Route Renewal Case, Order E-23230, adopted February 11, 1966, the Board in Order E-23510, April 11, 1966, extended its approval of the carriers' interchange agreement until final decision on the subject renewal application.

The carriers request that the Board extend its previous approval of their equipment interchange lease agreement for an indefinite period, and, in doing so, follow the procedure established by the third proviso of section 408(b) of the Federal Aviation Act of 1958, as amended (Act). By application filed on November 3, 1966, the carriers jointly request that the Board grant them permission to temporarily suspend, through April 29, 1967, the interchange service beyond London to Frankfurt.<sup>1</sup>

The renewal application states that based on computations as of December 31, 1965, only 0.43 percent of Pan American's properties would be involved in the operation (whereas 0.70 percent was indicated as of December 31, 1962, in the initial petition for approval of the interchange agreement);<sup>2</sup> that since approval by the Board on November 1, 1965, of the new interchange schedules, the carriers have been operating one daily round trip in these interchange markets; that they plan a continuation of the existing schedules for an indefinite period, in view of the acceptance of the service and substantial growth in these markets; that from July through December 1964, following the inauguration of interchange service to London, 1,881 one-way passengers were carried, or an increase of 131

percent; that, of the 1,163 interchange passengers carried from November 1, 1965 through December 31, 1965, 215, or 19 percent either boarded or deplaned at Frankfurt, Germany; that they continue to be the sole U.S.-flag carriers providing one-plane service between the points served by the interchange agreement; and that they expect, on the basis of recent traffic growth, that their participation in the interchange markets will continue to be profitable for both of them.

In support of their discontinuance application the carriers represent, inter alia, that from November 1, 1965, to the present date Pan American and Delta have operated a daily roundtrip schedule over the interchange route; that during the period November 1, 1965, through September 30, 1966, some 2,000 passengers traveling between New Orleans and Atlanta, on the one hand, and Frankfurt, Germany, on the other hand, were inconvenienced by the through one-plane service; that Pan American's major schedule change for winter operations, effective October 30, 1966, shows a reduction in certain of its normal schedules; that although this reduction in normal schedules was instituted to meet the ever-increasing demand for aircraft and crews by the military service, a further effort to meet this need is required; that the schedule change requested will extend over a period when a minimum number of passengers between New Orleans/Atlanta and Frankfurt will be affected;<sup>3</sup> and that during this period of discontinuance New Orleans/Atlanta passengers on the interchange will have convenient connections at London to and from Frankfurt on other Pan American flights.

No objections to the applications have been received.<sup>4</sup>

The Board tentatively finds that the interchange agreement is not adverse to or inconsistent with the public interest or in violation of the Act, and its approval pursuant to section 412 of the Act appears warranted. The Board further finds that a relationship exists within the purview of section 408(a) of the Act by reason of the interchange lease agreement between Delta and Pan American. However, the Board has concluded tentatively that such relationship does not affect control of any direct air carrier, result in creating a monopoly, or tend to restrain competition. Further-

<sup>3</sup> From November to April the interchange flights have been carrying an average of 3.6 passengers between New Orleans/Atlanta and Frankfurt, whereas during the period May through September 5.7 passengers have been carried.

<sup>4</sup> On Apr. 19, 1966, the Chamber of Commerce of the New Orleans area filed a letter in support of extension of approval of the interchange agreement. By letter dated Nov. 7, 1966, Pan American states that neither Trans World Airlines, Inc., nor Seaboard World Airlines, Inc., objects to applicants' request for suspension, and by letter dated Nov. 14, 1966, Pan American states that neither the Atlanta nor the New Orleans civic parties object to applicants' request.

more, no person disclosing a substantial interest in this proceeding is currently requesting a hearing. The interchange agreement for which further Board approval is requested, is identical in all respects to the modified agreement which was previously approved for a temporary period. The basic public interest considerations upon which the Board relied in approving the original interchange agreement (Order E-20806) still obtain. These include advantages to the traveling public in having first through one-plane service between Atlanta and New Orleans, on the one hand, and London and Frankfurt, on the other hand, and financial benefits to both participating carriers without unduly affecting any U.S. carrier. In addition, the Board tentatively finds and concludes that the various conditions attached to the original approval of the interchange agreement should continue to be applicable.

In view of the foregoing, the Board tentatively finds that its previous approval of the equipment interchange lease agreement between Pan American and Delta, subject to section 408 of the Federal Aviation Act of 1958, as amended, should be extended indefinitely, subject to the customary termination provision in such cases and otherwise subject to the same terms and conditions as are attached to the carriers' currently effective interchange agreement. Furthermore, the Board intends to extend this approval without a hearing, pursuant to the provisions of section 408(b). In accordance therewith, this order constituting a notice of such intention will be published in the FEDERAL REGISTER and interested parties will be afforded an opportunity to comment on the Board's tentative decision.<sup>5</sup>

Further, upon consideration of the matters set forth in the applicants' November 3d pleading, the Board finds that the temporary discontinuance of operations between London and Frankfurt through April 29, 1967, is in the public interest.

Accordingly, it is ordered,

1. That this order be published in the FEDERAL REGISTER;

2. That the Attorney General be furnished a copy of this order within 1 day of its publication;

3. That interested persons are afforded a period of 15 days within which to file comments with respect to the Board's proposed action herein for renewal of the interchange agreement;

4. That Delta and Pan American be and they hereby are authorized to temporarily discontinue interchange service between London and Frankfurt from the date of this order through April 29, 1967; and

5. That the authorization to temporarily discontinue interchange service between London and Frankfurt may be

<sup>5</sup> Further action on the interchange agreement under section 412 will be deferred pending final decision on the equipment lease relationship which is subject to section 408.

<sup>1</sup> While the applicants request temporary suspension of interchange service, we deem the request to be one for Board approval under Condition 2(b) of Order E-22833, Nov. 1, 1965, for temporary discontinuance of operations between London and Frankfurt.

<sup>2</sup> The amount of property leased (DC-8) is calculated on the percentage of Pan American's daily jet utilization. While initially Pan American is the only lessor, the agreement is sufficiently flexible to permit Delta to be a lessor. A lease of similar aircraft from Delta would be 3.70 percent of the carrier's properties as of Dec. 31, 1965.



amended or revoked at any time in the discretion of the Board without notice and hearing.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-12861; Filed, Nov. 29, 1966;  
8:48 a.m.]

## CIVIL SERVICE COMMISSION

### TEACHERS IN INDIAN SCHOOLS

#### Manpower Shortage

Under the provisions of 5 U.S.C. 5723 the Civil Service Commission has found,

effective November 14, 1966, that there is a manpower shortage for the positions of Teacher (Elementary) CS-1710-5/9, Teacher (appropriate subject-field) CS-1710-5/9, and Teacher (Guidance) CS-1710-5/9. Positions are in various locations in the Indian Schools, Bureau of Indian Affairs, Department of the Interior.

Appointees to these positions may be paid for the expenses of travel and transportation to their first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Acting Executive Assistant  
to the Commissioners.

[F.R. Doc. 66-12905; Filed, Nov. 29, 1966;  
8:49 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Canadian Change List 218]

### CANADIAN BROADCAST STATIONS

#### List of Changes, Proposed Changes, and Corrections in Assignments

NOVEMBER 14, 1966.

Notification under the provision of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignment of Canadian broadcast stations modifying appendix containing assignments of Canadian Stations (Mimeograph No. 47214-3) attached to the recommendation of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
CJSP (slight change in pattern from that notified on list No. 211 (P.O. 710 kc. 1kw DA-D)).	Leamington, Ontario	710 kilocycles 10 kw	DA-D	D	II	E.I.O. 11-10-67.
CJTT (assignment of call letters).	New Liskeard, Ontario	1290 kilocycles 1 kw 1/0.25 kwN.	ND	U	IV	
CIIOR (assignment of call letters).	Powell River, British Columbia.	1290 kilocycles 1 kw	DA-1	U	III	
CEKR (now in operation).	Rosetown, Saskatchewan.	1390 kilocycles 10 kw	DA-1	U	III	
CJVR (now in operation).	Melfort, Saskatchewan.	1490 kilocycles 10 kw	DA-N	U	III	

FEDERAL COMMUNICATIONS COMMISSION,  
BEN F. WAPLE,  
Secretary.

[SEAL]

[F.R. Doc. 66-12862; Filed, Nov. 29, 1966; 8:48 a.m.]

[Docket Nos. 16972, 16973; FCC 66M-1575]

### CARTER BROADCASTING CORP. AND METRO GROUP BROADCASTING, INC.

#### Order Scheduling Hearing

In re applications of Carter Broadcasting Corp., Burlington, Vt., Docket No. 16972, File No. BP-16735; Metro Group Broadcasting, Inc., Plattsburgh, N.Y., Docket No. 16973, File No. BP-17089; for construction permits:

It is ordered, This 21st day of November 1966, that Jay A. Kyle shall serve as Presiding Officer in the above-entitled

proceeding; that the hearings therein shall be convened on January 5, 1967, at 10 a.m.; and that a prehearing conference shall be held on December 14, 1966, commencing at 9 a.m.: And, it is further ordered, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: November 23, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12863; Filed, Nov. 29, 1966;  
8:48 a.m.]

[Docket No. 16984; FCC 66M-1577]

### COSMOS BROADCASTING CORP. (WSFA-TV)

#### Order Scheduling Hearing

In re application of Cosmos Broadcasting Corp. (WSFA-TV), Montgomery, Ala., Docket No. 16984, File No. BPCT-3643; for construction permit:

It is ordered, This 21st day of November 1966, that Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on January 10, 1967, at 10 a.m.; and that a prehearing conference shall be held on December 13, 1966, commencing at 9 a.m.: And, it is further ordered, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: November 23, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12864; Filed, Nov. 29, 1966;  
8:48 a.m.]

[Docket Nos. 16787, 16788; FCC 66M-1581]

### HARRISCOPE BROADCASTING CORP. (KTWO) AND FAMILY BROADCASTING, INC.

#### Order Continuing Hearing

In re applications of Harrisclope Broadcasting Corp. (KTWO), Casper, Wyo., Docket No. 16787, File No. BP-16713; Family Broadcasting, Inc., La Grange, Wyo., Docket No. 16788, File No. BP-17204; for construction permits.

The applicants in this proceeding having filed with the Review Board a joint request for approval of agreement, Dismissal of application of Family Broadcasting, Inc., conditional grant of Harrisclope Broadcasting Corp. application, and termination of hearing;

It appearing, that the evidentiary hearing in this proceeding is scheduled to commence November 28, 1966;

It further appearing, that in view of the interlocutory pleading now pending before the Review Board said evidentiary hearing should be continued without date:

Accordingly, it is ordered, This 23d day of November 1966, that the evidentiary hearing now scheduled for November 28, 1966, be and the same is hereby continued without date.

Released: November 23, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12865; Filed, Nov. 29, 1966;  
8:48 a.m.]

[Docket No. 16889; FCC 66M-1574]

### HAWAIIAN PARADISE PARK CORP. AND FRIENDLY BROADCASTING CO.

#### Order Continuing Hearing

In re application of Hawaiian Paradise Park Corp. (assignor) and Friendly



Broadcasting Co. (assignee), Docket No. 16889; File Nos. BALCT-293, BALTS-185; for assignment of licenses of stations KTRG-TV and KUT-67, Honolulu, Hawaii.

Under consideration is Broadcast Bureau's request for continuance of hearing date, filed November 17, 1966, asking that hearing be continued to December 7, 1966; and

It appearing that counsel for no other party has objection to grant of the request nor to its early consideration:

*It is ordered*, This 21st day of November 1966, that the request for continuance is granted, and the hearing now scheduled for November 29, 1966, is continued to December 7, 1966.<sup>1</sup>

Released: November 23, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12866; Filed, Nov. 29, 1966;  
8:48 a.m.]

[Docket Nos. 16765, 16766; FCC 66R-467]

## KJRD, INC., AND MOUNT-ED-LYNN, INC.

### Memorandum Opinion and Order Affording Other Parties Further Opportunity To Apply for Facilities

In re applications of KJRD, Inc., Monroe, Wash., Docket No. 16765, File No. BP-16618; Mount-Ed-Lynn, Inc., Mountlake Terrace, Wash., Docket No. 16766, File No. BP-16882; for construction permits.

1. Each of the above applicants has been seeking a construction permit for a new standard broadcast station (250 watts, daytime only) on the frequency 1510 kc/s. KJRD, Inc.'s application specifies a nondirectional operation at Monroe, Wash., located some 16 miles northeast of Seattle, Wash., and having a 1960 population of 1,901. Mount-Ed-Lynn, Inc.'s application specifies a directional operation at Mountlake Terrace, located some 1.5 miles northeast of Seattle and having a 1960 population of 9,122. Although Mountlake Terrace lies in a different county (Snohomish) than Seattle (King), it is a part of Seattle's urbanized area. No broadcast station of any kind has as yet been assigned to either Monroe or Mountlake Terrace.

2. The applications were designated for hearing by order of July 13, 1966.<sup>1a</sup> Among other specified issues are (a) one as to which proposal would better serve the objectives of section 307(b) of the Communications Act, and (b) a contingent comparative issue. Additionally, the order noted as follows:

<sup>1</sup> This order makes moot a letter request of Friendly, filed Nov. 10, 1966, seeking a 1-day continuance of hearing and the Examiner's hand-written letter of Nov. 14, 1966, indicating assent to that request.

<sup>1a</sup> KJRD, Inc., FCC 66-642, released July 20, 1966.

Also it is noted that Mount-Ed-Lynn's proposed 5 mv/m daytime contour penetrates Seattle's city limits. Under the Commission's "Policy Statement on section 307 (b) Considerations For Standard Broadcast Facilities Involving Suburban Communities" (FCC 65-1153, 2 FCC 2d 190) a presumption thus arises that this applicant realistically proposes to serve Seattle rather than Mountlake Terrace and insufficient data is included in the application to rebut this presumption. Appropriate issues are included in this order.

3. The applicants are now before us under § 1.525 of the Commission's rules, seeking approval of agreements whereby Mount-Ed-Lynn would reimburse KJRD, Inc. for out-of-pocket expenses and the latter would withdraw its Monroe application.<sup>2</sup> In an earlier agreement, the applicants contemplated an option whereunder KJRD, Inc.'s principal stockholder could purchase a 45 percent interest in Mount-Ed-Lynn.<sup>3</sup>

4. In its several pleadings, the Broadcast Bureau has raised a number of procedural objections and contended for ambiguities and lack of clarity in the applicants' showings. However, placing substance over form, the Board believes that—except for the 307(b) considerations discussed below—the applicants' compliance with § 1.525 has been such as to permit the requested relief. It should be noted, however, that KJRD, Inc., has not yet substantiated the "Legal" expense item of \$50.35, claimed in Appendix E of the September petition. Consequently, unless the required substantiation is effected, any ultimate approval by the Board of reimbursement to KJRD, Inc. will be limited to the \$1,937.30 for which affidavits have been submitted.

5. The Broadcast Bureau's larger point is that—

\* \* \* the petition could still not be approved absent compliance with 47 CFR 1.525 (b)'s publication requirements. It is clear that a withdrawal of KJRD's application would unduly impede achievement of a fair, efficient and equitable distribution of radio service. At this stage of the proceeding the

<sup>2</sup> See "Petition for Approval of Dismissal of KJRD, Inc. Application," to which are appended a "Joint Petition to Dismiss Prior Request for Approval of Agreement," and a "Petition for Dismissal of Broadcast [Application] and Approval of Receipt of Out of Pocket Expenses." The lead petition was filed by Mount-Ed-Lynn on Oct. 18, 1966, and the petitioner filed errata on Oct. 20, 1966, and a supplement on Oct. 28, 1966. The Commission's Broadcast Bureau filed an opposition to the lead petition (and the appended petitions) on Oct. 27, 1966, and comments on the supplement on Nov. 4, 1966.

<sup>3</sup> See "Joint Petition for Approval of Agreement," filed by the applicants on Sept. 9, 1966, and the Broadcast Bureau's opposition of Sept. 22, 1966. Were this joint petition dismissed outright in accordance with the request listed in the previous footnote, the dismissal would technically remove from the case certain of the data required by § 1.525. Accordingly, the September petition will be "denied as moot", but such petition and its attachments will be regarded as one more appendix to the lead petition of Oct. 18, 1966. Thus, the total pleadings filed by the applicants are treated herein as a single "joint petition for approval of agreement and dismissal of application."

nonsuburban community of Monroe has the right to have a 307(b) determination vis-à-vis the suburban community of Mountlake Terrace. See Issue 3. Moreover, no engineering has been made to support the petitioners' claim that there are a plethora of services available to both service areas. Lafayette Broadcasting Co., Inc., FCC 66R-311. Publication would, therefore, be required before approval of the agreement specified in the application to be withdrawn before acting upon the pending request for approval of the agreement.

The above position has merit; but the circumstance of greatest persuasion to the determination that publication is required is that Mount-Ed-Lynn's application is presumptively one for Seattle rather than Mountlake Terrace. (See the quoted matter in par. 2, above.) Consequently, arguments that Mountlake Terrace is more populous than Monroe, that each has a plethora of reception services, and that Mountlake Terrace is the more deserving of a first transmission service miss the mark, since—in light of the unrebutted presumption running against Mount-Ed-Lynn—the communities involved at this juncture are Seattle (with multiple local transmission services) and Monroe (with none). In view of the foregoing, it cannot be determined that a dismissal of KJRD, Inc.'s application would not unduly impede achievement of a fair, efficient, and equitable distribution of radio service, and publication under § 1.525(b)(2) is required.

Accordingly, *it is ordered*, This 22d day of November 1966, that the "Joint Petition for Approval of Agreements," filed by KJRD, Inc. and Mount-Ed-Lynn, Inc., on September 9, 1966, is denied as moot; that final action on the "Petition for Approval of Dismissal of KJRD, Inc. Application," filed by Mount-Ed-Lynn on October 18, 1966, is held in abeyance; that further opportunity be afforded other parties to apply for the facilities specified in the application of KJRD, Inc.; and that KJRD, Inc. must comply with the provisions of § 1.525(b)(2) of the Commission's rules.

Released: November 23, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12867; Filed, Nov. 29, 1966;  
8:48 a.m.]

[Docket No. 16980; FCC 66M-1576]

## MADISON COUNTY BROADCASTING CO., INC. (WRTH)

### Order Scheduling Hearing

In re application of Madison County Broadcasting Co., Inc. (WRTH), Wood River, Ill., Docket No. 16980, File No. BP-16612; for construction permit:

*It is ordered*, This 21st day of November 1966, that H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein

<sup>4</sup> Review Board Members Nelson and Kessler abstaining.



shall be convened on January 11, 1967, at 10 a.m.; and that a prehearing conference shall be held on December 14, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: November 23, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12868; Filed, Nov. 29, 1966;  
8:48 a.m.]

[Docket No. 16786; FCC 66M-1580]

## MIDWEST TELEVISION, INC. (KFMB-TV)

### Order Continuing Hearing

In the matter of the petition of Midwest Television, Inc. (KFMB-TV), San Diego, Calif., Docket No. 16786; for immediate temporary and for permanent relief against extensions of service of CATV systems carrying signals of Los Angeles stations into the San Diego area.

The parties having conferred informally with the Hearing Examiner;<sup>1</sup>

It appearing, that the parties were scheduled to exchange certain exhibits on November 22, 1966, but that not all of the exhibits of Midwest Television, Inc. are ready for exchange:

*It is ordered*, This 22d day of November 1966, that the exhibit exchange now scheduled for November 22, 1966 is continued to November 29, 1966, and the date for commencement of hearing is continued from December 6 to December 12, 1966.

Released: November 23, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12869; Filed, Nov. 29, 1966;  
8:48 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. G-9279, etc.]

### PAN AMERICAN PETROLEUM CORP.

### Order Accepting Decreased Rate Filings, Severing and Terminating Proceedings, and Requiring Refunds

NOVEMBER 21, 1966.

Pan American Petroleum Corp. (Pan American) on January 24, 1966, filed a companywide settlement proposal which was approved by the Commission's order issued on April 13, 1966. Concurrently with its companywide proposal, Pan American also filed unilateral rate decreases for four sales of natural gas made by it in South Louisiana which were not

covered in its companywide proposal.<sup>1</sup> Two of such sales were to Michigan Wisconsin Pipe Line Co.<sup>2</sup> under Pan American's FPC Gas Rate Schedule Nos. 154 and 159 at a rate of 21.5 cents per Mcf of natural gas at 15.025 p.s.i.a. The other two were made under Pan American's FPC Gas Rate Schedule Nos. 259 and 260 to Trunkline Gas Co. at a rate of 23.8 cents per Mcf of natural gas at 15.025 p.s.i.a. Pan American's decreased rate filings under these rate schedules are for 20 cents per Mcf of natural gas at 15.025 p.s.i.a. to be effective January 1, 1966, which is the effective date of the settlement rates approved in our order of April 13, 1966.

Additionally, Pan American filed a concurrent proposal of withdrawal of a proposed rate increase under its FPC Gas Rate Schedule No. 297, for a sale of natural gas to United Gas Pipe Line Co. (United) in South Louisiana which had been suspended by order of the Commission, and made effective subject to refund in Docket No. RI62-220. The proposed rate increase was from 20.25 cents to 23.30 cents per Mcf of natural gas at 15.025 p.s.i.a. Withdrawal of its increase reduces the rate to the initial rate of 20.25 cents per Mcf as of January 1, 1966. Pan American also proposes to refund all monies charged and collected under this rate schedule above the 20.25 cents per Mcf of natural gas.

For all of the reasons stated in Humble Oil & Refining Co., Docket Nos. G-9287, et al., 32 FPC 49, we shall order Pan American to retain the amount of refunds ordered herein until further action by the Commission directing their disposition.

Also Pan American proposes that the moratorium provision approved by us in our order of April 13, 1966, approving its companywide settlement apply to these five rate schedules.

We find that acceptance of the decreased rate filings by Pan American, and withdrawal of its proposed increased rate in Docket No. RI62-220, to be in the public interest.

The Commission orders:

(A) The notices of change in rates filed by Pan American January 24, 1966, designated as Supplement Nos. 9, 10, 3, and 3 to its FPC Gas Rate Schedule Nos. 154, 159, 259 and 260, respectively, reducing the rates from 21.5 cents and 23.8 cents to 20 cents per Mcf of natural gas at 15.025 p.s.i.a. are accepted for filing and made effective as of January 1, 1966, and its withdrawal of the proposed rate increase in Docket No. RI 62-220 is approved.

(B) Pan American shall compute the difference between the rate collected subject to refund in Docket No. RI62-220 and 20.25 cents per Mcf for the period from May 18, 1962, to the date of this order, together with interest as specified in such docket to January 1, 1966. Pan American shall within 45 days from

the date of this order submit a report to the Commission, and serve a copy on United Gas Pipe Line, setting out the amount of refund (showing separately the principal and applicable interest), the basis used for such determination and the period covered and a letter from United Gas Pipe Line agreeing to the correctness of such report.

(C) Pan American shall retain the amount shown in the report required under paragraph (B) above, subject to further action of the Commission directing the disposition of such amount.

(D) If Pan American elects to commingle these retained refunds with its general assets and use them for its corporate purposes, it shall pay interest thereon at the rate of 5½ percent per annum on all funds thus available from the date of issuance of this order, to the date on which they are paid over to the person ultimately determined to be entitled thereto by final action of the Commission.

(E) If Pan American elects to deposit the retained refunds in a special escrow account, Pan American shall tender for filing 30 days from the date of issuance of this order, an executed Escrow Agreement, conditioned as set out below accompanied by certificate showing service of a copy thereof upon United Gas Pipe Line Co. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the Escrow Agreement shall be deemed to be satisfactory and to have been accepted for filing. The Escrow Agreement shall be entered into between Pan American and any bank or trust company used as a depository for funds of the U.S. Government and the Agreement shall be conditioned as follows:

(1) Pan American, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon, deposited in a special escrow account, subject to such Agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof, or in any form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the escrow account

<sup>1</sup>The need for the said conference having become apparent on the day on which it was held, no attempt was made to give notification thereof to those parties represented only by California counsel.

<sup>1</sup>The filings were made contingent upon approval of Pan American's companywide settlement proposal.

<sup>2</sup>Formerly American Louisiana Pipe Line Co.



to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the trust account for the quarterly period.

(F) Upon full compliance by Pan American with all the terms and provisions of this order, Docket No. RI62-220 shall terminate.

(G) Upon termination of Docket No. RI62-220, in accordance with paragraph (F) above, said proceeding shall be severed from the consolidated proceedings in Docket Nos. AR61-2.

(H) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Pan American, the Commission staff, or any affected party hereto, in any proceedings now pending, including area rate or similar proceedings, or hereafter instituted by or against Pan American or any other companies, person or parties affected by this order.

By the Commission.

[SEAL] GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 6-12826; Filed, Nov. 29, 1966;  
8:45 a.m.]

[Docket No. CP67-143]

## TRANSCONTINENTAL GAS PIPE LINE CORP.

### Notice of Application

NOVEMBER 22, 1966.

Take notice that on November 15, 1966, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP67-143 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain gas purchase facilities in Louisiana and Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon:

(1) Approximately 4,900 feet of 6-inch transmission purchase pipeline being that portion of Applicant's Rousseau Field lateral lying south of the Hassie Hunt Trust-Rousseau Field metering and regulator station together with two metering stations and appurtenant facilities in the Rousseau Field and two metering stations and appurtenant facilities in the Thibodaux Field, all in Lafourche Parish, La.

(2) Approximately 4,498 feet of 3-inch transmission purchase pipeline known as the E. M. Henry No. 1 Well lateral, McMullen County, Tex.

(3) Approximately 10,670 feet of 8-inch transmission purchase pipeline be-

ing a portion of the Church Point lateral, Acadia Parish, La.

The facilities have been utilized in taking into Applicant's system natural gas purchased from independent producers in the fields in which such facilities are located. After the construction by Humble Oil & Refining Co. (Humble) and others of a processing plant in the Thibodaux Field all gas presently being delivered through the above-described facilities in the Rousseau and Thibodaux Fields will be delivered at a point near the tail gate of the plant and the instant facilities will no longer be required. Humble has agreed to purchase them in place from Applicant for \$67,119.

Deliveries of gas by means of the Henry facilities have now ceased due to diminution of reserves and Applicant intends to abandon these facilities in place.

The Church Point facilities for which abandonment is here sought are no longer required as a result of the abandonment of the sale by Gulf Oil Co. to Applicant in the Church Point Field and Applicant intends to attempt their sale in place.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 19, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12827; Filed, Nov. 29, 1966;  
8:45 a.m.]

[Docket No. CP67-142]

## UNITED GAS PIPE LINE CO.

### Notice of Application

NOVEMBER 21, 1966.

Take notice that on November 14, 1966, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP67-142 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act (and

§ 157.7(b) of the regulations under the Act) for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and operation of gas purchase and gathering facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate during the calendar year 1967 facilities to enable it to take into its certificated main pipeline system natural gas which it will purchase from time to time from new sources of supply in producing areas generally coextensive with its system.

The total estimated cost of the proposed facilities will not exceed \$4 million, with the total cost of any single project not to exceed \$500,000. The construction will be financed out of current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 19, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-12828; Filed, Nov. 29, 1966;  
8:45 a.m.]

[Docket No. RI67-164]

## MONSANTO CO.

### Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 22, 1966.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.



The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking,

such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 28, 1966.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.

#### APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-164	Monsanto Co., 1300 Main Street, Houston, Tex. 77002.	65	27	Natural Gas Pipeline Co. of America (Old Ocean Field, Matagorda and Brazoria County, Tex.) (R.R. District No. 3).	\$6,115	10-24-66	* 12-2-66	* 12-3-66	11.554	* 14.0	

\* Includes letter agreement dated Aug. 22, 1966, providing for a 16.25 cents redetermined rate applicable for the 5-year period commencing Dec. 2, 1966.

\* The stated effective date is the effective date requested by Respondent.

\* The suspension period is limited to 1 day.

Monsanto Co. (Monsanto) proposes a "fractured" rate increase, from 11.554 cents to 14 cents at 14.65 p.s.i.a., for gas sold to Natural Gas Pipeline Company of America from the Old Ocean Field located in Matagorda and Brazoria Counties, Tex. (R.R. District No. 3). Although contractually entitled to file for an increase up to the 16.25 cents redetermined rate, Monsanto states that it is limiting its increase so as not to exceed the area increased ceiling as set forth in the Commission's statement of general policy No. 61-1, as amended. Monsanto further states that it reserves any and all rights it may have to reinstate the price it is contractually entitled to receive. In this situation, we conclude that Monsanto's proposed rate increase should be suspended for one day from December 2, 1966, the proposed effective date, even though the proposed rate does not exceed the area increased ceiling level.

[F.R. Doc. 66-12830; Filed, Nov. 29, 1966; 8:45 a.m.]

[Docket No. RI67-149]

H. B. LIVELY

### Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change to Become Effective Subject to Refund

NOVEMBER 22, 1966.

Respondent named herein has filed a proposed change in rate and charge of

a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from

the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 11, 1967.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.



## APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-149...	H. B. Lively, San Jacinto Bldg., Houston, Tex. 77002.	14	3	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Columbus Field, Colorado County, Tex.) (R. R. District No. 3).	\$5,400	10-25-66	<sup>2</sup> 11-25-66	<sup>3</sup> 11-26-66	<sup>4</sup> 14.0	<sup>4</sup> 15.0	

<sup>1</sup> Contract dated after Sept. 20, 1960, the date of issuance of General Policy Statement No. 61-1.

<sup>2</sup> The stated effective date is the first day after expiration of the statutory notice.

<sup>3</sup> The suspension period is limited to 1 day.

<sup>4</sup> Periodic rate increase.

<sup>5</sup> Pressure base is 14.65 p.s.i.a.

<sup>6</sup> Subject to a downward B.t.u. adjustment.

<sup>7</sup> Subject to a 0.21931 cent dehydration deduction for gas being dehydrated by buyer.

H. B. Lively (Lively) requests that his proposed rate increase be permitted to become effective as of November 1, 1966. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Lively's rate filing and such request is denied.

The contract related to the rate filing proposed by Lively was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, Lively's rate filing should be suspended for one day from November 25, 1966, the date of expiration of the statutory notice.

[F.R. Doc. 66-12831; Filed, Nov. 29, 1966; 8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[70-4430]

### EASTERN UTILITIES ASSOCIATES, ET AL.

#### Notice of Proposed Issue and Sale of Notes by Subsidiary Companies to Banks and/or Holding Com- pany

NOVEMBER 23, 1966.

Notice is hereby given that Eastern Utilities Associates ("EUA"), Post Office Box 2333, Boston, Mass. 02107, a registered holding company, and three of its electric utility subsidiary companies, Blackstone Valley Electric Co. ("Blackstone"), 55 High Street, Pawtucket, R.I. 02860, Brockton Edison Co. ("Brockton"), 36 Main Street, Brockton, Mass. 02403, and Montaup Electric Co. ("Montaup"), Post Office Box 391, Fall River, Mass. 02722, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(1), 7, 9(a), 10, 12(b), (c), and (f), and Rules 42(b)(2), 43(a), 45(b)(1), and 50(a)(2), (3), and (4) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Blackstone, Brockton, and Montaup propose to issue and sell to banks

(and/or, in the case of Blackstone, to EUA) from time to time during period ending December 21, 1967, short-term,

unsecured, promissory notes, in the maximum aggregate amounts to be outstanding at any one time, as shown below:

	Blackstone	Brockton	Montaup
The Industrial National Bank of Rhode Island, Providence, R.I.	\$3,000,000		
Rhode Island Hospital Trust Co., Providence, R.I.	3,000,000		
The First National Bank of Boston, Boston, Mass.	700,000	\$1,275,000	\$3,700,000
State Street Bank and Trust Co., Boston, Mass.		1,250,000	
Plymouth-Home National Bank, Brockton, Mass.		300,000	
First County National Bank, Brockton, Mass.		175,000	
EUA and/or the above Rhode Island banks equally	800,000		
Total	7,500,000	3,000,000	3,700,000

The notes will be dated as of the date of issuance, will bear interest at not to exceed the prime rate on the date of issuance (presently 6 percent per annum) and will be prepayable in whole or in part without penalty. Notes issued prior to April 3, 1967, will mature on that date, and each note issued during either of the 2 subsequent 3 months periods ending respectively on July 3 and October 2 will mature at the end of the period in which it is issued. Any note issued thereafter will mature on December 21, 1967.

Blackstone expects to have outstanding, at December 22, 1966, an estimated \$6 million principal amount of short-term notes, including a \$700,000 note to EUA; Brockton and Montaup expect to have outstanding \$1,500,000 and \$1,900,000 of notes, respectively. The proceeds from the sale of the proposed notes will be used in part by the respective companies to pay such outstanding notes, and the balance to finance construction expenditures. Aggregate construction expenditures in 1967 for these companies are estimated at \$7,850,000.

Blackstone may prepay its notes to banks, in whole or in part, by the use of proceeds of notes issued to EUA or vice versa. Any note issued to EUA for such purpose will bear interest, for the unexpired term of the prepaid note, at the lower of the prime rate or the rate borne by the prepaid note; and at the prime rate thereafter. If the interest rate on a note issued to a bank for the purpose of obtaining funds to prepay a note held by EUA shall exceed the rate of the note being prepaid, EUA shall reimburse or credit Blackstone for the added interest requirement for the unexpired term of such prepaid note.

In the event of any permanent financing by Blackstone, Brockton or Montaup, the proceeds therefrom will be applied to the payment of its short-term

note indebtedness outstanding and the maximum amount of short-term note indebtedness to be outstanding at any one time, as proposed herein, will be reduced by the amount of the proceeds of such permanent financing.

The application-declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions; and that the aggregate fees and expenses to be incurred in connection with the proposed transactions are estimated at \$1,180.

Notice is further given that any interested person may, not later than December 16, 1966, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants at the above noted addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective, as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.



For the Commission (pursuant to delegated authority).

[SEAL]

NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12842; Filed, Nov. 29, 1966;  
8:46 a.m.]

[70-4432]

### HARTFORD ELECTRIC LIGHT CO.

#### Notice of Proposed Issue and Sale of Notes to Banks

NOVEMBER 23, 1966.

Notice is hereby given that the Hartford Electric Light Co. ("Hartford"), 176 Cumberland Avenue, Whethersfield, Conn. 06109, an electric utility subsidiary company of Northeast Utilities ("Northeast"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Hartford has presently outstanding \$25 million of borrowings ("old loans") from the banks named below, evidenced by demand notes with maximum maturity dates between March 30, 1967, and June 28, 1967, all incurred before Northeast became a registered holding company. Each note is dated the date of issue, is payable on demand but not later than 1 year from the date of issue, and bears interest at the prime rate in effect in the New York Federal Reserve District on each interest payment date. The notes may be prepaid in multiples of \$500,000 at any time without premium. Hartford proposes to extend the maximum maturity dates of such notes to June 30, 1967, or to refund such notes with other similar notes with maximum maturity dates of June 30, 1967.

Hartford proposes the issue and sale, no later than June 30, 1967, to the banks named below of additional short-term notes of up to \$13 million in aggregate principal amount ("new loans"). Such additional notes will be dated the date of issue and will mature nine months thereafter; will bear interest at the prime rate (currently 6 percent) in effect at the Hartford National Bank & Trust Co. on the date of issue and on each quarterly interest payment date thereafter; and will be subject to prepayment at any time without premium. Hartford will be obligated to pay the lending banks a commitment fee on November 1, 1966, and January 1 and April 1, 1967, at the rate of one-quarter of 1 percent per annum on the portion of the \$13 million principal amount not borrowed on such dates.

The banks participating in Hartford's old loans which are to be extended and in the new loans which are to be made, and their respective participations, are as follows:

Name of bank	Amount of old loans	Amount of new loans
Hartford National Bank and Trust Co., Hartford, Conn.	\$6,000,000	-----
The Connecticut Bank and Trust Co., Hartford, Conn.	3,000,000	\$1,250,000
The Fairfield County Trust Co., Stamford, Conn.	1,500,000	275,000
The State National Bank of Bridgeport, Bridgeport, Conn.	1,000,800	450,000
The Simsbury Bank and Trust Co., Simsbury, Conn.	158,400	-----
Litchfield County National Bank, New Milford, Conn.	70,800	-----
The Canaan National Bank, Canaan, Conn.	50,400	-----
The First National Bank of Boston, Boston, Mass.	13,000,000	8,000,000
United Bank & Trust Co., Hartford, Conn.	219,600	125,000
The City Trust Co., Bridgeport, Conn.	-----	1,600,000
The Colonial Bank and Trust Co., Waterbury, Conn.	-----	500,000
Second National Bank, New Haven, Conn.	-----	500,000
Waterbury National Bank, Waterbury, Conn.	-----	300,000
Total	25,000,000	13,000,000

The funds derived from the old loans have been applied, together with other funds, to construction expenditures and to repay other short-term borrowings the proceeds of which have been so applied. The funds to be derived from the new loans will be applied to construction expenditures. The Company's construction program contemplates gross construction expenditures of approximately \$28 million for 1966 and of approximately \$32 million for 1967. These amounts include estimated investments in Connecticut Yankee Atomic Power Co. of \$1,093,000 for 1966 and \$523,000 for 1967. (See Holding Company Act Release No. 15536.)

Hartford expects to retire all of the old loans and may retire all or a portion of the new loans on or prior to June 30, 1967, from the net proceeds of the sale of first mortgage bonds and/or preferred stock. Hartford will apply the net proceeds from any permanent financing effected prior to the maturity of all notes outstanding pursuant to this declaration in reduction of, or in total payment of, such outstanding notes, and the maximum amount of indebtedness which it may incur pursuant to this declaration will be reduced by the amount of the net proceeds of any such permanent financing.

The filing states that the extension of the maturities of the old loans is subject to the approval of the Connecticut Public Utilities Commission. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 20, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commis-

sion, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL]

NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12843; Filed, Nov. 29, 1966;  
8:46 a.m.]

### PINAL COUNTY DEVELOPMENT ASSOCIATION

#### Order Suspending Trading

NOVEMBER 23, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5% percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended this order to be effective for the period November 24, 1966, through December 4, 1966, both dates inclusive.

By the Commission.

[SEAL]

NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12844; Filed, Nov. 29, 1966;  
8:46 a.m.]

[812-2035]

### SUN INTERNATIONAL FINANCE CORP.

#### Notice of Filing of Application for Order Exempting Company

NOVEMBER 23, 1966.

Notice is hereby given that Sun International Finance Corp. ("Applicant"), 1608 Walnut Street, Philadelphia, Pa. 19103, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations there-in, which are summarized below.



Applicant was organized by Sun Oil Co. ("Sun") under the laws of the State of Delaware on October 28, 1966. All of the outstanding securities of Applicant consisting of 10 shares of common stock with a par value of \$100 a share are owned by Sun, which purchased such stock for \$1,000. Prior to the sale of the notes of Applicant described below, Sun will acquire from Applicant additional common stock of Applicant for \$1,999,000 payable in cash or property. Any additional securities which Applicant may issue, other than debt securities, will be issued only to Sun. Sun will continue to retain its present holdings of Applicant's stock and any additional securities of Applicant which Sun may acquire, and Sun will not dispose of any of Applicant's securities except to Applicant or to a fully owned subsidiary of Sun (which term as used herein means a corporation all of the outstanding securities of which are owned, directly or indirectly, by Sun); and Sun will cause each fully owned subsidiary not to dispose of Applicant's securities except to Sun, the Applicant or another fully owned subsidiary of Sun.

Sun is engaged in substantially all branches of the oil business, including the acquisition and development of prospective and proven oil and gas lands and leases, the production, purchase, sale, transportation, and refining of crude oil and its derivatives and the transportation and wholesale and retail marketing of the products of crude oil, primarily in the Eastern and Midwestern part of the United States and Canada.

Applicant has been organized to raise funds abroad for financing the expansion and development of Sun's foreign operations while at the same time providing assistance in improving the balance of payments position of the United States in compliance with the voluntary cooperation program instituted by the President in February 1965.

Applicant intends to issue and sell \$10 million of its Guaranteed Notes due 1972 ("Notes"). Sun will guarantee the principal, interest payments and premium, if any, on the Notes. Any additional debt securities of the Applicant which may be issued to or held by the public will be guaranteed by Sun in a manner substantially similar to the guarantee of the Notes.

Applicant intends to invest its assets in stock or debt obligations of foreign and domestic corporations which operate abroad, and at least 15 percent of whose outstanding equity securities is owned by Sun. All of the corporations in which Applicant's assets will be invested, other than on a temporary basis, will be corporations controlled by Sun or in whose management Sun has a voice and which are primarily engaged in one or more of the following businesses: the exploration, development, production, refining, processing, manufacturing, transportation, and marketing of natural gas, crude oil, other hydrocarbons, and other minerals, and products thereof.

Applicant will proceed as expeditiously as practicable with the investment of its

assets in such manner and will not trade in securities. In addition and prior to making long-term investments, and from time to time thereafter, in connection with changes in long-term investments, Applicant will make interim investments in obligations of foreign governments or financial institutions, including interest bearing deposits in foreign banks. Applicant will not acquire the securities representing interim investments for purpose of distribution.

The Notes are to be sold through a group of Underwriters for offering outside the United States. The Notes are to be offered and sold under conditions which are intended to assure that the Notes will not be offered or sold in the United States, its territories or possessions or to nationals or citizens or residents of the United States, its territories or possessions. The contracts relating to such offer and sale will contain various provisions intended to assure that the Notes will not be purchased by nationals or residents of the United States, its territories or possessions. Any additional debt securities of Applicant which may be sold to the public in the future will be sold under substantially similar conditions.

Counsel has advised the Applicant that U.S. persons will be required to report and pay an interest equalization tax with respect to acquisition of the Notes, except where a specific statutory exemption is available. The Applicant has applied to the Internal Revenue Service for a ruling to this effect prior to the sale of the Notes. Thus, by financing its foreign operations through the Applicant rather than through the sale of its own debt obligations, Sun will utilize an instrumentality, the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting Applicant from each and every provisions of the Act for the following reasons: (1) A significant purpose of the Applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which Sun may obtain funds in foreign countries for its foreign operations; (2) the Notes will be offered and sold abroad to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States, its territories or possessions or to any U.S. national, citizen, or resident in connection with such offering; (3) the burden of the interest equalization tax will tend to discourage purchase of the Notes by any U.S. person; (4) the Applicant will not deal or trade in securities; (5) none of the securities other than debt securities of the Applicant will be held by any person other than Sun or a fully owned subsidiary of Sun; and (6) the

public policy underlying the Act is not applicable to the Applicant and the security holders of the Applicant do not require the protection of the Act, because the payment of the Notes, which is guaranteed by Sun, does not depend on the operations or investment policy of the Applicant, for the Noteholders may ultimately look to the business enterprise of Sun rather than solely to that of the Applicant.

Notice is further given that any interested person may, not later than December 8, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12845; Filed, Nov. 29, 1966; 8:46 a.m.]

## UNDERWATER STORAGE, INC.

### Order Suspending Trading

NOVEMBER 23, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered*, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 24, 1966, through December 4, 1966, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 66-12846; Filed, Nov. 29, 1966; 8:47 a.m.]



## FEDERAL RESERVE SYSTEM

### GENEVA SHAREHOLDERS, INC.

#### Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Act of 1956, as amended by Public Law 89-485, by Geneva Shareholders, Inc., Warsaw, N.Y., for prior approval to become a bank holding company through the acquisition of not less than 80 percent of the voting shares of Wyoming County Bank & Trust Co., Warsaw, N.Y. Applicant is now and will continue to be a majority owned subsidiary of Financial Institutions, Inc., Warsaw, N.Y., a registered bank holding company. Consummation of the acquisition proposed would cause Applicant to become a bank holding company within the meaning of section 2(a) of the Act, as amended, since Applicant presently owns a majority of the voting shares of the National Bank of Geneva, Geneva, N.Y.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 22d day of November 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,  
Secretary.

[P.R. Doc. 66-12832; Filed, Nov. 29, 1966; 8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 996]

### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 25, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

#### APPLICATIONS ASSIGNED FOR ORAL HEARING

##### MOTOR CARRIERS OF PROPERTY

No. MC 31389 (Sub-No. 66) (Republication), filed February 18, 1965, published FEDERAL REGISTER issues of March 25, 1965, and May 13, 1965, and republished, this issue. Applicant: McLEAN TRUCKING COMPANY, a corporation, Winston-Salem, N.C. Applicant's representative: David G. MacDonald, 1000 16th Street NW., Washington, D.C. 20036. By application filed February 18, 1965, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Asheville, N.C., and Middleboro, Ky.; from Asheville over U.S. Highway 25 to junction U.S. Highway 25E, thence over U.S. Highway 25E to Middleboro and return over the same route, serving no intermediate points and serving Middleboro for the purpose of joinder only; (2) between junction U.S. Highways 25E and 25W near Newport, Tenn., and junction U.S. Highways 25E and 25W near Corbin, Ky., over U.S. Highway 25W, serving no intermediate points and serving the termini for the purpose of joinder only; (3) between London, Ky., and Emanuel, Ky., over Kentucky Highway 229, serving no intermediate points and serving the termini for the purpose of joinder only; (4) between Asheville, N.C. and Fayetteville, N.C.; from Asheville over U.S. Highway 74 to junction U.S. Highway 401 near Laurensburg, N.C., thence over U.S. Highway 401 to Fayetteville and return over the same route, serving all intermediate

points within 100 miles of High Point, N.C.

(5) Between Hendersonville, N.C., and Hartsville, S.C.; from Hendersonville over U.S. Highway 176 to Spartanburg, S.C., thence over South Carolina Highway 9 to Chester, S.C., thence over U.S. Highway 321 to Rockton, S.C., thence over South Carolina Highway 34 to Bishopville, S.C., thence over U.S. Highway 15 to Hartsville (also from Chester over South Carolina Highway 9 to Pageland, S.C., thence over South Carolina Highway 151 to Hartsville), and return over the same route, serving all intermediate points in South Carolina (except those in Fairfield County, S.C.); (6) between Greenville, S.C., and Columbia, S.C.; from Greenville over U.S. Highway 276 to junction Interstate Highway 26, thence over Interstate Highway 26 to Columbia and return over the same route, serving the intermediate points in Greenville and Laurens Counties, S.C.; (7) between Columbia, S.C., and Spartanburg, S.C.; (a) from Columbia over U.S. Highway 176 to Spartanburg and return over the same route, serving the intermediate point of Whitmire, S.C., and those in Spartanburg and Union Counties, S.C.; and (b) from Columbia over Interstate Highway 26 to junction U.S. Highway 221, thence over U.S. Highway 221 to Spartanburg and return over the same route, serving the intermediate point of Whitmire, S.C., and those in Spartanburg and Union Counties, S.C.; (8) between junction Interstate Highway 26 and U.S. Highway 25 near Fletcher, N.C., and Charleston, S.C., over Interstate Highway 26, serving no intermediate points.

(9) Between Greenville, S.C., and Augusta, Ga., over U.S. Highway 25, serving intermediate points in Greenville, and Laurens and Greenwood Counties, S.C.; and (10) between Columbia, S.C., and Savannah, Ga.; from Columbia over U.S. Highway 321 to junction U.S. Highway 17, thence over U.S. Highway 17 through junction U.S. Highway 17A, to Savannah (also from junction U.S. Highways 17 and 17A over U.S. Highway 17A to Savannah), and return over the same route, serving no intermediate points. In connection with (1) through (10) above, service is authorized at off-route points in North Carolina within 100 miles of High Point, N.C., as off-route points in connection with carrier's authorized service routes in North Carolina within 100 miles of High Point; service is authorized at off-route points in Oconee, Pickens, Greenville, Spartanburg, Cherokee, York, Anderson, Laurens, Union, Chester, Abbeville, Greenwood, and Lancaster Counties, S.C., and those within 40 miles of Hartsville, S.C., in connection with carrier's authorized service routes in South Carolina. Irregular routes of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Asheville, N.C., on the one hand, and, on the other, (1) points



in South Carolina (other than (a) Whitmire, S.C., (b) those within 40 miles of Hartsville, S.C., and (c) those in Oconee, Pickens, Greenville, Spartanburg, Cherokee, York, Anderson, Laurens, Union, Chester, Abbeville, and Greenwood Counties, S.C., and that part of Lancaster County, S.C., more than 40 miles from Hartsville, S.C.).

(2) Points in that part of Georgia north and east of a line beginning at Savannah, and extending along U.S. Highway 80 to Swainsboro, thence along U.S. Highway 1 to Louisville, thence along Georgia Highway 24 to Eatonton, thence along U.S. Highway 129 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Georgia-South Carolina State line, thence along the Georgia-South Carolina State line to the point of beginning; (3) points in North Carolina more than 100 miles from and east of a north-south line drawn through High Point on or south of North Carolina Highway 70; and (4) points in North Carolina more than 100 miles from and west of a north-south line drawn through High Point which are both on and south of U.S. Highway 70 and on or east of U.S. Highway 25; the service herein is restricted as follows: Service at the authorized points in North Carolina, South Carolina, and Georgia is restricted to shipments transported to, from, or through Louisville or Lexington, Ky., via Asheville, N.C., or a point within 5 miles of Asheville. An order of the Commission, Operating Rights Board No. 1, dated October 28, 1966, and served November 15, 1966, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment).

(1) Between Asheville, N.C., and Middlesboro, Ky.; from Asheville over U.S. Highway 25 to junction U.S. Highway 25E, thence over U.S. Highway 25E to Middlesboro and return over the same route, serving no intermediate points; (2) between junction U.S. Highways 25E and 25W near Newport, Tenn., and junction U.S. Highways 25E and 25W near Corbin, Ky., over U.S. Highway 25W, serving no intermediate points and serving the junction of U.S. Highways 25E and 25W near Newport, Tenn., for the purpose of joinder only; (3) between London, Ky., and Emanuel, Ky., over Kentucky Highway 229, serving no intermediate points; (4) between Asheville, N.C., and Fayetteville, N.C.; from Asheville over U.S. Highway 74 to junction U.S. Highway 401 near Laurinburg, N.C., thence over U.S. Highway 401 to Fayetteville and return over the same route, (a) serving those intermediate and off-route points in North Carolina within 100 miles of High Point, N.C., (b) serving those off-route points in North Carolina more than 100 miles east of High Point, N.C., which are on or south of U.S. Highway 70, and (c) serving those off-route points

in North Carolina more than 100 miles west of High Point, N.C., which are both on or south of U.S. Highway 70 and east of U.S. Highway 25; (5) between Hendersonville, N.C., and Hartsville, S.C.; from Hendersonville over U.S. Highway 176 to Spartanburg, S.C., thence over South Carolina Highway 9 to Chester, S.C., thence over U.S. Highway 321 to Rockton, S.C., thence over South Carolina Highway 34 to Bishopville, S.C., thence over U.S. Highway 15 to Hartsville (also from Chester over South Carolina Highway 9 to Pageland, S.C., thence over South Carolina Highway 151 to Hartsville), and return over the same route, serving all intermediate points in South Carolina (except those in Fairfield County, S.C.).

(6) Between Greenville, S.C., and Columbia, S.C.; from Greenville over U.S. Highway 276 to junction Interstate Highway 26, thence over Interstate Highway 26 to Columbia and return over the same route, serving all those intermediate points in Greenville and Laurens Counties, S.C.; (7) between Columbia, S.C., and junction U.S. Highway 176 and South Carolina Highway 9, over U.S. Highway 176, serving the intermediate point of Whitmire, S.C., and those intermediate points in Union County, S.C.; (8) between Greenville, S.C., and Augusta, Ga., over U.S. Highway 25, serving all those intermediate points in Greenville, Laurens, and Greenwood Counties, S.C., and serving those off-route points in Georgia located north and east of a line beginning at Savannah, and extending along U.S. Highway 80 to Swainsboro, thence along U.S. Highway 1 to Louisville, thence along Georgia Highway 24 to Eatonton, thence along U.S. Highway 129 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Georgia-South Carolina State line, thence along the Georgia-South Carolina State line to the point of beginning. In connection with applicant's operations in South Carolina over routes (5), (6), (7), and (8), above, applicant is also authorized to serve all off-route points in South Carolina, subject to the condition set forth below: (9) between Greenville, S.C., and Asheville, N.C., over U.S. Highway 25, serving all intermediate points and off-route points in Greenville County, S.C.

(10) Between Columbia, S.C., and Savannah, Ga.; from Columbia over U.S. Highway 321 to junction U.S. Highway 17, thence over U.S. Highway 17 to Savannah (also from junction U.S. Highway 17 and 17A over U.S. Highway 17A to Savannah), and return over the same route, serving no intermediate points; Restrictions: The above-described authority is restricted as follows: (a) service is restricted to shipments transported by applicant to, from, or through Louisville or Lexington, Ky., via either Asheville, N.C., or applicant's terminal near Asheville; (b) no shipments moving to, from, or through Atlanta, Ga., may be transported pursuant to the authority granted herein; (c) all of the off-route point authority described above is expressly subject to cancellation, alteration, amendment, or other change in accordance with the final determination to be

reached by the Commission in applicant's pending route conversion proceeding in No. MC-31389 (Sub-No. 67); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Inasmuch as the grant of authority described duplicates applicant's existing authority to a certain extent, such grant of authority and applicant's existing authority that it duplicates shall be construed as conferring only a single operating right and the rights granted herein shall not be severable by sale or otherwise, from those set forth in applicant's certificate No. MC 31389 (Sub-No. 49) dated April 29, 1964. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 66810 (Sub-No. 19) (Republication), filed June 2, 1966, published *FEDERAL REGISTER* issue of June 30, 1966, and republished, this issue. Applicant: PEORIA-ROCKFORD BUS COMPANY, a corporation, 1034 South Seminary Street, Rockford, Ill. Applicant's representative: Louis R. Gentili, 38 South Dearborn Street, Chicago, Ill. 60603. By application filed June 2, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of passengers and their baggage, air express and air freight, in the same vehicle with passengers, between Rockford, Ill., and O'Hare International Airport, Chicago, Ill.; (1) from the Faust Hotel, corner of North Fourth Street and East State Street in the city of Rockford, Ill., thence in an easterly direction over East State Street and U.S. Highway 20 to junction Illinois Northwest Tollway (Interstate Highway 90) at a point 7 miles east of Rockford, thence over Illinois Northwest Tollway (Interstate Highway 90) in a southeasterly direction to the entrance of O'Hare International Airport, thence over the O'Hare International Airport Road in a westerly direction to the Airport Terminal Building, and (2) from the O'Hare International Airport Terminal Building, over the airport road in an easterly direction to the Tri-State Tollway (Interstate Highway 294), thence over the Tri-State Tollway (Interstate Highway 294) in a northerly direction to the Northwest Tollway (Interstate Highway 90), thence over the Northwest Tollway (Interstate Highway 90) in a northwesterly direction to junction U.S. Highway 20 at a point 7 miles east of Rockford, thence over U.S. Highway 20 and East State Street in Rockford, in a westerly direc-



tion to East Jefferson Street, thence over East Jefferson Street in a northwesterly direction to North Fourth Street, thence over North Fourth Street in a southwesterly direction to the Faust Hotel at the corner of North Fourth Street and East State Street in Rockford, Ill., serving no intermediate points in (1) and (2) above.

An order of the Commission, Operating Rights Board No. 1, dated October 26, 1966, and served November 22, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of *general commodities* (except classes A and B explosives, commodities in bulk, and those requiring special equipment), between Rockford, Ill., and O'Hare International Airport, Chicago, Ill.; (1) from Rockford over U.S. Highway 20 to junction Interstate Highway 90, thence over Interstate Highway 90 to O'Hare International Airport, and (2) from O'Hare International Airport over Interstate Highway 294 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction U.S. Highway 20, thence over U.S. Highway 20 to Rockford, restricted, in both (1) and (2) above, (a) against service at intermediate points, and (b) to the transportation of shipments moving in the same vehicle with passengers and having an immediately prior or immediately subsequent movement by air; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 106291 (Sub-No. 6) (Republication), filed April 15, 1966, published *FEDERAL REGISTER* issue of May 5, 1966, and republished, this issue. Applicant: E. B. ST. JOHN, doing business as ST. JOHN TRUCK LINE, Byhalia, Miss. Applicant's representative: John D. Taylor, Sr., 1831 South Lauderdale, Post Office Box 10102 McKellar Station, Memphis, Tenn. By application filed April 15, 1966, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of *general commodities* (except those of unusual value, dangerous explosives, other than small arms ammunition, household goods as defined in *Practices of Motor Carriers of Household Goods* 17, M.F.I.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other

lading), between Red Banks, Miss., to Memphis, Tenn., from Red Banks, Miss., over U.S. Highway 78, to Memphis, Tenn., and return over the same route, serving all intermediate points, and off-route points within 7 miles of U.S. Highway 78.

An order of the Commission, Operating Rights Board No. 1, dated October 26, 1966, and served November 17, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes of, *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Red Banks, Miss., and Memphis, Tenn., over U.S. Highway 78, serving all intermediate points, and all off-route points in those parts of Tennessee and Mississippi bounded by a line beginning at Memphis, Tenn., and extending southeasterly along U.S. Highway 72 to junction Mississippi Highway 311 at or near Mount Pleasant, Miss., thence southerly along Mississippi Highways 311 and 7 to Hot Springs, Miss., thence southwesterly along Mississippi Highways 7 and 4 to junction Mississippi Highway 309 near Chulahoma, Miss., thence northerly along Mississippi Highway 309 to junction unnumbered Mississippi Highway south of Byhalia, Miss., thence westerly along Mississippi unnumbered highway to junction Mississippi Highway 305 near Cockrum, Miss., thence northerly along Mississippi Highway 305 to junction Mississippi Highway 304 at Lewisburg, Miss., thence westerly along Mississippi Highway 304 to junction Interstate Highway 55 near Hernando, Miss., thence northerly along Interstate Highway 55 to point of beginning, including points on said highways; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 117119 (Sub-No. 321) (Republication), filed December 29, 1965, published *FEDERAL REGISTER* issue of January 27, 1966, and republished, this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. By application filed December 29, 1965, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor

vehicle, over irregular routes, of frozen foods, from Milan, Moberly, Macon, Marshall and Carrollton, Mo., to points in Oklahoma, Kansas, and Arkansas, and points in Missouri on and south of U.S. Highway 40 (except Kansas City and St. Louis, Mo.), restricted to shipments having stops in transit for partial unloading in the described area in Missouri with final destination in either Kansas, Oklahoma, or Arkansas. An order of the Commission, Operating Rights Board No. 1, dated October 26, 1966, and served November 21, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *frozen foods*, from Milan, Moberly, Macon, Marshall, and Carrollton, Mo., to points in Oklahoma, Kansas, and Arkansas; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 117119 (Sub-No. 353) (Republication), filed March 4, 1966, published *FEDERAL REGISTER* issue of March 31, 1966, and republished, this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. By application filed March 4, 1966, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of citrus juice, heat processed in hermetically sealed containers, when mixed with fresh citrus fruits, from points in Florida to points in Washington, Oregon, Idaho, Montana, Wyoming, Nevada, Utah, and New Mexico. An order of the Commission, Operating Rights Board No. 1, dated October 26, 1966, and served November 17, 1966, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *citrus juice*, in containers, and (2) *fresh citrus fruits*, when moving in the same vehicle and at the same time with citrus juice, in containers, from points in Florida to Great Falls and Butte, Mont., and to points in Washington, Oregon, Idaho, Nevada, Utah, and New Mexico; that applicant is fit, willing, and able properly to perform such service and to conform to the re-



quirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 123934 (Sub-No. 17) (Republication), filed May 2, 1966, published FEDERAL REGISTER issue of May 19, 1966, and republished this issue. Applicant: KREVDIA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind. 46204. By application filed May 2, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1) Glass containers, shipping containers, plastic containers, and accessories therefor, from Gas City, Ind., to points in New York and Pennsylvania (except Clarion, Pa.), and (2) materials and supplies used in the manufacture or shipping of glass containers, from Gas City, Ind., to Brockport, N.Y. NOTE: Applicant states that the above operation is restricted to service to be performed under a continuing contract or contracts with Owens-Illinois, Inc. Carrier has pending in No. MC 127705 an application for common carrier authority, therefore dual operations may be involved. An order of the Commission, Operating Rights Board No. 1, dated October 26, 1966, and served November 17, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes of (1) *glass containers, shipping containers, plastic containers, and accessories therefor*, from Gas City, Ind., to points in New York and Pennsylvania (except Clarion, Pa.), and

(2) *Materials and supplies* used in the manufacture or shipping of glass containers, from Gas City, Ind., to Brockport, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that subsequent to or concurrently with the issuance of a certificate to applicant in No. MC 127705 (Sub-No. 1), an appropriate certificate should be issued in this proceeding. That applicant holds permits in No. MC 123934 and sub numbers thereto which authorize operations as a *contract carrier*, but that in No. MC 127705 (Sub-No. 1), filed May 19, 1966, applicant seeks to convert its existing contract carrier authority to common carrier authority.

Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and further action in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 124078 (Sub-No. 226) (Republication), filed May 16, 1966, published FEDERAL REGISTER issues of June 3, 1966 and June 23, 1966, and republished, this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). By application filed May 16, 1966, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of soy flour, in bulk, from Decatur, Ill., to points in Indiana. An order of the Commission, Operating Rights Board No. 1, dated October 26, 1966, and served November 17, 1966, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *soy flour, soy flakes, and soy grits*, in bulk, from Decatur, Ill., to points in Indiana; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 128252 (Sub-No. 1) (Republication) filed May 19, 1966, published FEDERAL REGISTER issue of June 16, 1966, and republished, this issue. Applicant: DAVID MARCUS, doing business as MARCUS TRUCKING, 1625 Emmons Avenue, Brooklyn, N.Y. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. By application filed May 19, 1966, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of electric lamps, fixtures, and parts used in the manufacture of lamps and fixtures, (1) from piers and wharves in the New York, N.Y., commercial zone, to premises of Mobilite, Inc.,

at Great Neck, N.Y., and (2) from premises of Mobilite, Inc., at Great Neck, N.Y., to freight forwarders and consolidators in the New York, N.Y., commercial zone, and points in New Jersey and Fairfield County, Conn. An order of the Commission, Operating Rights Board No. 1, dated October 31, 1966, and served November 21, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *electric lamps, electric lighting fixtures, and parts* used in the manufacture of electric lamps and electric lighting fixtures, (1) from points in that portion of the New York, N.Y., commercial zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provision of section 203(b)(8) of the Act (the exempt zone), to the premises of Mobilite, Inc., at Great Neck, N.Y., restricted to shipments which have had an immediately prior movement by water, and

(2) From the premises of Mobilite, Inc., at Great Neck, N.Y., to points in that portion of the New York, N.Y., commercial zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provision of section 208(b)(8) of the Act (the exempt zone), and to points in New Jersey and in Fairfield County, Conn.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and issuance of a certificate in the proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file an appropriate protest or other pleading.

#### NOTICE OF FILING OF PETITIONS

No. MC 13079 (Sub-No. 4) (Notice of Filing of Petition To Reinstate Certificate To Transport Explosives) filed November 9, 1966. Petitioner: WARD TRANSFER, INC., 1000 Northeast North Street, Anoka, Minn. Petitioner's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Petitioner states that on July 7, 1958, it was issued authority in MC 13079, Sub 4, to transport *general commodities* between named points in Minnesota. The said authority contains the usual exceptions, except that classes A and B explosives are authorized to be transported. The provisions of said grant of authority, to the extent it authorizes the transportation of classes A



and B explosives was limited in point of time to a period expiring 5 years after July 7, 1958. Since the issuance of said certificate, and up to the present date, Ward has regularly and continuously transported classes A and B explosives under said certificate and is doing so on a regular basis at the present time, since it was unaware said certificate had expired. By the instant petition, petitioner prays that certificate MC 13079, Sub 4, insofar as said certificate authorizes the transportation of classes A and B explosives be reinstated and extended for whatever period of time the Commission deems proper under the circumstances. Any person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days of publication in the FEDERAL REGISTER.

No. MC 45472 (Notice of Filing of Petition for Waiver of Rule 1.101(e) and Petition for Reopening of "Grandfather" Application and Modification of Certificate, filed October 31, 1966. Petitioner: STEVEN J. BUTKAWICZ, doing business as BUTKEWICH TRANSPORTATION, 453 Mulbury Street, Worcester, Mass. Petitioner's representative: John F. Curley, 33 Broad Street, Boston, Mass. 02109. Petitioner states it holds authority in MC 45472, herein pertinent as follows: *Scrap metals, machinery, wool waste, and textile waste materials*, between Worcester and Boston, Mass., and points within 15 miles of Boston, on the one hand, and, on the other, Philadelphia, Pa., and points in Connecticut and Rhode Island, and points in New York and New Jersey, within 25 miles of New York, N.Y. Since prior to June 1, 1935, and continuously since then, with certain intervening interruptions, petitioner has been transporting scrap metal in bona fide operations from Clinton, Mass., to points in Connecticut and Rhode Island, and points in New York and New Jersey within 25 miles of New York, N.Y., and Philadelphia, Pa. The certificate now issued to petitioner does not authorize this service. Petitioner submits that he should have been issued a certificate authorizing such service, and now seeks opportunity to introduce evidence to establish this fact. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 87123 (Notice of Filing of Petition for Clarification) filed October 31, 1966. Petitioner: ROSE HARE, doing business as MAX KAHER EXPRESS, 218 West 37th Street, New York, N.Y. 10018. Petitioner's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Petitioner holds a certificate in No. MC 87132 authorizing the transportation of: Wearing apparel and piece goods, over specified regular routes in New Jersey and New York, and over irregular routes: Wearing apparel and piece goods, between New York, N.Y., on the one hand, and, on the other, points

in Hudson, Bergen, and Passaic Counties, N.J., within 17 miles of Columbus Circle, New York, N.Y., and clothing and wearing apparel, on hangers, and materials used in the manufacture of clothing, between Asbury Park, N.J., and Philadelphia, Pa. In the instant petition, petitioner states that Max Kafer on or about February 12, 1936, filed his application as a common carrier by motor vehicle; that on or about April 27, 1938, Max Kafer, now deceased, filed a questionnaire for the purpose of furnishing data pertinent to the issuance of a certificate under his "Grandfather" application; that the questionnaire states "Applicant has been engaged in the trucking business for approximately 20 years. He is engaged in what is known as a two-way transportation. Materials are cut and styled in New York City and together with trimmings, buttons, etc., are transported to contractors located in various parts of the State of New Jersey. When completed, they are returned, principally on hangers, to the original consignor in New York City." During March of 1946 Max Kafer passed away and pursuant to application filed with this Commission, in MC-FC-23673 the operating rights were transferred to the petitioner, Rose Hare, the daughter of Max Kafer, the decedent. The petitioner together with her husband and sons have continued this operation without interruption in the same manner and has been transporting wearing apparel and materials and supplies used in the manufacture of wearing apparel. On October 27, 1966, petitioner was advised that while the petitioner had authority to transport wearing apparel and the piece goods, she did not have the authority to transport buttons, trimmings, hangers, and other articles which are used in the manufacture of wearing apparel. By the instant petition, petitioner requests that the certificate be modified to read as follows: Wearing apparel and materials and supplies used in the manufacture of wearing apparel. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 109746 (Sub-Nos. 4, 6, and 8) (Notice of filing of petition for authority to add additional contracting shipper to present operating authority) filed October 24, 1966. Petitioner: BLUE STREAK TRUCKING CO., 629 Henry Street, Elizabeth, N.J. Petitioner's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, N.J. 07306. Petitioner holds permit No. 109746 (Sub-Nos. 4, 6, and 8), authorizing the transportation of: (1) *Fresh meats*, in vehicles equipped with mechanical refrigeration, from New York, N.Y., and Elizabeth, N.J., to Monticello, N.Y., and Philadelphia, Pa. Restriction: The operations authorized herein above are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Forest Packing Co. of Elizabeth, N.J., Ben

Zeger Associates, Inc., of New York, N.Y. (2) *Fresh meats*, in vehicles equipped with mechanical refrigeration, from Elizabeth, N.J., and New York, N.Y., to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine (except those in Aroostook County). Restriction: The operations authorized in (2) above are limited to a transportation service to be performed, under a continuing contract, or contracts with the following shippers: Forest Packing Co. of Elizabeth, N.J., Ben Zeger Associates, Inc., of New York, N.Y. (3) *Meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except in bulk, in tank vehicles (a) from Linden, N.J., and New York, N.Y., to points in Rockland County, N.Y., and points in Fairfield, Hartford, and New Haven Counties, Conn., and (b) from Linden, N.J., to Peekskill and Poughkeepsie, N.Y. (4) *Meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Elizabeth, N.J., to Philadelphia, Pa.

(5) *Such commodities*, as are classified as meats, meat products, and meat byproducts in appendix A to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, from Elizabeth, N.J., to Baltimore, Catonsville, and Lemoine, Md., and Harrisburg, Reading, York, Columbia, Allentown, Bethlehem, Lebanon, and Lancaster, Pa. (6) *The commodities* classified as meats, meat products, and meat byproducts in section A of the appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, from New York, N.Y., to points in Morris and Middlesex Counties, N.J. (7) *Meats, meat products, and poultry*, (a) between New York, N.Y., on the one hand, and, on the other, points in Hudson, Essex, Union, Passaic, and Bergen Counties, N.J., and (b) between New York, N.Y., on the one hand, and, on the other, Trenton, N.J., and Philadelphia, Pa. (8) *Fresh meats*, from New York, N.Y., to Albany, N.Y. Restriction: The operations authorized in (3) through (8) herein above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Forest Packing Co., of Elizabeth, N.J., and Ben Zeger Associates, Inc., of New York, N.Y. By the instant petition, petitioner requests authority to add an additional shipper to its present operating authority, that its permits be modified to eliminate the restriction which now appears in their present operating authority and substituting therefore the following restriction: "The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Forest Packing Co., of Elizabeth, N.J., Ben Zeger Associates, Inc., of New York, N.Y., and Fudim Bros., Inc., of New Jersey." Any interested person desiring to participate may file an original and six copies of his written repre-



sentations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

**APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE**

No. MC 64112 (Sub-No. 34), filed November 10, 1966. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Post Office Box 1493, Charlotte, N.C. 28201. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those requiring special equipment), (1) between points in North Carolina within a radius of 25 miles of Concord, N.C., (2) from points in North Carolina within a radius of 25 miles of Concord, N.C., to points in North Carolina, and (3) from points in North Carolina to points in North Carolina within a radius of 25 miles of Concord, N.C. **NOTE:** This application is directly related to MC-F-9582. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

**APPLICATIONS UNDER SECTIONS 5 AND 210a(b)**

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

**MOTOR CARRIERS OF PROPERTY**

No. MC-F-9566 (Sykes Transport Co.—Purchase—William J. Eveland), published in the November 2, 1966, issue of the Federal Register on page 14022. Motion filed November 17, 1966, to substitute LIGON SPECIALIZED HAULERS, INC., Madisonville, Ky., as vendee under section 5, and as lessee under the section 210a(b), in lieu of SYKES TRANSPORT COMPANY.

No. MC-F-9587. Authority sought for purchase by M. G. M. TRANSPORT CORPORATION, 800 Main Street, Paterson, N.J., of a portion of the operating rights of DAVID WEISS and MURRAY WEISS, doing business as WEISS TRANSPORTATION COMPANY, 32d and Gray's Ferry Avenue, Philadelphia, Pa., and for acquisition by MICHAEL MASSOOD and GEORGE MASSOOD, both also of Paterson, N.J., of control of such rights through the purchase. Applicants' attorney: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Operating rights sought to be transferred: *New furniture*, as a *common carrier*, over irregular routes, between points in Philadelphia County, Pa., on the one hand, and, on the other, points in New Jersey on and north of New Jersey Highway 33, except Trenton, and those in New York; and *new unfurnished furniture*, between

Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and Paterson, Passaic, Jersey City, Perth Amboy, and Newark, N.J. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9588. Authority sought for purchase by CASE DRIVEWAY, INC., 6001 U.S. Route 60, Huntington, W. Va., of a portion of the operating rights of HOBAN STORAGE & TRANSFER COMPANY, 721 East Fourth Avenue, Williamson, W. Va. 25661, and for acquisition by C. H. CASE, 6001 U.S. Route 60, Huntington, W. Va. 25705, of control of such rights through the purchase. Applicants' attorney: Paul F. Sullivan, Suite 913, Colorado Building, Washington, D.C. 20005. Operating rights sought to be transferred: *Expansion bolts, expansion bolt shields, anchors, and plates*, incidental to, and used in connection with mining operations, as a *common carrier*, over irregular routes, from Pittsburgh and Johnstown, Pa., and Cleveland, Ohio, to points in that part of West Virginia, on and south of U.S. Highway 60 extending through Huntington, Charleston, and White Sulphur Springs, W. Va.; points in Buchanan, Dickenson, Lee, and Wise Counties, Va.; and those in that part of Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 25W to Corbin, Ky., thence along U.S. Highway 25 through Lexington, Ky., to Erlanger, Ky., and thence north along a straight line through Constance, Ky., to the Kentucky-Ohio State line. Vendee is authorized to operate as a *common carrier* in Michigan, Ohio, Kentucky, Indiana, West Virginia, Virginia, North Carolina, South Carolina, Alabama, Arkansas, Oklahoma, Missouri, and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9589. Authority sought for control by MICHIGAN EXPRESS, INC., 1122 Freeman Avenue SW., Grand Rapids, Mich. 49502, of E. L. HOLLINGSWORTH & CO., 1807 North Saginaw Street, Flint, Mich., and for acquisition by FRED G. TIMMER (BERNICE E. TIMMER, CONRAD E. THORNQUIST, and GERALD W. RYKSE, TRUSTEES), 900 One Vandenberg Center, Grand Rapids, Mich. 49502, of control of E. L. HOLLINGSWORTH & CO., through the acquisition by MICHIGAN EXPRESS, INC. Applicants' attorney: J. M. Neath, Jr., 900 One Vandenberg Center, Grand Rapids, Mich. 49502. Operating rights sought to be controlled: (The following operating rights sought to be controlled were authorized to be transferred to E. L. HOLLINGSWORTH & CO., pursuant to authority granted May 25, 1966, by the Commission, Transfer Board) *General commodities*, except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection

with so-called "household movings") commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Detroit, Mich., and Bay City, Mich., serving the intermediate points of Pontiac, Flint, and Saginaw, Mich. MICHIGAN EXPRESS, INC., is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii) and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9590. Authority sought for purchase by SHAMROCK VAN LINES, INC., 432 North Beltline Road, Irving, Tex. (Post Office Box 5447, Dallas, Tex.), of the operating rights of VANN TRANSFER & STORAGE CO., INC., 2525 North Orange Blossom Trail, Orlando, Fla., and for acquisition by R. C. DAWES, also of Irving, Tex., of control of such rights through the purchase. Applicants' attorneys: Max G. Morgan, 450 American National Building, Oklahoma City, Okla., Allen Melton, 316 Rio Grande Building, Dallas, Tex., and John A. Sutton, Post Office Box 367, Orlando, Fla. Operating rights sought to be transferred: *Household goods*, as a *common carrier*, over irregular routes, between points in Georgia, on the one hand, and, on the other, points in Florida, South Carolina, North Carolina, Tennessee, and Alabama. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9591. Authority sought for control and merger by ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317, of the operating rights and property of ALKIRE TRUCK LINES, INC., Livestock Exchange Building, Kansas City, Mo. 64102, and for acquisition by L. W. EASTER, E. M. EASTER, M. E. EASTER, L. D. EASTER, L. B. EASTER, R. L. EASTER, J. L. EASTER, T. C. MILLER, and EDNA MORSE, all of Des Moines, Iowa 50317, of control of such rights and property through the transaction. Applicants' attorney: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Operating rights sought to be controlled and merged: Numerous specified commodities, as a *common carrier*, over regular and irregular routes, from, to and between, certain specified points in the States of Missouri, Kansas, Oklahoma, Iowa, Illinois, Nebraska, Indiana, Wisconsin, Michigan, and Minnesota, serving certain intermediate and off-route points, with certain specified restrictions, as more specifically described in Docket No. MC-61231 and numerous sub numbers thereunder. This notice does not purport to be a complete description of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights without stating, in full, the entirety thereof. ACE LINES, INC., is authorized to operate as



a common carrier in Iowa, Missouri, Wisconsin, Minnesota, North Dakota, South Dakota, Illinois, Nebraska, Kansas, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9592. Authority sought for control by NATIONAL CITY LINES, INC., 1701 North West Shore Boulevard, Tampa, Fla. 33607, of (1) DC INTERNATIONAL, INC., and (2) RED BALL EXPRESS CO., both of 3888 East 45th Avenue, Denver, Colo. 80216. (In Docket No. MC-F-9460, DC ACQUISITION, INC., was authorized to control and merge the operating rights and property of DC INTERNATIONAL, INC., and to acquire control of RED BALL EXPRESS, INC., through the above control and merger, pursuant to authority granted August 1, 1966, by the Commission, Finance Board No. 1. Applicant states that in the event the authority as granted in MC-F-9460 is exercised prior to issuance of a final order in MC-F-9592 herein, then authority is sought to control the successor company.) Applicants' attorneys: James W. Wrape, Sterick Building, Memphis 3, Tenn., and Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Operating rights sought to be controlled: (In order to eliminate duplication and repetition in publication of the operating rights of (1) DC INTERNATIONAL, INC., and (2) RED BALL EXPRESS CO., a general description of the nature and extent of their authorities was published in the July 7, 1966 issue of the FEDERAL REGISTER, under Docket No. MC-F-9460, on pages 9324 and 9325). NATIONAL CITY LINES, INC., holds no authority from this Commission. However, it is in control, directly or indirectly, of the following carriers: (A) AUTOMOBILE CARRIERS, INC., which is authorized to operate as a common carrier, under Docket No. MC-113436; (B) C & J COMMERCIAL DRIVEWAY, INC., which is authorized to operate as a common carrier, under Docket No. MC-10345; (C) DEALERS TRANSIT, INC., which is authorized to operate as a common carrier, under Docket No. MC-4405; (D) INTERSTATE FREIGHT LINES, INC., which is authorized to operate as a common carrier, under Docket No. MC-1129; (E) LAKE SHORE MOTOR COACH LINES, INC., which is authorized to operate as a common carrier, under Docket No. MC-853; and (F) LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., which is authorized to operate as a common carrier, under Docket No. MC-68618. Application has not been filed for temporary authority under section 210a(b). NOTES: (1) LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., was authorized in Docket No. MC-F-9246 to control and merge the operating rights and property of INTERSTATE FREIGHT LINES, INC., pursuant to authority granted September 26, 1966, by the Commission, Division 3.

(2) The docket number of DC INTERNATIONAL, INC., as stated in the prior referred to publication was erroneously given as MC-2988, when it should have been MC-29988.

No. MC-F-9593. Authority sought for purchase by MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City 1, N.Y., of a portion of the operating rights of DRAKE MOTOR LINES, INC., York Street and Aramingo Avenue, Philadelphia, Pa., and for acquisition by ALEXANDER SHAPIRO, also of Long Island City 1, N.Y., of control of such rights through the purchase. Applicants' attorneys: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006, and Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Operating rights sought to be transferred: *Nursery stock and greenhouse products* (see note below), as a common carrier, over irregular routes, from Philadelphia, Pa., and points in Pennsylvania within 10 miles thereof, to New York, and Rochester, N.Y., and Washington, D.C., and points in New Jersey, Delaware, Maryland, Virginia, West Virginia, and North Carolina; *musical instruments (other than pianos) and household appliances*, new and used, uncrated, other than those transported as a part of a household goods movement, as defined by the Commission, between points in the Philadelphia, Pa., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey (except points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665 and 2 M.C.C. 191), Delaware, Maryland, Pennsylvania, Ohio, Missouri, Kansas, Arkansas, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, West Virginia, Virginia, and the District of Columbia; and between points in the Philadelphia, Pa., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, and New York, and points in that part of New Jersey in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665 and 2 M.C.C. 191.

*Uncrated new furniture, and new office and store furnishings*, between points in the Philadelphia, Pa., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, Missouri, Kansas, Arkansas, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, West Virginia, Virginia, and the District of Columbia; and *vending machines, and showcases*, between points in the Philadelphia, Pa., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Ohio. Vendee is authorized to operate as a common carrier, in all States in the United States (except Alaska and Hawaii) and the District of Columbia. Application has not been filed for temporary authority under Section 210a(b). NOTE: Applicant states that if this application is approved, the authority cov-

ering nursery stock and greenhouse products be considered as having been tendered up for cancellation.

No. MC-F-9594. Authority sought for purchase by TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Joplin, Mo. 64802, of the operating rights of H. MESSICK, INC., Post Office Box 214, Joplin, Mo. Applicants' attorneys: Turner White, 805 Woodruff Building, Springfield, Mo., and Max G. Morgan, 405 American National Building, Oklahoma City, Okla. 73102. Operating rights sought to be transferred: Numerous specified commodities, including, among others, *class A and B explosives, blasting agents, supplies, and materials, dry ammonium nitrate, and dry fertilizer*, as a contract carrier, over irregular routes, from, to, and between certain specified points in the States of Missouri, Montana, Illinois, New Mexico, Arkansas, Kansas, Oklahoma, Texas, Iowa, Nebraska, Louisiana, Michigan, Wisconsin, North Dakota, South Dakota, Minnesota, Colorado, Wyoming, California, Oregon, Washington, Idaho, Nevada, Utah, Indiana, Kentucky, Mississippi, Tennessee, and Ohio, with certain restrictions, as more specifically described in docket No. MC-623 and numerous subnumbers thereunder. This notice does not purport to be a complete description of the operating rights of the carrier involved. It is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating authority without stating, in full, the entirety thereof. Vendee is authorized to operate as a common carrier in all States in the United States (except Hawaii), and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: Docket No. MC-109397 (Sub-No. 149) is a matter directly related.

No. MC-F-9595. Authority sought for purchase by C. B. JOHNSON, INC., Post Office Drawer S, Cortez, Colo., of the operating rights of GEORGE SMITH, JR., INC., Post Office Drawer 1180, Cortez, Colo., and for acquisition by C. B. JOHNSON, also of Cortez, Colo., of control of such rights through the purchase. (It should be noted that presently GEORGE SMITH, JR., INC., and C. B. JOHNSON, jointly control applicant. However, if the instant transaction is approved GEORGE SMITH, JR., INC., will redeem all of the outstanding capital stock of applicant, presently held.) Applicants' attorney: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Operating rights sought to be transferred: *Uranium and vanadium ores*, in bulk, as a common carrier, over irregular routes, from points within 175 miles of Monticello, Utah, to Shiprock, N. Mex., Naturita and Durango, Colo., and Monticello, Utah. Vendee is authorized to operate as a common carrier in Colorado, and New Mexico. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9596. Authority sought for purchase by QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. 02403, of the operating



rights of SALVATORE SQUATRITO, doing business as CLOVER TRANSFER CO., Manchester, Conn. 06040, and for acquisition by THOMAS J. LYONS, also of Brockton, Mass. 02403, of control of such rights through the purchase. Applicants' attorneys: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103, and Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Operating rights sought to be transferred: Under a certificate of registration, in docket No. MC-98382 (Sub-No. 1), covering the transportation of property, as a common carrier, in intrastate commerce within the State of Connecticut. Vendee is authorized to operate as a *common carrier* in Maryland, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Virginia, Delaware, New Hampshire, Maine, Vermont, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: Docket No. MC-4941 (Sub-No. 24) is a matter directly related.

No. MC-F-9597. Authority sought for control by B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202, of TROJAN TRANSIT, INC., 5315 South 49th West Avenue, Tulsa, Okla., and for acquisition by THE SAMUEL ROBERTS NOBLE FOUNDATION, Post Office Box 878, Ardmore, Okla. 73401, of control of TROJAN TRANSIT, INC., through the acquisition by B. F. WALKER, INC. Applicants' attorneys: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Operating rights sought to be controlled: *Oil field equipment, machinery, materials, and supplies*, as a *common carrier*, over irregular routes, between points in Winkler, Ward, Ector, Crane, Upton, Midland, Martin, Andrews, Gaines, Cochran, Yoakum, Howard, Reagan, Terry, and Hockley Counties, Tex., on the one hand, and, on the other, points in Chaves, Lea, and Eddy Counties, N. Mex.; *machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, and *machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Texas, on the one hand, and, on the other, points in Kansas, and Oklahoma; *machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, and *machinery, materials, equipment, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in

connection with main or trunk pipelines, between points in Texas, Oklahoma, and Kansas; *such commodities* as require the use of special equipment by reason of size or weight other than those specified immediately above, between points in Texas, Oklahoma, and Colorado.

*Machinery, materials supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Kansas, Oklahoma, and Texas; *oil field equipment and supplies*, between the railhead at Pampa, Tex., and sites of projects for the discovery, development, or production of natural gas or petroleum in Texas within 175 miles of Pampa, Tex., other than those within 5 miles of Amarillo, Tex.; *machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Winkler, Ward, Ector, Crane, Upton, Midland, Martin, Andrews, Gaines, Cochran, Yoakum, Howard, Reagan, Terry, and Hockley Counties, Tex., on the one hand, and, on the other, points in Chaves, Lea, and Eddy Counties, N. Mex., between points in Texas, Oklahoma, Kansas, and Colorado, between the railhead at Pampa, Tex., and points in Texas within 175 miles of Pampa, Tex., other than those within 5 miles of Amarillo, Tex. B. F. WALKER, INC., is authorized to operate as a *common carrier* in Texas, Louisiana, Oklahoma, New Mexico, Kansas, Colorado, Wyoming, Utah, Montana, Arizona, North Dakota, South Dakota, Nebraska, and Nevada. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9598. Authority sought for control and merger by BROWN TRANSPORT CORP., 125 Milton Avenue SE., Post Office Box 6985, Atlanta, Ga. 30315, of the operating rights and property of OSBORN, INC., 124 Court Street, Post Office Box 649, Gadsden, Ala. 35901, and for acquisition by C. P. BROWN, also of Atlanta, Ga., of control of such rights and property through the transaction. Applicants' attorney: R. J. Reynolds, Jr., 403-11 Healey Building, Atlanta, Ga. 30303. Operating rights sought to be controlled and merged: Numerous specified commodities, including, among others, *bananas, coconuts, pineapples, and frozen foods*, as a *common carrier*, over irregular routes, from and to certain specified points in all States in the United States (except Alaska and Hawaii), and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC-119268 and sub numbers thereunder. This notice does not purport to be a complete description of all of the operating authority of the carrier involved. It is be-

lieved to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights without stating, in full, the entirety thereof. BROWN TRANSPORT CORP., is authorized to operate as a *common carrier* in Georgia, Tennessee, and North Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9599. Authority sought for control by R. F. TRUESDELL, INC., 1616 West 47th Street, Ashtabula, Ohio 44004, of R. F. TRUESDELL CO., 1616 West 47th Street, Ashtabula, Ohio 44004, and for acquisition by R. F. TRUESDELL, 1612 Bimini Drive, Orlando, Fla., of control of R. F. TRUESDELL CO., through the acquisition by R. F. TRUESDELL, INC. Applicants' attorney: T. Baldwin Martin, 700 Home Federal Building, Macon, Ga. Operating rights sought to be controlled: *Pulpboard and fiberboard boxes* (plain or wood cleated), and *paper and paper products* (except printing or fine papers), as a *contract carrier*, over irregular routes, from Krannert and Mead, Ga. to points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; *returned shipments* of the above-specified commodities, from the above-specified destination points, to Krannert and Mead, Ga.; *corrugated pulpboard and fiberboard boxes*, from Hattiesburg, Miss., to points in Alabama, Louisiana, and that part of Florida, west of the Apalachicola River, Restriction: All of the operations authorized above are limited to a transportation service to be performed under a continuing contract, or contracts with Inland Container Corp., Indianapolis, Ind. R. F. TRUESDELL, INC., is authorized to operate as a *contract carrier* in Ohio, Pennsylvania, New York, West Virginia, New Jersey, North Carolina, South Carolina, Georgia, Florida, Delaware, Maryland, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9600. Authority sought for purchase by RYAN FREIGHT LINES, INC., 1257 East Reno, Oklahoma City, Okla. 73117, of a portion of the operating rights of LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicants' attorney and representative: John B. Dudley, 2020 First National Building, Oklahoma City, Okla. 73102, and Richard Champlin, 3000 West Reno, Oklahoma City, Okla. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Oklahoma City, Okla., and Atoka, Okla., serving certain intermediate and off-route points, between Shawnee, Okla., and Atoka, Okla., between Ada, Okla., and Tishomingo, Okla., serving certain intermediate points. Vendee is authorized to operate, under a certificate of registration, as a common carrier in intrastate commerce, within the State of Oklahoma. Appli-



cation has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12873; Filed, Nov. 29, 1966;  
8:48 a.m.]

[Notice 1445]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 25, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69036. By order of November 17, 1966, the Transfer Board approved the transfer to Thomas A. Cupo and Anthony S. Cupo, a partnership, doing business as Rodney Transport Co., Clifton, N.J., of permit No. MC-111982, issued June 20, 1960, to DCM Trucking, Inc., Paterson, N.J., and authorizing the transportation of textiles, over irregular routes, between New York, N.Y., and Paterson, N.J. John M. Zachara, Post Office Box "Z", Paterson, N.J. 07509, representative for applicants.

No. MC-FC-69214. By order of November 17, 1966, the Transfer Board approved the transfer to Lawrence Freight Lines, Inc., Weston, Mass., of the certificate of registration in No. MC-58627 (Sub-No. 1), issued October 17, 1963, to Thurman Transport, Inc., Charlestown, Mass., and evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate No. 6325 dated March 27, 1945, issued by the Department of Public Utilities of Massachusetts. Frank J. Weiner, 536 Granite Street, Braintree, Mass. 02184; John F. Curley, 33 Broad Street, Boston, Mass. 02109; Patricia K. Hagedorn, 17 Fiske Road, Lexington, Mass. 02173; attorneys for applicants.

No. MC-FC-69216. By order of November 18, 1966, the Transfer Board approved the transfer to Idamae Sweeney, doing business as Sweeney Trucking, 2259 St. John Drive, Dubuque, Iowa, of certificate No. MC-701, issued September 4, 1957, to John Sweeney, doing business as J. M. Sweeney, Dubuque, Iowa, and authorizing the transportation of, among other things, *feed*, from Chicago, and Forest Park, Ill., to Colesburg, Iowa;

*farm machinery and parts*, from Chicago, Sandwich, Rock Falls, Canton, Rock Island, Moline, and East Moline, Ill., to points and places in Iowa; and *butter and cheese*, from points in specified towns in Wisconsin to Dubuque, Iowa.

No. MC-FC-69217. By order of November 17, 1966, the Transfer Board approved the transfer to Swift Transport, Inc., Boulevard Heights, Md., of the operating rights of L. A. Payne, Boulevard Heights, Md., in certificate No. MC-61445, issued June 20, 1941, authorizing the transportation, over irregular routes, of railroad ties, piling, lumber, lime, brick, cement, plaster, tile, sand, gravel, mill work, building materials, and structural steel, hardware, fertilizer, sawmill machinery and equipment, heating plants and equipment, well casings, and well-drilling machinery, parts, and supplies, concrete products, and terra cotta pipe, hay and grain, hay, road-building and agricultural machinery and equipment therefor, storage tanks, and boats, from, to, and between specified points in the District of Columbia, Maryland, and Virginia, varying with the commodities transported. Daniel B. Johnson, 847 Warner Building, Washington, D.C. 20004, attorney for applicants.

No. MC-FC-69218. By order of November 18, 1966, the Transfer Board approved the transfer to James Davenport, doing business as Rutherford Moving Vans, Lyndhurst, N.J., of the operating rights of Dominick Lagrosa, doing business as Steve Lagrosa, Fair Lawn, N.J., in certificate No. MC-50377, issued December 11, 1937, authorizing the transportation, over irregular routes, of household goods, between Fair Lawn, Ridgewood, Glen Rock, East Paterson, Paterson, and Hackensack, N.J., on the one hand, and points in New York, Connecticut, and Pennsylvania, on the other. Robert B. Pepper, 207 Academy Street, Jersey City, N.J. 07306, representative for applicants.

No. MC-FC-69220. By order of November 17, 1966, the Transfer Board approved the transfer to L.A.D. Truck Lines, Inc., Lancaster, N.Y., of the operating rights of Harold Jay Fellows, doing business as Fellow's Delivery, Little Valley, N.Y., in certificate of registration No. MC-9580 (Sub-No. 2), issued July 28, 1964, authorizing the transportation of general commodities, as defined in the contemporaneously effective order of the New York Public Service Commission in Case MT-4467, between all points in Erie and Cattaraugus Counties. Raymond F. Roll, Jr., 1 Niagara Square, Buffalo, N.Y. 14202, attorney for applicants.

No. MC-FC-69224. By order of November 17, 1966, the Transfer Board approved the transfer to Gulf-Lake, Inc., Indianapolis, Ind., of the operating rights in certificate Nos. MC-118014 and MC-118014 (Sub-No. 1), issued November 14, 1960, and August 2, 1965, respectively, to Paul J. Ramey, Evansville, Ind., authorizing the transportation of:

Bananas, from specified points in Alabama, Florida, Louisiana, and Mississippi, to Evansville, Ind. Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12875; Filed, Nov. 29, 1966;  
8:49 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 25, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 40795—*Commodities between points in Texas*. Filed by Texas-Louisiana Freight Bureau, agent (No. 587), for interested rail carriers. Rates on containers, empty, second-hand, returned, in less-than-carload shipments, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 60 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 40797—*Iron or steel articles to Jackson, Miss.* Filed by O. W. South, Jr., agent (No. A4961), for interested rail carriers. Rates on iron or steel sheet, plain, in carloads, from Ashland, Ky., to Jackson, Miss.

Grounds for relief—Barge-rail competition.

Tariff—Supplement 86 to Southern Freight Association, agent, tariff ICC S-502.

### AGGREGATE-OF-INTERMEDIATES

FSA No. 40796—*Commodities between points in Texas*. Filed by Texas-Louisiana Freight Bureau, agent (No. 588), for interested rail carriers. Rates on containers, empty, second-hand, returned, in less-than-carload shipments, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 60 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12876; Filed, Nov. 29, 1966;  
8:49 a.m.]



[Notice 423]

**MOTOR CARRIER ALTERNATE ROUTE  
DEVIATION NOTICES**

NOVEMBER 25, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

**MOTOR CARRIERS OF PROPERTY**

No. MC 730 (Deviation No. 30), **PACIFIC INTERMOUNTAIN EXPRESS CO.**, 1417 Clay Street, Post Office Box 958, Oakland, Calif. 94604, filed November 16, 1966. Carrier's representative: Alfred G. Krebs (same address as above). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Chicago, Ill., and Boston, Mass., over Interstate Highway 90, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to Toledo, Ohio, thence over Ohio Highway 2 to Sandusky, Ohio, thence over U.S. Highway 250 to Norwalk, Ohio, thence over Ohio Highway 18 to Akron, Ohio, thence over Ohio Highway 5 via Warren to Kinsman, Ohio, thence over Ohio Highway 7 to Conneaut, Ohio (also from Akron over Ohio Highway 8 to Cleveland, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 91, and also from Akron over Ohio Highway 91 to junction U.S. Highway 20, thence over U.S. Highway 20 to Conneaut), thence over U.S. Highway 20 via Irving and Big Tree, N.Y., to Depew, N.Y., thence over New York Highway 78 to junction New York Highway 33 (also from Irving over New York Highway 5 to Buffalo, N.Y., thence over New York Highway 33 to junction New York Highway 78, and from Big Tree over U.S. Highway 62 to Buffalo, and thence over New York Highway 5 to junction New York Highway 78), thence over New York Highway 33 to Batavia, N.Y. (also from junction New York Highways 33 and 78 over New York Highway 78 to junction New York Highway 5, thence over New York Highway 5 to Batavia).

Thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 20 to Brainard, N.Y., thence over U.S. Highway 20 via Lenox, and Springfield, Mass., to Boston, Mass., (2) from Muncie, Ind., over Indiana Highway 67 to the Indiana-Ohio State line, thence over Ohio Highway 29 to junction U.S. Highway 33, thence over U.S. Highway 33 to junction Ohio Highway 67, thence over Ohio Highway 67 via Wapakoneta, Ohio, to junction U.S. Highway 25, thence over U.S. Highway 25 to Findlay, Ohio, thence over U.S. Highway 224 to Tiffin, Ohio, thence over Ohio Highway 18 to Bellevue, Ohio, thence over Ohio Highway 113 to Elyria, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254 (also from Findlay over Ohio Highway 12 to junction U.S. Highway 6, thence over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254), thence over Ohio Highway 254 to Cleveland, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 84, thence over Ohio Highway 84 to junction Ohio Highway 534, thence over Ohio Highway 534 to Geneva, Ohio, thence over U.S. Highway 20 to junction U.S. Highway 62, thence over U.S. Highway 62 to Buffalo, N.Y., (3) from Sandusky, Ohio, over Ohio Highway 13 to Milan, Ohio, (4) from Batavia, N.Y., over New York Highway 33 to Rochester, N.Y., thence over New York Highway 31 via Pittsford, N.Y., to junction New York Highway 173, thence over New York Highway 173 to Syracuse, N.Y., and (5) from Erie, Pa., over Pennsylvania Highway 5 to the Pennsylvania-New York State line, thence over New York Highway 5 to Syracuse, N.Y., and return over the same routes.

No. MC 61440 (Deviation No. 12), **LEE WAY MOTOR FREIGHT, INC.**, 3000 West Reno, Post Office Box 82488, Oklahoma City, Okla. 73108, filed November 15, 1966. Carrier's representative: Richard H. Champlin (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *classes A and B explosives* and *general commodities*, with certain exceptions, over a deviation route as follows: From Oklahoma City, Okla., over Interstate Highway 40 to junction Indian Nation Turnpike, thence over Indian Nation Turnpike to junction U.S. Highway 69, approximately, 3 miles south of McAlester, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From McAlester, Okla., over U.S. Highway 270 to junction Oklahoma Highway 3 (formerly portion U.S. Highway 270), near Seminole, Okla., thence over Oklahoma Highway 3 to Oklahoma City, Okla., and (2) from McAlester, Okla., over U.S. Highway 69 to Colbert, Okla., and return over the same routes.

No. MC 69833 (Deviation No. 17), **ASSOCIATED TRUCK LINES, INC.**, 15 Andre Street SE., Grand Rapids, Mich. 49507, filed November 17, 1966. Carrier proposes to operate as a *common carrier*,

by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Indianapolis, Ind., and Louisville, Ky., over Interstate Highway 65, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Shelbyville, Ind., over Indiana Highway 9 to junction Indiana Highway 46, thence over Indiana Highway 46 to Columbus, Ind., thence over Alternate U.S. Highway 31 to Seymour, Ind., thence over U.S. Highway 50 to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31W to Louisville, Ky., and (2) from Indianapolis, Ind., over U.S. Highway 31 to Columbus, Ind., thence over Alternate U.S. Highway 31 to Seymour, Ind., and return over the same routes.

No. MC 72140 (Deviation No. 4), **SHIPPERS DISPATCH, INC.**, 1216 West Sample Street, South Bend, Ind. 46624, filed November 17, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Akron, Ohio, over Interstate Highway 80S to junction Interstate Highway 71, thence over Interstate Highway 71 to Columbus, Ohio, thence over Interstate Highway 70 (using U.S. Highway 40 to the extent necessary because of the incompletion of Interstate Highway 70) to Indianapolis, Ind., thence over U.S. Highway 36 to Decatur, Ill., and (2) from Cleveland, Ohio, over Interstate Highway 71 to Columbus, Ohio, thence over Interstate Highway 70 (using U.S. Highway 40 to the extent necessary because of the incompletion of Interstate Highway 70) to Indianapolis, Ind., thence over U.S. Highway 36 to Decatur, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Akron, Ohio, over Ohio Highway 18 to Norwalk, Ohio, thence over U.S. Highway 20 to Fremont, Ohio, thence over U.S. Highway 6 to Napoleon, Ohio, thence over U.S. Highway 24 to Gilman, Ill., thence over U.S. Highway 54 to Fullerton, Ill., thence over Illinois Highway 48 to Decatur, Ill., and (2) from Cleveland, Ohio, over U.S. Highway 6 to Fremont, Ohio, and thence over the route set forth in (1) above, to Decatur, Ill., and return over the same routes.

No. MC 107558 (Deviation No. 7), **ARROW TRANSPORTATION CO., INC.**, 288 Kinsley Avenue, Providence, R.I. 02903, filed November 17, 1966. Carrier's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between New Haven, Conn., at U.S. Highway 1 and/or the Connecticut Turnpike, and Springfield, Mass., over Interstate Highway 91, for operat-



ing convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From New York, N.Y., over U.S. Highway 1 via New Haven, Conn., to Boston, Mass. (also from New Haven over U.S. Highway 5 to junction Alternate U.S. Highway 5, thence over Alternate U.S. Highway 5 to junction U.S. Highway 5, thence over U.S. Highway 5 to junction U.S. Highway 5, thence over U.S. Highway 5 to junction U.S. Highway 5, thence over U.S. Highway 5 to Springfield, Mass., and thence over U.S. Highway 20 to Boston, Mass.), and return over the same routes.

#### MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 341), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed November 15, 1966. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 94 and U.S. Highway 6, approximately 6 miles east of Harvey, Ill., south over Interstate Highway 94 to junction Interstate Highway 80 and Illinois Highway 394, thence south over Illinois Highway 394 to Goodenow, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Hammond, Ind., over Sibley Boulevard to junction Torrence Avenue, thence over Torrence Avenue to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Illinois Highway 1, and (2) from Hammond, Ind., over Sibley Boulevard to junction Illinois Highway 1, thence over Illinois Highway 1 to Norris City, Ill., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12877; Filed, Nov. 29, 1966;  
8:49 a.m.]

#### NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 25, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place

of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 4496 Sub 3, filed November 7, 1966. Applicant: MID-SOUTH TRANSPORTS, INC., 109 West McLemore, Memphis, Tenn. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. Certificate of public convenience and necessity sought to operate a freight service over regular routes as follows: Transportation of general commodities, except household goods, commodities in bulk, and those requiring special equipment, from Memphis, Tenn., over U.S. Interstate Highway 40 to its intersection with Tennessee Highway No. 46, thence over Highway No. 46 to its intersection with Tennessee Highway No. 48 and thence over Highway No. 48 to Clarksville, Tenn., and return over the same route serving Jackson, Tenn., as an intermediate point. Applicant states that it holds authority between the above named points by operating over U.S. Highway No. 79. The authority sought is as an alternate route for operating convenience only. Both intrastate and interstate authority sought.

HEARING: Monday, December 12, 1966, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., and should not be directed to the Interstate Commerce Commission.

State Docket No. 19780, filed November 18, 1966. Applicant: KEYSTONE TRUCK LINES, INC., 501 South Rockford, Tulsa, Okla. Applicant's representative: Charles D. Dudley, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Certificate of public convenience and necessity sought to operate a freight service as follows: From Tulsa, Okla., over U.S. Highway 64 to Enid, Okla., serving no intermediate points as an alternate route, as amended by Journal Entry No. 6795, dated January 15, 1963, granting the authority to exclude the right of transporting c.o.d. shipments under certificate No. A-1029. Between Enid and Fairview via Meno, Lahoma, and Ringwood, serving all points in route, and between Fairview and Woodward, via Cestos, Vici, and Sharon, over U.S. Highway 60, to Vici, thence State Highway No. 34 to Woodward, serving towns named only; between Enid and Woodward, Okla., via U.S. Highway 60, Enid to Orienta, thence State Highway 15, Orienta to Woodward, serving all points in route, and serving the off-route points of Belva and Quinlan, Okla. Between Tulsa, Okla. and Enid, Okla., via Oklahoma Highway 11 to Pawhuska, Okla., thence via Oklahoma Highway 11, and U.S. Highway 60 to Tonkawa, Okla.,

thence via U.S. Highway 177 south to the intersection of Oklahoma Highway 15; thence via Oklahoma Highway 15 to its intersection with U.S. Highway 64 to Enid, Okla., and return over the above-described routes, restricted as follows: Service is authorized only between Tulsa, Okla., on the one hand, Tonkawa, Garber, Billings, and Enid, Okla., on the other hand, and between any two of the following points: Ponca City, Tonkawa, Garber, Billings, and Enid, Okla.: Between Enid, Okla., and Chickasha, Okla., via Highway 81, restricted however against the transportation of intrastate freight, originating at Enid, and destined to El Reno, Okla., and/or any intermediate points thereof; and further restricted against the transportation of any intrastate freight to or from El Reno. Between Enid, and Woodward, Okla., via U.S. Highway No. 60, Enid to Orienta, thence via State Highway 15; Orienta to Woodward, serving all points on route and serving the off-route points of Belva and Quinlan, Okla.; (restricted closed doors between Enid and Fairview).

Between Oklahoma City, Okla., and Gotebo, Okla., serving the named points of Oklahoma City and Gotebo and intermediate points of Blanchard, Chickasha, Verden, Anadarko, Fort Cobb, Carnegie, and Mountain View. And, for the transportation of freight over the following alternate routes, in connection with the routes named above, for operating convenience only: Between Oklahoma City, Okla., and Tulsa, Okla., via Interstate Highway 44. Between Oklahoma City, Okla., and Ponca City, Okla., via Interstate Highway 35 to junction with U.S. Highway 60, thence via U.S. Highway 60 to Ponca City, and return over the same route. Between Oklahoma City, Okla., and Woodward, Okla., via U.S. Highway 270. Between Tulsa, Okla., and Woodward, Okla., from Tulsa via State Highway 51 to its junction with U.S. Highway 270, thence via U.S. Highway 270 to Woodward, and return over the same route. Between Tulsa, Okla., and Chickasha, Okla., from Tulsa via U.S. Highway 75 to its junction with Interstate Highway 40, thence via Interstate Highway 40 to Oklahoma City, thence via the H. E. Bailey Turnpike to Chickasha, and return over the same route. Both intrastate and interstate authority sought.

HEARING: Not known at this time. Contact Secretary, Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Okla. 73105. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-12878; Filed, Nov. 29, 1966;  
8:49 a.m.]



[3d Rev. S.O. 562; Pfahler's ICC Order No. 207, Amdt. 3]

# FRANKFORT & CINCINNATI RAILROAD CO.

## Diversion and Rerouting of Traffic

Upon further consideration of Pfahler's ICC Order No. 207 (Frankfort & Cincinnati Railroad Co.) and good cause appearing therefor:

*It is ordered, That:*

Pfahler's ICC Order No. 207 be, and it is hereby amended by substituting the

following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1967, unless otherwise modified, changed, or suspended.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 30, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscrib-

ing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1966.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 66-12879; Filed, Nov. 29, 1966; 8:49 a.m.]

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